

0489709

839

FLORIDA HIGHWAY PATROL

REPORT NUMBER
FHP99ARR136635

ARREST REPORT

Report Date / Time 07/15/2017 02:13 AM	Agency Case/Offense Number FHPL17OFF056356	CCA Number	Operating Agency State Number	OBTS Number	Offender Status Transponder System	Jail Booking Number	Other Number LWRC17CAD125525
---	---	------------	----------------------------------	-------------	---------------------------------------	---------------------	---------------------------------

LOCATION OF OCCURRENCE

County PALM BEACH	Address SA 6TH AVE , LAKE WORTH, FL
Range of Occurrence Date/Time 07/15/2017 01:55 AM to 07/15/2017 01:55 AM	Latitude Longitude

PERSON: SUSPECT

First Name DYLAN	Middle Name JAMES	Last Name POMIANOWSKI	Suffix	Date of Birth 03/11/	Age	Race W	Sex M	Height 504	Weight 168	Hair	Eyes
Master Name Index Number	Place of Birth FLORIDA	Nation USA	SSN			Driver's License or Other ID P552170920910	State FL	Class or Type			
Address 2452 WATERSIDE CIR		City LAKE WORTH	County			State FL	Zip Code 33461	Phone			

CHARGES

Counts ► 1	Charge Number 316.193.1	Charge DUI-UNLAW BLD ALCH	<i>DR</i>
Charge Degree	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL	<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Bond Amount \$0.00
DUI ALCOHOL OR DRUGS			

Counts ► 1	Charge Number 318.14.3	Charge RESIST OFFICER	<i>DR</i>
Charge Degree SECOND DEGREE	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL	<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Bond Amount \$0.00
REFUSE TO ACCEPT SIGN CITATION OR POST BOND			

PROBABLE CAUSE

On July 15th, 2017 I Trooper Lucas M. Tavares (3913/1555) with the Florida Highway Patrol was on active patrol in Palm Beach County, Florida. I was in a marked FHP unit equipped with overhead emergency lights and external siren. At approximately 1:50 a.m. I was traveling eastbound on 6th Avenue in Lake Worth, Florida. I observed a white pick-up truck traveling eastbound on 6th Avenue directly in front of me, in the inside travel lane. The vehicle was traveling at a high rate of speed. I visually estimated the vehicle to be traveling at 50 miles per hour in a posted 35 mile per hour zone. I then paced clocked the vehicle at 50 mph or greater.

I then activated my overhead emergency lights and sirens and initiated a traffic stop upon the vehicle. The vehicle then made a right turn onto N. "H" St. The vehicle then came to a full stop on the right side of N. "H" St. I then approached the driver's side of the vehicle and made contact with the driver. The driver of the vehicle was a white male who I later identified as Dylan James Pomianowski by his Florida's Driver's License: (P552-170-92-091-0). I then asked him for his license and vehicle registration. Mr. Pomianowski then pulled out his black wallet and began searching for his license. I visually observed him pass over his license multiple times. He then put his wallet down and opened his glove box and pulled out a bundle of papers. Mr. Pomianowski then handed me the title for the vehicle (not as requested). I then reminded him that I wanted his license that was in his wallet. He then slowly pulled out his license.

While talking to Mr. Pomianowski, his voice was slurred and there was a very strong odor of an unknown alcoholic beverage coming from within the vehicle. I then asked Mr. Pomianowski if he had anything to drink that night and he stated no. I then had Mr. Pomianowski step out of his vehicle. Mr. Pomianowski movements were very slow.

Suspect Vehicle: 2004 White Chevy Silverado Pick-Up with Florida Tag: (JJ01E) attached.

Based upon my observations of Mr. Pomianowski, I then requested that he performs field sobriety exercises. He stated that he would.

Standardized Field Sobriety Exercises (SFSE):

The area for the following roadside exercises was level hard surface and was free of debris. The weather was clear.

Horizontal Gaze Nystagmus:

I advised the subject to stand straight with their feet together and arms down by their side. I asked subject if they wear any glasses or contacts, they advised they do not. For the exercise I used my issued red pen light and illuminated it with a Streamlight white in color flash light. I asked the subject if they could see the red pen light, they stated yes. The subject was asked about any current medical conditions, they stated that they did not have any other than that they had a lazy eye (left eye). I advised the subject to follow the red pen light with their eyes and eyes only, and to not move their head. I asked subject if they understood the instructions I gave to them. They stated yes. I asked if they had any questions they stated no.

While performing the exercise, the subject was not following the light as instructed. I had to instruct the subject to follow the light with his eyes. The subject was moving his head (not as instructed). The subject was swaying during the exercise.

The following was observed during Horizontal Gaze Nystagmus:

The subject did have resting Nystagmus and dilated pupils.

- LT EYE-LACK OF SMOOTH PURSUIT
- RT EYE-LACK OF SMOOTH PURSUIT
- LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

The following was observed during Vertical Gaze Nystagmus:

Subject had Vertical Gaze Nystagmus

The following was observed during Lack of Convergence:

SCANNED
JUL 20 2017

Report Date / Time 07/15/2017 02:13 AM	Agency Case/Offense Number FHPL17OFF056356	OCA Number	Operating Agency Case Number	QBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD125525
---	---	------------	---------------------------------	-------------	--------------------------------------	---------------------	---------------------------------

Subject's left eye did not converge. (Lazy eye). Subject could not follow the stimulus with his eyes.

Walk and Turn Exercise:

Interaction Phase:

The area for the following roadside exercises was level and free of debris. Subject agreed to use a yellow traffic line to perform the walk and turn. I advised the subject to place their left foot on the yellow line and their right foot directly in front of it, touching heel to toe. I advised the subject to keep their arms down by their side and to stay in that position until I advise them to begin the exercise. This exercise was first explained to the subject then was demonstrated by myself. Subject advised that they would be able to perform the exercise. Subject advised that they had no injuries that would affect the exercise. Subject advised me that they understood instructions and did not have any questions.

- The following was observed during the instructional phase of the exercise:

The subject could not keep balance while in the starting position. Subject started exercise when not instructed. Subject was swaying in the starting position.

- The following was observed during the walking phase of the exercise:

Subject did not touch heel to toe on any steps. Subject stepped off the line. Subject performed an improper turn. Subject stopped after the turn and did not continue. Subject wondered off and I had to instruct him to come back.

One Leg Stand Exercise:

I instructed the subject to stand with their feet together and keep their arms down by his side. I instructed the subject to stay in that position until I tell them to start the exercise. This exercise was first explained to the subject then was demonstrated by myself. Subject advised that they will be able to perform the exercise. Subject advised me that they had no injuries that would affect the exercise. Subject advised that they understood instructions and did not have any questions.

Subject could not stay in the starting position. I had to instruct the subject to stand in the starting position multiple times. Subject did not lift his foot to the required height, I had Instruct him to lift up his foot. Subject was hopping while performing the exercise. Subject put his foot down. Subject lost balance. Subject did not count as instructed.

Finger to Nose:

I instructed the subject to stand with his feet together and his hands down by his side. I then explained the exercise to the subject then demonstrated it. Subject stated that he understood the directions.

Subject was swaying during the exercise. Subject did not put his hand back down to his side as instructed. Subject failed to touch the tip of his nose. Subject failed to keep his eyes close, I had to instruct him multiple times to close his eyes.

Based on the totality of circumstances, Mr. Pomianowski was placed under arrest for DUI pursuant to Florida Statute 316.193.1 at 02:09 AM. Mr. Pomianowski was then searched and placed in my patrol vehicle and transported to the Palm Beach County Jail in which he arrived at 02:35 AM. After the defendant's 20min observation, the defendant was then given the opportunity to provide a sample of his breath which he consented to provided. After a couple minutes the subject then refused to provide a sample. I then read implied consent to the subject (on video), in which he stated that he still refuses to provide.

Mr. Pomianowski was also issued a uniform traffic citation for speed pursuant to Florida Statute: 316.187(2)(c).

Upon explaining the citations to Mr. Pomianowski he stated that he will not sign the DUI citation. I then explained to him that he will be charged with another offense and he stated that he did not care.

Video of the traffic stop, roadside and transport are available through the FHP custodian. The above incident did occur in Palm Beach County, Florida.

LEO BOND

Bond Amount \$	<input type="checkbox"/> None	<input checked="" type="checkbox"/> ROR	<input type="checkbox"/> Cash	<input type="checkbox"/> Any	<input type="checkbox"/> PreTrial If Qualify
	<input type="checkbox"/> Pro				<input type="checkbox"/>

COURT APPEARANCE INFORMATION

Court (COUNTY) PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Date & Time 08/14/2017 08:30 AM
Court Address 200 WEST ATLANTIC AVE., DELRAY BEACH, FL 33444		
Instructions		

ARREST INFORMATION

Arrest Date / Time 07/15/2017 02:09 AM	Residency Within jurisdiction	Injured None	Extent of Injury N/A	Resist Arrest No
Prior Arrests No	Arrest Jurisdiction Within jurisdiction	Alcohol Yes	Drugs Unknown	

ARREST LOCATION

County PALM BEACH	Address LAKE WORTH, FL
----------------------	---------------------------

ARREST DELIVERED TO

Jail / Booking Facility PALM BEACH COUNTY CORRECTIONS	Location 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406	Phone (561) 688-4400
--	--	-------------------------

Report Date / Time 07/15/2017 02:13 AM	Agency Case/Offense Number FHPL17OFF056356	OCA Number	Originating Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD125525
---	---	------------	-----------------------------------	-------------	--------------------------------------	---------------------	---------------------------------

ARRESTING OFFICER

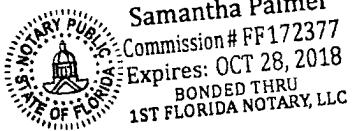
Officer Call Number Officer Name
1555 L. TAVARES

Officer Signature

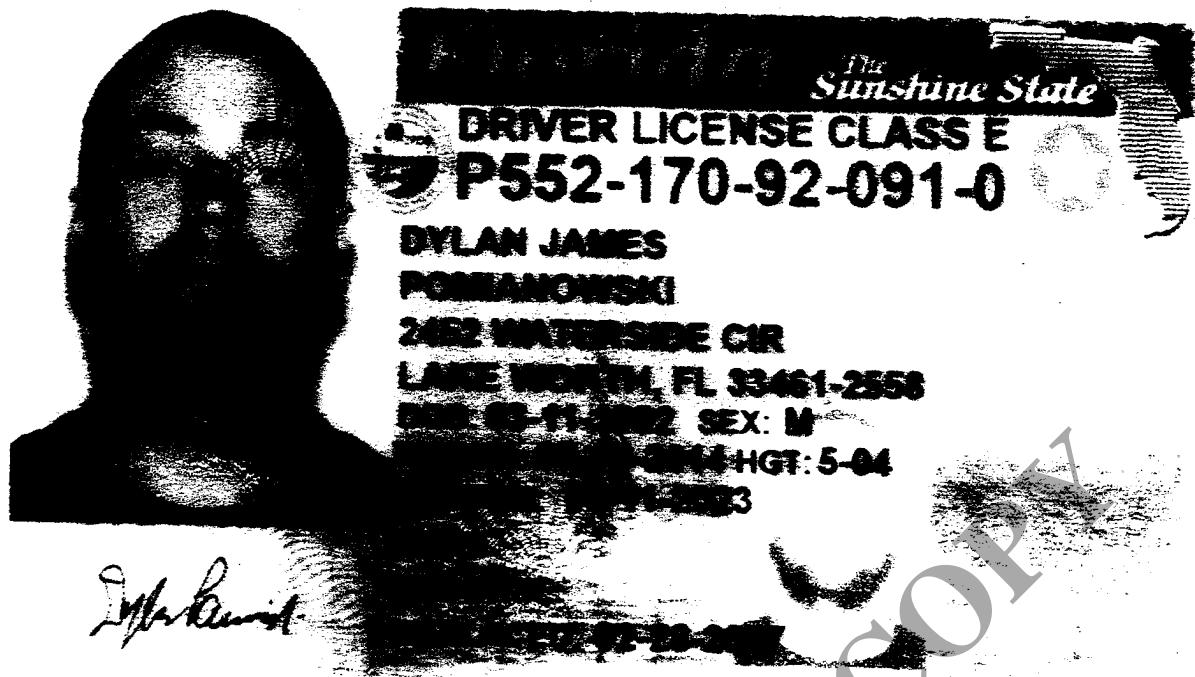
Subscribed and sworn to (or affirmed) before me this 15 day of July A.D., 2017 by Tavares who is personally known to me or has produced _____ as identification.

Signature

Notary Public LEO CO Commission No: _____ My Commission Expires: _____



NOT A CERTIFIED COPY



Operation of a motor vehicle constitutes consent to any sobriety test required by law.

TESTING FACILITY TASK REPORT

AGENCY: FHP-L/TAVARES

SUBJECT: POMIANOWSKI, DYLAN

DATE: 07/15/2017

BEGINNING TIME: 0258

VIDEO DVD NUMBER: 62986

CASE NUMBER: 17-102724

ENDING TIME: 0309

BREATH TESTS RESULTS: 1) R TIME 00303 A.M. P.M. 2) XX TIME XX A.M. P.M. 3) XX TIME XX A.M. P.M. 4) XX TIME XX A.M. P.M.

Maintenace Technican: J Karelke #6467

BREATH OPERATOR: S. PALMER #24520

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED, MUMBLED

ATTITUDE: CALM, QUIET, COOPERATIVE, POLITE

CLOTHING: GREY TSHIRT, LIGHT BLUE JEANS, BLACK SHOES

MEDICAL CONDITIONS: NONE

MEDICAL CONDITIONS: NONE

EYES GLASSY AND BLOODSHOT, UNSTEADY ON HIS FEET,

OTHER:

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0235 SUBJECT AGREED TO TAKE BREATH TEST. SUBJECT EXPLAINED TEST INSTRUCTIONS, SUBJECT STATED HE UNDERSTOOD AND ASKED IF HE HAD TO TAKE THE TEST. AGAIN REFFUSED TO TAKE BREATH TEST AND AGREED TO TAKE BREATH TEST. A/O READ I/C, SUBJECT STATED HE UNDERSTOOD HIS RIGHTS A/O CONDUCTED Q/A, SUBJECT ANSWERED SOME QUESTIONS.

QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

WERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? NO

WHERE WERE YOU GOING? Wasn't going anywhere

WHAT STREET OR HIGHWAY WERE YOU ON? 6th Ave

DIRECTION OF TRAVEL? S WHERE DID YOU START? I-95

WHAT TIME DID YOU START? 1:30 am WHAT TIME IS IT NOW? NO

WHAT IS TODAY'S DATE? 18th - 19th WHAT DAY OF THE WEEK IS IT? Friday

WHAT COUNTY AND CITY ARE YOU IN NOW? Palm Beach County

WHEN DID YOU LAST EAT? 6-7 hours ago WHAT DID YOU EAT? Turkey

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS?

HOW MUCH DO YOU WEIGH? 160 HAVE YOU BEEN DRINKING? NO WHAT?

HOW MUCH? WHERE? WITH WHOM?

WHEN DID YOU HAVE YOUR FIRST DRINK? AND YOUR LAST DRINK?

HOW DID YOU CONSUME YOUR LAST TWO DRINKS?

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? NO ARE YOU UNDER THE INFLUENCE? NO

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? NO HOW MUCH?

WHAT? WHERE? WHEN?

WHAT LINE OF WORK ARE YOU IN? A/C WHEN DID YOU LAST WORK? Couple days ago

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? NO WHAT?

ARE YOU SICK OR INJURED? NO WHAT'S WRONG?

DO YOU LIMP? NO DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? NO

WERE YOU IN AN ACCIDENT TODAY? NO

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? NO WHEN?

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? WHY?

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? NO WHAT? WHEN?

DO YOU HAVE: EPILEPSY? NO

GLASS EYE? NO

FALSE TEETH? NO

EAR INFECTION? NO

INNER EAR TROUBLE? NO

DIABETES? NO

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? Yes, lazy eye

DO YOU TAKE INSULIN? NO IF SO, WHEN WAS YOUR LAST INJECTION?

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? Yes WHERE? California.

INTERVIEWER: Tr. L. Tavares.

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING.

I am now requesting that you submit to a lawful test of your BREATH for the purpose of determining its alcohol content.

OR

I am now requesting that you submit to a lawful test of your URINE for the purpose of detecting the presence of chemical or controlled substances.

OR

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting its alcohol content and the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am Trooper Tavares of the FHP.

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test of your breath, urine or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

SUBJECT'S SIGNATURE: (X) _____

Read on Camera

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: (X) _____

Read on Camera