

Arrest Report

J-0306234

P-2800

FLORIDA HIGHWAY PATROL
P.O. BOX 540007, GREENACRES, FL 33454

18CT9186

Report Date / Time 5/21/2018 3:36:40AM	Report Number FHP99ARR772465	Case Number/CAD Number FHPL18OFF042492 / LWRC18CAD091911	Reporting Officer Name TPR. CASTILLO
Originating Agency ORI FL0509000	Occurrence Date Time Range 5/21/2018 2:36:27 AM -	Jurisdiction	Clearance

Location of Occurrence

Location Type OTHER	Location Description INTERSTATE 95 (STATE ROAD 9) SB JSO PALMETTO PARK RD		
Street Number I-95	Street I-95	Apt/Lot/Bldg	
County PALM BEACH	City BOCA RATON	State FL	Zip 33486

Defendant

First Name EDER	Middle Name CARLOS	Last Name ALVES DOS SANTOS	Suffix	Date Of Birth 2/28/1981	Age 37	Race H	Sex MALE
SSN	MNI #	Place of Birth SAO PAULO, BRAZIL	Height 507	Weight 185	Hair BRO	Eyes BLU	
DL or ID Number A412203810680	ID State FL	ID Type E	Address Type RESIDENCE				
Street Number 116	Street ROYAL PARK DR APT 1E	Apt/Lot/Bldg					
County BROWARD	City OAKLAND PARK	State FL	Zip 33309	Phone Number	Extension		
Location Description							

Arrest

Arrest Date/Time 5/21/2018 3:29:44AM	Arrest Location Type OTHER	Arrest Location Description INTERSTATE 95 (STATE ROAD 9) SB JSO PALMETTO PARK RD					
Street Number I-95	Street I-95	Apt/Lot/Bldg	County PALM BEACH				
City BOCA RATON	State FL	Zip 33486					

Charge(s)

Counts 1	Charge 316.193.1	General Offense Code	Bond Amount \$ 0.00	<input type="checkbox"/> No Bond
Charge Degree N	Charge Level MISDEMEANOR	Arrest Offense Code Description DUI-UNLAW BLD ALCH		
Charge Description DUI ALCOHOL OR DRUGS				

Probable Cause

On 5/21/2018 at approximately 2:36am I was dispatched to a call of a crash with injuries, dispatcher stated that the driver was passed out behind the wheel. The call was originated out of Palm Beach County, on Interstate 95 (State Road 9) southbound just south of Palmetto Park Road. On my arrival I observed 2 marked vehicles from Boca Raton police department as well as a rescue truck. I made contact with Officer Brian Bacuan (#793), he stated that he found the vehicle inside the ditch with a male driver behind the wheel, the officer state the male driver was passed out behind the wheel and had his shorts down to his ankles. The officer tried to make contact with the subject. The officer state the subject fumbled around to open the door, he also state that the subject seemed confused and did not know where he was. The subject was unable to follow commands (Witness statement was submitted by Officer Bacuan (793). I observed a light in color truck on the right side of the road facing south, the truck was inside a ditch (Toyota Tundra, gold in color, FL: ITXJ77). I also observed a white male leaning on the driver's side door. Upon making contact with the driver I asked him if he was ok, the driver stated he was ok. The driver stated he was tired and fell asleep on the side of the road. I asked the subject if he suffered

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from any medical conditions, the subject stated that he did not suffered from any medical conditions. I asked the subject if he had any head trauma, the subject stated that he did not. While talking to the subject I smelled the odor of an unknown alcoholic beverage emanating from the subjects mouth area. I observed the subject's speech to be slurred. The subject had glassy, red blood shot eyes. The subject stated he was coming from Marathon and was going to Pompano, the subject was traveling south on Interstate 95 just south of Palmetto Park Road. I told the subject that based on my observations and the statement from the officer I was going to conduct a DUI investigation. I asked the subject if he had anything to drink the subject stated he had 2 coronas (beers). I asked the subject to performed Field Sobriety Exercises to make sure he could continue driving. The subject stated he was willing to perform the exercises. The subject was later identified by Florida Driver's License as Eder Carlos Alves Dos Santos, FL DL: A412-203-81-068-0. All instructions and interactions with the subject were made in Spanish, the subject spoke Portuguese but understood and spoke more Spanish than English.

Standardized Field Sobriety Exercises (SFSE):

The area for the following roadside exercises was a level hard surface and was free of debris. The weather was clear at the time of the exercise, it did rain prior to my arrival. Lighting was well lit and was illuminated with surrounding ambient light and my vehicle lights. I used a thin gravel line dark in color, on the right shoulder for the exercises.

Horizontal Gaze Nystagmus:

I advised the subject to stand straight with his feet together and arms down by his side. I asked subject if he wore any glasses or contacts, he advised, no. For the exercise I used my issued red in color pen light. I asked the subject if he could see the red pen light, he stated yes. The subject was asked about any current medical conditions, he stated that he did not have any medical conditions. I advised the subject to follow the red pen light with his eyes, and to not move his head. I asked subject if he understood the instructions I gave to him. He stated yes. I asked if he had any questions he stated no.

The following was observed during Horizontal Gaze Nystagmus:

The subject did not have resting Nystagmus and pupils were dilated but reactive to light.

- 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 subject could not follow the tip of my finger with his eyes only. I had to instruct subject multiple times to keep his head straight and follow the red pen light with his eyes. While standing within close proximity of the subject, I could smell a strong and distinct odor of an unknown alcoholic beverage, and his eyes were bloodshot and watery/glassy. Subject was swaying. The subject kept putting his hands behind his back and inside his pockets, I instructed the subject to remain in the starting position but he failed to follow instructions multiple times.

The following was observed during Vertical Gaze Nystagmus:

- Did not present VGN.

Walk and Turn Exercise:

(Starting Position): I advised the subject to place his left foot on the line and his right foot directly in front of it, touching heel to toe. I advised the subject to keep his arms down by his side and to stay in that position until I advise him to begin the exercise.

(Instructional Phase): This exercise was first explained to the subject then was demonstrated by myself. Subject advised that he would be able to perform the exercise. Subject advised that he had no injuries that would affect the exercise or that

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would impede him from completing the exercise. Subject advised me that he understood instructions and did not have any questions.

- The following was observed during the instructional phase of the exercise: The subject was observed swaying and unable to keep his balance. The subject had to be reminded multiple times to remain in the starting position until he was told to start the exercise. The subject failed to keep his feet at the correct heel to toe position. The subject had to use his arms for balance. The subject lost balance. The subject stated he understood the instruction, yet we had to repeat the exercise due to his lack of focus and his inability to follow instructions.

- The following was observed during the walking phase of the exercise: The subject was unable to stay in the starting position. The subject used his arms for balance. The subject missed multiple steps. The subject failed to count at loud. The subject did not turned as he was instructed. The subject had to repeat the exercise.

Subject displayed 8/8 Clues specific to the Walk and Turn Exercise.

One Leg Stand Exercise:

The area for the following roadside exercises was level and free of debris.

(Starting Position): I instructed the subject to stand with his feet together and keep his arms down by his side. I instructed the subject to stay in that position until I tell him to start the exercise.

(Instructional Phase): This exercise was first explained to the subject then was demonstrated by myself. Subject advised that he will be able to perform the exercise. Subject advised me that he had no injuries that would affect the exercise. Subject advised that he understood instructions and did not have any questions.

-The following was observed while the subject was in the starting position: the subject was unable to maintain his balance/ starting position. The subject used arms for balance. He was reminded multiple times to keep his arms down by his sides. The subject continued to place his arms behind his back and inside his pockets.

- The following was observed during the exercise:

Subject was swaying while balancing. Subject did not look at his foot as instructed. Subject raised his arms from his body. Subject's speech was slurred. The subject had to repeat the exercise. The subject failed to extend his foot and failed to count as instructed.

Subject displayed 4/4 clues specific to the one leg stand.

Finger to Nose:

Subject performed exercise and missed the target area a few times, he also did not put his arm down right after touching his nose. The subject had to repeat the exercise. Orbital swaying was observed.

Based upon my observations and the totality of circumstances, Mr. Eder Carlos Alves Dos Santos was placed under arrest for DUI pursuant to Florida Statute 316.193.1 at 3:29AM. Mr. Alves Dos Santos was then searched and placed in my patrol vehicle, and transported to the Palm Beach County Jail. While in transport to the Palm Beach County Jail there was an obvious strong odor of an unknown alcoholic beverage within my vehicle that was not present prior to placing the subject in the vehicle. The subject spontaneously stated he had a prior DUI and that he was going to take this one to the court. The subject stated it was Saturday, I told the subject that it was Monday. The subject then stated I was wrong and that it was Sunday.

SCANNED

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The defendant arrived at the Palm Beach County Jail at 4:28 AM. I then conduct a 20min observation of the subject. The subject did not have any foreign objects in their mouth prior to the 20 minute observation. Throughout the observation the subject did not take anything by mouth or regurgitated. After the 20 minute observation, the defendant was then given the opportunity to provide a sample of his breath which he refused to provide (On Video) I then read the Florida Implied Consent Warning to the subject in which they advised that they understood, the subject then accepted to provide a lawful sample of his breath. The subject stated the machine could be wrong because it could detect alcohol from chewing gum, I explained the subject that that was the reason why I observed him for 20 minutes prior to the breath test. The defendant's first breath was given at 4:58 AM and resulted in a 0.126, after several failed attempts. The breath sample provided did not meet the volume required by the instrument yet it did give a result. The subject was asked to try again, the subject stated that he was going to try again. The subject did not provide a sample, the instrument did not made the correspondent sound, and the subject was covering the tube's opening with his tongue and was breathing through his nose. I told the subject to stop playing games, the subject stated that he was not playing and that he was blowing. I explained the subject that if he was blowing the instrument was supposed to make a noise. The subject kept pretending to blow. I refused the subject at 5:02 AM due to his inability to follow instructions, and failure to provide a breath sample. (On camera). The subject stated he was sorry for his behavior and that he knew I was doing my job. Video of the traffic stop, roadsides and transport are available through the FHP custodian. The above incident did occur in Palm Beach County, Florida.

Jail Booking Facility

Booking Date/Time	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4400
Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406			Booking Number
Booking Comments			

Court

Court County PALM BEACH	Court Location 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444		
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Appearance Date / Time 6/25/2018 8:30AM	Court Fine
Comments			

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report.

Reporting Officer

Officer Name TPR. CASTILLO	Officer Rank TROOPER	Officer ID No 4169	Sworn and subscribed before me, the undersigned authority This the <u>21</u> day of <u>MAY</u> , <u>2018</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency FLORIDA HIGHWAY PATROL	Samantha Palmer Commission # FP172377 Expires: OCT 28, 2018 BONDED THRU 1ST FLORIDA NOTARY, LLC		
Officer Signature <i>Castillo</i>	<i>S. Palmer</i>		

SCANNED

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Approving Supervisor

Officer Name	Officer Rank	Officer ID No	Officer Agency
Officer Signature			

Officer Name	Officer Rank	Involvement On Report	ID #	Org/Unit	Officer Agency
BACUAN, BRIAN	OFFICER	OTHER	793		BOCA RATON POLICE DEPARTMENT

NOT A CERTIFIED COPY

SCANNED
MAY 25 2018

TESTING FACILITY TASK REPORT

AGENCY: FHP

SUBJECT: Alves Das Santos, Eder C

CASE NUMBER: 18-076541

DATE: 05/18

VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 04:49

ENDING TIME: 05:07

BREATH TESTS RESULTS: 1) 126 *VNM TIME 04:58 A.M./P.M. 2) R TIME 05:02 A.M./P.M.
3) N/A TIME — A.M./P.M. 4) N/A TIME — A.M./P.M.

BREATH OPERATOR: K. Moynihan #22079

MAINTENANCE TECHNICIAN: J. Karnecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Spanish Speaking

ATTITUDE: Calm, Quiet, Cooperative/Uncooperative, Annoyed, Argumentative

CLOTHING: Black shorts, Red, White, Black striped short sleeve shirt, Flip flops

MEDICAL CONDITIONS: None

MEDICATIONS: None

OTHER: Eyes Glassy and Bloodshot.

COMMENTS: Arrived at Testing Center, A/c began 20 minute Observation period at 04:28 hrs.

REFUSED

A refused to take test.

A/c read I/c in Spanish and explained.

A stated he understood I/c and agreed to take test.

A refused to follow test instructions to properly submit an adequate sample by holding breath, breathing through nose and blocking the mouth piece tip. After 2 attempts A/c called Refusal.

A/c read Rights in Spanish

A stated he understood Rights

No Q+A, A invoked Rights.

REFUSED

SCANNED
MAY 25 2018

SUBJECT: Alves Dos Santos, Eder C CASE NUMBER: FHA18OFF042492

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? _____

WHERE WERE YOU GOING? _____

WHAT STREET OR HIGHWAY WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

WHAT IS TODAY'S DATE? _____ WHAT DAY OF THE WEEK IS IT? _____

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? _____

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? _____

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? _____ 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? _____ ARE YOU UNDER THE INFLUENCE? _____

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? _____ HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? _____ WHEN DID YOU LAST WORK? _____

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? _____ WHAT? _____

ARE YOU SICK OR INJURED? _____ WHAT'S WRONG? _____

DO YOU LIMP? _____ DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? _____

WERE YOU IN AN ACCIDENT TODAY? _____

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? _____ WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____ WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

DO YOU HAVE:

EPILEPSY?	_____
GLASS EYE?	_____
FALSE TEETH?	_____
EAR INFECTION?	_____
INNER EAR TROUBLE?	_____
DIABETES?	_____

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? _____

DO YOU TAKE INSULIN? _____ IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? _____ WHERE? _____

INTERVIEWER: _____

WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

SUBJECT: Alves Das Santos, Eder C

CASE NUMBER: FHPL180FF02492

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 _____ of the _____.

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 in Spanish

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 in Spanish

BOCA RATON POLICE SERVICES DEPARTMENT

WITNESS STATEMENT FORM

TOP SECTION TO BE FILLED OUT BY OFFICER/CSO

BRPSD CASE #: 18-7003 DATE: 5/21/18
 DATE OF INCIDENT OCCURRENCE: 5/21/18
 NAME (of person writing statement): BACHMAN
 D.O.B.: 10/30/93 S.S. #: _____
 HOME ADDRESS: 100 NW 2nd Ave
 APT: _____ CITY: Boca Raton FL
 STATE: FL ZIP CODE: 33432
 HOME: (561) 338-1234 CELL: () _____
 PLACE OF EMPLOYMENT: City of Boca Raton
 POSITION/TITLE: Police Officer 793
 EMPLOYER ADDRESS: 100 NW 2nd Ave
 EMPLOYER #: () _____ EXT: _____

I, (PRINT NAME) BACHMAN
 having witnessed the (circle one) ACCIDENT / INCIDENT
 at (address): 1100 S I-95
 hereby give the following statement of my account.

On May 21, 2018, I responded to I-95 South, just South of Palmetto Park Road in reference to a white male passed out in a Toyota Camry (FL tag ITX577). The male, later identified as Eder Carlos Alves Dos Santos was passed out with his pants down by his ankles. Dos Santos was disoriented and appeared confused. He was unresponsive to commands and had no knowledge of where he was or how he got there. Shortly after, FHP responded and took over the investigation.

WITNESS SIGNATURE: [Signature]

Sworn and subscribed before me (Officer/CSO), BACHMAN
 on (date) 5/21/18, whom is personally know to me, or has
 produced (ID type) 717 as identification.

X [Signature] ID #: 703
 Notary Police Officer / Community Service Officer (as per FSS 117.10)

SCANNED
 MAY 25 2018