

# Arrest Report

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

Report Date / Time <b>8/26/2019 03:32 AM</b>	Report Number <b>FHP99ARR798023</b>	Case Number/Cad Number <b>FHPL19OFF056346 / LWRC19CAD156304</b>	Reporting Officer Name <b>SAYIH R. A.</b>
Originating Agency ORI	Occur Date Time Range <b>08/26/2019 02:47:14 - 08/26/2019 05:20:00</b>	Jurisdiction	Clearance <b>CLARENCE PALM BEACH COUNTY WEST COUNTY BRANCH</b>

## Location of Occurrence

County <b>PALM BEACH</b>	Location Type <b>OTHER</b>	Location Description
Street Number <b>NB SR 9 NOF LANTANA RD</b>	Street	Apt/Lot/Bldg <b>LANTANA</b>
City <b>LANTANA</b>	State <b>FL</b>	Code

## Defendant

First Name <b>EDUARDO</b>	Middle Name	Last Name <b>BAHENA</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height <b>507</b>	Weight <b>180</b>	Hair <b>BLK</b>	Eyes <b>BRO</b>
MNI #	SSN	Date of Birth <b>12/15/1995</b>	Age <b>23</b>	Place of Birth <b>CHICAGO IL USA</b>	Drivers License or other ID <b>B50020095356</b>	State <b>IL</b>	ID Type <b>D</b>	Address <b>* RESIDENCE / 101 NE 41ST B35, OAKLAND PARK, FL 33334 / 708-737-1740</b>	

## Arrest

Arrest Date/Time <b>8/26/2019 3:24:06 AM</b>	Arrest Location Type <b>OTHER</b>	Arrest Location Description
Street Number <b>NB SR 9 NOF LANTANA RD</b>	Street	Apt/Lot/Bldg <b>LANTANA</b>
County <b>PALM BEACH</b>	City <b>LANTANA</b>	State <b>FL</b>
Zip Code		

## Charge : S

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

## Bond Set by Court

Bond Amount	<input type="checkbox"/> No Bond
Bond Type(s)	

## Probable Cause

On Monday August 26,2019, I Trooper Sayih #1273 was in service in Palm Beach County, FL. The weather was clear and traffic was light. I was stationary northbound on Interstate 95 (State Road 9) north of Gateway Blvd. on the right paved emergency shoulder. The Lake Worth Regional Communication Center (LWRCC) advised of a red in color vehicle traveling northbound on Interstate 95 (State Road 9) north of Gateway Blvd. unable to maintain a single lane traveling at a low rate of speed.

2019CT015885

2019 AUG 27 PM 1:48  
 FILED  
 CLARENCE  
 PALM BEACH COUNTY  
 WEST COUNTY BRANCH

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The red in color vehicle was described by the witness who was following the vehicle, to be in the center lane passing Hypoluxo Rd. I then proceeded to travel northbound in an attempt to locate the red in color vehicle. As I approached Lantana Rd. I observed the red in color vehicle in front of the witness that LWRCC described to be behind it. I positioned my patrol vehicle behind the red in color vehicle and began to observe its driving pattern. The red in color vehicle was swerving within the center lane up until it traveled outside of it into the lane to the left of it and then again shortly after to the lane to the right of it at a low rate of speed, under the designated speed limit. I then activated my emergency lights and sirens in an attempt to conduct a welfare check on the red in color vehicle. There seemed to be a delayed reaction to my emergency lights and sirens due to the driver of the red in color vehicle not pulling over right away as I activated them. The driver of the red in color vehicle then pulled off onto the right paved emergency shoulder just north of Lantana Rd. I approached the red in color vehicle on its driver side where I observed a Hispanic male in the driver seat. The driver was later identified through his Florida driver license to be, Eduardo Bahena 12/15/1995. Mr. Bahena was asked to please put the vehicle in park and to turn off the vehicle. Mr. Bahena was then advised on the reasoning of why I stopped him which was to make sure everything with him was okay. Mr. Bahena was asked if there was anything wrong and if he was possibly tired. Mr. Bahena advised me that nothing was wrong and that he was tired. Mr. Bahena speech was slurred and his eyes were glossy and red in color. As Mr. Bahena spoke I was able to smell the odor commonly associated with the smell of an unknown alcoholic beverage emitting from the vehicle. Due to what was smelled and Mr. Bahena's speech he was also questioned on where he was coming from and where he was heading to. Mr. Bahena advised me that he was coming from a friends house and was heading home. I then asked Mr. Bahena if he had anything to drink tonight to which he stated that he had one drink, that one drink being a Yuengling (beer). As Mr. Bahena continued to speak, the slurred speech was consistent and I could still smell the odor commonly associated with the smell of an unknown alcoholic beverage emitting from the vehicle. I then requested for Mr. Bahena to please step out of the vehicle. When in contact with Mr. Bahena outside of his vehicle I explained to him that the reasoning due to me requesting him to step out was based of me having reason to believe that he was driving under the influence of alcohol and/or a controlled substance. Mr. Bahena was then requested to perform a series of roadside exercises to which he consented to perform. (See Roadside Task Sheet/ Video).

The area for the following roadside exercises was level and free of debris. Subject agreed to imagine a straight line to perform the walk and turn exercise to which stepping off of that line would not be counted against him. Subject was then asked if he had any problems with his eyes aside from corrective vision, or injuries that would prevent him from performing any of the exercises that will be requested of her to perform. Subject then advised me that he did not have anything were nor physical body injuries or limitations and would be able to perform the exercises.

Horizontal Gaze Nystagmus:

- LT EYE-LACK OF SMOOTH PURSUIT
- RT EYE-LACK OF SMOOTH PURSUIT
- LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION

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- 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

Walk and Turn Exercise:

Interaction Phase:

- Subject swayed in starting position.
- The exercise was then demonstrated and explained to the Subject twice.
- Subject advised he understood instructions and did not have any questions.
- Subject then had questions on how to perform the exercise
- Subject was not taking heel to toe steps as instructed

One Leg Stand Exercise:

Interaction Phase:

- Subject was swaying while in starting position.
- The exercise was demonstrated and explained to the Subject
- Subject advised he understood the instructions and did not have any questions.
- Subject exhibited leg and body tremors

Finger to Nose:

Interaction Phase:

- Subject was swaying while in the starting position.
- The exercise was demonstrated and explained to the Subject
- Subject advised he understood the instructions and did not have any questions.
- On the subjects first attempt with his left finger he touched the bottom of his nose with the pad of his finger and had to be reminded to bring his hand back down to his side.
- On the subjects second attempt with his right finger he touched the tip of his nose with the pad of his finger.
- On the subjects third attempt with his left finger he touched the tip of his nose with the pad of his finger.
- On the subjects fourth attempt with his right finger he touched the bridge of his nose with the pad of his finger and proceeded to bring it down to the tip of his nose.
- On the subjects fifth attempt with his right finger he attempted to use his left finger, corrected himself and then touched the tip of his nose with the pad of his finger.
- On the subjects sixth attempt with his left finger he touched the tip of his nose with the pad of his finger.

Rhomberg Balance:

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**Interaction Phase:**

- Subject was swayed while in the starting position.
- The exercise was demonstrated and explained to the Subject.
- Subject advised he understood the instructions and did not have any questions.
- Subject exhibited an approximate 1-inch orbital sway.
- The Subject estimated 30 seconds in 35 seconds.

Due to the totality of the circumstances, Mr. Bahena was then placed under arrest for DUI pursuant to Florida Statue 316.193.1 at 03:24 AM. Mr. Bahena was then searched and placed in my patrol vehicle where he was then transported to the Palm Beach County Jail, arriving at approximately 4:01 AM. Inside the Palm Beach County Jail's breath alcohol testing facility (BAT) Mr. Bahena began a 20 minute observation prior to being provided an opportunity to provide a breath sample. After Mr. Bahena's 20 minute observation, he was given an opportunity to provide a breath sample in which agreed to provide. Mr. Bahena's first breath sample was not met due to him not following the instructions on how to provide the breath sample properly. Mr. Bahena's second breath sample was provided at approximately 04:33 AM resulting in a .150. Mr. Bahena's third breath sample was provided at approximately 04:36 AM resulting in a .150.

Video of the traffic stop roadside exercises and transport to the Palm Beach County Jail can be obtained through the FHP custodian

Video of the Palm Beach County Jail's BAT facility can be obtained through the Palm Beach County records department.

**Jail Bookin Facility**

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone Number
0.0000	PALM BEACH	PALM BEACH COUNTY CORRECTIONS	(561) 688-4400

Booking Facility Location

Booking Number

**3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406**

Booking Comments

**Court**

Court County	Court Location
PALM BEACH	200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444

Court	Court Phone	Court Apperance Date / Time	Court Fine
PALM BEACH SOUTH COUNTY COURTHOUSE	561-274-1530	09/24/2019 08:30 AM	


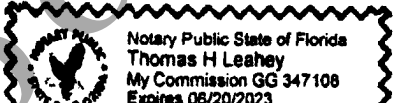
Comments

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Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
SAYIH R. A. TROOPER 3822	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL\LWRC\C\PALM BEACH\BROW LN TO SR804

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 SAYIH R. A.	Office Rank TROOPER	Officer ID No 3822	Sworn and subscribed before me, the undersigned authority This the <u>26<sup>th</sup></u> day of <u>August</u> , <u>2019</u>
Officer Agency FLORIDA HIGHWAY PATROL	Officer Signature 		DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT  

NOT A CERTIFICATE

FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
ALCOHOL TESTING PROGRAM  
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000  
Instrument Registered To: PALM BEACH CO SO  
Instrument Serial Number: 80-006478 Software: 8100.27  
Date of Test: 08/26/2019

Date of Last Agency Inspection: 08/16/2019  
Observation Period Began: 04:01  
Subject's Name: EDUARDO BAHENA DOB: 12/15/1995 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:	Test	g/210L	Time
	Diagnostics Check	OK	04:26
	Air Blank	0.000	04:26
	Control Test	0.081	04:26
	Air Blank	0.000	04:27
	Subject Sample #1	VNM*	04:30
	Air Blank	0.000	04:31
	Air Blank	0.000	04:33
	Subject Sample #2	0.150	04:33
	Air Blank	0.000	04:34
	Air Blank	0.000	04:36
	Subject Sample #3	0.150	04:36
	Air Blank	0.000	04:37
	Control Test	0.080	04:37
	Air Blank	0.000	04:38
	Diagnostics Check	OK	04:38

\*Volume Not Met (0.124 - Breath Sample Not Reliable to Determine Breath Alcohol Level)

Cylinder Lot: 00919080A3  
Exp: 03/05/2021

State of Florida, County of Palm Beach

Personally appeared before me the undersigned authority, who () is personally known to me or () produced \_\_\_\_\_ as identification, and who after being placed under oath, states:

I THOMAS H LEAHEY, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: T. Lohy Date: 08/26/19  
Signature

Sworn to (or affirmed) before me this 26th day of August, 2019

[Signature] Signature of Notary Public-State of Florida  
TRP. R. Saizik # 1273 Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.205, F.S.



**PALM BEACH COUNTY SHERIFF'S OFFICE  
DUI TESTING FACILITY  
INFORMATION SHEET**

PBSO CASE # 19-108286

AGENCY CASE# FHPL19OFF056346

AGENCY ZONE \_\_\_\_\_

CRASH CASE # \_\_\_\_\_

TIME OF STOP/CRASH 02:52 AM

DATE 08/26/2019

DAY MONDAY

SUBJECT'S NAME EDUARDO BAHENA

RACE H

SEX M

HGT 5'07"

WGT 180

DOB 12/15/1995

LOCATION NB SR 9 NOF LANTANA RD

ARRESTING OFFICER'S NAME & ID TPR. SAYIH # 1273

AGENCY FLORIDA HIGHWAY PATROL

DIVISION: LAKE WORTH

NOTIFIED BY COMMO yes

ARRIVAL AT FACILITY 04:01 AM

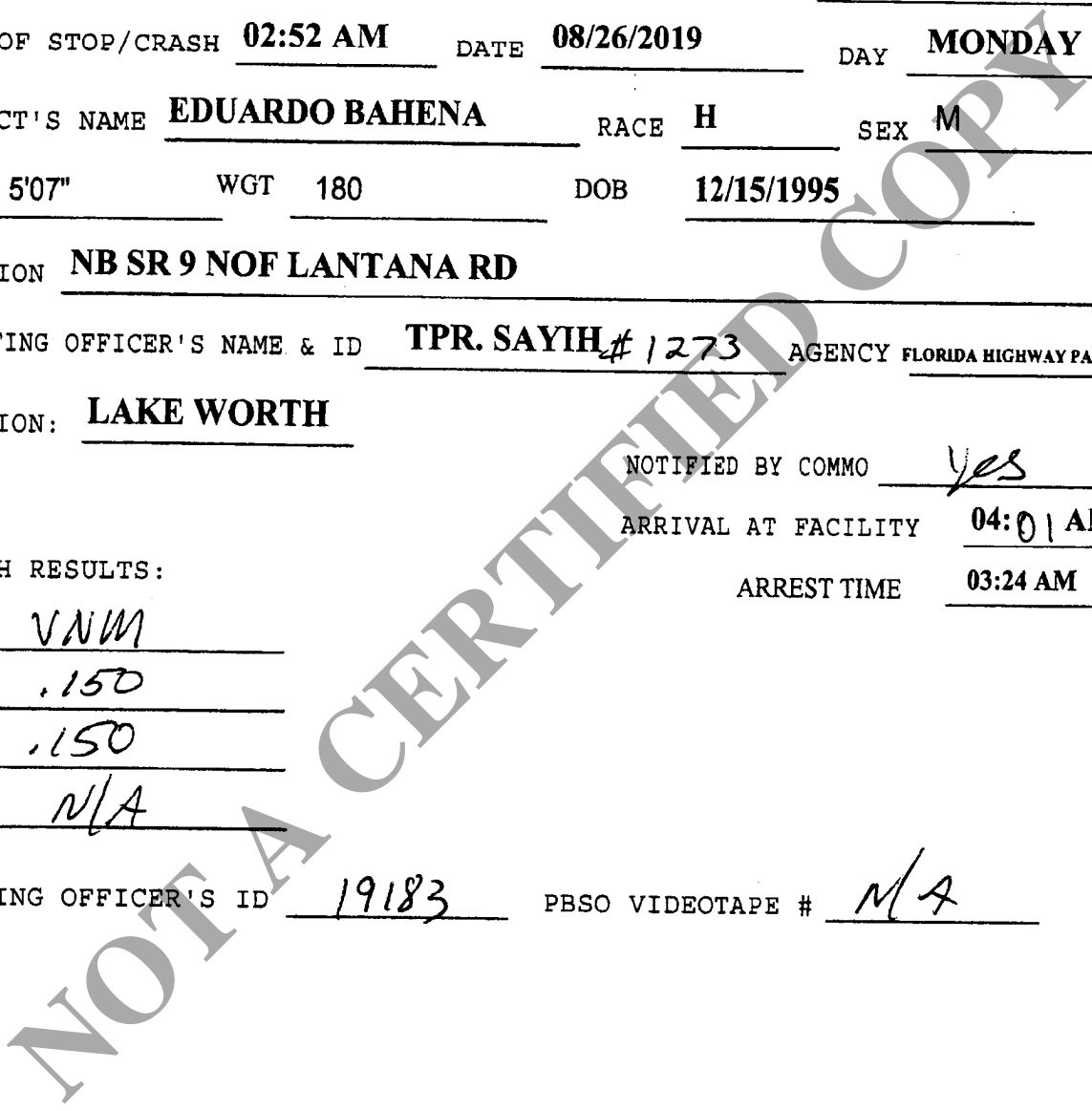
BREATH RESULTS:

ARREST TIME 03:24 AM

1. VNM
2. .150
3. .150
4. N/A

TESTING OFFICER'S ID 19183

PBSO VIDEOTAPE # N/A



# TESTING FACILITY TASK REPORT

AGENCY: FHP-L  
SUBJECT: Bahena, Eduardo CASE NUMBER: 19-108286  
DATE: 08/26/19 VIDEO TAPE NUMBER: N/A  
BEGINNING TIME: 04:23 ENDING TIME: 04:39  
BREATH TESTS RESULTS: 1) VNM TIME 04:30 AM/P.M. 2) .150 TIME 04:33 AM/P.M.  
3) .150 TIME 04:36 AM/P.M. 4) N/A TIME \_\_\_\_\_ A.M./P.M.  
BREATH OPERATOR: T. Leakey #19183  
MAINTENANCE TECHNICIAN: J Karlecke #6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: thick, slurred.  
ATTITUDE: rigidity, cooperative  
CLOTHING: tan pants, black t-shirt, black sneakers  
MEDICAL CONDITIONS: None  
MEDICATIONS: None  
OTHER: eyes glassy + bloodshot  
odor of unknown alcoholic beverage on breath  
COMMENTS: arrived at center ALO conducted 20 minute  
observation period at 04:01 hrs.

A agreed to perform breath test but would not  
follow instructions  
ALO read I/C + A acknowledged he understood I/C  
A agreed to perform breath test  
Tech read breath test results + A stated  
ALO did not conduct QTA or read rights

SUBJECT: Bahena, Eduardo CASE NUMBER: FHP490FF056346

### 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: Bahena, Eduardo CASE NUMBER: FHPV90FF056346

## 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 Trp. R Sayih of the FHP-2

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)

Not Read on camera

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



**Palm Beach County Sheriff's Office – Arrests Only**

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2019027923	Date: 08/27/2019
	Specialist Name/ID: AM/31562