

0335600

18 C 020402560

ARREST / NOTICE TO APPEAR

1. Arrest
2. N.T.A.
3. Request for Warrant
4. Request for Capias

1

JUVENILE

ADMINISTRATION	OBTS Number		Agency ORI Number 0500800		Agency Name West Palm Beach Police Department		Agency Report Number (N.T.A.'s only) 9, 4 2018-0018782	
	Charge Type: Check as many as apply: ☐ 1. Felony ☐ 2. Traffic Felony ☒ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other		If Weapon Seized		Enter Type NOT APPLICABLE		Multiple Clearance Indicator	
	Location of Arrest (Including Name of Business) 1700BLK MERCER AVE/WPB/FL/33401				Location of Offense (Business Name, Address) 1700 MERCER AVE BLK, WEST PALM BEACH, FL 33401			
	Date of Arrest 11/11/2018	Time of Arrest 23:50	Booking Date 11/12/2018	Booking Time 02:37	Jail Date	Jail Time	Location of Vehicle SHEEHANS	
	Name (Last, First, Middle) BENNETT, ELIZA MCCARTY				Alias (Name, DOB, Sec. #, Etc.) Alias:			
	Race W - White B - Black O - Oriental/Asian W	Sex F	Date of Birth 03/21/1975	Height 5'06	Weight 125	Eye Color HAZEL	Hair Color BROWN	Complexion LIGHT
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)				Married Status D		Religion	
	Local Address (Street, Apt. Number) 2015 MERCER AVE 1/2, WEST PALM BEACH, FL 33401				Phone (561) 312-9637		Residence Type: 1. City 2. County 3. Florida 4. Out of State 1	
	Permanent Address (Street, Apt. Number) 2015 MERCER AVE 1/2, WEST PALM BEACH, FL 33401				Phone (561) 312-9637		Address Source FL DL	
	Business Address (Name, Street) 2		(City) (State)		(Zip) (Zip)		Phone (561) 312-9637	
D/L Number, State B530213756010 / FL		Sec. Sec. Number		INS Number		Place of Birth (City, State) WASHINGTON DC,		
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		
☐ Parent ☐ Other: _____		Name (Last, First, Middle)		Residence Phone				
☐ Legal Custodian		Address (Street, Apt. Number)		(City) (State) (Zip)		Business Phone		
Notified by: (Name)		Date		Time		JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT IAC 3. Incarcerated		
Released To: (Name)		Relationship		Date		Time		
The above address was provided by ☐ defendant and/or ☐ defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address.				School Attended		Grade		
☐ Yes, by: _____		☐ No		Property Crime? ☒ Yes ☐ No		Description of Property VEHICLE		
Drug Activity N. N/A P. Possess		S. Sell B. Buy T. Traffic		R. Smuggle D. Deliver E. Use		K. Disperse/ Distribute		
M. Manufacture/ Produce/ Cultivate		Z. Other		Drug Type N. N/A A. Amphetamine		B. Barbiturate C. Cocaine E. Heroin		
H. Hallucinogen M. Marijuana O. Opium/deriv.		P. Paraphernalia/ Equipment		S. Synthetic		U. Unknown Z. Other		
Charge Description DUI-DAMAGE TO PERSON/PROPERTY		State Violation Number 316.193(3)(C)(1)		Violation of ORD #				
Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence ☐ Y ☒ N	Warrant / Capias Number	Bond	
Charge Description		State Violation Number		Violation of ORD #				
Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence ☐ Y ☒ N	Warrant / Capias Number	Bond	
Charge Description		State Violation Number		Violation of ORD #				
Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence ☐ Y ☒ N	Warrant / Capias Number	Bond	
Health / Apparent Physical Condition of Defendant				Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformation ☐ Injury				
Check which applies: ☐ Released O.R. ☐ Released to Parent/Guardian ☐ T.O.T. County Jail				PROPERTY - Received By				
Transferred By				Date Transferred		Time Transferred		
INSTRUCTION NO. 1 - Mandatory appearance in court				INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.				
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.				Criminal Justice CRIMINAL JUSTICE COMPLEX 3228 GUN CLUB ROAD 12/13/2018 08:30:00				
Signature of Defendant (or Juvenile and Parent/Custodian)				Date Signed				
HOLD for Other Agency		Signature of Arresting Officer		Name Verification (Printed by Arrestee)				
☐ Dangerous ☐ Restricted Arrow		Name of Arresting Officer (Print) STREIGOLD, DAVID		I.D. # 01753		PAGE		
Initials Thomas #036		Pouch #		Transporting Officer OFC STREIGOLD		I.D. # 1753		
				Agency WPBPD		Witness here if subject signed with an "X".		

☐ COURT ☐ STATE ATTORNEY ☐ AGENCY ☐ CENTRAL RECORDS ☐ JAIL ☐ CRIME ANALYSIS ☐ P. I. O. ☐ DEFENDANT

DUI PROBABLE CAUSE AFFIDAVIT

On the 11TH Day of NOVEMBER 2018 at 2350HRS A.M. P.M.

Subject: BENNETT, ELIZA Case Number: 18-18782

Agency: West Palm Beach Police Department Arresting Officer: STREIGOLD #1753

Personal Contact

Driving Pattern

Actual physical control (physical evidence putting the driver behind the wheel)

WPBPD was contacted in reference to a vehicle accident that occurred in the 1700-blk Mercer Ave in West Palm Beach, FL. The caller stated a white Chrysler Sebring (IMLF27) had stuck a Nissan Armada that was parked (unoccupied) on the street. The Sebring had damage to the passenger side front bumper and the Armada had damages to the driver's side rear quarter panel. It appeared as the Sebring struck the Armada on an angle. The Armada was struck with enough force that the front passenger side of the vehicle was pushed over the curb.

Observation of Driver

Two witnesses stated that they were inside their house when they heard the crash. They exited their house approximately 5-10 seconds after hearing the crash. They observed the driver in the white Sebring attempting to back up. The witnesses then saw that the Sebring had struck their neighbors vehicle (Armada). The witnesses stated that the driver was the sole occupant in the vehicle and she was the same individual that police came in contact with. Upon police contact, the driver was having difficulties maintaining her balance, her eyes were glossy and bloodshot and her speech was slightly slurred.

Drivers Statements:

The driver stated she has not drank any alcoholic beverages today. The driver stated after he entered her vehicle, she blew into the InterLock and the vehicle activated. The driver advised that the wire for the device was wrapped around the gear shifter and while she was driving she was attempting to unravel the wire. She stated the next thing she knew is that she was involved in a crash. The driver repeated several times several statements during our conversation.

Odors:

I was unable to smell an odor emitting from the driver.

General Observations

Speech: SLIGHTLY SLURRED AND REPEATIVE

Attitude: COOPERATIVE

Clothing: GRAY TANK TOP, BLUE JEANS, BLACK SHOES

Medical Problems/Medications: BACK PROBLEMS

Other: The driver was advised that the crash investigation was completed and a DUI investigation was being conducted. The driver advised she understood her Miranda Warnings.

The driver has three prior DUI convictions: [1] 6/20/2007, [2] 11/18/1999 and [3] 12/1/1998. The drivers Florida DL is suspended as of 10/22/2018 for fail comply/ignition interlock rest.

DRE completed by Ofc J Donde

DUI PROBABLE CAUSE AFFIDAVIT

Subject:

BENNETT, ELIZA

Case Number:

18-18782

Roadside Tasks

Horizontal Gaze Nystagmus

- | | |
|--|---|
| ☒ Left Eye Does Not Follow Smoothly | ☒ Right Eye Does Not Follow Smoothly |
| ☒ Left Eye Jerks at 45 Degree Angle or Less | ☒ Right Eye Jerks at 45 Degree Angle or Less |
| ☒ Distinct Jerking Left Eye at Maximum Deviation | ☒ Distinct Jerking Right Eye at Maximum Deviation |

The driver was instructed to stand with her feet together with her arms at her sides. While in this position she would sway. She was then asked if she could identify the color of the stimulus I placed in front of her eyes; in which she advised was red (which was correct). She was reminded to track the stimulus with her eyes only.

Walk and Turn Task

The driver was asked to place her left foot on the line (neon orange duct tape) which was on the ground with her right foot directly in front of it, then place her arms at her sides and stay in this position while I demonstrated this task. She would sway, in a side to side, front to back pattern throughout the demonstration phase. She could not maintain her balance while listening to instructions and stepped out of the stance during the demonstration to catch her balance. She started the task before being instructed. On the first set on nine steps the driver did not connect heel-to-toe on steps two and three and stepped off the line on step seven. The driver did pause for several seconds at step nine and then turned around not as instructed. On the return nine steps the driver did not connect heel-to-toe on step three, stepped off the line on step eight and then completed ten steps.

One Leg Stand

The driver was asked to stand with her feet together with her arms at his sides and stay in this position while I demonstrate this task. She would sway, in a side to side, front to back pattern throughout the demonstration phase. The driver raised her right leg. She continued to sway while balancing on one leg. She used his arms for balance by raising them more than six inches from her sides. She put his foot down to regain her balance at numerous times before the thirty seconds had elapsed. At the 30 seconds, the driver only counted to six.

Finger To Nose

I had the driver stand with her feet together and hands down at her sides as I explained the exercise. I explained and demonstrated the exercise and she stated she understood the instructions. I asked the driver to tilt her head back and close her eyes. On the first left, the driver brought the pad of her finger to the top bridge of her nose. On the first right, the driver placed the pad of her finger to the right side of her nose. On the second left, the driver placed the pad of her finger on the bottom part of the bridge of her nose. On the second right, the driver placed the pad of her finger in front (not touching) of her nose, paused and then touched the tip of her nose. On the third left, the driver placed the pad of her finger in front of her nose (not touching) and then touched the bridge of her nose. On the third right, the driver placed the pad of her finger at the top part of the bridge of her nose.

Romberg Balance

I had the driver stand with her feet together and hands down at her sides as I explained the exercise. I explained and demonstrated the exercise and she stated he understood the instructions. I had the driver tilt her head back and close her eyes. At the beginning of the exercise the driver's head was tilted back however as the exercise continued the driver head then pointed straight. The driver was swaying during this exercise. When the driver stopped the exercise (as instructed) the time was 40seconds instead of the allotted 30seconds.

Breath Results from Instrument

1st Result

0.00

2nd Result

0.00

3rd Result

--

If Applicable

State of Florida

County of Palm Beach

The Following Instrument was notarized or sworn before me this

(DATE)



Personally Known



Produced Identification



Notary Public

[Signature]
Notary / Clerk of Courts (FSS: 117.10)

[Signature]
Signature of Arresting Officer

SUBJECT: BENNETT, ELIZA CASE NUMBER: 18-18782

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 determining 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 determining its alcohol content and/or presence of chemical or controlled substances.

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

I am **STREIGOLD #1753** of the West Palm Beach Police Department. 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.

SUBJECTS SIGNATURE: _____

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 can not 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.

SUBJECTS SIGNATURE: _____ WPBPD BAT VIDEO

DEFENDANT: BENNETT, ELIZACASE NUMBER: 18-18782

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 OPERATION A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT: YES

WHERE WERE YOU GOING? TO MY FRIEND ELIZABETH'S

WHAT STREET OR HIGHWAY WERE YOU ON? MERCER

DIRECTION OF TRAVEL? EAST WHERE DID YOU START FROM? MY HOUSE

WHAT TIME DID YOU START? I BELIEVE 1130 WHAT TIME IS IT NOW? I REALLY DONT KNOW

WHAT IS TODAY'S DATE? 11TH WHAT DAY OF THE WEEK IS IT? SUNDAY

WHAT COUNTY AND CITY ARE YOU IN NOW? WEST PALM BEACH FLORIDA

WHEN DID YOU LAST EAT? YESTERDAY AFTERNOON WHAT DID YOU EAT? A TURKEY SANDWICH

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE(3) HOURS? PUTTING MY CRAFT STUFF AWAY AND A NEW TABLE I GOT

HOW MUCH DO YOU WEIGHT? 125 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? --

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? IM ON DISABILITY FOR MY BACK SURGERY

WHEN DID YOU LAST WORK? --

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? MY BACK WHAT? --

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

DO YOU LIMP? NO DID YOU RECEIVE A BUMP ON YOUR HEAD RECENTLY? ON MY CHIN

WERE YOU IN AN ACCIDENT TODAY? YES

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

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? -- WHEN? --

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? YES WHAT? adderayl, seboxon, selxa WHEN? today

DO YOU HAVE:

EPILEPSY?	<u>no</u>
GLASS EYE?	<u>no</u>
FALSE TEETH?	<u>no</u>
EAR INFECTION?	<u>no</u>
INNER EAR TROUBLE?	<u>i dont think so</u>
DIABETES?	<u>no</u>

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTABLE BY GLASSES? no

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

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? no WHERE? --

INTERVIEWER: STREIGOLD #1753



West Palm Beach Police Department
Breath Testing Facility Report



Defendant: Bennett, Eliza **Case #:** 18-18782
Arresting Officer: Streigold, David **Date:** 11/12/18

Breath Test Results: 0.00 g/210L 0034 Time 0.00 g/210L 0037 Time
--- g/210L --- Time --- g/210L --- Time

Note: Times are in Military Time

Breath Operator: Ofc Morris J Annese
Maintenance Technician Ofc. R. Secord #1639

Testing Officer Observations:

Speech: slow
Attitude: cooperative
Clothing: blue jeans, gray shirt, black boots
Medical Conditions: back problems, depression, recovering drug addict.
Medications: Suboxone, Adderall, Celexa
Other:

Arrival Time at Facility/ Time Twenty (20) Minute Observation Started: 0007 hours

Comments:

The driver was observed by Ofc Streigold during the 20 minute observation period.

I noticed the driver had glassy bloodshot eyes. Her speech appeared to be slow.

The driver gave 2 adequate breath samples. A urine sample was then requested by Ofc Streigold and the driver agreed and gave a urine sample using a urine test kit.

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

Instrument Type: Intoxilyzer 8000
Instrument Registered To: WEST PALM BEACH PD
Instrument Serial Number: 80-001235 Software: 8100.27
Date of Test: 11/12/2018

Date of Last Agency Inspection: 10/28/2018

Observation Period Began: 00:07

Subject's Name: ELIZA MCCARTY BENNETT

DOB: 03/21/1975 Sex: F

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	00:32
	Air Blank	0.000	00:32
	Control Test	0.080	00:33
	Air Blank	0.000	00:33
	Subject Sample #1	0.000	00:34
	Air Blank	0.000	00:34
	Air Blank	0.000	00:36
	Subject Sample #2	0.000	00:37
	Air Blank	0.000	00:37
	Control Test	0.079	00:37
	Air Blank	0.000	00:38
	Diagnostics Check	OK	00:38

Cylinder Lot: 24818080A2
Exp: 10/05/2020

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 MORRIS J ANNESE, 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: [Signature] 1418 Date: 11/12/18
Signature

Sworn to (or affirmed) before me this 18th day of NOV, 2018

[Signature] 1753
Signature of Notary Public-State of Florida

A Streigald 1753
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 322.2615, F.S.

**600 Banyan Blvd
West Palm Beach, Florida 33401
(561)822-1900**

Date _____

West Palm Beach Police Department

600 Banyan Blvd
West Palm Beach, Florida 33401
(561)822-1900

Witness List:

Arresting Officer: _____ **Case Number:** 18-18782
Address: _____ (West Palm Beach Police Department) 600 Banyan Blvd, West Palm Beach, FL 33401
Phone Number **Home:** _____ **Cell:** _____ **Work:** (561)822-1900
Can Testify to: _____

Witness Name: _____ **Case Number:** 18-18782
Address: _____ 3730 Oleander Ter, Riviera Beach, FL, 33404
Phone Number **Home:** _____ **Cell:** 561-574-6906 **Work:** _____
Can Testify to: _____ Witness

Witness Name: _____ **Case Number:** 18-18782
Address: _____
Phone Number **Home:** _____ **Cell:** _____ **Work:** _____
Can Testify to: _____

Witness Name: _____ **Case Number:** 18-18782
Address: _____
Phone Number **Home:** _____ **Cell:** _____ **Work:** _____
Can Testify to: _____

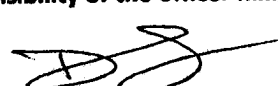
Witness Name: _____ **Case Number:** 18-18782
Address: _____
Phone Number **Home:** _____ **Cell:** _____ **Work:** _____
Can Testify to: _____

Witness Name: _____ **Case Number:** 18-18782
Address: _____
Phone Number **Home:** _____ **Cell:** _____ **Work:** _____
Can Testify to: _____

VI. Information or evidence to be supplied later:

Item(s): _____
Date will be furnished: _____
Why not supplied at filing: _____

Note: It is the responsibility of the officer filing the case to insure that the foregoing list is complete and correct



Signature of the Filing Officer

11.12.18

Date



**PALM BEACH COUNTY
SHERIFF'S OFFICE**
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

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

REVIEW COMPLETED BY

Booking Number: 2018037802

Date: 11/12/2018

Specialist Name/ID: J. Beck/9007