



FLORIDA HIGHWAY PATROL

JKT # 0483430

Pch 2725

REPORT NUMBER
FHP99ARR126917

ARREST REPORT

Report Date / Time 12/10/2016 02:24 AM	Agency Case/Offense Number FHP16OFF090774	OCA Number	Originating Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC16CAD212862
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LOCATION OF OCCURRENCE

County PALM BEACH	Address I-95 NB , DELRAY BEACH, FL 33444
Range of Occurrence Date/Time 12/10/2016 12:04 AM to 12/10/2016 12:04 AM	Latitude N 26 26.0790

PERSON: SUSPECT

First Name ERVIN	Middle Name DAVID	Last Name LESCANO	Suffix	Date of Birth 03/12/1997	Age 19	Race H	Sex M	Height 5'11	Weight 151	Hair BLD	Eyes BRO
Master Name Index Number	Place of Birth WELLINGTON, FL	Nation USA	SSN		Driver's License or Other ID L250204970920	State FL	Class or Type				
Address 3644 WALDEN LN		City WEST PALM BEACH	County		State FL	Zip Code 33406	Phone				

CHARGES

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

PROBABLE CAUSE

On the above date and time, I was patrolling Palm Beach County in my marked patrol vehicle. I was dispatched to a vehicle crash on State Road 9 (I-95). When I arrived on scene, I observed a dark colored SUV rolled on its driver side, down in a ditch, off the right unpaved shoulder on I-95. I approached the vehicle and observed a white male and a black male standing at the rear of the SUV. I introduced myself to the two males, and asked them both were they okay. The black male advised that he was okay and was not involved, but just stopped to see if the driver was okay. I then spoke with the white male, who was later identified L-250-204-97-092-0 as Ervin David Lescano by his Florida Driver License. Mr. Lescano advised me that he was the driver and he was okay. Fire Rescue then arrived on scene and assessed Mr. Lescano. Shortly after, Mr. Lescano was medically cleared by the on scene Fire Rescue Department. I then asked Mr. Lescano about what events took place leading up to the vehicle crash. While speaking to Mr. Lescano he was observed to have a strong odor of an alcoholic beverage coming from his mouth or breathe area. Mr. Lescano was also observed to have:

- Bloodshot eyes
- Slurred speech

Mr. Lescano advised me that he was traveling northbound, on I-95, in the inside travel lane. Mr. Lescano advised me while traveling on I-95, he dozed off behind the wheel of the vehicle. Mr. Lescano then advised me when he woke up, the vehicle was traveling in an easterly direction, across four (4) northbound travel lanes. Mr. Lescano advised that he then attempted to over correct the vehicle. As a result, the vehicle traveled off the roadway onto the unpaved shoulder of I-95. After, the vehicle began to rollover down a grassy ditch. When the vehicle came to final rest, Mr. Lescano then advised that he crawled out the driver window. While speaking to Mr. Lescano he was observed to have a strong odor of an alcoholic beverage coming from his mouth or breathe area. Mr. Lescano was also observed to have:

- Bloodshot eyes
- Slurred speech

I then advised Mr. Lescano that I have completed my crash investigation, and that I am now conducting a Driving Under the Influence (DUI) investigation. Mr. Lescano advised that he understood. I then advised Mr. Lescano of his Miranda Rights. Mr. Lescano understood his rights and agreed to continue to speak with me about the investigation. I then asked Mr. Lescano to advise me of the events that took place leading up to the vehicle crash. Mr. Lescano advised me that he was traveling northbound, on I-95, in the inside travel lane. Mr. Lescano advised me while traveling on I-95, he dozed off behind the wheel of the vehicle. Mr. Lescano then advised me when he woke up, the vehicle was traveling in an easterly direction, across four (4) northbound travel lanes. Mr. Lescano advised that he then attempted to over correct the vehicle. As a result, the vehicle traveled off the roadway onto the unpaved shoulder of I-95. After, the vehicle began to rollover down a grassy ditch. When the vehicle came to final rest, Mr. Lescano then advised that he crawled out the driver window. I then asked Mr. Lescano did he have any alcoholic beverages before operating the motor vehicle involved in the single vehicle crash. Mr. Lescano advised me yes, he had two (2) beers. I then asked Mr. Lescano around what time did he consume the beers? Mr. Lescano advised me that he consumed the beers around 7:30PM. I then asked Mr. Lescano what is the current time (1:14AM). Mr. Lescano advised me that is was around 9:30 PM.

I then asked Mr. Lescano would he be willing to perform series of field sobriety exercises. When asked, Mr. Lescano agreed to submit to a series of field sobriety exercises.

Horizontal Gaze Nystagmus Exercise

Prior to beginning the exercise, it was determined Mr. Lescano was not wearing contacts. Mr. Lescano's eyes were checked and his eyes displayed equal tracking and his pupils were equal sizes. Mr. Lescano was instructed to following the stimulus with his eyes only, keeping his head still. After stating he understood the instructions Mr. Lescano attempted this exercise.

The results of this exercise displayed 5 of the 6 possible points.

- A lack of Smooth Pursuit in his left eye
- A lack of Smooth Pursuit in his right eye
- A distinct and sustained nystagmus in the left eye at maximum deviation
- An onset of nystagmus in the left eye prior to 45 degrees
- An onset of nystagmus in the right eye prior to 45 degrees

Walk and Turn Exercise

Prior to attempting this exercise, Mr. Lescano indicated he did not have any medical problems that would have prevented him from performing the exercise. Mr. Lescano was instructed to put his left foot on the line and his right foot in front of it with his right heel touching the toe of his left foot. He was instructed to stand in this manner with his hands to his sides until the exercise instructions were completed and the exercise demonstrated. Mr. Lescano was instructed not to begin the

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exercise until told to start. He was instructed to take nine steps along the line in a heel-to-toe manner. After the ninth step he was to stop and turn around keeping his lead foot on the ground, taking several small steps with the other foot to turn around. After turning around he was to take nine steps in a heel-to-toe manner back along the line, in the direction he had come from. Mr. Lescano was further instructed to watch his feet at all times while walking, keep his arms down to his side, and to count his steps out loud. After the exercise was demonstrated Mr. Lescano stated he understood the instructions and was instructed to begin the exercise. - After attempting the Walk and Turn Exercise Mr. Lescano displayed 1 of 8 possible clues.

Walk and Turn Exercises observations:

- On the first set of steps Mr. Lescano failed to walk in a heel-to-toe manner on 3 steps, failing to walk heel-to-toe on steps 3, 4, and 5. - On the second set of steps Mr. Lescano failed to walk in a heel-to-toe manner on 2 steps, failing to walk heel-to-toe on steps 5, and 9.

One Leg Stand Exercise

Prior to attempting this exercise, Mr. Lescano indicated he did not have any medical problems that would have prevented him from performing the exercise. Mr. Lescano was instructed to stand with his heels together and hands down to his sides while the instructions were given and during the exercise. Mr. Lescano was instructed not to begin the exercise until he was instructed to start, and after the exercise had been demonstrated. When instructed to start, he was to raise the foot off the ground approximately 6 inches. While his leg was raised he was to keep his leg straight, watch his raised foot, and to count out loud by thousands (one thousand one, one thousand two, one thousand three...) and to continue the test until told to stop (30 seconds). After this exercise was demonstrated and indicating he understood the instructions Mr. Lescano attempted this exercise. When Mr. Lescano attempted this exercise he raised his right foot.

The result of this exercise displayed 2 of the 4 possible clues.

During this test Mr. Lescano:

- Swayed during the exercise.
- Hopped during the exercise.

After I completed the Standardized Field Sobriety Exercise observations on Mr. Lescano, I then placed Mr. Lescano under arrest for suspected Driving under the influence (DUI) of alcohol. I then placed Mr. Lescano in the rear of my patrol vehicle, and secured him in. Shortly after, I departed the scene enroute to the Palm Beach County Jail. Upon arrival at the jail, I escorted Mr. Lescano to the BAT center. There, I conducted a 20 minute observation period of Mr. Lescano. Once the determining alcohol content. Mr. Lescano agreed to submit at 2:49AM. At 2:54AM, Mr. Lescano provided his first breath sample of .124. At 2:57AM, Mr. Lescano provided a breath sample of .118.

After, Mr. Lescano was advised of the samples he provided. I then advised Mr. Lescano of his constitutional warnings. After advising Mr. Lescano of his constitutional warnings, Mr. Lescano advised me he would continue further questioning. After a series of questions and answers, I then placed Mr. Lescano back into the rear of my patrol vehicle and departed the jail enroute to Wellington Hospital to get Mr. Lescano medically cleared to be booked into the Palm Beach County Jail. Upon my arrival to the Wellington Hospital, Mr. Lescano was medically evaluated and cleared at 4:30AM. Shortly after, Mr. Lescano and I departed the scene enroute to Palm Beach County Jail. Once arrived, Mr. Lescano was booked into the Palm Beach County jail on 316.193.1 Florida Statute Misdemeanor DUI. All events occurred in Palm Beach County.

LEO BOND

Bond Amount \$	<input type="checkbox"/> None	<input 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 (CRIMINAL) CRIMINAL JUSTICE COMPLEX	Court Phone (561) 355-2994	Court Date & Time
Court Address 3228 GUN CLUB ROAD, WEST PALM BEACH, FL 33406		
Instructions		

ARREST INFORMATION

Arrest Date / Time 12/10/2016 01:23 AM	Residency Within state	Injured None	Extent of Injury N/A	Resist Arrest No
Prior Arrests No	Arrest Jurisdiction Within state	Alcohol Yes	Drugs No	

ARREST LOCATION

County PALM BEACH	Address I-95 NB, DELRAY BEACH, FL 33444
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ARREST DELIVERED TO

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

Officer Call Number 1883	Officer Name CLEARY, GUS E JR	Officer Signature
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Subscribed and sworn to (or affirmed) before me this _____ day of _____ A.D., _____ by _____ who is _____ personally known to me or has produced _____ as identification.

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

TESTING FACILITY TASK REPORT

AGENCY: F.H.P.L

SUBJECT: LESCAW, Errol D CASE NUMBER: 16-162568

DATE: 12/16/16 VIDEO TAPE NUMBER: 61796

BEGINNING TIME: 0249 ENDING TIME: 0306

BREATH TESTS RESULTS: 1) 1.34 TIME 0254 A.M./P.M. 2) 1.18 TIME 0257 A.M./P.M.

3) N/A TIME — A.M./P.M. 4) N/A TIME — A.M./P.M.

BREATH OPERATOR: G. PIAZZA 7009

MAINTENANCE TECHNICIAN: KARLEKE 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED AT TIMES, PRONOUNCED

ATTITUDE: CALM, TALKATIVE, POLITE, CO-OPERATIVE, CRYING

CLOTHING: PINK JEANS, 1/4 ZIPPER ZIPPERED SHIRT, FRAYED JEANS SHIRT

MEDICAL CONDITIONS: ASTHMA

MEDICATIONS: ALVACETAL AS NEEDED

OTHER: EYES GLASSY AND BLOODSHOT, SLIGHT ORBITAL SWELLING,

ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE ON BREATH

A ADMITTED TO DRINKING 2 BEERS (Q+A)

COMMENTS: ARRIVED AT CENTER A/10 BEGAN THE 20 MINUTE
OBSERVATION PERIOD AT 0220 HRS.

A AGREED TO TAKE TEST

A/10 READ RIGHTS

A STATED HE UNDERSTOOD RIGHTS

TECH. READ BREATH TEST RESULTS A STATED HE

UNDERSTOOD TEST RESULTS

A/10 CONDUCTS Q+A

SCANNED

A ANSWERS QUESTIONS

DEC 12 2016

SUBJECT: Levans, Lewis D

CASE NUMBER: _____

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) _____

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.

SCANNED

DEC 12 2016

SUSPECT'S SIGNATURE: (X) _____

Levans, Lewis D

SUBJECT: L. 2010 CASE NUMBER: _____

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? _____

SCANNED

DEC 12 2016

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