



Arrest Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
1937 BANANA GROVE ROAD
MOORE HAVEN, FL.

0512384 19CT020699MB 1962

Report Date / Time 11/7/2019 12:34 AM /	Report Number C-8452AA	Case Number/Cad Number FWSA19OFF013005 / FWSA19CAD007684	Reporting Officer Name BRODBECK, JAMES J
Originating Agency ORI FL0488000	Occur Date Time Range 11/06/2019 23:46:57 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE /	Location Description SB /
Street Number I-95 /	Street I-95 /	Apt/Lot/Bldg LAKE WORTH /
City LAKE WORTH /	State FL	Zip Code 33462 /

Defendant

First Name GABRIELLE /	Middle Name MARIEE /	Last Name AFRICANO /	Suffix	Race WHITE /	Sex FEMALE /	Height 5'05" /	Weight 145 /	Hair BLONDE /	Eyes BLUE /
MNI #	SSN [REDACTED]	Date of Birth 05/09/1995	Age 24	Place of Birth FAYETTEVILLE NC USA /	Drivers License or other ID A162293956690 /	State FL	ID Type E		
Address * RESIDENCE / 1100 S LAKE DR 22, LANTANA, FL 33462 / /									

Arrest

Arrest Date/Time 11/6/2019 11:57:57 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description 95 SB AT HYPOLUXO /
Street Number I-95	Street I-95	Apt/Lot/Bldg PALM BEACH
County PALM BEACH	City LAKE WORTH	State FL
Zip Code 33462		

Charge : STATE STATUTE

Counts 1	Charge 316.193(1) <i>ar db</i>	Bond Amount \$0.00	☐ No Bond <i>OR</i>
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DRIVING UNDER THE INFLUENCE - ALCOHOLIC BEVERAGES, ANY CHEMICAL SUBSTANCE, OR ANY SUBSTANCE CONTROLLED AND THE PERSON'S NORMAL FACULTIES ARE IMPAIRED			

Charge : STATE STATUTE

Counts 1	Charge 316.1939(1) <i>ar db</i>	Bond Amount \$0.00	☐ No Bond <i>OR</i>
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description REFUSAL TO SUBMIT TO BREATH TEST			

250M2000

NOV 7 AM 8:11

NOV 07 2019

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Bond Set by Officer

☐ Bond Amount ☐ No Bond
Bond Type(s)

Probable Cause

I. WHAT: Driving Under the Influence of Alcohol

II. WHEN: Saturday, November 6, 2019 approximately 2350 hours

III. WHERE: I-95 Southbound at Hypoluxo Rd.

IV. WHO: Gabrielle M. Africano 5/9/1995

V. Other information Relating to DUI
Gray 2015 Dodge Dart Florida Tag ITXL80

VI. DETAILS OF DUI

A. Phase 1 – Initial Observation of vehicle in operation
On 11/6/2019 at approximately 2350 hours, I, Officer James Brodbeck of the Florida Fish and Wildlife Conservation Commission, was on patrol southbound on I-95 southbound near Lantana. I observed a gray in color Dodge Dart bearing Florida Tag ITXL80 pass my marked patrol vehicle at a high rate of speed while swerving, unable to maintain a lane, crossing into adjacent lanes numerous times. I followed behind the vehicle, which was traveling approximately 95 mph in a posted 65 mph zone. I activated my emergency lights to initiate a traffic stop to address the violations, stopping at Hypoluxo Road.

B. Phase 2 – Personal Contact with driver of vehicle
Upon making contact with the operator and registered owner of the vehicle, identified by Florida DL as GABRIELLE M AFRICANO, I detected the strong odor of an unknown alcoholic beverage emitting from her breath. Her speech was slow and deliberate, and she was slow to respond to commands. Suspecting possible impairment, I asked AFRICANO to exit the vehicle. Located in the floorboard of the vehicle was an empty box of "White Claw" brand alcohol. AFRICANO agreed to complete Horizontal Gaze Nystagmus.

C. Phase 3- Pre-arrest screening and Observations of Driver
During Horizontal Gaze Nystagmus (HGN), AFRICANO had to be reminded several times to keep her head still and to follow the tip of my finger with her eyes. AFRICANO displayed a lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation, and an onset of nystagmus prior to 45 degrees.

Based on her performance during HGN, I asked AFRICANO if she would complete Field Sobriety Tasks, and she refused. I asked again, and informed AFRICANO if she refused I would have to base my decision on my observations, and she again refused. At 1157 hours, I placed AFRICANO under arrest for suspicion of DUI.

D. Arrest of Driver
I transported AFRICANO to the Palm Beach County Jail, Main Detention Center, Arriving at 0055 hours on 11/7/19. At the Palm Beach County Jail, AFRICANO refused to provide a lawful breath sample after being read

Arrest Report

Page 2 of 3

NOV 07 2019

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implied consent. I read Miranda to AFRICANO, and post Miranda, AFRICANO refused to answer any questions.

E. Disposition of Driver and vehicle

AFRICANO was charged with the following violations:

F.S. 316.193(1)- DUI Normal Faculties Impaired

F.S. 316.1939- Refusal to submit to lawful breath test

The vehicle was towed by Babbsco Towing, located at 4453 Todd St. Lake Worth, FL by Marcos Marinho. A tow receipt was issued.

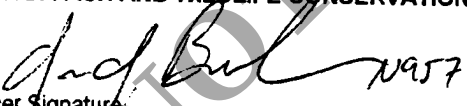
Court

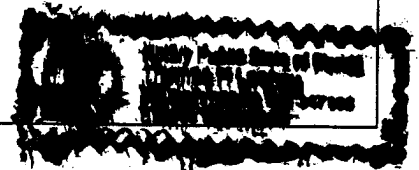
Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406
Court PALM BEACH COUNTY COURT AT GUN CLUB	Court Phone (561) 688-4640
	Court Appearance Date / Time 12/11/2019 1:30 PM
Court Fine	
Comments	

Officer Name Rank / ID # BRODBECK, JAMES J OFFICER	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWSAISO REGION AIPALM BEACH
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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 BRODBECK, JAMES J	Office Rank OFFICER	Officer ID No WN957	Sworn and subscribed before me, the undersigned authority This the <u>7th</u> day of <u>November</u> , <u>2019</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			
Officer Signature 			



NOV 07 2019

**STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST**

I, JAMES BRODBECK, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 6 day of NOVEMBER, 20 19, at 1157 ☒ P.M. ☐ A.M.

DRIVER GABRIELLE MARIEE AFRICANO
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# A162293956690, state of FLORIDA, was placed under lawful arrest for
the offense of DUI by JAMES BRODBECK and
(Name of Arresting Officer)

issued Citation # A2VPBDE

That on or about the 6 day of NOVEMBER, 20 19, at 1157 ☒ P.M. ☒ A.M.
in PALM BEACH County,

I requested that the driver submit to a ☒ breath and/or ☐ urine test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test(s) would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended for refusing to submit to a breath, urine or blood test. I also informed the driver that he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood. Additionally, I informed the driver that if he or she holds a CDL, or was operating a CMV, refusal will result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.

off. [Signature] 1957
Signature of Law Enforcement Officer or
Correctional Officer



(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before
me this 07th day of November, 20 12,

by _____,

who is personally known to me or who has produced

personally known as identification

Notary Public [Signature]

HSMV-BAR1001 (REV. 10/2016)

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title

Date

Note: Mail or hand deliver to the designated Bureau of Administrative Reviews office, Department of Highway Safety and Motor Vehicles, with the driver's license, the appropriate copy of the UTC, and the probable cause affidavit.

NOV 07 2019



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

PBSO CASE # 19-134780 PBSO ZONE 6-12
AGENCY CASE # FWSA CRASH CASE # _____
TIME OF STOP/CRASH 2350 DATE 11/6/19. DAY WEDNESDAY
SUBJECT'S NAME GABRIELLE M. AFRICANO RACE W SEX F
HGT 5'5" WGT 145 DOB 5/9/95
LOCATION I95 SB AT HYOLUXO
ARRESTING OFFICER'S NAME & ID JAMES BRODBECK ^{N457} AGENCY FWC
DIVISION: SOUTH A NOTIFIED BY COMMO YES
ARRIVAL AT FACILITY 0055
BREATH RESULTS: Arrest Time 2357
1. **REFUSED**
2. _____
3. _____
4. _____
TESTING OFFICER'S ID 19183 PBSO VIDEOTAPE # N/A

NOV 07 2019

TESTING FACILITY TASK REPORT

AGENCY: FWC

SUBJECT: Abramo, Gabrielle M

CASE NUMBER: 19-1347

DATE: 11/07/19

VIDEO TAPE NUMBER: 11/07/19

STARTING TIME: 01:17

ENDING TIME: 01:29

BREATH TESTS RESULTS: 1) R TIME 01:19 AM/P.M. 2) N/A

3) N/A TIME --- AM/P.M. 4) N/A

BREATH OPERATOR: T. Leary #19183

MAINTENANCE TECHNICIAN: J. Karlecker #6467

TESTING OPERATOR OBSERVATIONS

WEIGHT: slender, thick, dehydrate

COOPERATIVE: cooperative

CLOTHING: blue jeans, black shirt, black sandals

MEDICAL CONDITIONS: None

REMARKS: None

OTHER: eyes glassy + bloodshot

REFUSED

COMMENTS: arrived at center A/c conducted 20 min
observed at 00:55 hrs

A/c refused to perform breath test

A/c read I/c + B stated she understood I/c

B returned to perform breath test

A/c read rights + B stated she understood rights

A/c attempted U+A DL

B refused to answer questions

REFUSED

11/07/2019

SUBJECT

Afrance, Gabrielle M

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 the presence of alcohol.

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 the presence of alcohol and the presence of chemical or controlled substances.

NOTICE TO THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST

I am *Off J Brodbeck 957* of the *FWC*

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 year for a first refusal or eighteen (18) months if your privilege has been previously suspended. Refusal to submit to a lawful test of your breath, urine or blood. Additionally, if you refuse to submit to a lawful test of your blood, your privilege has been previously suspended for a prior refusal to submit to a lawful test of your blood, you will be committing a misdemeanor. Refusal to submit to a lawful test of your blood is inadmissible in any criminal proceeding.

SUBJECT'S SIGNATURE: (0)

*Read on camera***CONSTITUTIONAL WARNINGS****I AM REQUESTING THAT YOU MAKE ANY STATEMENTS THAT YOU HAVE THE RIGHT TO MAKE.**

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 statement and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are entitled to remain silent.
6. I can make no threats or promises to induce you to make a statement. This means that I cannot promise you anything.
7. Any statement can and will be used against you in a court of law.

NOV 07 2019

SUSPECT'S SIGNATURE: (0)

Read on camera

NUMBER Albuquerque, Gabrielle M

CASE NUMBER

QUESTIONS AND ANSWERS

I AM GOING TO ASK YOU SOME QUESTIONS. WITH THESE THINGS IN MIND, YOU MAY
ASK ME ANY OTHER QUESTIONS AS YOU LIKE.

WHAT TYPE OF VEHICLE WERE YOU IN AT THE TIME OF THE STOP/ACCIDENT?

WHAT TYPE OF VEHICLE WERE YOU IN?

WHAT TYPE OF VEHICLE WERE YOU IN?

WHERE DID YOU START?

WHAT TIME IS IT NOW?

WHAT DAY OF THE WEEK IS IT?

WHAT CITY AND STATE ARE YOU IN NOW?

WHAT DID YOU EAT?

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS?

HOW MUCH HAVE YOU BEEN DRINKING?

WITH WHOM?

AND YOUR LAST DRINK?

HOW DID YOU FEEL YOUR LAST TWO DRINKS?

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL?

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT?

WHAT?

WHAT LINE OF WORK ARE YOU IN?

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES?

ARE YOU SURE?

DO YOU LIVE?

WHERE WERE YOU TODAY?

HAVE YOU EVER SMOKED ANY MARIJUANA TODAY?

WHAT TYPE OF VEHICLE WERE YOU IN TODAY?

WHAT TYPE OF VEHICLE WERE YOU IN TODAY?

DO YOU LIVE?

WHAT TYPE OF VEHICLE WERE YOU IN TODAY?

WHAT TYPE OF VEHICLE WERE YOU IN TODAY?

WHAT TYPE OF VEHICLE WERE YOU IN TODAY?

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES?

ARE YOU SURE?

DO YOU HAVE A DRIVER'S LICENSE IN ANY OTHER STATE?

INTERVIEWER

PINK CENTRAL



**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.	1-3
	☐	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	☐	539.003	Other: Florida Pawnbroking Act	
	☐		Other:	

REVIEW COMPLETED BY

Booking Number: 2019035995

Date: 11/07/2019

Specialist Name/ID: VARGO/6665

NOV 07 2019

Created 2/5/2019 | Updated 3/15/2018