

OBTS Number		PROBABLE CAUSE AFFIDAVIT				
Agency ORI Number FL 0500200		Agency Name BOCA RATON POLICE DEPARTMENT			1. Arrest 2. N.T.A.	3. Request for Warrant 4. Request for Capias
Charge Type: Check as many as apply. <input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony		<input type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other			Agency Report Number 3 2 2016-016705	
Name (Last, First, Middle) DESILVA, GUILIANA M		Alias Giuliana M			Race W	Sex F
Date of Birth 12/14/1957						
Charge Description 316.193(1) DUI		Charge Description				
Charge Description		Charge Description				
Victim's Name (Last, First, Middle) State Of Florida					Race	Sex
Local Address (Street, Apt. Number)		(City)	(State)	(Zip)	Phone	Address Source
Business Address (Name, Street)		(City)	(State)	(Zip)	Phone	Occupation
<p>The undersigned certifies and swears that he/she has just and resonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.</p> <p>The Person taken into custody ...</p> <p><input checked="" type="checkbox"/> committed the below acts in my presence.</p> <p><input type="checkbox"/> confessed to _____ admitting to the below facts.</p> <p><input type="checkbox"/> was observed by _____ who told _____ that he/she saw the arrested person committ the below acts.</p> <p><input checked="" type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.</p> <p>On the <u>16</u> day of <u>November</u>, <u>2016</u> at <u>00:10</u> (Specifically include facts constituting cause for arrest.)</p>						
<p>On 11/15/2016 at 2235 hours, Officers Frenz and Chriswisser drove upon an accident that had just occurred at 10 West Palmetto Park Road, Boca Raton, Florida. They observed subject, Giuliana Desilva in the driver's seat of her vehicle. The engine was still running and the vehicle was still operable.</p> <p>Desilva was complaining of knee and jaw pain. She was going to be taken to BRRH, 800 Meadows Road, Boca Raton, Florida by BRFD. Officer Frenz contacted me at 2249 hours. He advised that Desilva maybe impaired. BRFD was leaving the crash scene, so I told him myself and Officer Alzamendi would meet BRFD at BRRH.</p> <p>Officer Chriswisser completed the written traffic crash report. From the crash investigation, Desilva's vehicle rear ended a vehicle that was occupied by three people. They provided written statements. See them for further details.</p> <p>We arrived at 2254 hours. BRFD Rescue unit arrived at 2259 hours. Desilva was then brought into the emergency room.</p> <p>I asked Desilva if she could tell me what had taken place during the accident. She stated a vehicle rear ended her. She then stated she may have hit a vehicle, but could not provide any details. She only knew that she had been at Mizner park where she had 1 martini. She did state she had no prior injuries and takes no medications.</p> <p>While I was talking with her, I could smell an odor of an alcoholic beverage coming from her breath. Her eyes were red and glassy. Her speech was low and slow.</p> <p>Desilva was released from the emergency room at 2350 hours. She was swaying while walking outside the hospital.</p>						
<p>SWORN AND SUBSCRIBED BEFORE ME</p> <p>MORAN JOHN TODD</p> <p>NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)</p> <p>11/16/2016</p> <p>DATE</p>						
<p>SIGNATURE OF ARRESTING / INVESTIGATING OFFICER</p> <p>JESTONEK, ROBERT S (531)</p> <p>NAME OF OFFICER (PLEASE PRINT)</p> <p>11/16/2016</p> <p>DATE</p>						

ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

~~MORAN JOHN TODD~~

~~NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)~~

11/16/2016

DATE

~~SIGNATURE OF ARRESTING / INVESTIGATING OFFICER~~

ESTONER, ROBERT S (531)
NAME OF OFFICER (PLEASE PRINT)

NAME OF OFFICER (PLEASE PRINT)

11/16/2016

DATE

COURT

STATE ATTORNEY

CENTRAL RECORDS

JAIL

CRIME ANALYSIS

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OBTS Number	PROBABLE CAUSE AFFIDAVIT SUPPLEMENT			1. Arrest	3. Request for Warrant	
A D M N	Agency ORI Number FL 0500200	Agency Name BOCA RATON POLICE DEPARTMENT	Agency Report Number 3 2 2016-016705	2. N.T.A.	4. Request for Capias	
D E F	Charge Type: Check as many as apply. 1. Felony 2. Traffic Felony	3. Misdemeanor 4. Traffic Misdemeanor	5. Ordinance 6. Other	Special Notes:		
Name (Last, First, Middle)	Alias		Race	Sex	Date of Birth	
DESILVA, GENEVIANA M	<i>Giuliana M</i>		W	F	12/14/1957	

I set up my in car camera on a painted line in the parking lot. I read her The Miranda Warnings. I told her I wanted to ask her questions about the accident. She stated she wanted a lawyer. I explained our crash investigation was complete and I was now conducting a DUI investigation. I asked her if she would attempt the road side tasks to dispel my alarm that she was driving impaired. She stated she would. She now stated she had 2 martini's at dinner.

The first task was the horizontal gaze nystagmus. There was a lack of smooth pursuit in each eye. Distinct and sustained nystagmus at maximum deviation in each eye. Onset of nystagmus prior to 45 degrees in each eye. VGN was present.

The walk and turn and one leg stand were not attempted, because she was complaining of a knee injury.

The second task was the finger to nose (L-R-L-R-R-L). She missed the tip of her nose on each movement. On the 1st she held her hand up for an extended period of time. On the 5th she raised her left before correcting.

The third task was the romberg/alphabet. She had her eyes open and was swaying front to back. She sang through the letters and was unable to complete the alphabet.

The fourth task was a number sequence (30-60). She was swaying front to back at times. She went to 39-30 and then corrected.

On 11/16/2016 at 0010 hours, I placed her under arrest. We transported her to The BRPD.

Officer Frenz conducted The Intoxilyzer 8000 testing. I asked her if she would provide a breath sample. She said no. I read her Implied Consent. She had no questions. I asked her again to provide a breath sample and she stated no. At 0056 hours, she was issued a refusal.

Desilva was charged with DUI FSS 316.193(1). She was given the court date of 12/12/2016 at 8:30am. The video and written statements were submitted into property. After processing she was transported to The PBCJ.

ADMINISTRATIVE	SWORN AND SUBSCRIBED BEFORE ME MORAN, JOHN TODD NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) 11/16/2016 DATE	SIGNATURE OF ARRESTING / INVESTIGATING OFFICER JESIONEK, ROBERT S (531) NAME OF OFFICER (PLEASE PRINT) 11/16/2016 DATE	PAGE 2 OF 2
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COURT

STATE ATTORNEY

CENTRAL RECORDS

JAIL

CRIME ANALYST I.O.

SCANNED
NOV 16 2016

2016-016705

10-15 0010 0bs 0025

D. U. I. INFLUENCE REPORT

NOTA COPY

Boca Raton Police Services Department
100 Northwest Second Avenue
Boca Raton, Florida 33432

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NOV 16 2016

WITNESS LIST

ARRESTING OFFICER: Jesionek

Name: Jesionek Phone # Home _____ Work 561-338-1234

Address: 100 NW 2nd Ave Boca Raton FL

Can testify to: Investigation

Name: Alzamendi (ofc) Phone # Home _____ Work _____

Address: Same

Can testify to: Investigation

Name: Chriewisser ofc Phone # Home _____ Work _____

Address: Same

Can testify to: Crash report / Backup

Name: Frenz ofc Phone # Home _____ Work _____

Address: Same

Can testify to: Crash report / Backup

Name: _____ Phone # Home _____ Work _____

Address: _____

Can testify to: _____

Name: _____ Phone # Home _____ Work _____

Address: _____

Can testify to: _____

Name: _____ Phone # Home _____ Work _____

Address: _____

Can testify to: _____

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BOCA RATON POLICE DEPARTMENT

Agency Case# 2016-616705

PART II D.U.I. REPORT
To be filled out at testing facility

I. INTRODUCTION

(Instrument Operator faces video camera)

A. The day is: Wednesday, November, 16, 2016
(day) (month) (date) (year)

B. The time is now approximately 12 54 AM/PM

C. The following is in reference to case number 2016-616705

D. Present at this time is Jesusnel Alzamendi of the Boca Raton Police Department. (Officer's Name)

E. Officer Jesusnel, Have you arrested Guiliana De Silva (Defendant's name)

In violation of Florida State Statute 316.193?

F. Did this violation occur within the City of Boca Raton, Palm Beach County, Florida?

G. Mr./Mrs./Ms. De Silva, I am required to inform you these proceedings are being video taped.

Operator Note: Video tape breath request, breath sample, and interview

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BOCA RATON POLICE DEPARTMENT

Agency Case # 2016 016705

H. AT THIS TIME THE ARRESTING OFFICER WILL REQUEST A BREATH SAMPLE.

Note: Read only the paragraph applicable to the type of test you are requesting.

1. PD
2. NO Questions
3. NO

A. I am now requesting that you submit to a lawful test of your BREATH for the purpose of determining its alcohol content.

B. I am now requesting that you submit to a lawful test of your URINE for the purpose of determining its alcohol content.

C. I am now requesting that you submit to a lawful test of your BLOOD for the purpose of determining its alcohol content and the presence of chemical or controlled substances.

IMPLIED CONSENT WARNINGS

Note: Read only if the subject does not comply with your request.

2. I am Officer L. Jason of the BLPD

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 signature: Video

ALSO READ FOR CDL HOLDERS

IN ADDITION, your refusal to submit will result in the loss of your commercial privileges for one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from operating a commercial motor vehicle.

After reading the implied consent warning, the arresting officer must request a breath sample again.

(IF REFUSAL THEN)

At this time Mr/Mrs/Ms Dosi/Vg has refused to submit to a breath test.

The date is Nov (Month) 16 (Day) 2016 (Year) and the time 1256 AM/PM

A refusal form will be completed by the arresting officer.

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BOCA RATON POLICE DEPARTMENT
TESTING FACILITY TASK REPORT

SUBJECT: Guiliana Desilva

CASE #: 2016-016705 DATE 11/16/16

BREATH TESTS RESULTS Refused

1) TIME _____ AM/PM 2) TIME _____ AM/PM

3) TIME _____ AM/PM 4) TIME _____ AM/PM

BREATH OPERATOR: Frenz

MAINTENANCE TECHNICIAN: Becky Page

TESTING OFFICER'S OBSERVATIONS

SPEECH: slurred

ATTITUDE: cooperative

CLOTHING: blue jeans, white longsleeve shirt

MEDICAL CONDITION: no

OTHER: _____

COMMENTS: smell of alcohol, red/glossy eyes

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BOCA RATON POLICE DEPARTMENT

Agency Case # 2010-016705

ADULT CONSTITUTIONAL WARNINGS
(Juvenile warning on reverse side)

“I am required to warn you before you make any statement that you have the following rights”:

- ✓1) You have the right to remain silent and not answer any questions.
- ✓2) Any statement you make must be freely and voluntarily given.
- ✓3) You have the right to the presence of a lawyer and representation 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 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 be and will be used against you in a court of law.

DO YOU UNDERSTAND THESE RIGHTS AS I HAVE READ THEM TO YOU AND DO YOU
WISH TO SPEAK TO ME?

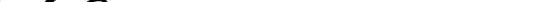
10

QUESTIONS AND ANSWERS

Were you operating a motor vehicle at the time of the accident/stop? _____

~~Where were you going?~~

What street or highway were you on?

Direction of travel? 

Where did you start driving from?

What City (County) were you stopped in? _____

What time did you start? AM/PM What time is it now SCANNED

What is today's date? What day of the week is it? NOV 16 2016

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BOCA RATON POLICE DEPARTMENT

Agency Case #

2016-016705

When did you last eat? _____ What did you eat? _____

What have you been doing the past three hours prior to this stop/accident? _____

How much do you weigh? _____ Have you been drinking? _____ What were you drinking? _____

How much? _____ Where? _____ With whom were you drinking? _____

When did you have your first drink? _____ AM/PM When did you stop drinking? _____ AM/PM

How did you consume your last two drinks? _____

Are you under the influence of alcohol now? Yes No Can you feel the affects of alcohol? Yes No Have you consumed alcohol since the accident? Yes No Can you feel the affects of alcohol? Yes No Have you consumed alcohol since the accident? Yes No How much? _____ What? _____

Where? _____

What line of work are you in? _____

When did you last work? _____

Do you have any physical defects or injuries? Yes No If yes, explain: _____Are you sick or injured? Yes No If yes explain: _____

Do you limp? _____ Did you get a bump on the head? _____

Were you involved in an accident today? _____

Have you taken any drugs or smoked marijuana today? _____

What? _____ When? _____

Have you seen a doctor or dentist today? _____ Who? _____

Are you taking any prescription medicines? Yes No What? _____ When? _____Do you have: Epilepsy? Yes No Inner ear trouble? Yes No Glass Eye? Yes No Ear Infection? Yes No False Teeth? Yes No Diabetes? Yes No

Any eye problems not correctable by glasses or contact lenses? _____

Do you take insulin? Yes No If yes, when was your last injection? _____

Have you ever had a driver's license in any other state? _____

I am now ending this videotaping. The time now is approximately 1:00 AM/PM

The date is: November (month) 16 (day) 2016 (year)

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NOV 16 2016

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF
REFUSAL TO SUBMIT TO BREATH, URINE, OR BLOOD TEST

Off Robert J. Storch S31 a duly certified Law Enforcement Officer or Correctional
(Person reading Implied Consent Warning)

Officer, am a member of Boca Raton Police Dept, and I do swear
(Name of enforcement agency)

or affirm that on or about the 16 day of Nov, 20 16, at 12:10 P.M. A.M.
(Circle One)

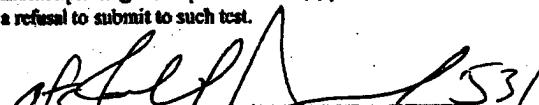
NAME Giuliana M Desilva
(Type or Print) FIRST MIDDLE OR MAIDEN LAST

DL# D241-293-57-9540, state of Florida, was placed under lawful arrest for
the offense of DUI by Off Robert J. Storch S31 and
issued Citation # AKLPVBE

That on or about the 16 day of Nov, 20 16, at 12:56 P.M. A.M.
(Circle One)

in Palm Beach County, [PLEASE CHECK THE BOX OR BOXES THAT APPLY] I did request said
person to submit to a breath, urine, or blood test to determine the content of alcohol in his or her blood or breath or the presence of
chemical or controlled substances therein. I did inform said person that any refusal to submit to such test or tests would result in the suspension of
his or her privilege to operate a motor vehicle for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if the driving
privilege of such person had been suspended previously for refusing to submit to such test or tests. I did inform said person that he or she commits
a misdemeanor, if said person refused to submit to a lawful test as requested above, and his or her driving privilege has been previously suspended
for a prior refusal to submit to a lawful test of his or her breath, urine, or blood. If driver holds a CDL or is operating a CMV, I did inform the driver
that this refusal will result in the disqualification of the driver's Commercial Driver's License/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 such test.

Said person did at that time and place refuse to submit to such test or tests.


Signature of Law Enforcement Officer or
Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)

The foregoing instrument was sworn and subscribed before me:


Signature of Attesting Officer

Title Police Officer
Date 11-16-2016

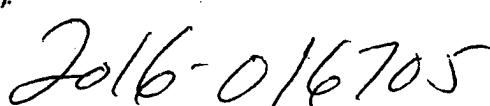
The foregoing instrument was sworn and subscribed before
me this 16 day of Nov, 20 16,
by Off Robert J. Storch S31,

who is personally known to me or who has produced
as identification.

Notary Public _____

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. If no DUI arrest is made, attach HSMV 78005 (Notice of
Commercial Driver's License/Privilege Disqualification).

HSMV 78054 (Rev. 06/13)


2016-016705

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