

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 25TH DAY OF AUGUST 20 19, AT 00:09 AM PM

SUBJECT: LEMA, GONZALO H CASE NUMBER: 19-107961

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: D/S J. VASCO

PERSONAL CONTACT

DRIVING PATTERN: ACTUAL PHYSICAL CONTROL (PHYSICAL EVIDENCE OR STATEMENTS PUTTING DEF. BEHIND WHEEL OF VEHICLE)

On Saturday, August 25, 2019 at 00:09 hours, Cpl. Soriano ID #9418 and I were assisting D/S White ID #7209 with a DUI investigation. I observed a gray Lexus LS460 FL Transporter tag # G84071 southbound on Military Trl at Bowman St. The vehicle entered the u-turn lane from the straight through lane striking white plastic reflective divider poles which separated the u-turn from the straight through lane. I maintained visual of the vehicle as it conducted its u-turn and proceeded northbound on Military Trl. Cpl. Soriano and I left D/S Whites location and proceeded after the vehicle overtaking its speed in order to establish a driving pattern due to conduct a welfare check and make sure the driver was not impaired. We got behind the vehicle in question driving northbound on S. Military trail. I observed the vehicle fail to maintain lane multiple times as his vehicle would go from side to side leaving its lane into the next. (Refer to in car video). I observed one vehicle utilize his breaks to avoid striking Lema and observed his vehicle almost hit another vehicle. As the vehicle made a left hand turn from S Military Trail onto Purdy Lane, Cpl. Soriano initiated a traffic stop. The vehicle did not stop right away and Cpl. Sorino used both lights and sirens in order to get the drivers attention and after a short distance, The vehicle made a right hand turn onto E Palma Avenue where the vehicle came to a stop. As Cpl Soriano and I exited our patrol car, Cpl Soriano observed the driver jump from the driver seat to the rear and then reach his hand towards the floor board of the vehicle. I observed Cpl Soriano retrieve his duty weapon and point it into the vehicle as he opened the rear driver seat door. At this time he displayed his weapon, giving the driver multiple loud and clear commands stating "let me see your hands." Once compliance was gained, I observed Cpl Soriano give the driver commands to slide across the rear sat and work his way out of the rear driver side door and exit the vehicle. Once out of the vehicle Cpl Soriano conducted a pat down for weapons on the driver and at this time he was identified by his Florida driver's license as Gonzalo H Lema.

OBSERVATION OF DRIVER:

I observed Lema was wearing khaki pants and a blue and white striped shirt. Lema denied driving vehicle and that his 13 year old son was the one driving the vehicle. Based on Cpl Soriano's observations, he confirmed that Lema was not telling the truth. I observed Lema's eyes appear to be red, glossy and noticed he had a slurred speech. While talking to Lema, I detected a strong odor of an unknown alcoholic beverage as did Cpl Soriano. Cpl Soriano informed Lema why he was being stopped and informed him that Cpl Soriano was under the suspicion that he may have consumed an unspecified amount of an unknown alcoholic beverage which may have impaired his ability to operate a motor vehicle safely. At this time I asked to Lema to perform standardized field sobriety tasks which he initially agreed to. Lema appeared to be shaky on his feet and had difficulty time maintaining his balance and following directions.

DRIVER'S STATEMENTS:

I asked Lema if he had been drinking or used any drugs. He responded he had not been using any drugs, but he had been drinking. Lema stated he had 2 Bud Lights at a family function. I asked Lema what medical problems and/or previous injuries he had, to which he replied none. I asked Lema if he wore any glasses or contacts to correct his vision, to which he stated no. I asked Lema if he takes any medications, which he denied.

ODORS:

Obvious odor of an unknown alcoholic beverage

GENERAL OBSERVATIONS

SPEECH: slurred, thick, slow

ATTITUDE: compliant, upset

CLOTHING: wearing khaki pants and blue and white striped shirt

MEDICAL/OTHER: NONE

STATE OF FLORIDA
COUNTY OF PALM BEACH

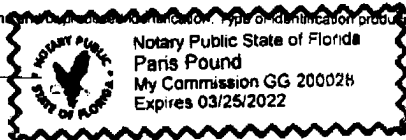
D/S J. VASCO

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 25TH day of AUGUST 20 19 by D/S J. VASCO

(Print name of Arresting/Investigative Officer), who is personally known to me and is duly qualified to administer oaths and is a Notary Public in and for the State of Florida

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



SCANNED

AUG 27 2019

SUBJECT LEMA,

GONZALO

CASE NUMBER 19-107961

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

LT EYE-LACK OF SMOOTH PURSUIT

RT EYE-LACK OF SMOOTH PURSUIT

LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION

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

Other Observations:

HGN: Lema was given the instructions for the HGN test and was unable to follow instructions appropriately. He was told to follow the blue light with only his eyes without moving his head. Lema would stare straight ahead as I moved the blue light from the left side to the right side approximately 15 inches in front of his face. When asked if Lema could see the light, he would say yes and that he was following the light with his eyes, however, his eyes would still be looking straight ahead. When Lema finally began to follow the light with his eyes, both his left and right eyes exhibited a lack of smooth pursuit, as well as sustained nystagmus at maximum deviation. During this process, Lema continuously lost his balance and moved his hands from his sides after being repeatedly told to keep his hands down by his sides and his feet together. Due to Lema not properly following instructions, I concluded this task and moved on to the next.

WALK & TURN:

I positioned Lema on a painted yellow line created using yellow duct tape, which was on a smooth and level surface, free of any debris and well lit by the headlights on my vehicle and nearby street lighting. I instructed the driver to place his left foot on the line and his right foot in front of the left touching heel to toe. I instructed him that he was to keep his hands at his side and stay in this position until I instructed him to do otherwise. Lema was unable to maintain the instruction position. He continuously lost his balance and then redirected his attention to his vehicle where his son was waiting. Lema was told that he needed to focus on the task at hand and again was told to lace his left foot on the yellow line and his right foot on the line in front of his left foot. Lema again lost his balance and diverted his attention to the vehicle. At this time Cpl Soriano explained Taylor warnings to Lema and explained the Standardized Field Sobriety Tests were voluntary and asked again if he would like to complete the SFSTs. It was explained to Lema that based on the evidence we have up to this point, if Lema refused to continue on with SFSTs, Lema could be arrested and all evidence could be used against him at a later time in court. Lema stated he understood and at this time he refused to complete anymore SFSTs and refused. Based on Lema's refusal, actions and the fact that he was unable to follow instructions while maintaining his balance I concluded SFST's and placed Lema into PBSO issued handcuffs, which were double locked and checked for proper fit. I secured Lema into CPL Soriano's patrol car and met with Deputy Tolbert #18338 who stood by with the vehicle and Lema's son as he waiting for a family member to respond and tow truck.

ONE LEG STAND:

Refused to submit perform

FINGER TO NOSE:

Refused to submit to perform

ROMBERG ALPHABET:

Refused to submit to perform

BREATH TEST RESULTS:

STATE OF FLORIDA
COUNTY OF PALM BEACH

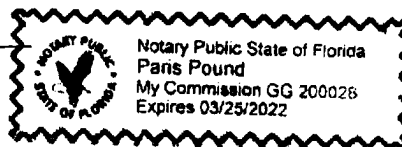
D/S J. VASCO

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 25TH day of AUGUST 2019 by D/S J. VASCO

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced _____

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



SCANNED
AUG 27 2019



Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
I/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"/>	(vii) 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: 2019027801	Date: 08/26/2019
	Specialist Name/ID: AM/31562

SCANNED
AUG 27 2019