0170787

Arrest Report

18 CT 018656

2719

FLORIDA HIGHWAY PATROL
P.O. BOX 540007, GREENACRES, FL 33454

Report Date / Time	Report Number	Case Number/CAD Number	Reporting Officer Name
10/14/2018 12:28:37AM	FHP99ARR783167	FHPL18OFF085597 / LWRC18CAD186880	IV, ANDREW L

Originating Agency ORI	Occurrence Date Time Range	Jurisdiction	Clearance
FL0509000	10/13/2018 11:54:32 AM - 10/14/2018 2:43:00 AM		

Location of Occurrence

Location Type	Location Description
PUBLIC PLACE	INTERSTATE 95 NORTHBOUND

Street Number	Street	Apt/Lot/Bldg
	N INTERSTATE 95	

County	City	State	Zip
PALM BEACH	PALM BEACH GARDENS	FL	

Defendant

First Name	Middle Name	Last Name	Suffix	Date Of Birth	Age	Race	Sex
HELENA	ISABEL	PIRES		11/23/1975	42	WHITE	FEMALE

SSN	MNI #	Place of Birth	Height	Weight	Hair	Eyes
[redacted]		SPRINGFIELD, MA, UNITED STATES	500	125	BRO	BRO

DL or ID Number	ID State	ID Type	Address Type
P620329759231	FL	E	RESIDENCE

Street Number	Street	Apt/Lot/Bldg
4321	SAVANNA BAY PLACE	

County	City	State	Zip	Phone Number	Extension
PALM BEACH	JUPITER	FL	33458		

Location Description:

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
10/14/2018 12:22:00AM	PUBLIC PLACE	INTERSTATE 95 NORTHBOUND

Street Number	Street	Apt/Lot/Bldg	County
	N INTERSTATE 95 GDNS		PALM BEACH

City	State	Zip
PALM BEACH GARDENS	FL	33418

Charge(s)

Counts	Charge	General Offense Code	Bond Amount	No Bond
1	316.193.1		$ 0.00	☐

Charge Degree	Charge Level	Arrest Offense Code Description
N	MISDEMEANOR	DUI-UNLAW BLD ALCH OR

Charge Description: DUI ALCOHOL OR DRUGS

Probable Cause

ROUGH ARREST REPORT A more detailed probable cause affidavit will be submitted to the Palm Beach County State Attorney's office at a later time.

On 10/13/2018 I was traveling northbound on Interstate 95 approaching Donald Ross Road when I observed a white SUV in the HOV lane or number 1 travel lane swerve to right sharply and move into the number 2 travel lane briefly (lanes numbered left to right with the HOV lane designated travel lane number 1). The vehicle then moved back into the HOV lane. The white SUV was later identified as a white Landrover SUV with an attached Florida tag of GJNR97. The driver of the white Landrover made multiple lane changes without using the appropriate turn signal slowly moving to the far right travel lane

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. At times the vehicle straddled between two lanes failing to maintain a single lane. The vehicle eventually exited Interstate 95 at Donald Ross Road. I activated my emergency equipment and conducted a traffic on the vehicle. The vehicle pulled to the right shoulder. I approached the driver side window of the vehicle and identified myself before asking the driver for her license, registration and proof of insurance. I smelled the strong odor of an alcoholic beverage coming from the interior of the vehicle. The driver appeared to have red and glassy eyes and her movements appeared to be unusually slow. She took an extended period of time searching the interior of the vehicle for the requested documents but was unable to produce any of the them. I returned to my patrol vehicle to retrieve a notepad and walked back to the driver side window of the vehicle. I asked the driver for her social security number and name which was used to locate a Florida drivers license through DAVID. The driver was identified by her Florida drivers license information as Helena Isabel Pires (FL DL: P62 0329759231). I later asked Mrs. Pires to exit the vehicle and spoke to her in front of my marked patrol vehicle. I smelled the strong odor of an alcoholic beverage coming from her breath and facial area as she spoke. Her eyes appeared to be red and glassy and she had a slow cadence to her speech. I asked her where she was coming from and she stated that she was in West Palm Beach at the Amphitheater. I asked her if she had anything to drink and she stated that she a small amount of wine at work about 8 hours ago. She denied having anything to drink recently. I asked Mrs. Pires if she was willing to perform standardized field sobriety exercises and she agreed. The results of those exercises are summarized below. Each exercise was explained and demonstrated prior to the subject attempting the exercise.

Horizontal Gaze Nystagmus Exercise

-Horizontal Gaze Nystagmus in both eyes at maximum deviation
-Horizontal Gaze Nystagmus in both eyes prior to 45 degrees
-Lack of smooth pursuit in both eyes, jerky movement of eyes while tracking stimulus

Walk and Turn Exercise

-Unable to stay in starting position while I explained and demonstrated the exercise
-Did not turn around as instructed, pivoting both feet to turn around
-Lost balance and appeared to almost fall over

One Leg Stand Exercise

-Placed foot down multiple times
-Used arms to balance, did not place hands to side as instructed
-Lost balance and hopped, appearing to almost fall over
-Raised foot higher than the 6 inches above the ground as instructed

Based upon the performance of the above exercises and the totality of the circumstances I determined that there was probable cause to believe that Helena Isabel Pires committed the offense of driving under the influence by being in actual physical control/operating a motor vehicle while under the influence of alcohol or any controlled substance per Chapter 893, while their normal faculties were impaired. I then placed Mrs. Pires under arrest for DUI and handcuffed her behind her back. I then

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transported the driver to the Palm Beach County Breath Alcohol Testing (BAT) Facility. After a 20 minute observation period where the driver did not ingest anything by mouth I asked her to provide a breath test sample to test for the alcoholic content of her breath. She refused to provide the breath test sample. I then read her the Florida Implied Consent drivers license suspension warning and again asked her to provide a breath test sample. She refused to provide a breath test sample again. A refusal time of 1:32AM was recorded. I then read her the Constitutional Warning and asked her if she was willing to answer questions. She stated yes. I then proceeded to ask her the questions from the Question and Answers sheet provided by the testing facility. Her answers were recorded on the sheet. She was issued a DUI citation for refusing to provide a breath test sample and also issued a uniform traffic citation for improper change of lane. She was subsequently booked without incident. All events occurred in Palm Beach County, FL.

Note: In car video footage and audio available. (Video footage begins recording a pre-designated time prior to initiation of lightbar activation)

Jail Booking Facility

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone Number
	PALM BEACH	PALM BEACH COUNTY CORRECTIONS	(561) 688-4400

Booking Facility Location	Booking Number
3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406	

Booking Comments

Court

Court County	Court Location
PALM BEACH	3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406

Court	Court Phone	Court Appearance Date / Time	Court Fine
CRIMINAL JUSTICE COMPLEX	561-355-2994	11/1/2018 8:30AM	

Comments

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	Officer Rank	Officer ID No
IV, ANDREW L	TROOPER	3651

Officer Agency
FLORIDA HIGHWAY PATROL

Officer Signature: Andrew Lv

Sworn and subscribed before me, the undersigned authority
This the 13 day of Oct, 2018
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER

JAMES G BIGGS
Commission # GG 185819
Expires September 8, 2021
Bonded Thru Troy Fain-Insurance 800-385-7019

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Approving Supervisor

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Comments

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	Officer Rank	Officer ID No
IV, ANDREW L	TROOPER	3651

Officer Agency
FLORIDA HIGHWAY PATROL

Officer Signature: Andrew Lv

Sworn and subscribed before me, the undersigned authority
This the 13 day of Oct, 2018
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER

JAMES G. BIGGS
Commission # GG 166818
Expires December 5, 2021
Bonded Thru Troy Fain Insurance 800-385-7019

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Originating Agency ORI FL0509000	Occurrence Date Time Range 10/13/2018 11:54:32 AM - 10/14/2018 2:43:00 AM	Jurisdiction	Clearance

Approving Supervisor

Officer Name	Officer Rank	Officer ID No	Officer Agency
Officer Signature			

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

I, IV, ANDREW L, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of FLORIDA HIGHWAY PATROL, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 14th day of October, 2018, at ~ 12:22 ☐ P.M. ☑ A.M.

DRIVER HELENA ISABEL PIRES,
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# P620329759231, state of FL, was placed under lawful arrest for

the offense of 316.193(1) D.U.I - DRIVING UNDER THE INFLUENCE (MIS... by IV, ANDREW L and
(Name of Arresting Officer)

issued Citation # A76HNME.

That on or about the 14th day of October, 20 18, at ~ 132 ☐ 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.

Andrew Iv

Signature of Law Enforcement Officer or Correctional Officer

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

JAMES G. BIGGS
Commission # GG 185618
Expires December 5, 2021
Bonded Thru Troy Fain-Insurance 800-385-7019

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 14 day of Oct, 2018, by _____, who is personally known to me or who has produced _____ as identification.

Notary Public _____

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.

HSMV-BAR001 (REV. 10/2016)

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

PBSO CASE # 18-132902 AGENGY CASE# FHPL18OFF085597

AGENCY ZONE 3-12 CRASH CASE #

TIME OF STOP/CRASH 11:54PM DATE 10/14/2018 DAY SATURDAY

SUBJECT'S NAME HELENA ISABEL PIRES RACE WHITE SEX FEMALE

HGT 5'0" WGT 125 DOB 11/23/1975

LOCATION INTERSTATE 95 NORTHBOUND AND DONALD ROSS ROAD

ARRESTING OFFICER'S NAME & ID TPR ANDREW IV #3651 AGENCY FLORIDA HIGHWAY PATROL

DIVISION: TROOP L - LAKE WORTH

NOTIFIED BY COMMO

ARRIVAL AT FACILITY 0110

BREATH RESULTS:

ARREST TIME 12:22AM

1.
2. REFUSED
3.
4.

TESTING OFFICER'S ID 7607 PBSO VIDEOTAPE # N/A

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TESTING FACILITY TASK REPORT

AGENCY: FHP-IV

SUBJECT: PIRES, HELENA I

CASE NUMBER: 18-132902

DATE: Oct 14, 2018

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0130

ENDING TIME: 0138

BREATH TESTS RESULTS: 1) REF TIME 0132 A.M. ☒ P.M. ☐ 2) XX TIME XX A.M. ☐ P.M. ☐

3) XX TIME XX A.M. ☐ P.M. ☐ 4) XX TIME XX A.M. ☐ P.M. ☐

BREATH OPERATOR: J Biggs# 7607

MAINTENANCE TECHNICAN: D/S J Karklecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: CLEAR

ATTITUDE: COOPERATIVE

CLOTHING: WHITE SHIRT WITH BLUE BRA, BLUE JEANS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES GLASSY, RED
ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE ON SUBJECT

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0110
SUBJECT REFUSED THE TEST INITIALLY
IMPLIED CONSENT WAS READ TO SUBJECT
SUBJECT REFUSED ONCE AGAIN
MIRANDA READ TO SUBJECT
SUBJECT SUBMITTED TO THE QUESTIONS

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Menu

Printer Friendly

Record Detail

HELENA ISABEL PIRES

DL/ID: P620-329-75-923-1 [redacted]
Class: E

VALID

Previous DUI: 0

Previous DWLS: 3

Photo & Signature | Emergency Contact | Report Driver for Re-exam | Driver History | Documents



Address:	Date of Birth:	Gender:	Height:
5 MAIN ST 312	11/23/1975	FEMALE	5' 0"
CDL/License Type:	**Issued:**	**Expires:**	**Replaced:**
CDL Date:	04/16/2018	11/23/2025	02/13/2017
CDL Status:			
Form Number: P701804160006		**EIN:** 0100369825017318	

REAL ID COMPLIANT

Citizen Status:	Country of Birth:	State of Birth:
US CITIZEN	US OF AMERICA	MASSACHUSETTS

Race: CAUCASIAN

Restrictions:	Endorsements:	Conditional Messages:

Vehicles DL Transactions Addresses Insurance Prior Vehicles

Parking Permits

Vehicles

	Tag	Exp Date	Year	Color	Make	Body	Type	VIN
view	BEJF70	11/23/2012	2012	BLACK	MERCEDES-BENZ FOR PASSENER	UTILITY	AUTO	4JGBF7

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SUBJECT: Helena Isabel Pree CASE NUMBER: F11LS0FFC055017

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? Yes

WHERE WERE YOU GOING? [illegible]

WHAT STREET OR HIGHWAY WERE YOU ON? [illegible]

DIRECTION OF TRAVEL? [illegible] WHERE DID YOU START? [illegible]

WHAT TIME DID YOU START? [illegible] WHAT TIME IS IT NOW? [illegible]

WHAT IS TODAY'S DATE? [illegible] WHAT DAY OF THE WEEK IS IT? [illegible]

WHAT COUNTY AND CITY ARE YOU IN NOW? [illegible]

WHEN DID YOU LAST EAT? [illegible] WHAT DID YOU EAT? [illegible]

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? [illegible]

HOW MUCH DO YOU WEIGH? [illegible] HAVE YOU BEEN DRINKING? [illegible] WHAT? [illegible]

HOW MUCH? [illegible] WHERE? [illegible] WITH WHOM? [illegible]

WHEN DID YOU HAVE YOUR FIRST DRINK? [illegible] AND YOUR LAST DRINK? [illegible]

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? [illegible]

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? [illegible] ARE YOU UNDER THE INFLUENCE? [illegible]

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? [illegible] HOW MUCH? [illegible]

WHAT? [illegible] WHERE? [illegible] WHEN? [illegible]

WHAT LINE OF WORK ARE YOU IN? [illegible] WHEN DID YOU LAST WORK? [illegible]

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? [illegible] WHAT? [illegible]

ARE YOU SICK OR INJURED? [illegible] WHAT'S WRONG? [illegible]

DO YOU LIMP? [illegible] DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? [illegible]

WERE YOU IN AN ACCIDENT TODAY? [illegible]

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? [illegible] WHEN? [illegible]

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? [illegible] WHO? [illegible] WHY? [illegible]

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? [illegible] WHAT? [illegible] WHEN? [illegible]

DO YOU HAVE:
- EPILEPSY? [illegible]
- GLASS EYE? [illegible]
- FALSE TEETH? [illegible]
- EAR INFECTION? [illegible]
- INNER EAR TROUBLE? [illegible]
- DIABETES? [illegible]

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? [illegible]

DO YOU TAKE INSULIN? [illegible] IF SO, WHEN WAS YOUR LAST INJECTION? [illegible]

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? [illegible] WHERE? [illegible]

INTERVIEWER: T. S. Anderson IV

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SUBJECT: Helena Isabel Pires CASE NUMBER: FHPL1600205617

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.

SUSPECT'S SIGNATURE: (X) _____

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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, 6
	☐	(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.	
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	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2018034344	**Date:** 10/14/2018
	Specialist Name/ID: M. Tooks #8557