

0484507

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FLORIDA HIGHWAY PATROL

REPORT NUMBER
FHP99ARR130154

ARREST REPORT

Report Date / Time 08/18/2017 03:04 AM	Agency Case/Offense Number FHPL17OFF066670	OCA Number	Originating Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD149286
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LOCATION OF OCCURRENCE

County PALM BEACH	Address EB SR-704 /W OF HAVERHILL RD , WEST PALM BEACH, FL
Range of Occurrence Date/Time 08/18/2017 01:19 AM to 08/18/2017 01:19 AM	Latitude N 26 42.4237

PERSON: SUSPECT

First Name HERMITANIO	Middle Name R	Last Name LOPEZ GOMEZ	Suffix	Date of Birth 12/09/1991	Age 25	Race U	Sex M	Height 5'04"	Weight 145	Hair BLK	Eyes BLK
Master Name Index Number	Place of Birth GUEEGUE	Nation GUATEMALA	SSN	Driver's License or Other ID L125336914490			State FL	Class or Type U			
Address 1879 ALISON DR		City WEST PALM BEACH	County	State FL	Zip Code 33409	Phone					

CHARGES

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

DUI ALCOHOL OR DRUGS

Counts 1	Charge Number 316.193.2a	Charge (NON-ARREST) TRAFFIC VIOLATION <i>CM</i>	<i>DL</i>
Charge Degree	Charge Level	General Offense Code ACCESORY AFTER THE FACT	<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Bond Amount \$0.00

UNLAWFUL FOR OPERATOR TO POSSESS AN OPEN ALCOHOLIC BEVERAGE

PROBABLE CAUSE

On the above date and time, I was in service in Palm Beach County, Florida in my marked patrol vehicle. I was patrolling eastbound on Okeechobee Boulevard (State Road 704) west of Haverhill Road in the outside travel lane. I observed a dark green Toyota sport utility vehicle swerving from inside travel lane into the positive median barrier striking it twice. I positioned my marked patrol vehicle behind the vehicle, activated my emergency equipment, and initiated a traffic stop. Upon exiting my patrol vehicle, I observed the male driver move a beer bottle from the middle compartment and placed it behind the front passenger seat. I approached the vehicle, and observed a Hispanic male sitting behind the wheel who was later identified as Hermitanio Lopez Gomez through his Guatemala Passport. While requesting for his driver's license, registration, and proof of insurance, I observed the strong odor of an unknown alcoholic beverage emitting from his mouth area. His face was pale and flushed, and his eyes were red in color and glassy. His speech was mumbled and slurred. I asked him if he had been drinking to which he stated yes. I asked him how many drinks did he have tonight, to which he replied three beers. I asked him if he would be willing to do roadside exercises, to which he replied yes. When Mr. Lopez exited his motor vehicle, I noticed he staggered and attempted to use his driver side of his vehicle to hold himself up. I proceeded back to my marked patrol, and prepared an area to conduct roadside exercises.

Horizontal Gaze Nystagmus:

Prior to beginning the exercise, it was determined the subject was not wearing contacts or corrective lenses at the time. The subject's eyes displayed equal tracking and his pupils were equal sizes. The subject was instructed to follow the stimulus with his eyes only, keeping his head still. After stating he understood the instructions, the subject started the exercise.

The results of this exercise displayed 6 of the 6 possible clues.

- 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.
- A distinct and sustained nystagmus in the right 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:

The subject 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 instructions were completed and demonstrated. The subject was instructed not to begin 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 advised to stop and turn around keeping his pivot 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. The subject was further instructed to watch his feet at all times while walking, keeping his arms down to his side, and to count his steps out loud. After the exercise was demonstrated, the subject stated he understood the instructions and was instructed to begin the exercise.

After attempting the Walk and Turn, the subject displayed 5 of 8 possible clues.

Walk and Turn observations:

The subject failed to stay in the starting position. The subject started before told to do so. On the first set of steps, the subject failed to take the correct number of steps. The subject failed to walk in a heel to toe manner. The subject failed to make a proper turn. On the second set of steps, the subject failed to walk in a heel to toe manner. The subject stepped off the line on steps 2, 3, and 4. The subject used his arms to balance himself.

One Leg Stand:

Prior to attempting this exercise, the subject indicated he did not have any medical problems that would have prevented him from performing the test. The subject was instructed to stand with his heels together and hands down to his sides while the instructions were given during the exercise. The subject was instructed not to begin until told to do so. The subject was advised to raise the foot of his choice off the ground approximately 6 inches keeping his foot parallel with the ground. While his leg was raised, the subject was advised 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 until told to stop (25 seconds). After the exercise was demonstrated, the subject was advised if he understood the instructions to which he replied yes. I advised the subject if he did not have any questions, he may begin the exercise. When the subject attempted this exercise, he raised his left foot. During the exercise, the subject displayed 3 of the 4 possible clues.

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One Leg Stand Observations:

The subject put foot down three times during the exercises. The subject used his arms to balance himself. The subject swayed while performing the exercise. The subject switched from the left foot to the right foot.

Finger to Nose:

The subject was asked to stand with his feet together and his hands at his sides with his index fingers pointed. The subject was advised to not start until told to do so which he replied he understood. The subject was advised to close both his eyes and tilt his head back. I advised the subject when I tell you to, bring the hand I direct upward touching the tip of your finger to the tip of your nose. After demonstrating the instructions, I advised the subject if he understood the instructions, to which he replied yes. The exercise was conducted in the following manner of left, right, left, right, right, left.

The subject failed to touch the tip of his finger to the tip of his nose on each attempt.

I then advised the subject as well as dispatch at 01:41 am that he was being placed under arrest pursuant to Florida Statute 316.193 operating a motor vehicle under the influence of alcohol and or a controlled substance. The subject was properly searched, and placed in the front seat of my marked patrol vehicle. The subject was transported to the Palm Beach County Jail. Upon arrival to the Palm Beach County Jail, the subject was escorted to the Breath Alcohol Testing Center, and a 20 minute observation was conducted to ensure the subject did not take anything by mouth or regurgitate. After the 20 minute observation, the subject was taken into the testing room and was asked to submit to a test of his breath. Mr. Lopez advised that he would provide a sample of his breath. He provided two samples of his breath (.119) and (.113). The first sample was provided at 02:30 am. The second sample was provided at 02:33 am. Mr. Lopez was then transported over to the booking side and was processed without any incident to himself.

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 (CIRCUIT) PALM BEACH NORTH COUNTY COURTHOUSE	Court Phone 561-624-6608	Court Date & Time 10/04/2017 10:00 AM
Court Address 3188 PGA BLVD., PALM BEACH GARDENS, FL 33410		
Instructions		

ARREST INFORMATION

Arrest Date / Time 08/18/2017 01:41 AM	Residency Within jurisdiction	Injured None	Extent of Injury N/A	Resist Arrest No
Prior Arrests Yes	Arrest Jurisdiction Within jurisdiction	Alcohol Yes	Drugs No	

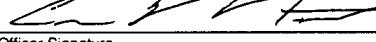
ARREST LOCATION

County PALM BEACH	Address EB SR-704/ W OF HAVERHILL RD , WEST PALM BEACH, FL 33401
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ARREST DELIVERED TO

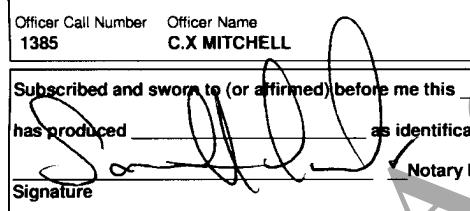
Jail / Booking Facility PALM BEACH COUNTY CORRECTIONS	Location 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406	Phone (561) 688-4400
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ARRESTING OFFICER

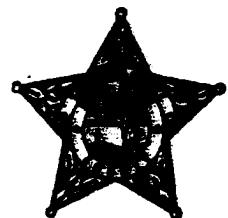
Officer Call Number 1385	Officer Name C.X MITCHELL	 Officer Signature
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Subscribed and sworn to (or affirmed) before me this 18 day of August A.D. 17 by Mitchell who is ✓ personally known to me or

has produced S. C. M. as identification.


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





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

PBSO CASE # 17-116201 PBSO ZONE 3-23

AGENCY CASE # FHPL17OFF00000070 CRASH CASE #

TIME OF STOP/CRASH 8/18/17 DATE 8/18/17 DAY Thursday

SUBJECT'S NAME Hermitario Lopez Gomez RACE H SEX Male

HGT 5'4" WGT 145 lbs DOB 12 / 19 / 91

LOCATION EB 183 Okeechobee Blvd /w of Harrell Rd

ARRESTING OFFICER'S NAME & ID Tpr. C. Mitchell 1385/3667 AGENCY FHP

DIVISION: Road patrol NOTIFIED BY COMMO yes

ARRIVAL AT FACILITY 2:00AM

BREATH RESULTS: ARREST TIME 1:41AM

1. • 119
2. • 113
3. N/A
4. N/A

TESTING OFFICER'S ID 24520 PBSO VIDEOTAPE # 63218

SCANNED
AUG 13 2017

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH SO
Instrument Serial Number: 80-006476 Software: 8100.27
Date of Test: 08/18/2017

Date of Last Agency Inspection: 08/04/2017
Observation Period Began: 02:00
Subject's Name: HERMITANIO R LOPEZ GOMEZ

DOB: 12/19/1991 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:	Test	g/210L	Time
	Diagnostics Check	OK	02:28
	Air Blank	0.000	02:28
	Control Test	0.081	02:29
	Air Blank	0.000	02:29
	Subject Sample #1	0.119	02:30
	Air Blank	0.000	02:31
	Air Blank	0.000	02:32
	Subject Sample #2	0.113	02:33
	Air Blank	0.000	02:34
	Control Test	0.079	02:34
	Air Blank	0.000	02:35
	Diagnostics Check	OK	02:35

Cylinder Lot: 279870
Exp: 02/04/2019

State of Florida, County of Palm Beach,

Personally appeared before me the undersigned authority, who is personally known to me or produced _____ as identification, and who after being placed under oath, states:

I SAMANTHA M PALMER, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement. I administered the above breath test to the subject named above in accordance with Chapter 110-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: Samantha Palmer Date: 08/18/17
Signature

Sworn to (or affirmed) before me this 18 day of August, 2017

C. M. Mitchell Tpr. Mitchell
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 18th DAY OF August 20 17, AT 01:41 AM PM
SUBJECT: Hermitanio Lopez Gomez CASE NUMBER: FHPL17OFF066670
AGENCY: FHP ARRESTING OFFICER: Tpr. Cedric Mitchell

PERSONAL CONTACT

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

see narrative

OBSERVATION OF DRIVER:

orbital sway
glassy eyes
thick slurred speech

DRIVER'S STATEMENTS:

see narrative

ODORS:

unknown alcoholic beverage emitting from subject's mouth area

GENERAL OBSERVATIONS

SPEECH: thick, slurred

ATTITUDE: cooperative

CLOTHING: casual

MEDICAL/OTHER: N/A

STATE OF FLORIDA
COUNTY OF PALM BEACH

Tpr. Cedric Mitchell
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 18 day of August 20 17 by Tpr. Mitchell

(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 19 2017

SUBJECT: Hermitanio Lopez Gomez

CASE NUMBER: FHPL17OFF066670

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

<input checked="" type="checkbox"/> LT EYE-LACK OF SMOOTH PURSUIT	<input checked="" type="checkbox"/> RT EYE-LACK OF SMOOTH PURSUIT
<input checked="" type="checkbox"/> LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION	<input checked="" type="checkbox"/> RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
<input checked="" type="checkbox"/> LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES	<input checked="" type="checkbox"/> RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

WALK & TURN:

see narrative

ONE LEG STAND:

see narrative

FINGER TO NOSE:

see narrative

ROMBERG ALPHABET:

N/A

BREATH TEST RESULTS: 1) .119 2) .113 3) 4)

STATE OF FLORIDA
COUNTY OF PALM BEACH

Tpr. Cedric Mitchell

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 18 day of August 2017 by Tpr Mitchell

(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 19 2017

TESTING FACILITY TASK REPORT

AGENCY: FHP-L/MITCHELL

SUBJECT: LOPEZ GOMEZ, HERMITANIO

CASE NUMBER: 17-116201

DATE: 08/18/2017

VIDEO DVD NUMBER: 63218

BEGINNING TIME: 0222

ENDING TIME: 0236

BREATH TESTS RESULTS: 1) .119 TIME 0230 A.M. P.M. 2) .113 TIME 0233 A.M. P.M.
3) XX TIME XX A.M. P.M. 4) XX TIME XX A.M. P.M.

BREATH OPERATOR: S. PALMER #24520

MAINTENANCE TECHNICIAN: J Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SPANISH SPEAKING

ATTITUDE: CALM, QUIET, COOPERATIVE

CLOTHING: BLUE BUTTON UP SHIRT, KHAKI PANTS, BLACK SNEAKERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES GLASSY AND BLOODSHOT, UNSTEADY ON HIS FEET, SWAYING

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0200
SUBJECT AGREED TO TAKE BREATH TEST
AND PROVIDED TWO ADEQUATE BREATH SAMPLES SUCCESSFULLY
TECH READ TEST RESULTS, SUBJECT STATED HE UNDERSTOOD RESULTS
A/O DID NOT READ RIGHTS OR CONDUCT Q&A DUE TO LANGUAGE BARRIER

SCANNED
AUG 19 2017

SUBJECT: _____ CASE NUMBER: 75-117070 (un070)

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? _____

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: Mark B. Jones SCANNED

SUBJECT: _____

CASE NUMBER: FAYL170400670

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) _____

WITNESS LIST

FHPL17OFF066670

CASE NUMBER:

ARRESTING OFFICER: **Tpr. Cedric Mitchell**

ADDRESS: **P.O. Box 54007 Troop L Greenacres, FL 33454**

PHONE NUMBERS (HOME): **(561) 357-4000**

(WORK)

CAN TESTIFY TO: **Investigation**

NAME: _____

ADDRESS: _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS: _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS: _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS: _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS: _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS: _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS: _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS: _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS: _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS: _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

SCANNED

AUG 19 2017