

0497213

NH

2674

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias 1 Juvenile

OBTS Number Agency ORI Number FLO 500000 Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE Agency Report Number (N.T.A.'s only) 06-18059391

Charge Type: Check as many as apply. 1. Felony 2. Traffic Felony 3. Misdemeanor 4. Traffic Misdemeanor 5. Ordinance 6. Other Weapon Seized / Type 1. Yes 2. No Multiple Clearance Indicator

Location of Arrest (Including Name of Business) Palm Beach Lakes Blvd at I95 (Ramp) West Palm Beach FL 33401 Location of Offense (Business Name, Address) Palm Beach Lakes Blvd at I95 (Ramp) West Palm Beach FL 33401

Date of Arrest 04/06/2018 Time of Arrest 21:20 Booking Date Booking Time Jail Date Jail Time Location of Vehicle Steves Towing

Name (Last, First, Middle) Pento James C Alias (Name, DOB, Soc. Sec. #, Etc.)

Race W - White I - American Indian B - Black O - Oriental/Asian W Sex M Date of Birth 09/13/1952 Height 5'09 Weight 178 Eye Color Hair Color Bla Complexion Med Build Med

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) Marital Status Sing Religion Catholic Indication of Alcohol Influence Drug Influence Y N Unk

Local Address (Street, Apt. Number) 14208 Glenmoor Dr (City) West Palm Beach FL 33409 (State) (Zip) Phone Residence Type: 1. City 2. County 3. Florida 4. Out of State 2

Permanent Address (Street, Apt. Number) (City) (State) (Zip) Phone Address Source FL DL

Business Address (Name, Street) (City) (State) (Zip) Phone Occupation Hair Stylist

D/L Number, State P530443523330 Soc. Sec. Number INS Number Place of Birth (City, State) Munica NY Citizenship US

Co-Defendant Name (Last, First, Middle) Race Sex Date of Birth 1. Arrested 2. At Large 3. Felony 4. Misdemeanor 5. Juvenile

Co-Defendant Name (Last, First, Middle) Race Sex Date of Birth 1. Arrested 2. At Large 3. Felony 4. Misdemeanor 5. Juvenile

Parent Legal Custodian Other: Residence Phone

Address (Street, Apt. Number) (City) (State) (Zip) Business Phone

Notified by: (Name) Date Time Juvenile Disposition 1. Handled/processed within Dept. and Released. 2. TOT HRS / DYS 3. Incarcerated

Released To: (Name) Relationship Date Time

The above address provided by defendant and/or defendant's parents the child and/or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) informed of any change of address. Yes, by: (Name) No: (Reason) School Attended Grade

Property Crime? Description of Property Value of Property

Drug Activity S. Sell R. Smuggle K. Dispense/ M. Manufacture/ Z. Other Drug Type N. N/A B. Barbiturate C. Cocaine E. Heroin H. Hallucinogen I. Marijuana J. Opium/Deriv. P. Paraphernalia/ Equipment S. Synthetics U. Unknown Z. Other

Charge Description DUI w/ Prop Dmg Counts 1 Domestic Violence Y N Statute Violation Number 316.193(3)(c)(1) Violation of ORD #

Drug Activity Drug Type Amount / Unit Offense # 18059391 Warrant / Capias Number Bond

Charge Description Counts Domestic Violence Y N Statute Violation Number Violation of ORD #

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Drug Activity Drug Type Amount / Unit Offense # Warrant / Capias Number Bond

Location (Court Room Number, Address) PALM BEACH COUNTY COURTHOUSE CRIMINAL JUSTICE COMPLEX, 3228 GUN CLUB RD, WEST PALM BEACH, FL 33406 (561) 355-2996

Court Date and Time Month May Day 3 Year 2018 Time 08:30 AM X PM

I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED

Signature of Defendant (or Juvenile and Parent / Custodian) Date Signed 04/06/2018

HOLD for other Agency Name: Signature of Arresting Officer Name Verification (Printed by Arrestee) (PRINT) NR

Resisted Arrest Other: Name of Arresting Officer (Print) Inv. J. Schneider I.D. # 8501

Intake Date: ID # Pouch # Transporting Officer Inv. J. Schneider ID # 8501 Agency PBSO Witness here if subject signed with an "X" 1 OF 1

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 6th DAY OF April 20 18, AT 20:50 AM PM
SUBJECT: Pento James C CASE NUMBER: 18059391

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Inv. J. Schneider

PERSONAL CONTACT

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

Was involved in a minor collision where a black Jaguar rolled into the back of a white Honda on the Northbound off ramp of I95 to Palm Beach Lakes Blvd. While patrolling the area I observed the stopped vehicles with one drivers evaluating the damages. The driver of the Honda spoke to me from my driver's side window and I instructed him to pull the vehicle to the shoulder of the ramp. He also identified the driver of the black Jaguar both visually and later in a sworn written statement. The driver of the black Jaguar leaned into my passenger side window and I instructed him the same however as he spoke I smelled the pungent odor of a alcoholic beverage coming from his breath. As we pulled from the roadway I conducted a crash investigation.

OBSERVATION OF DRIVER:

While interacting with the driver I observed he smelled of an unknown alcoholic beverage. I also observed that he was unsteady while walking. Based upon my direct observations I requested he perform field sobriety tasks.

DRIVER'S STATEMENTS:

Ive had 3 scotch. I hit the back of that car because he stopped

ODORS:

Pungent odor of a unknown alcoholic beverage.

GENERAL OBSERVATIONS

SPEECH: Slight slur

ATTITUDE: Cooperative

CLOTHING: Black shirt, khaki pants, black shoes

MEDICAL/OTHER: Numerous

STATE OF FLORIDA
COUNTY OF PALM BEACH

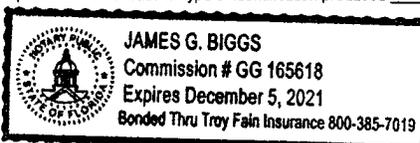
Inv. J. Schneider

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 6 day of April 20 18 by Inv. J. Schneider

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

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



SUBJECT Pento

James

CASE NUMBER 18059391

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:

Distinct sway while standing stationary. Distinct Onset at approximately 40 degrees. Vertical nystagmus not present. Lack of convergence present with neither eye converging to center.

WALK & TURN:

Distinct sway while standing stationary. Departed the instructional position numerous times. While performing the task he missed heel to toe numerous times and stumbled off the line while walking. He performed a improper turn and while walking back raised his arms for balance, stumbled off the line while walking and missed heel to toe numerous times.

ONE LEG STAND:

Distinct sway while standing stationary. While performing this task he raised his arms more than six inches for balance, shuffled his feet, and lowered his foot to the ground numerous times. He also restarted counting contrary to the instructions to continue from where he had left off.

FINGER TO NOSE:

Distinct sway while standing stationary. While performing this task he missed the tip of his finger to the tip of his nose on every command. He also failed to lower his finger from his nose as instructed on every occasion.

ROMBERG ALPHABET:

Distinct sway while standing stationary. While performing this task he rhymed the entire alphabet without error but contrary to instruction

BREATH TEST RESULTS: 1) .118 2) .115 3) 4)

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. J. Schneider

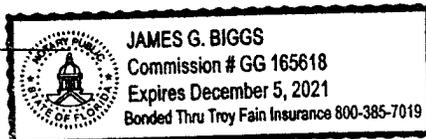
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 6 day of April 20 18 by Inv. J. Schneider

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

James Biggs (#7607)

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



WITNESS LIST

CASE NUMBER: 18059391

ARRESTING OFFICER: Inv. J. Schneider

ADDRESS: 3228 Gun Club Rd West Palm Beach FL 33406

PHONE NUMBERS (HOME): _____ (WORK) 561 688-4001

CAN TESTIFY TO: Crash and DUI Investigation

NAME: Roque Ayubi

ADDRESS: 3401 N Country Club Dr Apt 714 Aventura FL 33180

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: Wheel witness

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) 0 (WORK) 0

CAN TESTIFY TO: _____

NAME: _____

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CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: PBSO-SCHNEIDER

SUBJECT: PENTO, JAMES C

CASE NUMBER: 18-059391

DATE: Apr 6, 2018

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 2242

ENDING TIME: 2259

BREATH TESTS RESULTS: 1) .118 TIME 2245 A.M. P.M. 2) .115 TIME 2248 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: SLURRED AT TIMES

ATTITUDE: COOPERATIVE

CLOTHING: BLACK SHIRT, TAN PANTS

MEDICAL CONDITIONS: HEART ISSUES, CHOLESTEROL

MEDICATIONS: MANY

OTHER:

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

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 2220
SUBJECT ADVISED HE WOULD SUBMIT TO THE TEST
SUBJECT WAS GIVEN THE INSTRUCTIONS FOR THE TEST
SUBJECT COMPLETED BOTH SAMPLES SUCCESSFULLY
RESULTS WERE GIVEN
MIRANDA WAS READ TO SUBJECT
SUBJECT SUBMITTED TO THE QUESTIONS

SUBJECT: Pento, James C

CASE NUMBER: 18-059391

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) Read on Camera

SUBJECT: Pento, James C CASE NUMBER: 18-059391

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 - Black Jaguar

WHERE WERE YOU GOING? Home

WHAT STREET OR HIGHWAY WERE YOU ON? Ex. 195 @ PBC

DIRECTION OF TRAVEL? N WHERE DID YOU START? Roosters Bar on Belvedere

WHAT TIME DID YOU START? uk WHAT TIME IS IT NOW? uk

WHAT IS TODAY'S DATE? 4/6/18 WHAT DAY OF THE WEEK IS IT? Thurs Friday

WHAT COUNTY AND CITY ARE YOU IN NOW? Palm Beach

WHEN DID YOU LAST EAT? Lunch @ 2:30 WHAT DID YOU EAT? Chr Caesar Salad

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? back of a police car

HOW MUCH DO YOU WEIGH? 176 HAVE YOU BEEN DRINKING? Yes WHAT? 2 Scotch

HOW MUCH? 2-3 WHERE? Roosters WITH WHOM? w/ friends

WHEN DID YOU HAVE YOUR FIRST DRINK? 6:30 AND YOUR LAST DRINK? Just before I left

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? Glass w/ ice

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? No ARE YOU UNDER THE INFLUENCE? No

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? No HOW MUCH? NA

WHAT? NA WHERE? NA WHEN? NA

WHAT LINE OF WORK ARE YOU IN? Hair Stylist WHEN DID YOU LAST WORK? Today 9-6

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? No WHAT? NA

ARE YOU SICK OR INJURED? No WHAT'S WRONG? NA

DO YOU LIMP? Sometimes DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? NO

WERE YOU IN AN ACCIDENT TODAY? Yes

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? NO WHEN? NA

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? No WHO? NA WHY? NA

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? Yes WHAT? Cicripres 10mg/day
Cozyl-pal
Plavix 75mg/day
150mg Effexor
8mg Aspirin
Atorvastatin cholesterol
ZetaA WHEN? Daily

DO YOU HAVE:	EPILEPSY?	<u>No</u>	
	GLASS EYE?	<u>No</u>	
	FALSE TEETH?	<u>Plate</u>	
	EAR INFECTION?	<u>No</u>	
	INNER EAR TROUBLE?	<u>No</u>	
	DIABETES?	<u>Insuline - Diet Controlled</u>	

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? Stroke
Rt Eye Retina freckle

DO YOU TAKE INSULIN? No IF SO, WHEN WAS YOUR LAST INJECTION? NA

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? Yes WHERE? NY

PALM BEACH COUNTY SHERIFF'S OFFICE – **SWORN STATEMENT**

Per FL statute 837.012, whoever knowingly makes a false statement under oath shall be guilty of a misdemeanor of the first degree punishable by imprisonment up to 1 year.



WITNESS VICTIM OTHER

CASE #:	18059391	ZONE:	5-21	SUSPECT:	James Perb	DATE & TIME OF ORIGINAL EVENT/OFFENSE:	4/16/18
EVENT TYPE:	DUP	DEPUTY:	Schneider	ID#:	8501		

COMPLETE EVERYTHING BELOW – PRINT LEGIBLY

LAST NAME:	Ayubi	FIRST NAME:	Rogue	MIDDLE INITIAL:		RACE:	W	SEX:	M	
DATE OF BIRTH:	4/16/61	YOUR HEIGHT:	60	YOUR WEIGHT:	220	YOUR HAIR COLOR:	Bl	YOUR EYE COLOR:	Bro	
YOUR HOME ADDRESS:	3401 N Country Club Dr			<input type="checkbox"/> CHECK IF HOMELESS	CITY:	Aventura	STATE:	FL	ZIP:	33160
YOUR WORK NAME & ADDRESS:				<input type="checkbox"/> CHECK IF UNEMPLOYED OR RETIRED	CITY:		STATE:		ZIP:	
WORK PHONE:	<input type="checkbox"/> CHECK IF NONE	CELL PHONE:	<input type="checkbox"/> CHECK IF NONE	HOME PHONE:	<input type="checkbox"/> CHECK IF NONE	EMAIL:	<input type="checkbox"/> CHECK IF NONE			

WRITE WHAT HAPPENED IN YOUR WORDS IN FULL DETAIL – PRINT LEGIBLY

YOUR NAME:	Rogue Ayubi	DO HEREBY VOLUNTARILY MAKE THE FOLLOWING STATEMENT WITHOUT THREAT, COERCION, OFFER OF BENEFIT, OR FAVOR BY ANY PERSONS WHOMSOEVER...
<p>I WAS WAITING ON THE LIGHT, WHEN THE OTHER DRIVER THAT DRIVE A JAGUAR HIT ON THE BACK OF MY CAR. WHEN I TALK WITH THE DRIVER HE SMELL A LIQUOR.</p>		
PAGE 1 OF 1		

READ AND SIGN

I SWEAR AND AFFIRM THIS AND/OR THE ATTACHED STATEMENTS ARE CORRECT AND TRUE:	<input checked="" type="checkbox"/> DEPUTY SHERIFF <input type="checkbox"/> NOTARY PUBLIC FSS: 117.10
YOUR SIGNATURE: <i>[Signature]</i>	SWORN TO AND SUBSCRIBED BEFORE ME TODAY:
	DATE: 4/16/18 TIME: 2:15
	SIGNATURE: <i>[Signature]</i> ID: 8501

IF YOU DO NOT WISH TO PROSECUTE, COMPLETE THE ABOVE STATEMENT, READ THIS DISCLAIMER AND INITIAL BELOW: I AM OF LEGAL AGE AND I AM THE REPORTED VICTIM OF A CRIME UNDER FLORIDA LAW. I HEREBY STATE THAT I WILL NOT COOPERATE ANY FURTHER WITH THE INVESTIGATION OF THE ALLEGED CRIME. I FURTHER RELEASE THE PALM BEACH COUNTY SHERIFF'S OFFICE OF ANY PRESENT OR FUTURE RESPONSIBILITY AS TO MY CASE. I ACKNOWLEDGE THAT I UNDERSTAND MY RIGHTS AS A CRIME VICTIM, PARTICULARLY REGARDING VICTIM COMPENSATION ELIGIBILITY, WHICH INCLUDES SUCH BENEFITS AS REIMBURSEMENT FOR: DISABILITY; LOST WAGES; LOSS OF SUPPORT; MEDICAL, DENTAL, MENTAL HEALTH COUNSELING AND FUNERAL EXPENSES. I AM AWARE I MAY BE GIVING UP THESE RIGHTS FOR MY FAMILY AND MYSELF BY INITIALLING BELOW. I AM TAKING THIS POSITION OF MY OWN FREE WILL KNOWING THAT THE CASE CAN ONLY BE FURTHER INVESTIGATED AND PROSECUTED WITH MY COOPERATION. DO NOT WISH TO PROSECUTE (INITIAL _____)

(PROSECUTION WAIVER NOT TO BE USED FOR CASES INVOLVING DOMESTIC OR DATING VIOLENCE PER G.O. 508.00)

WHITE - RECORDS COPY CANARY - STATE ATTORNEY COPY PINK - OFFICER'S COPY GOLD - WITNESS / VICTIM COPY