

0492365

1896

ADMINISTRATION		ARREST / NOTICE TO APPEAR Juvenile Referral Report				1. Arrest 3. Request for Warrant 2. N.T.A. 4. Request for Capias		1	Juvenile	N											
OBTS Number		Agency ORI Number <b>FL 0500300</b>		Agency Name <b>BOYNTON BEACH POLICE DEPT.</b>		Agency Report Number <b>34-17-057394</b>															
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		If Weapon Seized Enter Type		Multiple Clearance Indicator											
Location of Arrest (Including Name of Business) <b>S. Congress Ave./ SW Congress Blvd, Boynton Beach, FL</b>					Location of Offense (Business Name, Address) <b>S. Congress Ave./ SW Congress Blvd, Boynton Beach, FL</b>																
Date of Arrest <b>10/06/2017</b>		Time of Arrest <b>0201</b>		Booking Date		Booking Time		Jail Date		Jail Time											
Name (Last, First, Middle) <b>Defalco, Jennifer, Renee</b>																					
W - White B - Black		I - American Indian O - Oriental / Asian		Race <b>W</b>	Sex <b>F</b>	Date of Birth <b>05/19/1977</b>		Height <b>5'04"</b>	Weight <b>125lbs</b>	Eye Color <b>Hazel</b>	Hair Color <b>Brown</b>	Complexion <b>Light</b>	Build <b>Med</b>								
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) <b>N/A</b>					Marital Status <b>Divorced</b>		Religion <b>N/A</b>		Indication of: Alcohol Influence <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk. Drug Influence <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>												
Local Address (Street, Apt. Number) <b>7392 Ashley shores cir.</b>		(City) <b>Lake Worth,</b>		(State) <b>FL</b>	(Zip) <b>33467</b>	Phone <b>(561)352-3025</b>		Residence Type 1. City 3. Florida 2. County 4. Out of State													
Permanent Address (Street, Apt. Number)		(City)		(State)	(Zip)	Phone		Address Source <b>FL/DL</b>													
Business Address (Street, Apt. Number)		(City)		(State)	(Zip)	Phone		Occupation <b>Realestate</b>													
D/L Number, State <b>D142-436-77-679-0</b>		Soc. Sec. Number		INS Number		Place of Birth <b>Baltimore, MD</b>		Citizenship <b>USA</b>													
Co-Defendant Name (Last, First, Middle)		Race		Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 5. Juvenile <input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor														
Co-Defendant Name (Last, First, Middle)		Race		Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 5. Juvenile <input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor														
<input type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other		Name (Last)		(First)	(Middle)		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 was provided by <input type="checkbox"/> defendant and/or <input checked="" type="checkbox"/> defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 561-355-2526) informed of any change of address: <input type="checkbox"/> Yes, By: (Name) <input type="checkbox"/> No: (Reason)						School Attended		Grade													
Property Crime? Yes <input type="checkbox"/> No <input type="checkbox"/>		Description of Property				Value of Property															
Drug Activity N. N/A P. Possess		S. Sell B. Buy T. Traffic		R. Smuggle D. Deliver E. Use		K. Dispense/ Distribute		M. Manufacture Produce/ Cultivate		Z. Other		Drug Type N. N/A A. Amphetamine		B. Barbituate C. Cocaine E. Heroin		H. Hallucinogen M. Marijuana O. Opium/Deriv.		P. Paraphernalia/ Equipment S. Synthetic		U. Unknown Z. Other	
Charge Description <b>DUI</b>		Counts <b>1</b>		Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Statute Violation Number <b>316.193(1)</b>		Violation of ORD#													
Drug Activity <b>N</b>		Drug Type <b>N</b>		Amount/Unit <b>N/A</b>		Offense # <b>17-057394</b>		Warrant/Capias Number		Bond											
Charge Description		Counts		Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Statute Violation Number		Violation of ORD#													
Drug Activity		Drug Type		Amount/Unit		Offense #		Warrant/Capias Number		Bond <b>OCT 6 AM 8:12</b>											
Charge Description		Counts		Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Statute Violation Number		Violation of ORD#													
Drug Activity		Drug Type		Amount/Unit		Offense #		Warrant/Capias Number		Bond											
Charge Description		Counts		Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Statute Violation Number		Violation of ORD#													
Drug Activity		Drug Type		Amount/Unit		Offense #		Warrant/Capias Number		Bond <b>2017 OCT 6 AM 8:11</b>											
<input type="checkbox"/> Instruction No. 1 Mandatory Appearance in Court <input type="checkbox"/> Instruction No. 2 You need not appear in Court but must Comply with instruction on reverse side.		Location (Court, Room Number, Address) <b>South County Courthouse, 200 West Atlantic Ave, Delray Beach, FL 33444</b>																			
		Court Date and Time <b>Month November Day 6 Year 2017 Time 8:30</b> <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.																			
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)		Signature of Arresting Officer <b>M. Bundrick</b>				Name Verification (Printed by Arrestee) (PRINT) <b>BU#109797</b>															
HOLD for other Agency Name: <input type="checkbox"/> Dangerous <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Suicidal <input type="checkbox"/> Other:		Name of Arresting Officer (Print) <b>M. Bundrick</b>		I.D.# <b>995</b>		Witness here is subject Signed with an "X".															
Intake Deputy <b>D/S T. BURNSIDE #5406</b>		I.D.#		Pouch #		Transporting Officer <b>D. Castro</b>		I.D.# <b>905</b>		Agency <b>BBPD</b>											

SCANNED  
OCT 08 2017

**D.U.I. PROBABLE CAUSE AFFIDAVIT**

ON THE 6 DAY OF October 2017 AT 1:30  A.M.  P.M.

CASE #: 17-057394

DEFENDANT: Defalco, Jennifer

**PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:**

On the above date and time I, Officer Bundrick with Boynton Beach Police department was conducting a traffic stop at 2700 S. Congress Ave (unrelated to this incident). Let it be noted that this incident occurred within the City of Boynton Beach, Palm Beach County, Florida.

While conducting the traffic stop Officer Castro (905) and myself observed a black in color Mercedes Benz SUV North bound on S. Congress Ave. in the right lane. The said vehicle passed us and when the vehicle reached approximately 2300 S. Congress Ave we both observed the vehicle veer off the road onto the sidewalk on the right side of the roadway and quickly correct back and continue back onto the roadway. At this point OFC. Castro and I discontinued the current traffic stop to investigate if the driver of the black Mercedes Benz SUV was in medical distress or possibly impaired. We got directly behind the said vehicle at a red light in the right lane at the intersection of S. Congress Ave. and W. Woolbright Rd. When the light turned green I observed the vehicle swerve to the right while inside the intersection and then correct back into the lane of travel. A short while after just North of the intersection I observed the vehicle again swerve out of the right lane almost striking the sidewalk and come back into the lane of travel. I then observed the vehicle again veer off to the right side of the roadway, jump the curb up onto the sidewalk and come back onto the roadway at approximately 40 mph. Because of the above observations and traffic infractions OFC. Castro (905) conducted a traffic stop on the 2012 Black Mercedes Benz GL450 (FL Tag 154QKF) in his marked Boynton Beach Police Patrol Vehicle (4734). The vehicle came to a stop at S. Congress Ave and SW Congress Blvd.

I approached the driver's side window and made contact with the driver/sole occupant of the vehicle later identified as W/F Jennifer Defalco (05/19/1977) by FL/DL. Upon initial contact I asked Defalco for her Driver's License and if she was okay because she just hit the curb and went up on the sidewalk. Defalco responded "I'm sorry". At this point I detected a strong odor of an unknown Alcoholic beverage emitting from Defalco's breath. I also observed Defalco's eyes to be bloodshot/glassy. I then asked a second time for her driver's license at which time she handed me a credit card. I explained that I needed her driver's license and did not need her credit card. Defalco apologized retrieved her credit card and handed me her driver's license. I asked Defalco for her registration, proof of

insurance, and where she was coming from. Defalco explained that she was coming from "Delray" but constantly had to be reminded to retrieve her registration and proof of insurance. Defalco was unable to answer questions and complete tasks simultaneously. As Defalco explained that she was coming from Delray and head home back to Lake Worth I noticed her speech was slurred. Defalco eventually handed me her registration and proof of insurance after being reminded numerous times.

Because of my above observations leading me to believe Defalco was under the influence of an unknown alcoholic beverage I asked Defalco to exit the vehicle and speak with me outside; which she agreed to. While Defalco stepped out of the vehicle she almost fell out of the vehicle therefore she used the driver's door for balance. As Defalco walked to the rear of the vehicle she swayed and seemed off balance. I explained my previous observations of possible impairment to Defalco and asked how much she had been drinking. Defalco advised me that she had 3 glasses of wine at 7pm. I then asked Defalco if she would submit to a series of road side field sobriety tasks at which time she agreed. Prior to continuing the investigation I asked Defalco if she had any injuries/disabilities that I should be aware of, which she stated no.

During the Pen exercise Defalco moved her head numerous times. Defalco had to be reminded numerous times to keep her head straight, and follow the pen with her eyes and her eyes only. Defalco failed to keep his hands to her side.

**HORIZONTAL GAZE NYSTAGMUS:**

- |  |   |
|--|---|
| <input type="checkbox"/> Left eye does not follow smoothly                 | <input type="checkbox"/> Right eye does not follow smoothly                 |
| <input type="checkbox"/> Left eye prior to 45 degrees                      | <input type="checkbox"/> Right eye prior to 45 degrees                      |
| <input type="checkbox"/> Distinct jerking in left eye at maximum deviation | <input type="checkbox"/> Distinct jerking in right eye at maximum deviation |
| <input type="checkbox"/> Vertical Nystagmus in left eye                    | <input type="checkbox"/> Vertical Nystagmus in right eye                    |

**WALK AND TURN:**

The task was demonstrated and instructed to Defalco who advised she understood. During the instruction phase Defalco was unable to keep her balance and started numerous times before instructed to do so. Defalco had to be instructed numerous times to return to the starting position and into the correct starting position. Defalco continued to walk on the line, off the camera view numerous times. During the exercise Defalco missed heel to toe on every single step, as she walked in a normal manner and stepped off the line numerous times. Defalco held her arms out at 90 degrees throughout the entire test, completed an improper turn and took an improper number of steps; 17 steps forward 18 returning steps.

**ONE LEG STAND:**

The task was demonstrated and instructed to Defalco who advised she understood. During the instruction phase Defalco could not maintain the proper position she was instructed to stay in while I explained the instructions. Defalco swayed side to side. During the exercise stage, Defalco raised her leg for a brief second and placed her foot down. Defalco then looked

directly at me and did not continue the task. I explained the instructions again and gave Defalco another chance to perform the test. This time Defalco used her arms for balance, swayed while trying to balance, put her foot down 4 times and changed feet once.

**FINGER TO NOSE:**

The task was demonstrated and instructed to Defalco who advised she understood. Defalco began touching her left and right fingers to her nose before I finished with the instructions. After I finished, Defalco again started touching her left and right fingers to her nose with me given her a command. I then explained the instructions again and while Defalco was performing the test she used her left finger when asked to use her right. Defalco swayed back and forth during the task.

**ROMBERG/ALPHABET:**

The task was demonstrated and instructed to Defalco who advised she understood. Defalco had to be constantly reminded to keep her head tilted back and keep her eyes closed. Defalco began singing the alphabet got to the letter V stopped and advised she did not know the rest.

Based on the above facts Defalco was placed into custody under suspicion of DUI, which she stated that she understood. I then transported Defalco to the Boynton Beach Police Department (BBPD) to continue my investigation. I arrived at BBPD at 0212hrs, started my 20 minutes observation at 0213hrs and completed at 0233hrs. Upon completion I requested Defalco to provide a sample of her breath to determine the alcohol content, which she wanted to know her options. At that point Implied Consent was read to Defalco, which after explaining to Defalco numerous times what it meant she advised that she understood. A second requested was given, at which time Defalco agreed to provide a breath sample. While OFC. Castro explained the proper way to provide a breath sample to Defalco; she began to question again her options. Due to Defalco questioned numerous times what her options were, while the first breath sample was requested by the instrument, the allotted time elapsed. Defalco then provided the next 2 BAC samples of .219 at 0250hrs and .216 at 0253hrs. I read Defalco her Miranda Warnings, which she stated she understood. I then asked Defalco if she was willing to answer the Q&A's from this packet, which she agreed to. See packet for further.

Based on the above facts I establish Probable Cause to arrest Defalco with 1M count of DUI pursuant with F.S.S. 316.193.1. Defalco was processed at the Boynton Beach Police Department and later TOT PBCJ.

Defalco's vehicle was removed from scene by Blakes Towing. Defalco was given a careless citation due to her driving pattern.

Nothing Further.

The following instrument was sworn to before me this 06 day of October 2017

By: Personally known/OFC. Bundrick

 855  
Notary/Police Officer (F.S.S. 117.10)

 995  
Signature of Arresting Officer

NOT A CERTIFIED COPY

SCANNED  
OCT 08 2017