

0570 639
Arrest Report

19CT16182 1451

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

Report Date / Time 9/2/2019 01:04 AM	Report Number FHP99ARR801533	Case Number/Cad Number FHPL19OFF058207 / LWRC19CAD160873	Reporting Officer Name SAYIH R. A.
Originating Agency ORI	Occur Date Time Range 09/02/2019 00:05:30 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type OTHER	Location Description			
Street Number	Street W LANTANA RD / N BORADWAY	Apt/Lot/Bldg	City LAKE WORTH	State FL	Zip Code 33462

Defendant

First Name JESSICA	Middle Name MARIE	Last Name CRUZ	Suffix	Race WHITE	Sex FEMALE	Height 509	Weight 160	Hair BLK	Eyes BRO
MNI #	SSN	Date of Birth 01/26/1990	Age 29	Place of Birth BRIDGEPORT CT USA	Drivers License or other ID C620433905260	State FL	ID Type E		
Address * RESIDENCE / 4442 RENDE LN , LAKE WORTH, FL 33461 / 561-317-4593									

Arrest

Arrest Date/Time 9/2/2019 12:30:43 AM	Arrest Location Type RESIDENCE	Arrest Location Description				
Street Number	Street W LANTANA RD / N BROADWAY	Apt/Lot/Bldg	County PALM BEACH	City LAKE WORTH	State FL	Zip Code 33462

Charge : S

Counts 1	Charge 316.193.1	Bond Amount \$0.00	<input type="checkbox"/> No Bond OR
Charge Degree N	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI ALCOHOL OR DRUGS			

Bond Set by Court

Bond Amount	<input type="checkbox"/> No Bond
Bond Type(s)	

Probable Cause

On September 2nd, 2019, I (Trooper Robert Sayih) was in service in Palm Beach County, Florida. While on routine road patrol, Sgt. Matthew Gallagher #1176 was on a traffic stop located westbound on Lantana Road (County Road 812) and N Broadway on the right side of the roadway, requesting my assistance in reference to the driver possibly being impaired. When I arrived on scene I observed Sgt. M. Gallagher #1176 behind a red in color vehicle on the right side of the roadway. Sgt. M. Gallagher

Arrest Report

Robert Thompson

SCANNED

SEP 02 2019

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#1176 advised me of the reasoning of his traffic stop and what he had observed upon making contact with the driver of the red in color vehicle (See Witness Statement). I then approached the red in color vehicle on its driver side where I observed a female in the driver seat and a male in the passenger seat. The female driver was later identified through FCIC/NCIC/DAVID to be, Jessica Marie Cruz 01/26/1990. Ms. Cruz was already advised of the reasoning of the traffic stop by Sgt. M. Gallagher #1176 so upon my initial contact with Ms. Cruz I advised her who I was and asked her where she was coming from and headed to. Ms. Cruz advised me that they were coming from The Hive Bar & Grill and were headed home. As Ms. Cruz spoke to me I observed her to have bloodshot glossy eyes even though she was wearing glasses, that had no tint applied to them. I could also smell the odor commonly associated with the odor of an unknown alcoholic beverage emitting from Ms. Cruz's breath as she spoke to me in conjunction with her speech being thick and slurred. Sgt. M. Gallagher #1176 then requested for Ms. Cruz to step out of the vehicle where I then made contact with her again. Standing face to face with Ms. Cruz, I explained to her that the reasoning of her being requested out of the vehicle was due to me having reason to believe she was under the influence of alcohol and/or a controlled substance. Ms. Cruz advised me that she was tired and she just wanted to go home to sleep. I then requested for Ms. Cruz to perform a series of roadside exercises to which she then stated what would happen if she did not do so. Standing in front of Ms. Cruz as she spoke to me, I could again smell the odor commonly associated with the smell of an unknown alcoholic beverage emitting from her breath that I had not smelled since I spoke with her while she was inside her vehicle. I explained to Ms. Cruz that if she decided to not perform the exercises that were requested of her to perform, that I would base my decision of the information provided to me by Sgt. M. Gallagher #1176 and everything that I have observed up until this point. Ms. Cruz then began to ask me what the exercises consisted of to which I advised her I would provide her all of that information depending on if she was going to consent to do so or not. I advised her that I was not going to go through all the exercises and their instructions for her to end up refusing to perform them or me having to re explain them again when it came time to instruct her on how to do so. Ms. Cruz again asked me on what would happen if she would refuse to do so and after explaining once more she again asked what they exercises consisted of. Ms. Cruz went back and forth with the same questioning several times and then went on to ask if she was able to speak with the passenger on what she should do. Due to Ms. Cruz not advising me that the passenger was her attorney, and considering that she was of age to be able to speak and make decisions on her own, I advised her that the passenger had nothing to do with us speaking and that he would be interfering with my DUI investigation. Ms. Cruz was given the opportunity to perform the roadside exercises several times after that and continued to question her actions if she refused and what they exercises were. Ms. Cruz was advised she would be given another opportunity to make her decision on if she was going to perform the exercises before it was deemed a refusal on the side of the roadway. Ms. Cruz failed to comply with my request by providing me an answer resulting in a refusal.

Horizontal Gaze Nystagmus:

- REFUSED

Walk and Turn Exercise:

Arrest Report

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SCANNED
SEP 02 2019

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- REFUSED

One Leg Stand Exercise:

- REFUSED

Finger to Nose:

- REFUSED

Rhomberg Balance:

- REFUSED

Due to the totality of the circumstances, Ms. Cruz was then placed under arrest for DUI pursuant to Florida Statue 316.193.1 at 12:30 AM. Ms. Cruz was then searched and placed in my patrol vehicle where she was then transported to the Palm Beach County Jail's Breath alcohol testing facility (BAT). Inside the Palm Beach County Jail's breath alcohol testing facility (BAT) Ms. Cruz began a 20-minute observation prior to being provided an opportunity to provide a breath sample. After Ms. Cruz's 20-minute observation, she was given an opportunity to provide a breath sample in which she refused to provide at approximately 01:20 AM.

Video of the traffic stop roadside exercises and transport to the Palm Beach County Jail can be obtained through the FHP custodian

Video of the Palm Beach County Jail's BAT facility can be obtained through the Palm Beach County

Jail Bookin Facility

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone Number
0.0000	PALM BEACH	PALM BEACH COUNTY CORRECTIONS	(561) 688-4400

Booking Facility Location

3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406

Booking Number

Booking Comments

Court

Court County	Court Location
PALM BEACH	200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444



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Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Apperance Date / Time 10/01/2019 08:30 AM	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
SAYIH R. A. TROOPER 3822	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPLILWRCCIPALM BEACHBROW LN TO SR804

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 SAYIH R. A.	Office Rank TROOPER	Officer ID No 3822	Sworn and subscribed before me, the undersigned authority This the <u>2</u> day of <u>September</u> , <u>2019</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL	Officer Signature 		

NOT A CERTIFICATE

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: CRUZ, JESSICA M

CASE NUMBER: 19-110670

DATE: 09/02/19

VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 0118

ENDING TIME: 0127

BREATH TESTS RESULTS: 1) R TIME 0120 A.M./P.M. 2) N/A TIME XX A.M./P.M.
3) N/A TIME XX A.M./P.M. 4) N/A TIME XX A.M./P.M.

BREATH OPERATOR: J. BELL #8656

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM, QUIET, COOPERATIVE / TALKATIVE

CLOTHING: WHITE BLOUSE, BLUE JEAN SHORTS, BLACK SANDALS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER: EYES: GLASSY

ODOR OF AN UNKNOWN ALCHOLIC BEVERAGE COMING FROM BREATH

SUBJECT STATED SHE HAD 1 MIXED VODKA DRINK AND 1 SHOT (Q AND A)

COMMENTS: ARRIVED AT CENTER A/O BEGAN 20 MIN OBSERVATION AT 0058 HRS

SUBJECT STATED SHE WOULD NOT TAKE BREATH TEST

A/O READ I.C.

SUBJECT ACKNOWLEDGED SHE UNDERSTOOD I.C. AND REFUSED TO TAKE BREATH TEST

A/O READ RIGHTS

SUBJECT STATED SHE UNDERSTOOD HER RIGHTS

A/O CONDUCTED Q AND A

SUBJECT ANSWERED QUESTIONS

REFUSED

REFUSED

SUBJECT: Cruz, Jessica M

CASE NUMBER: FHPU90FF058207

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 TROOPER SAYITH #3822 of the FLORIDA HIGHWAY PATROL.

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) _____

Read on camera

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: Cruz, Jessica M CASE NUMBER: FHPL19OFFOS8207

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? HOME

WHAT STREET OR HIGHWAY WERE YOU ON? LANTANA

DIRECTION OF TRAVEL? N WHERE DID YOU START? THE HIVE

WHAT TIME DID YOU START? AFTER 2AM WHAT TIME IS IT NOW? FOR BED 13-5AM

WHAT IS TODAY'S DATE? 9/3, 2 WHAT DAY OF THE WEEK IS IT? MONDAY

WHAT COUNTY AND CITY ARE YOU IN NOW? PALM BEACH

WHEN DID YOU LAST EAT? 6PM WHAT DID YOU EAT? SALAD

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? GOING HOME

HOW MUCH DO YOU WEIGH? 160 HAVE YOU BEEN DRINKING? YES WHAT? VODKA MIXED SHOT

HOW MUCH? 402 WHERE? THE HIVE WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? 12 - 1 AND YOUR LAST DRINK? 2AM

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

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? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? BARTENDER WHEN DID YOU LAST WORK? 2AM

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? NO WHAT? _____

ARE YOU SICK OR INJURED? YES WHAT'S WRONG? FOOT HURTS

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

WERE YOU IN AN ACCIDENT TODAY? NO

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

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? NO WHAT? _____ WHEN? _____

DO YOU HAVE:

EPILEPSY?	<u>NO</u>
GLASS EYE?	_____
FALSE TEETH?	_____
EAR INFECTION?	_____
INNER EAR TROUBLE?	_____
DIABETES?	_____

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? NO

DO YOU TAKE INSULIN? NO IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? NO WHERE? _____

INTERVIEWER: JPR SAMIH #3822

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

I, TROOPER ROBERT SAYIH, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of Palm Beach Gardens Police Department, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 2ND day of SEPTEMBER, 20 19, at 12:05 P.M A.M.

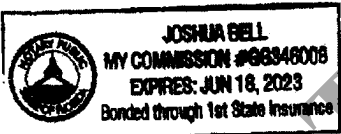
DRIVER JESSICA MARIE CRUZ
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# C620433905260, state of FL, was placed under lawful arrest for
the offense of DUI by TROOPER ROBERT SAYIH and
issued Citation # A76SN6E (Name of Arresting Officer)

That on or about the 2ND day of SEPTEMBER, 20 19, at 01:20 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.

[Signature]
Signature of Law Enforcement Officer or
Correctional Officer



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

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title _____

Date _____

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before

me this 2ND day of SEPTEMBER, 20 19,

by TROOPER ROBERT SAYIH

who is personally known to me or who has produced

Personally Known as identification

Notary Public [Signature]

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.



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

PBSO CASE # 19-110670

AGENCY CASE# FHPL19OFF058207

AGENCY ZONE 14-12

CRASH CASE # _____

TIME OF STOP/CRASH 12:05 AM

DATE 09/02/2019

DAY MONDAY

SUBJECT'S NAME JESSICA MARIE CRUZ

RACE W

SEX F

HGT 5'11"

WGT 160

DOB 01/26/1990

LOCATION WB LANTANA RD. WOF N ARNOLD AVE

ARRESTING OFFICER'S NAME & ID TPR. SAYIH #3822

AGENCY FLORIDA HIGHWAY PATROL

DIVISION: LAKE WORTH

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 12:58 AM

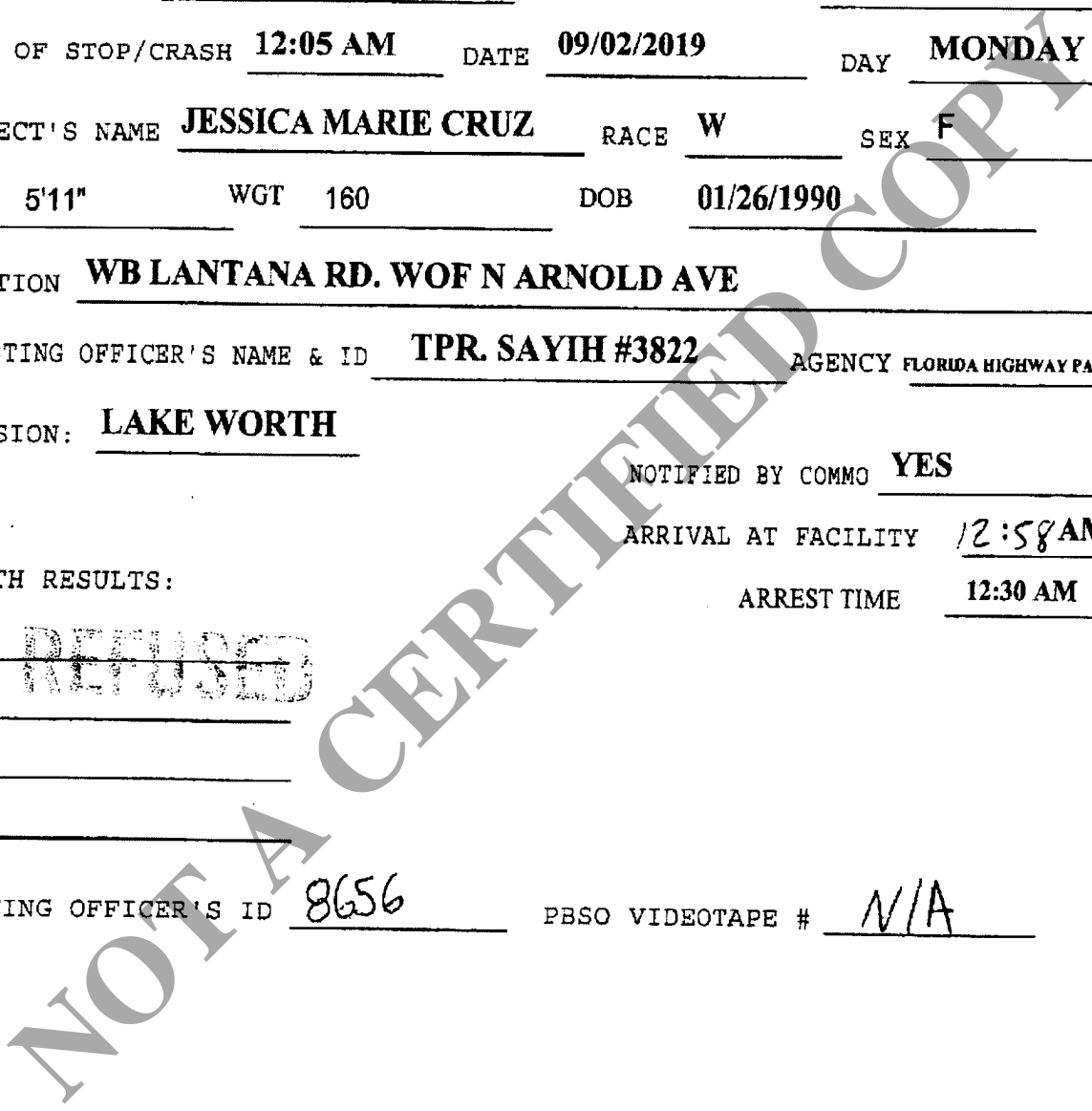
BREATH RESULTS:

ARREST TIME 12:30 AM

1. REFUSED
2. _____
3. _____
4. _____

TESTING OFFICER'S ID 8656

PBSO VIDEOTAPE # N/A





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)
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"/>	(viii) 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: 2019028643	Date: 09/02/2019
	Specialist Name/ID: BellV #4940