2019 CT 1454

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

1 | NH | N

ADMINISTRATIVE

OBTS Number

Agency ORI Number: FLO 500000

Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE

Agency Report Number (N.T.A.'s only): 06- 19-027853

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 | 1 Yes 2 No | NA

Multiple Clearance Indicator: 1

Location of Arrest (Including Name of Business): SR7 @ FORESTHILL BLVD, WELLINGTON, FL 33414

Location of Offense (Business Name, Address): SR7 @ FORESTHILL BLVD, WELLINGTON, FL 33414

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
1/20/19	0055					PRIORITY TOWING

DEFENDANT

Name (Last, First, Middle): DIAZ NAVARRO, JESUS

Alias (Name, DOB, Soc. Sec. #, Etc.)

Race (W - White I - American Indian B - Black O- Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	7/7/85	5'7	165	BRN	BLK	MED	MED

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description): NA

Marital Status: | Religion: NONE | Indication of Alcohol Influence / Drug Influence: Y ☐ N ☐ Unk ☑

Local Address (Street, Apt. Number): 4329 COQUINA WINDS WAY (City): GREENACRES (State): FL (Zip): 33463 | Phone: (561) 385-9463 | Residence Type: 1. City 2. County 3. Florida 4. Out of State

Permanent Address (Street, Apt. Number): AME AS LOCAL (City): (State): (Zip): | Phone: ( ) | Address Source: DL

Business Address (Name, Street): (City): (State): (Zip): | Phone: ( ) | Occupation: CONSTRUCTION

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
D251-420-85-247-0	[redacted]		BARCELONA, SPAIN	SPANISH

CO-DEF

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

JUVENILE

☐ Parent ☐ Legal Custodian ☐ 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 provided by ☐ defendant and / or ☐ defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2626) informed of any change of address ☐ Yes, by: (Name) ☐ No. (Reason) | School Attended | Grade

Property Crime? ☐ Yes ☐ No | Description of Property | Value of Property

CODE

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. Barbiturate C Cocaine E Heroin | H Hallucinogen M. Marijuana O. Opium/Deriv. | P Paraphernalia/ Equipment S. Synthetics | U. Unknown Z Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DUI	1	☐ Y ☑ N	316.193(1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
NA	NA	N/A	19-027853		OR

CHARGE

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

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

CHARGE

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

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

CHARGE

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

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

NOTICE TO APPEAR

Location (Court, Room Number, Address): CRIMINAL JUSTICE COMPLEX @ 3228 GUN CLUB RD WPB, FL 33406

Court Date and Time: Month 2 Day 8 Year 2019 Time 8:30 AM ✓ 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

2019 JAN 23 AM 8:19

NR

ADMIN

HOLD for other Agency Name:

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other

Inside Search: ☐ Yes ☐ No | I.D. # | Pouch #

Signature of Arresting Officer: 8236

Name of Arresting Officer (Print): DANIEL MERCIER | I.D. # 8236

Transporting Officer: DANIEL MERCIER | ID # 8236 | Agency PBSO

Name Verification (Printed by Arrestee) (PRINT)

Witness here if subject signed with an -X-

PAGE 1 OF 1

DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - DEFENDANT (N.T.A.'s ONLY)

PBSO 8148 REV. 8/97

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0504692 / 3545

RECEIVED JAN 23 2019

BY: WB

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 20th DAY OF JANUARY 20 19, AT 0048 ✓ AM PM

SUBJECT: DIAZ NAVARRO, JESUS CASE NUMBER: 19-027853

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: DS DANIEL MERCIER 8236

PERSONAL CONTACT

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

I was dispatched to a single vehicle traffic crash near the intersection of SR7 and Foresthill Blvd, in the Village of Wellington, Palm Beach County, Florida. I arrived at the scene at approximately 0050 hrs. I, and several other deputies, located the defendant's silver Dodge pickup truck bearing Florida tag Y99SZL in the swale on the west side of SR7. The defendant was the only occupant, and still located inside the truck. The defendant climbed out of the driver's side door.

OBSERVATION OF DRIVER:

I made contact with the defendant, later identified by FL DL as, Jesus Diaz Navarro. I observed that the defendant had red, watery, bloodshot eyes, slurred speech, and the odor of an unknown alcoholic beverage that came from his breath and intensified as he spoke to me. I asked if he had any medical problems, took any medications, or needed medical attention. He said no. I asked how much he had had to drink. He said, "some shots earlier in the afternoon."

The defendant swayed slightly while standing.

I asked the defendant to perform voluntary roadside tasks. The defendant consented and I conducted the SFSTs with the following results;

DRIVER'S STATEMENTS:

Pre Miranda / spontaneous roadside admissions: "some shots earlier in the afternoon"

Post Miranda roadside admissions: NA

Post Miranda admissions enroute to / or at BAT: Consented to breath of .134 and .134. Made post Miranda admissions that he was driving, after "a couple of shots".

ODORS:

Obvious odor of an unknown alcoholic beverage that intensified as the defendant spoke to me.

GENERAL OBSERVATIONS

SPEECH: slurred, slow

ATTITUDE: polite, friendly, cooperative

CLOTHING: blue T shirt, green pants, brown work boots

MEDICAL/OTHER: SFSTs conducted on in car video. Defendant states no medical problems or medications. Based on my training and experience, and the totality of the circumstances, I determined that probable cause existed for the defendant's arrest for DUI, in violation of FSS 316.193(1).

STATE OF FLORIDA
COUNTY OF PALM BEACH

DS DANIEL MERCIER 8236
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 20th day of January 20 19 by INV. DANIEL MERCIER

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

Notary Public, Clerk of Court, Officer (F S S 117 10)

Notary Public State of Florida
Paris Pound
My Commission GG 200028
Expires 03/25/2022

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SUBJECT: DIAZ NAVARRO, JESUS CASE NUMBER 19-027853

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- [x] LT EYE-LACK OF SMOOTH PURSUIT
- [x] RT EYE-LACK OF SMOOTH PURSUIT
- [x] LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- [x] RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

I saw no resting nystagmus, equal pupil size, and equal tracking. The defendant was VGN +.

WALK & TURN:

After stating that he understood the instructions, the defendant missed heel to toe multiple times, stepped off the line multiple times, took the wrong number of steps, made an improper turn, and stopped walking to regain his balance and asked for further instructions.

ONE LEG STAND:

After stating that he understood the instructions, the defendant put his foot down multiple times, used his arms for balance, swayed throughout the task, and counted out of order, and spontaneously stopped the task.

FINGER TO NOSE:

nothing to note

ROMBERG ALPHABET:

The defendant stated that he could count to 30 in English. The defendant grossly miscounted, saying 11 multiple times, reversing and repeating numbers before saying 30.

BREATH TEST RESULTS: 1) .134 | 2) .134 | 3) | 4)

STATE OF FLORIDA
COUNTY OF PALM BEACH

DS DANIEL MERCIER 8236
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 20th day of January 2019 by INV. DANIEL MERCIER

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

Notary Public, Clerk of Court, Officer (F.S.S 117 10)

Notary Public State of Florida
Paris Pound
My Commission GG 200028
Expires 03/25/2022

NOT A CERTIFIED COPY

WITNESS LIST

ARRESTING OFFICER: DS DANIEL MERCIER 8236 CASE NUMBER: 19-027853

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: _____

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PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

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TESTING FACILITY TASK REPORT

AGENCY: PBSO

SUBJECT: DIAZ NAVARRO, JESUS CASE NUMBER: 19-027853 02785X

DATE: 01/20/19 VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 01:40 ENDING TIME: 01 59

BREATH TESTS RESULTS: 1) .134 TIME 01.46 A.M./P.M. 2) .134 TIME 01.47 A.M./P.M.

3) N/A TIME — A.M./P.M. 4) N/A TIME — A.M./P.M.

BREATH OPERATOR: P. Pouncy #24639

MAINTENANCE TECHNICIAN: J. LAKLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM, QUIET

CLOTHING: GREEN PANTS, BLUE T-SHIRT, BROWN BOOTS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER: EYES GLASSY AND BLOODSHOT.

A. STATED HE HAD A COUPLE OF SHOTS IN QTA.

COMMENTS: ARRIVED AT CENTER A/O CLEAN THE 20 MINUTE OBSERVATION PERIOD AT 01:15 HRS.

A. AGREED TO TAKE TEST.

TECH READ RESULTS

A. STATED HE UNDERSTOOD RESULTS

A/O. READ RIGHTS

A. STATED HE THINK SO HE UNDERSTOOD RIGHTS

A/O. READ RIGHTS AGAIN A. THEN STATED HE UNDERSTOOD RIGHTS

A/O. CONDUCTED QTA.

A. ANSWERS QUESTIONS.

WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

PBSO #0129A REV.11/02

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53

SUBJECT: DIAZ NAKAKO, JESUS CASE NUMBER: 19-027852

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

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SUBJECT: DIAZ NAVARRO, JESUS CASE NUMBER: 19-027853

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? —

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? 150-155 HAVE YOU BEEN DRINKING? [illegible] WHAT? [illegible]

HOW MUCH? — WHERE? — WITH WHOM? —

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

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? Tile Cutter WHEN DID YOU LAST WORK? Today

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

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

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

WERE YOU IN AN ACCIDENT TODAY? No [illegible]

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?	
GLASS EYE?	
FALSE TEETH?	
EAR INFECTION?	NO
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? Yes WHERE? —

INTERVIEWER: D. MERCER 5226

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

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006029 Software: 8100.27
Date of Test: 01/20/2019

Date of Last Agency Inspection: 01/18/2019
Observation Period Began: 01:15
Subject's Name: JESUS DIAZ NAVARRO DOB: 07/07/1985 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	01:44
Air Blank	0.000	01:44
Control Test	0.081	01:45
Air Blank	0.000	01:45
Subject Sample #1	0.134	01:46
Air Blank	0.000	01:46
Air Blank	0.000	01:48
Subject Sample #2	0.134	01:49
Air Blank	0.000	01:49
Control Test	0.080	01:50
Air Blank	0.000	01:50
Diagnostics Check	OK	01:50

Cylinder Lot: 13518080A5
Exp: 08/05/2020

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 PARIS D POUNO, 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 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: _____ Date: 01/20/19
Signature

Sworn to (or affirmed) before me this 26th day of JANUARY, 2019

_____ D/S. D. MERCIER
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.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007

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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
	☐	(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.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐	539.001 FS	Other: All records relating to pawnbroker transactions.	
	☐	119.0712(2)	Other: Personal information contained within a motor vehicle record	

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REVIEW COMPLETED BY

Booking Number: 2019002291	**Date:** 01/20/2019
	Specialist Name/ID: howardt/7185