

J-0493470

P651

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>FLO 500000</b>		Agency Name <b>PALM BEACH COUNTY SHERIFF'S OFFICE</b>		Agency Report Number (N.T.A.'s only) <b>06-17-153479</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	Weapon Seized / Type 2 1. Yes 2. No N/A	Multiple Clearance Indicator 01	
Location of Arrest (Including Name of Business) <b>OKEECHOBEE BLVD / N JOG RD PBC</b>			Location of Offense (Business Name, Address) <b>OKEECHOBEE BLVD / N JOG RD PBC</b>			
Date of Arrest <b>11/19/2017</b>	Time of Arrest <b>0036</b>	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle

Name (Last, First, Middle) <b>DAVILA HERRERA, JOSE</b>						Alias (Name, DOB, Soc. Sec. #, Etc.)					
Race W - White 1 - American Indian B - Black 0 - Oriental/Asian	Sex <b>M</b>	Date of Birth <b>8/8/1977</b>	Height <b>6'00</b>	Weight <b>175</b>	Eye Color <b>BLUE</b>	Hair Color <b>BALD</b>	Complexion <b>LIGHT</b>	Build <b>MED</b>			
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) N/A				Marital Status N/A	Religion NONE	Indication of Alcohol Influence Y <input checked="" type="checkbox"/> N <input type="checkbox"/> Unk. <input type="checkbox"/>					
Local Address (Street, Apt. Number) (City) (State) (Zip) <b>118 WATERWAY ROAD, ROYAL PALM BEACH, FL, 33411</b>				Phone ( ) NONE		Residence Type: 1. City 2. County 3. Florida 4. Out of State			2		
Permanent Address (Street, Apt. Number) (City) (State) (Zip) <b>118 WATERWAY ROAD, ROYAL PALM BEACH, FL, 33411</b>				Phone ( ) NONE		Address Source <b>VERBAL</b>					
Business Address (Name, Street) (City) (State) (Zip)				Phone ( )		Occupation <b>WPB, FL</b>					
D/L Number, State <b>D146-427-77-288-0, FL</b>		Soc. Sec. Number		INS Number		Place of Birth (City, State) <b>WPB, FL</b>		Citizenship <b>US</b>			

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile

<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
Released To: (Name)	Relationship	Date
The above address provided by <input type="checkbox"/> defendant and / or <input type="checkbox"/> 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. <input type="checkbox"/> Yes, by: (Name) <input type="checkbox"/> No: (Reason)		School Attended
Property Seized? <input type="checkbox"/> Yes <input type="checkbox"/> No	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. Barbiturate C. Cocaine E. Heroin	H. Hallucinogen M. Marijuana O. Opium/Deriv.	P. Paraphernalia/ Equipment S. Synthetics	U. Unknown Z. Other
Charge Description <b>DRIVING UNDER THE INFLUENCE</b>		Counts <b>1</b>	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Statute Violation Number <b>316.193(1)</b>		Violation of ORD #				
Drug Activity N	Drug Type N	Amount / Unit <b>BrAC: .208 / .217</b>	Offense # <b>17-153479</b>	Warrant / Capias Number		Bond				
Charge Description		Counts	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	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"/> Y <input checked="" type="checkbox"/> N	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"/> Y <input checked="" type="checkbox"/> N	Statute Violation Number		Violation of ORD #				
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond				

Location (Court, Room Number, Address) <b>NORTH COUNTY COURTHOUSE / 3188 PGA BLVD, PALM BEACH GARDENS, FL 33418</b>					
Court Date and Time Month <b>DECEMBER</b> Day <b>13TH</b> Year <b>2017</b> Time <b>0830</b> AM <input checked="" type="checkbox"/> 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) <b>ARRESTED</b>				Date Signed	

HOLD for other Agency Name:	Signature of Arresting Officer <b>21289</b>	Name Verification (Printed by Arrestee)
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal	Name of Arresting Officer (Print) <b>D/S P SCARTOZZI #21289</b>	(PRINT)
<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other:	I.D. # <b>21289</b>	
Intake Deputy <b>SPAWN 8101</b>	Transporting Officer <b>SAME</b>	Agency <b>PBSO</b>
I.D. #	Pouch #	Witness here if subject signed with an "X" <input checked="" type="checkbox"/>
		1 OF 1

OBTS Number		<b>PROBABLE CAUSE AFFIDAVIT</b>			1. Arrest 2. N.T.A.	3. Request For Warrant 4. Request For Capias	1	Juvenile
Agency ORI Number <b>FLO 5 0 0 0 0 0</b>	Agency Name <b>PALM BEACH COUNTY SHERIFF'S OFFICE</b>			Agency Report Number <b>06</b>		<b>17153479</b>		
Charge Type: Check as many as apply		Special Notes						
<input type="checkbox"/> 1. Felony	<input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 3. Misdemeanor	<input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 5. Ordinance	<input type="checkbox"/> 6. Other			
Defendant Name (Last, First, Middle) <b>DAVILA HERRERA JOSE</b>				<b>G</b>	Race <b>W</b>	Sex <b>M</b>	Date of Birth <b>08/08/1977</b>	
Charge <b>Driving Under the Influence</b>				Charge				
Victim Name (Last, First, Middle) <b>State of Florida</b>				Race		Sex	Date of Birth	
Local Address (Street, Apt. Number)		City	State	Zip	Phone		Address Source	
Business Address (Street, Apt. Number)		City	State	Zip	Phone		Occupation	
<p>The undersign swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The person taken into custody...</p> <p><input type="checkbox"/> committed the below acts in my presence.</p> <p><input type="checkbox"/> confessed to admitting to the below facts.</p> <p><input type="checkbox"/> was observed by _____ who told that he/she saw the arrested person commit the below acts.</p> <p><input checked="" type="checkbox"/> was found to have committed the below acts, resulting from (described) investigation.</p> <p>On the <u>19</u> day of <u>November</u> 20 <u>17</u> at <u>0011</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM</p>								

**Supplemental Probable Cause.**

On 11/19/17 at approximately 0011 hours I performed a traffic stop at the location of Okeechobee Blvd and Jog Rd in the unincorporated area of Palm Beach County Fl. 33411.

I observed a white Toyota Tundra truck baring Fl. license plate VCL170 driving west bound down Okeechobee Blvd. The white truck was swerving in and out of his lane (failing to maintain a proper lane) While at the intersection of Okeechobee Blvd and Haverhill Rd the truck took off at a high rate of speed. I paced the vehicle at speeds of 70 miles per hour. At the intersection of Okeechobee Blvd and Jog Rd I performed the traffic stop. While using my marked issued PBSO patrol vehicle I activated my over head lights and performed the stop. The vehicle then stopped. As I approached the vehicle I observed a white male driver who was identified by his Fl. Drivers License as Jose Davila Herrera. While speaking with Davila Herrera I could smell an odor of an unknown alcoholic beverage emitting from his person. I also observed Davila Herrera had blood shot, and watery eyes. Davila Herrera advised he had just left a wedding and was heading home. Deputy Scartozzi ID 21289 who is the district traffic unit then arrived on scene. He took over the DUI investigation.

No further information.

The foregoing instrument was sworn to and affirmed before me this <u>19</u> day of <u>November</u> 20 <u>17</u> , by:	
<b>B. Frank 21296</b>	<b>P. Scartozzi 21289</b>
Name of Notary Public / Clerk of Court / Officer (F.S.S. 117.00)	Name of Arresting/Investigating Officer
Signature of Notary Public / Clerk of Court / Officer (F.S.S. 117.00)	Signature of Arresting/Investigating Officer
Page <u>1</u> of <u>1</u>	

# D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 19TH DAY OF NOVEMBER 20 17, AT 0011  AM  PM

SUBJECT: DAVILA HERRERA, JOSE CASE NUMBER: 17-153479

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: D/S SCARTOZZI

## PERSONAL CONTACT

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

On 11/19/2017 at approximately 0011 hours I responded to backup D/S Frank who conducted a traffic stop in the area of Okeechobee Blvd & North Jog road, West Palm Beach, FL, 33409 in unincorporated Palm Beach County. Upon my arrival I noticed D/S Frank stopped in the westbound lanes of Okeechobee Blvd just west of North Jog road. As I approached the scene I noticed a white in color pickup truck bearing Florida license plate number VCL-170 stopped in front of D/S Frank's patrol vehicle. As I approached D/S Frank he advised me that the driver of the vehicle may be under the influence of alcohol and or a controlled substance. He would later provide me with the following supplemental probable cause affidavit. "On 11/19/17 at approximately 0011 hours I performed a traffic stop at the location of Okeechobee Blvd and Jog Rd in the unincorporated area of Palm Beach County Fl. 33411. I observed a white Toyota Tundra truck baring Fl. license plate VCL170 driving west bound down Okeechobee Blvd. The white truck was swerving in and out of his lane (falling to maintain a proper lane) While at the intersection of Okeechobee Blvd and Haverhill Rd the truck took off at a high rate of speed. I paced the vehicle at speeds of 70 miles per hour. At the intersection of Okeechobee Blvd and Jog Rd I performed the traffic stop. While using my marked issued PBSO patrol vehicle I activated my over head lights and performed the stop. The vehicle then stopped. As I approached the vehicle I observed a white male driver who was identified by his Fl. Drivers License as Jose Davila Herrera. While speaking with Davila Herrera I could smell an odor of an unknown alcoholic beverage emitting from his person. I also observed Davila Herrera had blood shot, and watery eyes. Davila Herrera advised he had just left a wedding and was heading home. Deputy Scartozzi ID 21289 who is the district traffic unit then arrived on scene. He took over the DUI investigation. No further information."

## OBSERVATION OF DRIVER:

I went up to the drivers side of the vehicle and made contact with a white male wearing a white shirt. This male was identified by Florida driver's license as Jose Herrera. Immediately upon making contact with Herrera I noticed the strong odor of an unknown alcoholic beverage emitting from his breath area, his speech was slow and slurred, his eyes were blood shot and watery. I asked Herrera where he was coming from and he advised he was coming from a wedding. I asked him how much he had to drink and he advised "I beer a long time ago". Based on my observations up until this point I asked Herrera to step out of the vehicle so I could conduct an impaired driving assessment. as he was stepping out of the vehicle I notice he would use the B pillar for balance and then step out of the car. He denied being diabetic but when asked if he has any other medical problems he advised he is a cancer survivor and he has a tube inserted in his body. then walked Herrera to the front of my patrol vehicle, I chose a smooth level portion of the as fault roadway, free of debris and obstructions in order to perform road side tasks. While walking Herrera would sway in a side to side back to front manner more then 2 inches. I When I reached the front of my patrol vehicle I asked Herrera to stand with his heels and toes together with his arms down at his side. While standing in this position he would sway in a side to side back to front manner more then 2 inches.

## DRIVER'S STATEMENTS:

I asked him if he had any problems with his eyes and he advised no. I then placed a lighted stylus pen approximately 12 inches away from his face just above the eye brow line. I gave Herrera the following instructions, when I tell you to go I want you to touch the tip of the red light with your right index finger and then bring your arm back to your side, this is so you properly understand the point to be tracked. He started this task before he was told to do so, when he did start he touch the red light other then the way it was demonstrated. I then elected to perform the pen light task. He was asked to stand with his heels and toes together with his arms down to his side, while standing here he would sway in a side to side back to front manner more then 2 inches. During the horizontal pen light task the drivers eyes displayed equal pupil size and equal tracking. The driver's eyes displayed lack of smooth pursuit, distinct and sustained Nystagmus at maximum deviation and distinct and sustained Nystagmus prior to 45 degrees. While standing here answering questions I could still detect the strong odor of an unknown alcoholic beverage emitting from the driver mouth area, this odor intensified as he spoke to me.

## ODORS:

A strong and obvious odor of an unknown alcoholic beverage was emitting from his person and face area. This odor intensified as he spoke with me.

## GENERAL OBSERVATIONS

SPEECH: SLOW, THICK, SLURRED, SOMTIMES DIFFICULT TO UNDERSTAND

ATTITUDE: COOPORATIVE / UNCOOPORATIVE

CLOTHING: WHITE SHIRT, BLACK PANTS, BLACK SHOES

MEDICAL/OTHER: The driver denied any medical conditions, physical disabilities, injuries and medication use and or use of recreational drugs.

STATE OF FLORIDA  
COUNTY OF PALM BEACH

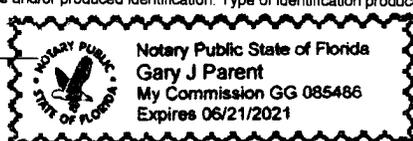
D/S SCARTOZZI

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 19TH day of NOVEMBER 20 17 by D/S P SCARTOZZI #21289

(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: DAVILA HERRERA, JOSE

CASE NUMBER 17-153479

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- Checkboxes for eye tasks: LT EYE-LACK OF SMOOTH PURSUIT, RT EYE-LACK OF SMOOTH PURSUIT, LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION, RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION, LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES, RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

WALK & TURN:

I then moved to the Walk and Turn task. He was asked to place his left foot on the ground with his right foot directly in front of it in the heel to toe position, and then place his arms at his sides and stay in this position while I demonstrated this task. He would sway roughly more than 2 inches, in a side to side, front to back pattern throughout the demonstration phase. He could not maintain his balance while listening to instructions. He was given the standardized instructions for this task after which he advised he understood. He stepped out of the stance during the demonstration to catch his balance. He started the task before being instructed to do begin. He would stop walking to steady himself with pauses to regain his balance. On the first set of heel to toe steps he missed steps one through nine and stepped off the line, using his arms for balance by raising them more than six inches. On the second set of heel to toe steps he missed steps one through nine and stepped off the line, using his arms for balance by raising them more than six inches. He performed the incorrect number of steps. He performed the turn other than the way it was demonstrated. See dash camera.

ONE LEG STAND:

I then moved to the One Leg Stand task. He was asked to stand with his feet and toes together with his arms at his sides and stay in this position while I demonstrate this task. He would sway roughly more than 2 inches, in a side to side, front to back pattern throughout the demonstration phase. He could not maintain his balance while listening to instructions. He stepped out of the stance during the demonstration to catch his balance. He was given the standardized instructions for this task after which he advised he understood. He started the task before being instructed. He continued to sway while balancing on one leg. He used his arms to balance by raising them more than six inches from his sides. He attempted this task however immediately when he put his foot up he almost lost his balance and advised he could not do this task. See dash camera.

FINGER TO NOSE:

I then moved to the Finger to Nose task. He was asked to stand with his feet and toes together. He was then instructed to extend his arms outward so they would be parallel to the ground. He was then instructed to make a fist with both hands, extend his index/pointer finger on both hand, turn both hands toward the sky and then place both arms down at his sides and remain in this position while I gave the instructions. I demonstrated how to do get to this position by the numbers. He was given the standardized instructions for this task after which he advised he understood. He would sway roughly more than 2 inches in a side to side, front to back pattern throughout the demonstration phase. He did not keep his eyes closed and had to be reminded to do so. His index finger did not touch his nose. He used the hand other than that which was called. The sequence used for this task was L, R, L, R, R, L. He was unable to perform the task. See dash camera.

ROMBERG ALPHABET:

I then moved to the Romberg Alphabet task. He was asked to stand with his feet and toes together with his arms at his sides and stay in this position while I demonstrated this task. He chose to recite numbers, starting with the number 56 and counting in sequence until 96. He would sway roughly more than 2 inches in a side to side, back to front pattern throughout the demonstration phase. He was given the standardized instructions for this task after which he advised he understood. He would not keep his eyes closed and had to be reminded to do so. He would use his arms for balance by raising them more than six inches. He incorrectly recited the number sequence. He was unable to perform the task. See dash camera.

BREATH TEST RESULTS: 1) .208 2) .217 3) N/A 4) N/A

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S SCARTOZZI

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 19TH day of NOVEMBER 20 17 by D/S P SCARTOZZI #21289

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

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

