0505682

673

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

OBTS Number

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

Juvenile: N

ADMINISTRATION

Agency ORI Number	Agency Name	Agency Report Number
FL0500300	BOYNTON BEACH POLICE DEPT.	34-19-010416

Charge Type: Check as many as Apply. ☐ 1. Felony ☐ 2. Traffic Felony ☒ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

If Weapon Seized Enter Type:

Multiple Clearance Indicator:

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
1400 W. GATEWAY BLVD,BOYNTON BEACH,FL, 33426	1400 W. GATEWAY BLVD,BOYNTON BEACH,FL, 33426

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
02/23/2019	2059					

DEFENDANT

Name (Last, First, Middle): MERIDA GOMEZ, KEVIN EMILSON

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

Race (W - White, B - Black, I - American Indian, O - Oriental / Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	08/04/1991	506	155	GREEN	BLK	FAR	MED

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description): N/A

Marital Status: MARRIED

Religion: N/A

Indication of: Alcohol Influence ☒ Y ☐ N ☐ Unk. Drug Influence ☐ ☐ ☒

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Residence Type (1. City 2. County 3. Florida 4. Out of State)
3004 QUANTUM LAKES DR, BOYNTON BEACH,		FL,	33426	( ) -	1

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

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

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth	Citizenship
M632505912840 / FL	[redacted]		GUATUMALA CT,GU	US

CO-DEF

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	
				☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile
				☐ 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 was provided by ☐ defendant and/or ☐ 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: ☐ 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. Barbituate, C. Cocaine, E. Heroin, H. Hallucinogen, M. Marijuana, O. Opium/Deriv., P. Paraphernalia/Equipment, S. Synthetic, U. Unknown, Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
DUI W/ PROPERTY DAMAGE	1	☐Yes ☒No	316.193.1	-

Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
-	-	-	19-010416	-	- OR

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
LEAVING SCENE OF CRASH W/ PROPERTY DAMAGE	1	☐Yes ☒No	316.061.1	-

Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
-	-	-	19-010416	-	- OR

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
		☐Yes ☐No		

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

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
		☐Yes ☐No		

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

NOTICE TO APPEAR

☐ Instruction No. 1 Mandatory Appearance in Court
☐ Instruction No. 2 You need not appear in Court but must Comply with Instruction on reverse side.

Location (Court, Room Number, Address): South County Courthouse, 200 West Atlantic Ave, Delray Beach, FL 33444

Court Date and Time: Month 03 Day 25 Year 2019 Time 0830 ☒ A.M. ☐ 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) — Date Signed

ADMIN.

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

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Intake Deputy / I.D. #	Pouch #	Transporting Officer	I.D. #	Agency	Name of Arresting Officer (Print)	I.D. #	BU#	Witness here is subject Signed with an "X".
Thomas 7926		OFFICER CASTRO	905	BBPD	OFFICER CASTRO	905		

Page 1 OF 1

NOT A CERTIFIED COPY

2019CT3750

Received WB
FEB 26 2019

FEB 24 PM 2:18
2019 FEB 24 PM 12:

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 23 **DAY OF** February **2019 AT** 8:02 ☐ **A.M** ☒ **P.M.**

CASE #: 19-010416 **DEFENDANT:** MERIDA GOMEZ, KEVIN E.

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

I responded the area of 1400 W. Gateway Blvd in reference to a Traffic Stop conducted by Sgt. McDeavitt. Let it be noted that this incident occurred within the City of Boynton Beach, Palm Beach County, FL. Sgt. McDeavitt advised Boynton Beach Communication that he was flagged down just prior to the traffic stop in reference to a hit and run crash that had just occurred and that the witness pointed to a 2018 White GMC Sierra bearing Florida tag Y51LSH. Boynton Beach Communication advised that they had just received a call in reference a hit and run crash at 2986 Quantum Lakes Dr and that the suspect vehicle that had left was a White pick-up truck. The distance from 2986 Quantum Lakes Dr and 1400 W. Gateway Blvd is approximately 3500 feet.

Upon arrival Sgt. McDeavitt directed me to the witness of the crash/person who flagged him down W/M Gaviria-Ospina, John (11/21/85). Gaviria-Ospina advised that while leaving his community (Quantum Lakes Villas) he observed his neighbor W/F Kirkland, Jane (10/08/55) in what appeared to be involved in a crash. Gaviria-Ospina advised that the front left corner of Kirkland's blue Mazda RX-8 (bearing Florida tag T0YRX-8) was touching the front left corner of a White GMC pick-up truck. Gaviria-Ospina advised that upon checking on Kirkland's welfare, the male in the pick-up truck (later identified as W/M Merida Gomez, Kevin (08/04/91) quickly placed his vehicle in reverse and fled the scene. Gaviria-Ospina advised that he followed Merida Gomez in an attempt to obtain a license plate but Merida Gomez was driving too reckless. Gaviria-Ospina advised that he did lost visual of Merida Gomez as he drove north of Quantum Blvd towards Gateway Blvd. Gaviria-Ospina advised moments later he observed Merida Gomez on Gateway Blvd and then entered an industrial warehouse parking lot. Gaviria-Ospina advised that as he attempted to obtain a license plate again, Merida Gomez fled again from the parking lot and westbound on W. Gateway Blvd. Gaviria-Ospina advised that he and Merida Gomez approached the intersection of Renaissance Commons Blvd and W. Gateway Blvd, he observed Sgt McDeavitt at the traffic light and flagged him down. Gaviria-Ospina advised that he did not observe the crash nor the driver of the white pick-up, just post-crash with both vehicles touching each other. Gaviria-Ospina's statement was captured via BWC.

Gaviria-Ospina's wife, passenger to his vehicle, W/F Betancourt, Julie (10/05/90) advised that she did observe the male of the pickup truck as they approached the crash. Betancourt

NOT A CERTIFIED COPY

advised that Merida Gomez had the front window down to the pickup truck just prior to him leaving the scene of the crash. Betancourt's statement was captured via BWC.

I then spoke with Officer Moccia, who was present at the crash scene with the other involved vehicle (Mazda RX-8). Officer Moccia advised that driver of the Mazda (Kirkland) advised that while traveling eastbound through her community, Quantum Lakes Villa, the front of her vehicle was struck by a white pickup truck that was proceeded to make a left turn. Kirkland advised that it was raining and visibility was limited but it appeared that the driver of the truck failed to stay on his side of the roadway. Kirkland advised that she then made contact with the male driver (described as a young Hispanic male). While doing so the male quickly reversed from the scene and fled. Kirkland advised that she did not recognized the driver. Kirkland was unable to respond to the scene of the traffic stop due to her vehicle being disable and needing to be towed. Kirkland's statement was captured via Moccia's BWC.

Based on the above facts I requested Merida Gomez to exit his vehicle so that a show-up could be conducted. Betancourt positively identified Merida Gomez as being the driver in the pickup truck as it left the scene of the crash.

I then spoke with Sgt. McDeavitt who advised that while stopped at the red traffic control device at the intersection of Renaissance Commons Blvd and W. Gateway Blvd he was flagged down by Gaviria-Ospina in reference to the hit and run crash. Gaviria-Ospina pointed to the White GMC pickup and advised him that it fled the scene of a crash that it was involved in. Sgt. McDeavitt advised that after conducting a traffic stop he made contact with the driver/sole occupant of the vehicle, Merida Gomez. Sgt. McDeavitt that while walking up to the vehicle, Merida Gomez was placing numerous amount of gum into his mouth. Sgt. McDeavitt advised that while speaking with Merida Gomez his noticed that his speech was thick and slurred and his eyes were glassy. Sgt. McDeavitt advised that with the information given at this point and his observations of Merida Gomez, he contacted me to assist with the investigation. See Sgt. McDeavitt's supplement for further.

I then escorted Merida Gomez to the front of my vehicle and explained to him that the investigation was being audio/video recorded, which his stated that he understood. Merida Gomez advised that while conducting a left (west) turn onto a road inside his community he stuck a vehicle that was driving east on that same roadway. Merida Gomez advised that it was raining heavily and could not see well. Merida Gomez advised that while speaking with the driver of the other vehicle she began to yell and scream at him. As a result he became afraid due to not ever being involved in a crash before and fled the scene. Merida Gomez advised that it was a blue vehicle that he struck and did not know who the female was. Merida Gomez advised that he was fleeing to meet his wife for dinner. Merida Gomez advised that he knows what he did was wrong but he was just scared. Merida Gomez advised the left front corner of his vehicle struck the left front corner of the other

NOT A CERTIFIED COPY

vehicle. Merida Gomez and myself inspected the front of his vehicle and saw blue paint transfer and a dent on the left corner of his front bumper (photo was taken).

While speaking with Merida Gomez I detected the odor of an unknown alcoholic beverage emitting from his breath, which intensified as his spoke. Merida Gomez's speech was thick and slurred and his eyes were glassy. Merida Gomez swayed side to side, front and back while speaking with me. Based on my investigation at this point I advised Merida Gomez that I've concluded my crash investigation and that I was now conducting a DUI investigation, which he stated that he understood. I then read Merida Gomez his Miranda Warnings, which he stated that he understood. During the DUI investigation Merida Gomez advised that he had left his uncle's residence from Delray Beach at approximately 1900hrs and proceeded to head home. Merida Gomez advised that at his uncle's residence he had consumed approximately 4-5 Corona Extra 12oz beers prior to leaving. Merida Gomez admitted to feeling the effects of the alcohol but wasn't "drunk". Based on the above facts I requested Merida Gomez to submit to a Series of Standardized Field Sobriety Task, which he agreed to. Prior to beginning I asked Merida Gomez if he had any disabilities/injuries I should be aware of, which he stated no. See the following:

Pen Exercise: During the task, Merida Gomez had a difficult time following the stimulants with his eyes only and not moving his head. There were times that Merida Gomez did not follow the stimulants at all and was reminded to do so. Merida Gomez swayed side to side, front and back during the exercise.

NOT A CERTIFIED COPY

HORIZONTAL GAZE NYSTAGMUS:

- ☐ Left eye does not follow smoothly
- ☐ Left eye prior to 45 degrees
- ☐ Distinct jerking in left eye at maximum deviation
- ☐ Vertical Nystagmus in left eye
- ☐ Right eye does not follow smoothly
- ☐ Right eye prior to 45 degrees
- ☐ Distinct jerking in right eye at maximum deviation
- ☐ Vertical Nystagmus in right eye

WALK AND TURN:

The following task was demonstrated and explained to Merida Gomez, which he stated that he understood. During the instructional stage, Merida Gomez had a difficult time keeping his balance. Merida Gomez swayed side to side, back and forth. During the walking stage, Merida Gomez took 10 steps forward, missing heel to toe between step numbers 3-4. Merida Gomez did not turn. Merida Gomez took the returning steps backwards, missing heel to toe between steps 3-4. Merida Gomez did not count out loud.

ONE LEG STAND:

The following task was demonstrated and explained to Merida Gomez, which he stated that he understood. During the instructional stage, Merida Gomez swayed side to side, back and forth. During the instructional stage, Merida Gomez miss counted and dropped his foot down once.

FINGER TO NOSE:
The following task was demonstrated and explained to Merida Gomez, which he stated that he understood. During the instructional stage, Merida Gomez swayed side to side, back and forth. During the exercise stage, Merida Gomez missed the touch of his nose on the first LEFT and RIGHT command. Merida Gomez failed to return his arm to his side after every command.

ROMBERG/ALPHABET:
The following task was demonstrated and explained to Merida Gomez, which he stated that he understood. During the instructional stage, Merida Gomez swayed side to side, back and forth. During the exercise stage, Merida Gomez was instructed to count from 26 to 51. Merida Gomez advised that he understood. Merida Gomez counted to the 70s.
Based on the above facts, Merida Gomez was placed into custody under suspicion of DUI. Merida Gomez was placed into handcuff (D/L and Spaced) and placed in the back seat of my patrol vehicle (#4734). I started my 20 minutes observations at 2059hrs and completed at 2119hrs. Upon completion I requested Merida Gomez to provide a sample of his breath to determine the alcohol content, which he agreed. The proper way to provide a breath sample was explained to Merida Gomez, which he stated that he understood. Merida Gomez provided a sample of .173 and .175. Merida Gomez advised that he remembered that Miranda Warnings that I read to him earlier and did not need them repeated. Q&As were completed.

Based on the above facts I've established Probable Cause to arrest Merida Gomez with 1M count of DUI w/ Property Damage pursuant with F.S.S. 316.193.3C1 and Leaving the Scene of Crash with Property Damage pursuant with F.S.S. 316.061.1. Due to the fact that Merida Gomez was involved in a crash he was transported to Bethesda Hospital East for medical clearance and later TOT to PBCJ.

A copy of the SFST and BAT video were later entered into the Boynton Beach Police Evidence Department. Incident was captured via BWC as well. Merida Gomez vehicle was removed from scene by his wide.

Nothing Further.

NOT A CERTIFIED COPY

The following instrument was sworn to before me this 23 day of February 2019

By: PERSONALLY KNOWN / OFFICER CASTRO #905

Notary Public State of Florida
Samantha Palmer
My Commission GG 233762
Expires 10/28/2022

Notary/Police Officer (F.S.S. 117.10) Signature of Arresting Officer

TESTING FACILITY TASK REPORT

CASE #: 19-010416 **DEFENDANT:** MERIDA GOMEZ, KEVIN E.
Date: 2/23/19 **Video Tape #:** 4734

BREATH TEST RESULTS:

1. .173 g/210L Time 9:26 ☐ a.m. ☒ p.m.
2. .175 g/210L Time 9:30 ☐ a.m. ☒ p.m.
3. ____ g/210L Time ____ ☐ a.m. ☐ p.m.
4. ____ g/210L Time ____ ☐ a.m. ☐ p.m.

BREATH OPERATOR: OFFICER CASTRO #905
MAINTENANCE TECHNICIAN: OFFICER CASTRO #905

TESTING OFFICER'S OBSERVATIONS

SPEECH: THICK, SLURRED
ATTITUDE: COOPERATIVE
CLOTHING: BLACK SHIRT, BLUE JEANS, BLUE SHOES
MEDICAL CONDITIONS: NONE
MEDICATIONS: NONE
OTHER:

COMMENTS:
-DEF AGREED TO PROVIDE BOTH BREATH SAMPLE
- DEF ADVISED THAT HE RECALLED MIRANDA READ TO HIM EARLIER AND DID NOT NEED THEM REPEATED
-Q & As COMPLETED

NOT A CERTIFIED COPY

CASE #: 19-010416 **DEFENDANT:** MERIDA GOMEZ, KEVIN E.

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.

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.

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of determining 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 OFFICER CASTRO #905 of the Boynton Beach Police Department

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.

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 statements can and will be used against you in a court of law.**

Suspect's Signature: Read on Video

NOT A CERTIFIED COPY

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

Instrument Type: Intoxilyzer 8000
Instrument Registered To: BOYNTON BEACH PD
Instrument Serial Number: 80-001190 Software: 8100.27
Date of Test: 02/23/2019

Date of Last Agency Inspection: 01/30/2019
Observation Period Began: 20:59
Subject's Name: KEVIN E MERIDA GOMEZ DOB: 08/04/1991 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	21:25
Air Blank	0.000	21:25
Control Test	0.078	21:25
Air Blank	0.000	21:26
Subject Sample #1	0.173	21:26
Air Blank	0.000	21:27
Air Blank	0.000	21:29
Subject Sample #2	0.175	21:30
Air Blank	0.000	21:30
Control Test	0.078	21:31
Air Blank	0.000	21:31
Diagnostics Check	OK	21:31

Cylinder Lot: 684131
Exp: 01/23/2020

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 DENNIS CASTRO, 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: 02/23/19
Signature

Sworn to (or affirmed) before me this 23 day of February, 2019

_____ Samantha Palmer
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

Notary Public State of Florida
Samantha Palmer
My Commission GG 233762
Expires 10/28/2022

NOT A CERTIFIED COPY

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

Instrument Type: Intoxilyzer 8000
Instrument Registered To: BOYNTON BEACH PD
Instrument Serial Number: 80-001190 Software: 8100.27
Date of Test: 02/23/2019

Date of Last Agency Inspection: 01/30/2019
Observation Period Began: 20:59
Subject's Name: KEVIN E MERIDA GOMEZ DOB: 08/04/1991 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	21:25
Air Blank	0.000	21:25
Control Test	0.078	21:25
Air Blank	0.000	21:26
Subject Sample #1	0.173	21:26
Air Blank	0.000	21:27
Air Blank	0.000	21:29
Subject Sample #2	0.175	21:30
Air Blank	0.000	21:30
Control Test	0.078	21:31
Air Blank	0.000	21:31
Diagnostics Check	OK	21:31

Cylinder Lot: 684131
Exp: 01/23/2020

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 DENNIS CASTRO, 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: 02/23/19
Signature

Sworn to (or affirmed) before me this 23 day of February, 2019.

_____ Samantha Palmer
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

Notary Public State of Florida
Samantha Palmer
My Commission GG 233762
Expires 10/28/2022

NOT A CERTIFIED COPY

CASE #: 19-010416 **DEFENDANT:** MERIDA GOMEZ, KEVIN E.

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.

Where 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? LINTON CONGRESS TO 95, TO HOME QUANTUM LAKES
What was you direction of travel? WEST
Where did you start from? WORK
What time did you start? 7 O CLOCK
What time is it now? NO
What is today's date? 23
What day of the week is it? SATURDAY
What City and County are you in now? BOYNTON BEACH WEST PALM BEACH
When did you last eat? 12-1
What did you eat? CHICKEN RICE, TORTILLAS AND BEANS
What have you been doing for the last three hours? DRIVING
How much do you weigh? 154-156
Have you been drinking? YES
What have you been drinking? CORONA EXTRA
How much? 4-5
With whom? UNCLE'S WIFE
When did you have your first drink? 530
When did you have your last drink? 7
Can you feel the effects of the alcohol? A LITTLE BIT, NO MUCH
Are you under the influence? YES
Have you consumed any alcohol since the stop/accident? NO
How much? - What? - Where? - When? -
What line of work are you in? CONSTRCTION
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
Where 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 NO Glass Eye NO False teeth YES
Ear infection NO Inner ear trouble NO Diabetes NO
Do you have any problems with you eyes that are not corrected by glasses? YES
Do you take insulin? NO If so, when was your last injection? -
Have you ever gad a driver's license in any other state? NO
Where? -
Interviewer: OFFICER CASTRO #905

NOT A CERTIFIED COPY

CASE #: 19-010416 **DEFENDANT:** MERIDA GOMEZ, KEVIN E.

Arresting Officer: CASTRO #905
Address: 100 E. Boynton Beach Boulevard Boynton Beach, Fl. 33435
Phone Numbers: Home: _____ **Work:** (561) 742-6100

Name: SGT. MCDEAVITT
Address: 209 N SEACREST BLVD, BOYNTON BEACH, FL, 33435
Phone Numbers: Home: _____ **Work:** 561-742-6100
Can testify to: THE INVESTIGATION

Name: OFFICER MOCCIA
Address: 209 N SEACREST BLVD, BOYNTON BEACH, FL, 33435
Phone Numbers: Home: _____ **Work:** 561-742-6100
Can testify to: THE INVESTIGATION

Name: _____
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: _____

Name: _____
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: _____

NOT A CERTIFIED COPY

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	

NOT A CERTIFIED COPY

REVIEW COMPLETED BY

Booking Number: 2019006504	**Date:** 02/24/2019
	Specialist Name/ID: howardt/7185