

Arrest Report

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

0496036

1443

2018CT3573

Report Date / Time 2/24/2018 4:09:12AM	Report Number FHP99ARR762178	Case Number/CAD Number FHPL18OFF015987 / LWRC18CAD034467	Reporting Officer Name L. TAVARES
Originating Agency ORI FL0509000	Occurrence Date Time Range 2/24/2018 3:46:20 AM - 2/24/2018 6:00:00 AM	Jurisdiction	Clearance

Location of Occurrence

Location Type OTHER	Location Description NOF US 98		
Street Number N MILITARY TRL NB NOF	Apt/Lot/Bldg		
County PALM BEACH	City WEST PALM BEACH	State FL	Zip 33406

Defendant

First Name KEVIN	Middle Name E	Last Name NEVILLE	Suffix	Date Of Birth 11/5/1963	Age 54	Race WHITE	Sex MALE	
DL or ID Number 934390563	ID State NY	ID Type E	Address Type RESIDENCE	Place of Birth YONKERS, NY, USA	Height 600	Weight 200	Hair BRO	Eyes BRO
Street Number 15	Street KENSINGTON ROAD	Apt/Lot/Bldg	County GARDEN CITY	State NY	Zip	Phone Number	Extension	
Location Description CURRENT ADDRESS								

Arrest

Arrest Date/Time 2/24/2018 3:56:47AM	Arrest Location Type OTHER	Arrest Location Description NOF US 98
Street Number N MILITARY TRL NB NOF	Apt/Lot/Bldg	County PALM BEACH
City WEST PALM BEACH	State FL	Zip 33406

Charge(s)

Counts 1	Charge 316.193.1	General Offense Code	Bond Amount \$ 0.00	<input type="checkbox"/> No Bond
Charge Degree N	Charge Level MISDEMEANOR	Arrest Offense Code Description DUI-UNLAW BLD ALCH	FEB 24 AM 6:08	
Charge Description DUI ALCOHOL OR DRUGS				

Probable Cause

On February 24th, 2018 I Trooper Lucas M. Tavares (3913/1421) with the Florida Highway Patrol was on active DUI patrol in Palm Beach County, Florida. I was in a jurisdictional marked FHP unit equipped with overhead emergency lights and external siren. At approximately 3:46 a.m. I was traveling northbound on Military Trail just south of US 98 (Southern Blvd). I observed a gray in color Chevy, four door, traveling northbound directly in front of me. The vehicle was traveling at a high rate of speed. The vehicle then slowed down when it got closer to US 98. I then observed the vehicle to swerve outside of its lane into the adjacent lane to the right, multiple times. The vehicle was traveling at approximately 35 mph. Due to the swerving of the vehicle and varying rate of speed, I then initiated a traffic stop upon the vehicle due to the welfare of the driver. I activated my overhead emergency lights and sirens and the vehicle then slowed down and stopped in the inside travel lane. The vehicle then continued northbound where it finally came to a stop on the outside travel lane.

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Suspect vehicle: 2017 Chevrolet Cruze with Florida Tag: (AEY S98) attached. VIN: (1G1BE5SM2H7135192). Registered to PV Holding Corps (RENTAL)

I then approached the driver's side of the vehicle and made contact with the driver. The driver was an older white male and was the only occupant. I requested his license and registration. He then began to look for his license, in which he could not immediately locate. He then fumbled again through his wallet in which he still could not locate his license. I then advised the driver on why I stopped him and asked if everything was ok. He stated yes everything is fine. I asked him if the vehicle is ok and he stated yes. I asked him if he had any medical problems and he stated no he was fine. I asked him why he was driving like that and he could not answer my question. While outside of the vehicle, I could detect a very strong odor of an unknown alcoholic beverage coming from within the vehicle. I observed the driver's eyes to be blood shot and watery. His speech was slurred and mumbled. I asked him if he had anything to drink that night and he stated no. I then asked him where he was coming from and he stated a golf course in Okeechobee.

The driver then locates his driver's license in the center console I identified him to be Kevin E. Neville by his Valid New York's Driver's License: (934-390-563). I had him step out of his vehicle and to the rear. Outside his vehicle I asked him again if he had anything to drink and he then states that he had one beer and the golf course. He stated that it was about an hour ago. While talking to him I could detect a very strong odor of an unknown alcoholic beverage on his breath that grew stronger as he spoke. He had a slight sway while standing.

Based upon my observations made on scene, within contact with the subject (Kevin E. Neville), and the totality of the circumstances I requested him to perform a series of road side exercises (Standardized Field Sobriety Exercises). The subject stated that they would perform the exercises.

Standardized Field Sobriety Exercises (SFSE):

The area for the following roadside exercises was a level hard surface and was free of debris. The weather was clear. Lighting was well lit and was illuminated with surrounding ambient light and vehicle lights.

Horizontal Gaze Nystagmus:

I advised the subject to stand straight with their feet together and arms down by their side. I asked subject about why he wears glasses and he stated that he wears them just for vision. For the exercise I used my issued red in color pen light. I asked the subject if they could see the red pen light, they stated yes. The subject was asked about any current medical conditions, they stated that they did not have any. I advised the subject to follow the red pen light with their eyes, and to not move their head. I asked subject if they understood the instructions I gave to them. They stated yes. I asked if they had any questions they stated no.

The following was observed during Horizontal Gaze Nystagmus:

The subject did have resting Nystagmus and dilated pupils.

- 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

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The subject was moving his head in the direction of the pen light. I had to reinstruct him to keep his head straight. While standing within close proximity of the subject, I could detect a strong and distinct odor of an unknown alcoholic beverage, and their eyes were bloodshot and watery. Subject was swaying.

The following was observed during Vertical Gaze Nystagmus:

Subject had vertical nystagmus.

Walk and Turn Exercise:

The area for the following roadside exercises was level and free of debris. We used a white in color traffic line the subject advised he could see. The line was illuminated with surrounding light and vehicle lights.

(Starting Position): I advised the subject to place their left foot on the white in color line and their right foot directly in front of it, touching heel to toe. I advised the subject to keep their arms down by their side and to stay in that position until I advise them to begin the exercise.

(Instructional Phase): This exercise was first explained to the subject then was demonstrated by myself. Subject advised that they would be able to perform the exercise. Subject advised that they had no injuries that would affect the exercise. Subject advised me that they understood instructions and did not have any questions.

- The following was observed during the instructional phase of the exercise:

Subject could not keep balance in the starting position. Subject stepped out of the position. Subject was swaying.

- The following was observed during the walking phase of the exercise:

Subject missed heel to toe multiple times. Subject used arms for balance (raised above six inches), subject performed an improper turn, subject stopped to steady himself after turn.

Subject displayed 6/8 Clues specific to the Walk and Turn Exercise.

One Leg Stand Exercise:

The area for the following roadside exercises was level and free of debris.

(Starting Position): I instructed the subject to stand with their feet together and keep their arms down by their side. I instructed the subject to stay in that position until I tell them to start the exercise.

(Instructional Phase): This exercise was first explained to the subject then was demonstrated by myself. Subject advised that they will be able to perform the exercise. Subject advised me that they had no injuries that would affect the exercise. Subject advised that they understood instructions and did not have any questions.

-The following was observed while the subject was in the starting position:

Subject was swaying.

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- The following was observed during the exercise:

Subject was swaying while balancing. Subject placed foot down prior to completing the exercise multiple times. Subject did not look at his foot as instructed. Subject raised his arms from his body (above six inches). Subject's speech was slurred. Subject miscounted multiple times. Subject failed to raise his foot to the instructed height.

Subject displayed 3/4 clues specific to the one leg stand.

Based upon my observations and the totality of circumstances, Mr. Neville was placed under arrest for DUI pursuant to Florida Statute 316.193.1 at 3:56 AM. Mr. Neville was then searched and placed in my patrol vehicle, and transported to the Palm Beach County Jail. While in transport to the Palm Beach County Jail there was an obvious strong odor of an unknown alcoholic beverage within my vehicle that was not present prior to placing the defendant in the vehicle.

The defendant arrived at the Palm Beach County Jail at 04:30 AM. I then conduct a 20min observation of the subject. The subject did not have any foreign objects in their mouth prior to the 20 minute observation. Throughout the observation the subject did not take anything by mouth or regurgitated. After the 20 minute observation, the defendant was then given the opportunity to provide a sample of their breath which they consented to provide (On Video). The defendant's first breath was given at 04:57 AM and resulted in a .142. The defendant's second breath was given at 5:00 AM and resulted in a .123. Both Breath samples were in the .02 agreement.

Video of the traffic stop, roadsides and transport are available through the FHP custodian. The above incident did occur in Palm Beach County, Florida.

Jail Booking Facility

Booking Date/Time 2/24/2018 5:45:28AM	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4400
Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406			Booking Number
Booking Comments			

Court

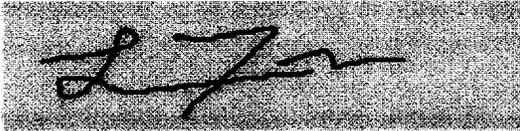
Court County PALM BEACH	Court Location 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444		
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Appearance Date / Time 3/19/2018 8:30am	Court Fine
Comments			

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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 L. TAVARES	Officer Rank TROOPER	Officer ID No 3913	Sworn and subscribed before me, the undersigned authority This the <u>24</u> day of <u>feb</u> , <u>2018</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency FLORIDA HIGHWAY PATROL	Officer Signature 		  Samantha Palmer Commission # FF172377 Expires: OCT 28, 2018 BONDED THRU 1ST FLORIDA NOTARY, LLC

Approving Supervisor

Officer Name	Officer Rank	Officer ID No	Officer Agency
Officer Signature			

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TESTING FACILITY TASK REPORT

AGENCY: FHP/TAVARES

SUBJECT: NEVILLE, KEVIN

CASE NUMBER: 18-042692

DATE: Feb 24, 2018

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0453

ENDING TIME: 0507

BREATH TESTS RESULTS: 1) .142 TIME 0457 A.M. P.M. 2) .123 TIME 0500 A.M. P.M.
3) XX TIME XX A.M. P.M. 4) XX TIME XX A.M. P.M.

BREATH OPERATOR: S. PALMER #24520

MAINTENANCE TECHNICAN: J Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM, QUIET, UPSET

CLOTHING: RED POLO SHIRT, BLUE BANTS, BLACK SHOES

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES GLASSY AND BLOODSHOT, ODOR OF UNKNOWN ALCOHOLIC BEVERAGE COMING FROM BREATH

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0430
SUBJECT AGREED TO TAKE BREATH TEST
TECH EXPLAINED TEST INSTRUCTIONS
SUBJECT STATED HE UNDERSTOOD
AND PROVIDED TWO ADEQUATE SAMPLES SUCCESSFULLY
TECH READ TEST RESULTS
SUBJECT STATED HE UNDERSTOOD
A/O READ RIGHTS
SUBJECT STATED HE UNDERSTOOD
A/O CONDUCTED Q&A
SUBJECT ANSWERED SOME QUESTIONS

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SUBJECT: Neville, Kevin CASE NUMBER: FHPL18OFF015987

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.

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SUSPECT'S SIGNATURE: (X) Read on Camera

SUBJECT: Kevin E Neville CASE NUMBER: FHPL18OFF015987

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? Hotel Marriott

WHAT STREET OR HIGHWAY WERE YOU ON? I-95 NB

DIRECTION OF TRAVEL? N?? WHERE DID YOU START? Marriott

WHAT TIME DID YOU START? NO WHAT TIME IS IT NOW? NO

WHAT IS TODAY'S DATE? NO WHAT DAY OF THE WEEK IS IT? NO??

WHAT COUNTY AND CITY ARE YOU IN NOW? NO Florida

WHEN DID YOU LAST EAT? 8pm WHAT DID YOU EAT? Steak

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Driving

HOW MUCH DO YOU WEIGH? 200 HAVE YOU BEEN DRINKING? NO WHAT? NO

HOW MUCH? NO WHERE? NO WITH WHOM? NO

WHEN DID YOU HAVE YOUR FIRST DRINK? NO AND YOUR LAST DRINK? NO

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? NO

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? NO

WHAT? NO WHERE? NO WHEN? NO

WHAT LINE OF WORK ARE YOU IN? Emace WHEN DID YOU LAST WORK? Thursday

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

ARE YOU SICK OR INJURED? NO WHAT'S WRONG? NO

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? NO

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

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

DO YOU HAVE:	EPILEPSY?	<u>NO</u>
	GLASS EYE?	<u>NO</u>
	FALSE TEETH?	<u>NO</u>
	EAR INFECTION?	<u>NO</u>
	INNER EAR TROUBLE?	<u>NO</u>
	DIABETES?	<u>NO</u>

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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? NO

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

INTERVIEWER: Tpr. TAVARES #3913

Traffic Warning

COUNTY OF
PALM BEACH
CITY OF (IF APPLICABLE)

AGENCY
FLORIDA HIGHWAY PATROL

DAY OF WEEK MONTH DAY YEAR TIME OF DAY
Saturday February 24 2018 5:27 AM

WARNING ISSUED TO

NAME (FIRST MIDDLE LAST)

KEVIN E NEVILLE

ADDRESS

15 KENSINGTON ROAD

CITY

GARDEN CITY

STATE ZIP CODE

NY 11530

DIFFERENT THAN
REGISTRATION

TELEPHONE NUMBER DATE OF BIRTH & AGE

11/5/1963 54

DRIVER LICENSE NUMBER
934390563

OR OTHER ID STATE CLASS / TYPE CDL EXPIRES ON
NY E 11/5/2018

VEHICLE

VEHICLE TAG STATE EXPIRES ON COMMERCIAL HAZMAT
AEYS98 FL 6/30/2018

YEAR MAKE MODEL STYLE COLOR
2017 CHEV 4D GRY

VEHICLE VIN TRAILER TAG STATE

LOCATION

UPON A PUBLIC STREET OR HIGHWAY OR OTHER LOCATION, NAMELY
MILITARY TRAIL (STATE ROAD 809) / SOUTHERN BLVD (US 98)

WARNINGS (OTHER)

FAIL TO MAINTAIN SINGLE LANE

RANK / SIGNATURE AND IDENTITY OF OFFICER

TROOPER L. TAVARES

ORG / UNIT

L

I.D. NUMBER

3913

RECIPIENT COPY

FAULTY EQUIPMENT NOTICE

The equipment noted has been determined to be defective or not working. Please have the equipment corrected promptly to comply with the traffic laws of Florida. These laws are designed to provide for your safety and that of other motorists. This is a courtesy notice which will not affect your driving record.

COURTESY WARNING

Courtesy warnings occasionally are given when officers observe a violation of the traffic laws. Your cooperation in obeying the traffic laws will make Florida roadways safer for everyone. This warning is provided to you as a courtesy and will not affect your driving record.

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