

0498468

Arrest Report

3125

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

Report Date / Time 5/23/2018 4:22:25AM	Report Number FHP99ARR771482	Case Number/CAD Number FHPL18OFF043116 / LWRC18CAD083164	Reporting Officer Name CANTELAR, JOAN
Originating Agency ORI FL0609000	Occurrence Date Time Range 5/23/2018 2:38:09 AM -	Jurisdiction	Clearance

Location of Occurrence

Location Type	Location Description SR-9 SB EXT RMP TO OKEECHOBEE BLVD		
Street Number I-95 ENT SB	Street I-95 ENT SB		Apt/Lot/Bldg
County PALM BEACH	City WEST PALM BEACH	State FL	Zip 33409

Defendant

First Name LADY	Middle Name LAURA	Last Name PEREZ HUERTA	Suffix	Date Of Birth 2/28/1990	Age 28	Race W	Sex FEMALE
SSN	MNI #	Place of Birth MATANZAS, CUBA	Height 508	Weight 115	Hair BRO	Eyes BRO	
DL or ID Number P626532905680	ID State FL	ID Type E	Address Type RESIDENCE				
Street Number 942	Street HARTH DR		Apt/Lot/Bldg				
County PALM BEACH	City WEST PALM BEACH	State FL	Zip 33415	Phone Number	Extension		
Location Description							

Arrest

Arrest Date/Time 5/23/2018 2:57:00AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description SR-9 SB EXT RMP TO OKEECHOBEE BLVD	
Street Number I-95 ENT SB	Street I-95 ENT SB		Apt/Lot/Bldg County PALM BEACH
City WEST PALM BEACH	State FL	Zip 33409	

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		
Charge Description DUI ALCOHOL OR DRUGS				

Probable Cause

On May 23rd, 2018, I Trooper Cantelar (4166/1597) with the Florida Highway Patrol was on patrol in Palm Beach County, Florida. I was in a jurisdictional marked FHP vehicle equipped with overhead emergency lights and external siren. At approximately 2:38 am I was traveling southbound on Interstate 95 north and Palm Beach Lakes Blvd when I observed a Grey in color Toyota traveling at a high rate of speed in the outside lane. I then began to paced the vehicle with my marked and calibrated patrol vehicle (FHP 1623 Vin # 2C3CDXATXDH586201). I paced the vehicle for approximately 1/2 of a mile at 94 mph in a posted 65mph zone. I then positioned my marked patrol vehicle behind the Grey in color Toyota (bearing Florida Tag DLGT96). I then observed the vehicle driving over two lanes. I then activated my emergency lights and siren. The vehicle then pulled over to the right paved shoulder on Interstate 95 southbound, exit ramp to Okeechobee Blvd. (State Road 704) on the right paved shoulder.

I then approached the vehicle by the driver's side and observed a white female driver and a white female passenger in the vehicle. Upon making contact with the vehicle occupants I detected an unknown odor of an unknown alcoholic beverage.

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Report Date / Time 6/23/2018 4:22:25AM	Report Number FHP99ARR771482 .	Case Number/CAD Number FHPL18OFF043116 / LWRC18CAD093154	Reporting Officer Name CANTELAR, JOAN
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emitting from the inside of the vehicle. I then advised the driver that I later on identified as Lady Laura Perez Huerta by her Florida driver's license the reason for the stop. I then asked the driver (Ms. Huerta) where she was coming from. Ms. Huerta advised me she was coming from a friend's house. I then asked both occupants why the inside of the vehicle had a strong smell of an unknown alcoholic beverage. The passenger advised me that she had a couple of drinks. I then observed how the driver avoided the question and avoided to make any eye contact or look at me. I then asked Ms. Huerta if she had anything to drink. Ms. Huerta advised me she did not have anything to drink and that she was just feeling tired. I then observed Ms. Huerta to have red and bloodshot eyes. Her speech also had a slurred.

I then advised Ms. Huerta to step out of the vehicle. Upon stepping out of the vehicle, I observed Ms. Huerta to not have good balance. I then advised Ms. Huerta that she had left the driver door open. Ms. Huerta then walked back to the vehicle to close the door. I then observed for a second time Ms. Huerta to not have good balance while walking. I then advised Ms. Huerta that the reason for asking her to step out of her vehicle was because I detected a strong odor of an unknown alcoholic beverage emitting from the inside of the vehicle. I also advised Ms. Huerta that when I observed her walking she had trouble maintaining her balance. . Based upon my observations made on scene, within contact with Ms. Huerta, and the totality of the circumstances I requested Ms. Huerta to perform a series of road side exercises (Standardized Field Sobriety exercises). Ms. Huerta advised me she did not want to perform the field sobriety exercises. I then advised Ms. Huerta approximately 5 times that failing to perform the exercises was admissible into evidence and that it could be used against her in a court of law. I also advised her that I was going to take her to jail if she failed to perform the field sobriety exercises. Ms. Huerta later consented to 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. Lightning was dark but illuminated with surrounding ambient light and vehicle lights.

Horizontal Gaze Nystagmus:

I advised Ms. Huerta to stand straight with her feet together and arms down and by her side. I asked Ms. Huerta if she wear any glasses or contacts, Ms. Huerta advised she did not. Ms. Huerta was asked about any current medical conditions, she stated that she did not. For the exercise, I used my pen with a black tip that was completely visible due that there was enough lightning around.

I asked the Ms. Huerta if she could see the tip of my pen. Ms. Huerta advised "yes". I then asked Ms. Huerta what color was the tip of my pen, Ms. Huerta advised "black".

I then advised Ms. Huerta to follow the tip of the pen with her eyes and eyes only, and to not move her head. I asked Ms. Huerta if she understood the instructions I gave to her, she said "yes".

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

Ms. Huerta was told during the exercise multiple times to not move her head and use her eyes only.

While standing within close proximity of Ms. Huerta, I could detect a strong and distinct odor of an unknown alcoholic beverage, and her eyes were bloodshot and watery.

Walk and Turn Exercise:

Interaction Phase:

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Originating Agency ORI FL0509000	Occurrence Date Time Range 5/23/2018 2:38:09 AM -	Jurisdiction	Clearance

The area for the following roadside exercises was level and free of debris. We used a white in color traffic line. I advised Ms. Huerta to place her left foot on the white in color line and her right foot directly in front of it, touching heel to toe. I advised the subject to keep her arms down by her side and to stay in that position until I advise her to begin the exercise. This exercise was first explained to Ms. Huerta then was demonstrated by myself. Ms. Huerta advised that she would be able to perform the exercise. Ms. Huerta advised me that she understood instructions and did not have any questions after I demonstrated the exercise twice.

- The following was observed during the instructional phase of the exercise:
 Ms. Huerta could not keep balance while in the starting position.
 Ms. Huerta stepped off the starting position swaying.
 Ms. Huerta attempted to begin the exercise before being told multiple times.

- The following was observed during the walking phase of the exercise:
 Ms. Huerta missed heel to toe on multiple steps (13 steps)
 Ms. Huerta also used her arms for balance.
 Mr. Huerta also lost balance.

One Leg Stand Exercise:

The area for the following roadside exercises was level and free of debris. I instructed Ms. Huerta to stand with her feet together and keep her arms down by her side. I instructed her to stay in that position until being told to start the exercise. This exercise was first explained to her then was demonstrated by myself. Ms. Huerta advised that she would be able to perform the exercise. Ms. Huerta previously advised me that she had no injuries that would affect the exercise. Ms. Huerta advised that she understood instructions and did not have any questions.

- The following was observed during the exercise:
 Ms. Huerta used arms for balance
 Ms. Huerta put foot down multiple times (3 times)
 Ms. Huerta kept bending her raised foot.
 Ms. Huerta then lost balance almost falling. I then decided to stop the exercise for her safety.

Based upon my observations and the totality of circumstances, Ms. Huerta was placed under arrest for DUI pursuant to Florida Statute 316.193.1 at 2:57 AM. Ms. McDonald 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 3:23 AM.

After the defendant's 20min observation, the defendant was then given the opportunity to provide a sample of her breath which she did not consent to provide (On Video). I then read the Florida Implied Consent Warning to the subject in which she advised that she understood. Ms. Huerta then stated that she REFUSED to provide a sample of her breath. Refusal time: 3:55 AM.

Ms. Huerta was also issued a uniform traffic citation for driving over the speed limit (94mph in a posted 65 mph zone) under Florida Statute 316.187(2)(b).

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

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Report Date / Time 6/23/2018 4:22:26AM	Report Number FHP99ARR771482.	Case Number/CAD Number FHPL18OFF043116 / LWRC18CAD093164	Reporting Officer Name CANTELAR, JOAN
Originating Agency ORI FL0509000	Occurrence Date Time Range 6/23/2018 2:38:09 AM -	Jurisdiction	Clearance

Jail Booking Facility

Booking Date/Time	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 6/25/2018 8:00 AM	Court Fine
Comments			

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 CANTELAR, JOAN	Officer Rank TROOPER	Officer ID No 4166	Sworn and subscribed before me, the undersigned authority This the <u>23</u> day of <u>MAY</u> <u>2018</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency FLORIDA HIGHWAY PATROL	Officer Signature 		 Samantha Palmer Commission # 22172277 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

SUBJECT: PEREZ, LADY LAURA H CASE NUMBER: 18-077275

DATE: 05/23/18 VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 03:54 ENDING TIME: 03:58

BREATH TESTS RESULTS: 1) R TIME 03:55 (A.M.) P.M. 2) N/A TIME --- A.M./P.M.

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

BREATH OPERATOR: P. POUND #24639

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLIGHTLY SLURRED

ATTITUDE: CALM, QUIET

CLOTHING: WHITE PANTS, BLUE DRESS SHIRT, BROWN SHOES

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER: EYES: GLASSY

COMMENTS: ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 03:29 HRS.

Δ. REFUSED TO TAKE TEST.

A/O: READ I/C

Δ STATED SHE UNDERSTOOD I/C AND REFUSED TEST AGRE.

A/O READ RIGHTS

Δ STATED SHE UNDERSTOOD RIGHTS

A/O CONDUCTED Q+A

Δ ANSWERED A FEW THEN INVOKED HER RIGHTS.

NOT A CERTIFIED COPY

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SUBJECT: PEREZ, LADY LAURA H CASE NUMBER: _____

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 Ipr. Cantelar of the FHP

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: PEREZ, LADY LAURA H CASE NUMBER: _____

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? Getting off okee south 95

DIRECTION OF TRAVEL? S WHERE DID YOU START? Palm Beach Gardens

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

WHAT IS TODAY'S DATE? _____ WHAT DAY OF THE WEEK IS IT? _____

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? _____

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

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? _____ WHAT? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? _____ AND YOUR LAST DRINK? _____

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? _____ ARE YOU UNDER THE INFLUENCE? _____

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? _____ HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? _____ WHEN DID YOU LAST WORK? _____

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? _____ WHAT? _____

ARE YOU SICK OR INJURED? _____ WHAT'S WRONG? _____

DO YOU LIMP? _____ DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? _____

WERE YOU IN AN ACCIDENT TODAY? _____

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? _____ WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____ WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

- DO YOU HAVE:
- EPILEPSY? _____
 - GLASS EYE? _____
 - FALSE TEETH? _____
 - EAR INFECTION? _____
 - INNER EAR TROUBLE? _____
 - DIABETES? _____

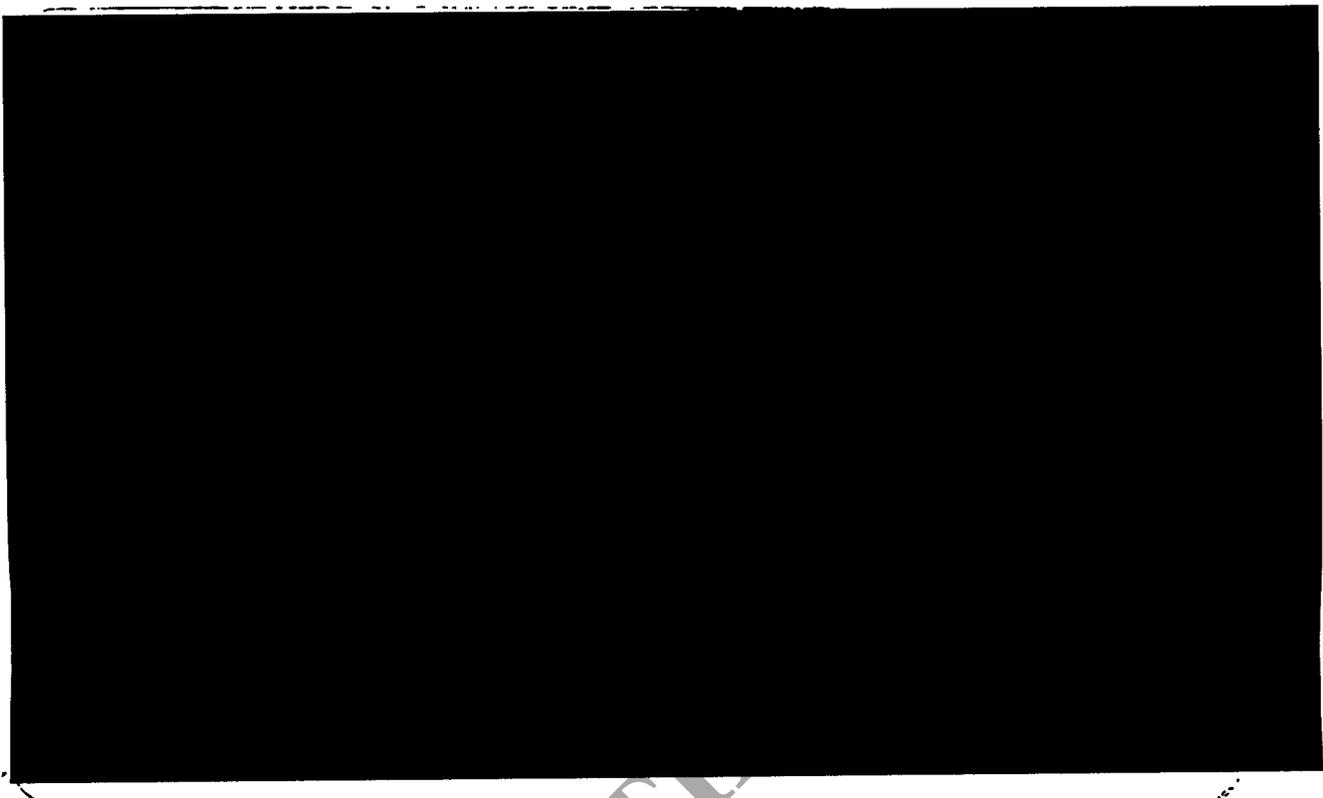
DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? _____

DO YOU TAKE INSULIN? _____ IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? _____ WHERE? _____

INTERVIEWER: TDR. Cantelar

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NOT A CERTIFICATE

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Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/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"/>			
Other	<input checked="" type="checkbox"/>		Other: 119.0712(2) Personal information contained in a motor vehicle record	9
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2018017233	Date: 05/23/2018
	Specialist Name/ID: D.Beavers/9606

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