



Arrest Report

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

0509468

19CT/4/04

2779

| | | | |
|-----------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------|
| Report Date / Time 8/5/2019 05:22 AM | Report Number FHP99ARR803736 | Case Number/Cad Number FHPL19OFF051416 /LWRC19C AD142480 | Reporting Officer Name IV, ANDREW L |
| Originating Agency ORI | Occur Date Time Range 08/05/2019 03:55:01 - 08/05/2019 07:31:00 | Jurisdiction | Clearance |

Location of Occurrence

| | | |
|----------------------------------|-------------------------------|--------------------------------------------------|
| County PALM BEACH | Location Type PUBLIC PLACE | Location Description INTERSTATE 95 NORTHBOUND |
| Street Number N INTERSTATE 95 | Street | Apt/Lot/Bldg City DELRAY BEACH |
| State FL | Zip Code 33444 | |

Defendant

| | | | | | | | | | |
|-----------------------|-------------|-----------------------------|-----------|----------------------------------|----------------------------------------------|---------------|---------------|--------------------------------------------------------------------------------|-------------|
| First Name LEKHRAM | Middle Name | Last Name BIPATH | Suffix | Race WHITE | Sex MALE | Height 508 | Weight 170 | Hair BLK | Eyes BRO |
| MNI # | SSN | Date of Birth 03/28/1981 | Age 38 | Place of Birth BRITISH GUIANA | Drivers License or other ID B130520811080 | State FL | ID Type E | Address * RESIDENCE / 1530 NANETTE CT , LAKE WORTH, FL 33461 / 561-254-9211 | |

Arrest

| | | |
|-----------------------------------------|-------------------------------|-------------------------------------------------|
| Arrest Date/Time 8/5/2019 4:53:00 AM | Arrest Location Type OTHER | Arrest Location Description COMMUNITY MARKET |
| Street Number 1130 | Street W ATLANTIC AVENUE | Apt/Lot/Bldg County PALM BEACH |
| City DELRAY BEACH | State FL | Zip Code 33444 |

Charge : S

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

Bond Set by Court

| | |
|-----------------------|----------------|
| Bond Amount \$0.00 | No Bond? No |
| Bond Type(s) | |

Probable Cause

ROUGH ARREST REPORT A more detailed probable cause affidavit will be submitted to the Palm Beach County State Attorney's Office at a later time.

On 8/5/2019 I responded to the scene of a reported vehicle crash in the area of Interstate 95

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AUG 07 2019

2019 AUG 5 5:02
PH 7:09

| | | | |
|-----------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------|
| Report Date / Time 8/5/2019 05:22 AM | Report Number FHP99ARR803736 | Case Number/Cad Number FHPL19OFF051416 /LWRC19C AD142460 | Reporting Officer Name IV, ANDREW L |
| Originating Agency ORI | Occur Date Time Range 08/05/2019 03:55:01 - 08/05/2019 07:31:00 | Jurisdiction | Clearance |

northbound and Atlantic Avenue. The Lake Worth Regional Communications Center (LWRCC) or Dispatch had been informed by a Road Ranger that a vehicle had struck the guardrail and that the driver of the vehicle was possibly intoxicated. The vehicle was described as a white Toyota Tundra pickup truck. I traveled to the above location and observed a white Toyota Tundra pickup truck with an attached Florida tag of 103NZA parked in the apex of the Interstate 95 northbound exit ramp to Atlantic Avenue. I observed a male in front of the vehicle who was working to change the front right tire. There was damage to the right front side of the Toyota Tundra pickup truck consistent with a collision with a guardrail. The driver of the vehicle was later identified by his Florida drivers license as Lekhrum Bipath (FL DL: B130520811080). I initially asked Mr. Bipath what had happened and he stated that he didn't know what he hit. As I spoke to him I smelled the strong odor of an alcoholic beverage coming from his breath as he spoke. His eyes appeared to be red and glassy and his speech was noticeably slurred. Trooper C. Castillo (#1477) was also at the scene and obtained a sworn witness statement from the Road Ranger who had observed Mr. Bipath strike the guardrail. After completion of my crash investigation I informed Mr. Bipath that the crash investigation had ended and that I was beginning a criminal investigation for DUI. I read him his Miranda Rights from a Florida Highway Patrol Miranda warning printout. He stated that he understood and agreed to answer my questions. Mr. Bipath admitted to being the driver of the white Toyota Tundra pickup truck. He also admitted to drinking prior to driving and stated that he had consumed 2 shots of Vodka with cranberry juice about 4 hours ago. He stated that he had drank those beverages at his Grandma's house in Coral Springs. I asked him on a scale of 1 to 10 with 1 being completely sober and 10 falling over drunk where he thought he was an he stated a 3. I asked him if he was willing to perform standardized field sobriety exercises and he agreed. Prior to administering the exercises I asked him if he had any medical conditions and he stated he was Diabetic and was diagnosed two years ago. He stated that he took 50mg of Insulin twice a day. He wore glasses and stated that he did not wear contacts. I drove Mr. Bipath off the Interstate and to the nearby Community Food Store on Atlantic Avenue east of Interstate 95 (address: 1130 W. Atlantic Avenue, Delray Beach, FL 33444). Prior to performing the exercises I confirmed that he had no current injuries and he was not having a diabetic emergency. Each exercise was explained and demonstrated prior to him attempting to perform the exercises. The results of those exercises are summarized below (Note: The below summary is not intended to be a verbatim account of all the events that took place during the administration of the standardized field sobriety exercises. Video footage and audio of the exercises is available upon request.)

Horizontal Gaze Nystagmus Exercise (Streamlight red LED pen used as a contrasting stimulus)

- I checked for resting nystagmus which was not observed in either eye
- I checked for equal pupil size and equal tracking; Both pupils were equal in size and both eyes tracked the stimulus equally.
- I observed a lack of smooth pursuit in both eyes
- I observed horizontal gaze nystagmus at maximum deviation which was distinct and sustained in both eyes

I observed horizontal gaze nystagmus prior to 45 degrees in both eyes

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AUG 07 2019

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Walk and Turn Exercise (a yellow painted line in the parking lot was utilized)

- Did not stay in the starting position as instructed
- Did not turn around as instructed

One Leg Stand Exercise

- Placed foot down
- Did not keep both legs straight and his lifted foot was closer to the ground then instructed
- Did not keep hand to side as instructed

Based upon the performance of the above exercises and the totality of the circumstances I determined that there was probable cause to believe that Lekhram Bipath committed the offense of driving under the influence by being in actual physical control/operating a motor vehicle while under the influence of alcoholic beverages, any chemical substance per Florida State Statute 877.111, or any controlled substance per Chapter 893, while their normal faculties were impaired. He was placed under arrest for the above offense and handcuffed behind his back. After being searched he was then placed in the backseat of my patrol vehicle. After placing him in the backseat I smelled the odor of an alcoholic beverage coming from the backseat that was not present prior to placing him there. Mr. Bipath was later transported to the Palm Beach County Breath Alcohol Testing (BAT) facility. At the BAT facility a 20 minute observation period was conducted where he did not ingest anything by mouth or regurgitate (mouth was confirmed to be empty prior to beginning of the observation period). He was then asked to provide a breath test sample to test for the alcoholic content of his breath. He initially stated no and he was then read the Florida Implied Consent drivers license suspension warning. He then agreed to provide the samples and provided a first breath test sample of 0.122 and a second breath test sample of 0.125. He was then read his rights from a prepared Constitutional Warning document provided by the BAT facility. He stated that he understood his rights and agreed to answer my questions (see Question and Answer document and BAT video for a full account). He was then transported to JFK North Hospital for medical clearance. After he was medically cleared he was transported back to the Palm Beach County Jail. Mr. Bipath was issued a DUI citation and uniform traffic citations for careless driving and DUI resulting in property damage. He was subsequently booked without incident. All of the above events occurred in Palm Beach County, FL.

Note: My patrol vehicle is equipped with in car video and audio that is available upon request

| | | | |
|-----------------------------------|----------------------------------------------------------------|---------------------------------------------------|------------|
| Court | | | |
| ▶ Court County PALM BEACH | Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406 | | |
| Court CRIMINAL JUSTICE COMPLEX | Court Phone 561-355-2994 | Court Appearance Date / Time 08/29/2019 8:30AM | Court Fine |
| Comments | | | |

| | | | |
|-----------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------|
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| Originating Agency ORI | Occur Date Time Range 08/05/2019 03:55:01 - 08/05/2019 07:31:00 | Jurisdiction | Clearance |

| Officer Name | Officer Rank | Involvement On Report | ID # | Org/Unit | Officer Agency |
|--------------|--------------|-----------------------|------|------------------------------------------------|------------------------------|
| IV, ANDREW L | TROOPER | | 3651 | FHPL1LWRC1PAL M BEACH1SR702 TO MARTIN LN | FLORIDA HIGHWAY PATROL |

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 IV, ANDREW L | Office Rank TROOPER | Officer ID No 3651 | Sworn and subscribed before me, the undersigned authority This the <u>5th</u> day of <u>August</u> , <u>2019</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT <i>Deborah A. Barks</i> |
| Officer Agency FLORIDA HIGHWAY PATROL | Officer Signature <i>Andrew L</i> | | |

NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: BIPATH, LEKHRAM

CASE NUMBER: 19-100620

DATE: 08/05/19

VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 0541

ENDING TIME: 0559

BREATH TESTS RESULTS: 1) .122 TIME 0547 A.M./P.M. 2) .125 TIME 0550 A.M./
3) N/A TIME XX A.M./P.M. 4) N/A TIME XX A.M./

BREATH OPERATOR: J. BELL #8656

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: ACCENT, SLURRED AND MUMBLED AT TIMES

ATTITUDE: POLITE, COOPERATIVE

CLOTHING: YELLOW POLO SHIRT, BLACK PANTS, WHITE SNEAKERS

MEDICAL CONDITIONS: DIABETES

MEDICATIONS: INSULIN

OTHER: EYES: BLOODSHOT, GLASSY

ODOR OF AN UNKNOWN ALCHOLIC BEVERAGE COMING FROM BREATH

SUBJECT STATED HE DRANK 2 VODKA CRANBERRY DRINKS (Q AND A)

COMMENTS: ARRIVED AT CENTER A/O BEGAN 20 MIN OBSERVATION AT 0520 HRS

SUBJECT STATED HE WOULD NOT TAKE BREATH TEST

A/O READ I.C.

SUBJECT STATED HE UNDERSTOOD I.C. AND AGREED TO TAKE BREATH TEST

A/O READ RIGHTS

SUBJECT STATED HE UNDERSTOOD HIS RIGHTS

A/O CONDUCTED Q AND A

SUBJECT ANSWERED QUESTIONS

TECH READ BREATH TEST RESULTS

SUBJECT STATED HE UNDERSTOOD BREATH TEST RESULTS

SUBJECT: Smith, Lebron

CASE NUMBER: FMPL190FF051416

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) Reed on camera

SUBJECT: R. Nath, Lakshman CASE NUMBER: FHPL190FF051416

QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

WERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? Y

WHERE WERE YOU GOING? Home

WHAT STREET OR HIGHWAY WERE YOU ON? I 15

DIRECTION OF TRAVEL? N WHERE DID YOU START? Central Expressway

WHAT TIME DID YOU START? 1:00 PM WHAT TIME IS IT NOW? 1:30 PM

WHAT IS TODAY'S DATE? 1/4/2004 WHAT DAY OF THE WEEK IS IT? Monday

WHAT COUNTY AND CITY ARE YOU IN NOW? San Diego County, San Diego

WHEN DID YOU LAST EAT? 1:00 PM WHAT DID YOU EAT? Breakfast

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

HOW MUCH DO YOU WEIGH? 170 lbs HAVE YOU BEEN DRINKING? Y WHAT? Beer

HOW MUCH? 2 WHERE? Home WITH WHOM? Alone

WHEN DID YOU HAVE YOUR FIRST DRINK? 1:00 PM AND YOUR LAST DRINK? 1:30 PM

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? Beer

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? N ARE YOU UNDER THE INFLUENCE? Y

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? Y HOW MUCH? N/A

WHAT? Beer WHERE? Home WHEN? 1:30 PM

WHAT LINE OF WORK ARE YOU IN? Business WHEN DID YOU LAST WORK? 1:30 PM

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? Y WHAT? N/A

ARE YOU SICK OR INJURED? Y WHAT'S WRONG? N

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

WERE YOU IN AN ACCIDENT TODAY? N

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? Y WHEN? N/A

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? Y WHO? N/A WHY? N/A

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? Y WHAT? Antibiotics WHEN? 1:30 PM

DO YOU HAVE:

| | |
|--------------------|----------|
| EPILEPSY? | <u>Y</u> |
| GLASS EYE? | <u>N</u> |
| FALSE TEETH? | <u>N</u> |
| EAR INFECTION? | <u>Y</u> |
| INNER EAR TROUBLE? | <u>Y</u> |
| DIABETES? | <u>Y</u> |

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

DO YOU TAKE INSULIN? Y IF SO, WHEN WAS YOUR LAST INJECTION? 1:30 PM

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

INTERVIEWER: _____

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: 80-006478 Software: 8100.27
Date of Test: 08/05/2019

Date of Last Agency Inspection: 07/19/2019
Observation Period Began: 05:20
Subject's Name: LEKHRAM BIPATH

DOB: 03/28/1981 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 | 05:44 |
| | Air Blank | 0.000 | 05:45 |
| | Control Test | 0.080 | 05:45 |
| | Air Blank | 0.000 | 05:46 |
| | Subject Sample #1 | 0.122 | 05:47 |
| | Air Blank | 0.000 | 05:48 |
| | Air Blank | 0.000 | 05:49 |
| | Subject Sample #2 | 0.125 | 05:50 |
| | Air Blank | 0.000 | 05:51 |
| | Control Test | 0.079 | 05:51 |
| | Air Blank | 0.000 | 05:52 |
| | Diagnostics Check | OK | 05:52 |

Cylinder Lot: 00919080A3
Exp: 03/05/2021

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 JOSHUA J BELL, 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: *Joshua J Bell* Date: 08/05/19
Signature

Sworn to (or affirmed) before me this 5 day of August, 2019

TPR Andrew IV #3651 TPR. Andrew IV #3651
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.



**PALM BEACH COUNTY SHERIFF'S OFFICE
DUI TESTING FACILITY
INFORMATION SHEET**

PBSO CASE # 19-100620

AGENCY CASE# FHPL19OFF051416

AGENCY ZONE 4-11

CRASH CASE # FHPL19OFF051416

TIME OF STOP/CRASH ~3:52AM DATE 8/5/2019

DAY MONDAY

SUBJECT'S NAME LEKHRAM BIPATH

RACE WHITE

SEX MALE

HGT 5'8"

WGT 170LBS

DOB 3/28/1981

LOCATION INTERSTATE 95 NORTHBOUND AND ATLANTIC AVENUE SOF

ARRESTING OFFICER'S NAME & ID TPR ANDREW IV #3651 AGENCY FLORIDA HIGHWAY PATROL

DIVISION: TROOP L - LAKE WORTH

NOTIFIED BY COMMO yes

ARRIVAL AT FACILITY 0520

BREATH RESULTS:

ARREST TIME 4:53AM

1. .122

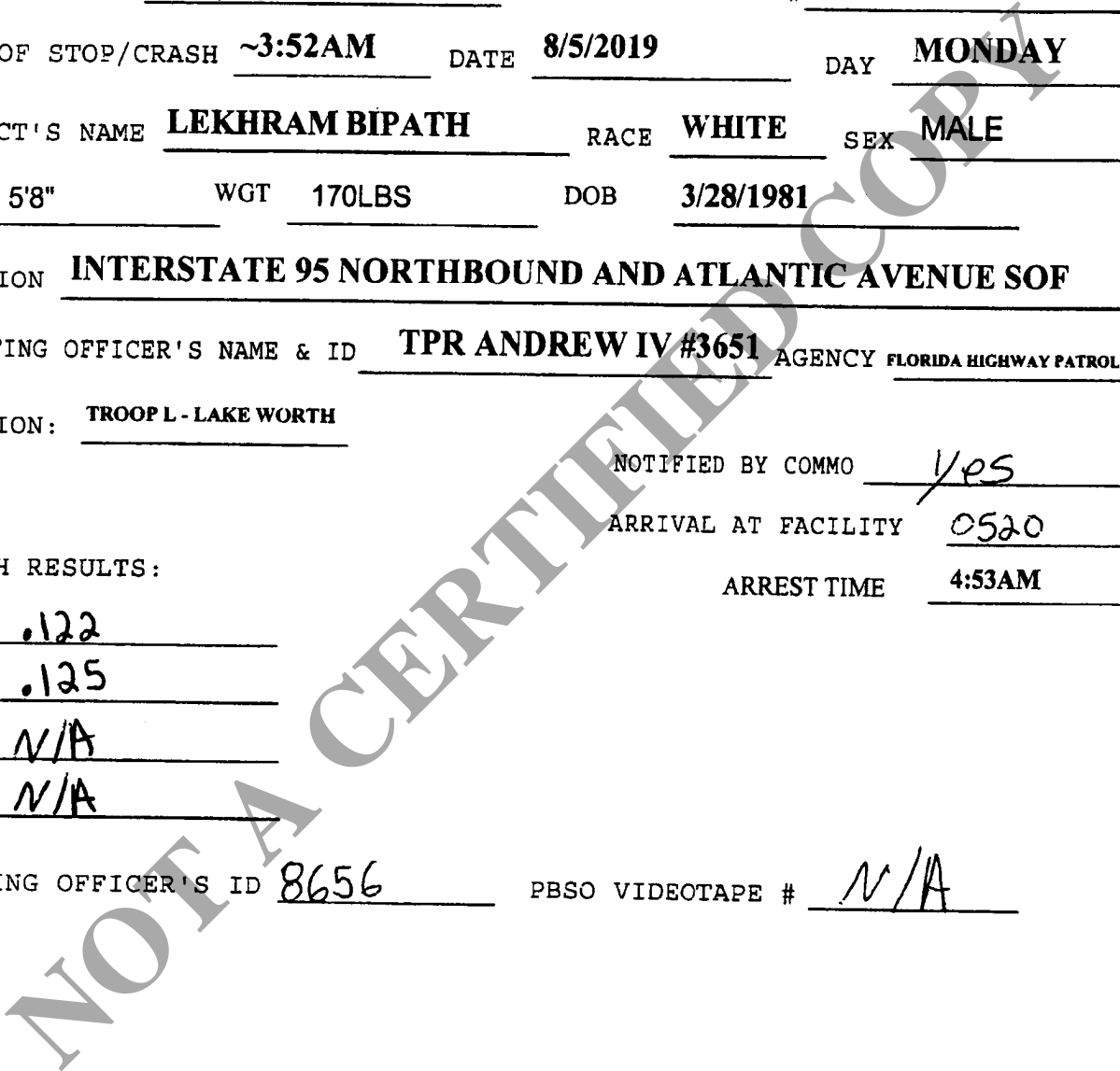
2. .125

3. N/A

4. N/A

TESTING OFFICER'S ID 8656

PBSO VIDEOTAPE # N/A





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"/> | | | |
| | <input type="checkbox"/> | | | |
| | <input type="checkbox"/> | | | |
| | <input type="checkbox"/> | | | |
| Other | <input type="checkbox"/> | | Other: | |
| | <input type="checkbox"/> | | Other: | |

REVIEW COMPLETED BY

| | |
|----------------------------|------------------------------|
| Booking Number: 2019025539 | Date: 08/06/2019 |
| | Specialist Name/ID: AM/31562 |