O 506636 19CT5899 3414

ARREST / NOTICE TO APPEAR

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

ADMINISTRATION

OBTS Number	Agency ORI Number	Agency Name	Agency Report Number (N.T.A.'s only)
	0500800	West Palm Beach Police Department	9 4 2019-0005634

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: NOT APPLICABLE | Multiple Clearance Indicator: N

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
1481 7TH ST	1481 7TH ST, WEST PALM BEACH, FL 33401

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
03/30/2019	23:34	03/30/2019	23:44			1253 ROEBUCK CT WEST

DEFENDANT

Name (Last, First, Middle): ARGUELLO, LEROY Alias: 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	07/17/1969	5'07	175	BLACK	BROWN	MEDIUM	

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description) | Marital Status: S | Religion | Indication of: Alcohol Influence ☒ Yes ☐ No ☒ Unk. ☐ Drug Influence

Local Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Residence Type: 1. City 2. County 3. Florida 4. Out of State
516 MALCOLM CHANDLER LN 204, WEST PALM BEACH, FL 33401	(205) 275-5097	1

Permanent Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Address Source
516 MALCOLM CHANDLER LN 204, WEST PALM BEACH, FL 33401	(205) 275-5097	VERBAL

Business Address (Name, Street) (City) (State) (Zip)	Phone	Occupation
COLOMBIA,		Railroad Mange

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
7132164 / AL	[redacted]		KEARNEY, AZ, United	

CO-DEF

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

JUVENILE

☐ Parent ☐ Other: ☐ Legal Custodian | 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 Department and Released 2. TOT JAC 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 355-2526) informed of any change of address.
☐ Yes, by: ☐ No:

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. Barbiturate, C. Cocaine, E. Heroin, H. Hallucinogen, M. Marijuana, O. Opium/Deriv, S. Synthetic, P. Paraphernalia/Equipment, U. Unknown, Z. Other

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #	Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
DUI PROPERTY DAMAGE	316.193(3)(c) NL	~~316.193(1)(3)(A)~~ NL	N		/		1	☐ Y ☒ N		OR

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #	Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
~~DWI/DUI (ALCOHOL & DRUGS)~~ NL	DWI/DUI (ALCOHOL		N		/		1	☐ Y ☒ N		

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #	Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
					/			☐ Y ☐ N		

INTAKE

Health / Apparent Physical Condition of Defendant | Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries
Explain:

Check which applies: ☐ Released O.R. ☐ Released to Parent Guardian ☐ T.O.T. County Jail ☐ Posted Bond ☐ South County Mental Health

PROPERTY - Received By	Released By	Released To

Transported By	Date Transported	Time Transported	Other

NOTICE TO APPEAR

☒ INSTRUCTION NO. 1 - Mandatory appearance in court
☐ INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.

Location (Court, Room): Palm Beach PALM BEACH COUNTY
Court Date and Time: 04/25/2019 08:30:00 COURTHOUSE

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

No Photo Available

ADMIN

HOLD for Other Agency
☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other

Signature of Arresting Officer 2075
Name of Arresting Officer (Print): LOPEZ, NIKOL V I.D. # 02075

Name Verification (Printed by Arrestee) (PRINT)

Booking Deputy: DS Collins 7622 I.D. # Pouch #
Transporting Officer: LOPEZ I.D. # 2075 Agency WPBPD
Witness here if subject signed with an X:

PAGE 1 OF 1

☐ COURT ☐ STATE ATTORNEY ☐ AGENCY ☐ CENTRAL RECORDS ☐ JAIL ☐ CRIME ANALYSIS ☐ P. I. O. ☐ DEFENDANT

MAR 31 AM 1:35

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SCANNED APR 1 2019

DUI PROBABLE CAUSE AFFIDAVIT

On the 30 Day of March at 0930 A.M. P.M.

Subject: Arguello, Leroy P Case Number: 2019-0005634

Agency: West Palm Beach Police Department Arresting Officer: Lopez 2075

Personal Contact

Driving Pattern Actual physical control (physical evidence putting the driver behind the wheel)

On Saturday, March 30, 2019, at approximately 2100 hours, I responded to 1481 7th St. to assist Officer Resnick on an accident caused by the defendant, identified through driver license as Leroy Arguello. Officer Resnick advised me there was throw up all over the driver seat and door and suspected Arguello was impaired. Arguello was the only occupant of the vehicle. Officer Resnick advised me prior to my arrival, Arguello was swaying back and forth and unable to maintain his balance. I walked over and observed the throw up on the driver seat and door of the vehicle. At this time, I advised Arguello the traffic crash investigation was completed and I would be initiating DUI Investigation.

Observation of Driver

Upon approaching Arguello, Arguello was leaning against the rear bumper of his vehicle. Arguello was still swaying side to side even though he was attempting to maintain his balance by leaning on the vehicle. Prior to initiating the Standardized Field Sobriety exercises, I asked Arguello to walk over to me and the driver almost stumbled and fell to the ground.

Drivers Statements:

I asked Arguello what he had to drink tonight and the driver stated "a couple beers and wine".

Odors:

As I approached Arguello, I observed the odor of an alcoholic beverage coming from his mouth. The odor got stronger as Arguello continued to speak .

General Observations

Speech: slow and fair

Attitude: Calm, cooperative, polite, relaxed

Clothing: Blue Shirt, white shorts and sandals

Medical Problems: None

Medications: None

Other: None

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DUI PROBABLE CAUSE AFFIDAVIT

Subject: Arguello, Leroy P **Case Number:** 2019-0005634

Roadside Tasks

Horizontal Gaze Nystagmus

- [x] Left Eye Does Not Follow Smoothly
- [x] Left Eye Jerks at 45 Degree Angle or Less
- [x] Distinct Jerking Left Eye at Maximum Deviation
- [x] Right Eye Does Not Follow Smoothly
- [x] Right Eye Jerks at 45 Degree Angle or Less
- [x] Distinct Jerking Right Eye at Maximum Deviation

After reading Arguello the instructions, Arguello acknowledged he understood the instructions. While conducting the exercise Arguello was unable to follow instructions, I had to instruct Arguello not to move his head several times. Arguello was sway back and forth throughout the exercise.

Walk and Turn Task

After reading Arguello the instructions, Arguello acknowledged he understood the instructions. Arguello could not maintain his balance while listening to instructions. Arguello stopped walking to steady himself and stepped off the line. Arguello missed most of the heel-to-toe steps. Arguello used his arms for balance and raised them over six inches throughout the exercise.

One Leg Stand

After reading Arguello the instructions, Arguello acknowledged he understood the instructions. Arguello could not maintain balance and was swaying. I had to stop Arguello and ask him to restart due to him raising his leg backwards like a flamingo instead of raising leg forward like I demonstrated. Arguello was swaying throughout the whole exercise and using arms to maintain balance. Arguello put is foot down after almost falling forward. I did not ask Arguello to continue due to his safety.

Finger To Nose

Due to the impairment of the defendant I did not continue the SFSTs.

Romberg Alphabet

Due to the impairment of the defendant I did not continue the SFSTs.

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Breath Results from Instrument

1st Result	2nd Result	3rd Result (If Applicable)
.193	.196	

State of Florida

County of Palm Beach

The Following Instrument was notorized or sworn before me this _____ (DATE)

- [ ] Personaly Known
- [ ] Produced Identification
- [ ] Notary Public

Notary / Clerk of Courts / Officer (FSS: 117.10)

Signature of Arresting Officer

SUBJECT: Arguello, Leroy P CASE NUMBER: 2019-0005634

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 determining its alcohol content.

OR

I am now requesting that you submit to a lawful test of your [ ] **BLOOD** for the purpose of determining its alcohol content.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am Arguello, Leroy P of the West Palm 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 priviledge 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 misdermeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

SUBJECTS SIGNATURE: _____

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 voluntailry 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 can not afford a lawyer, you are entitled to the presense 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 previleged to remain silent.
6. I can make no treats 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.

SUBJECTS SIGNATURE: Read on camera (BWC)

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DEFENDANT: Arguello, Leroy P **CASE NUMBER:** 2019-0005634

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 OPERATION A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT: Accident
WHERE WERE YOU GOING? Home 516 MALCOLM CHANDLER LN
WHAT STREET OR HIGHWAY WERE YOU ON? "Palm Lakes Blvd"
DIRECTION OF TRAVEL? W WHERE DID YOU START FROM? Clematis St. (WPB)
WHAT TIME DID YOU START? 1630 hours WHAT TIME IS IT NOW? 2230 hours
WHAT IS TODAY'S DATE? March 30th WHAT DAY OF THE WEEK IS IT? Saturday
WHAT COUNTY AND CITY ARE YOU IN NOW? "Martin County" West Palm Beach City
WHEN DID YOU LAST EAT? 1530 hours WHAT DID YOU EAT? Hamburger
WHAT HAVE YOU BEEN DOING FOR THE LAST THREE(3) HOURS? At the boat show at Clematis with friends
HOW MUCH DO YOU WEIGHT? 175 HAVE YOU BEEN DRINKING? yes WHAT? Wine/Beer
HOW MUCH? 4 Wine/ 3 Beers WHERE? Duffy's WITH WHOM? Friends
WHEN DID YOU HAVE YOUR FIRST DRINK? 1430 hours AND YOUR LAST DRINK? 1830 hours
HOW DID YOU CONSUME YOUR LAST TWO DRINKS? By mouth
CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? No
ARE YOU UNDER THE INFLUENCE? "For me no"
HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? No HOW MUCH?
WHAT? WHERE? WHEN?
WHAT LINE OF WORK ARE YOU IN? Management railroad
WHEN DID YOU LAST WORK? Friday (March 29th)
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 YOUR HEAD RECENTLY? No
WERE YOU IN AN ACCIDENT TODAY? Yes
HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? No WHEN?
HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? No WHO? WHEN?
ARE YOU TAKING ANY PRESCRIPTION MEDICINES? No WHAT? WHEN?
DO YOU HAVE:

EPILEPSY? No
GLASS EYE? No
FALSE TEETH? No
EAR INFECTION? No
INNER EAR TROUBLE? No
DIABETES? No

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTABLE BY GLASSES? No
DO YOU TAKE INSULIN? No IF SO, WHEN WAS YOUR LAST INJECTION?
HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? Yes WHERE? Arzona, Colorad

INTERVIEWER: N Lopez # 2075

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TESTING FACILITY TASK REPORT

AGENCY: WPB Ofc. Lopez #2075

SUBJECT: Arguello, Leroy J. CASE NUMBER: 14-0740TS

DATE: 02-20-14 VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 2250 hrs ENDING TIME:

BREATH TESTS RESULTS: 1) .143 TIME 2257 A.M./(P.M.) 2) .146 TIME 2300 A.M./(P.M.)

3) _____ TIME _____ A.M./P.M. 4) _____ TIME _____ A.M./P.M.

BREATH OPERATOR: S. O'Neal #6212

MAINTENANCE TECHNICIAN: Sgt. Yurchak #6167

TESTING OFFICER'S OBSERVATIONS

SPEECH:

ATTITUDE: Calm, Cooperative

CLOTHING: Shirt: Navy blue + white Shorts: white

MEDICAL CONDITIONS: None

MEDICATIONS: None

OTHER: Eyes: Red + Glassy

Odor of alcoholic beverages.

COMMENTS: 20 min. observation done by PFC Lopez #2075

AIO requested breath test.

E submitted to the request.

D completed the test correctly.

AIO read E the test results.

INT video of the test CW.

Test completed.

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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	☐	119.071(2)(h)	Other: Identity of victim of sexual battery, lewd and lascivious offense upon a person less than 16 yrs old, cheld abuse, or other sexual offense.	
	☐	948.064 (1) f.s.	Other: Notification of status as a violent felony offender of special concerns.	

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REVIEW COMPLETED BY

Booking Number: 2019010716	**Date:** 3/31/2019
	Specialist Name/ID: M. Tooks #8557