

JAF 0489186

985

FLORIDA HIGHWAY PATROL

REPORT NUMBER
FHP99ARR137498

ARREST REPORT

Report Date / Time 06/25/2017 01:47 AM	Agency Case/Offense Number FHPL17OFF050322	OCA Number	Operating Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD111586
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LOCATION OF OCCURRENCE

County PALM BEACH	Address 3925 PARK LN, WEST PALM BEACH, FL 33406	Latitude N 26 38.1918	Longitude W 80 6.2010
Range of Occurrence Date/Time 06/24/2017 11:43 PM to 06/24/2017 11:43 PM			

PERSON: SUSPECT

First Name LIBAN	Middle Name	Last Name CASTRO ALVAREZ	Suffix	Date of Birth 12/20/1979	Age 37	Race W	Sex M	Height 504	Weight 150	Hair BLD	Eyes BRO
Master Name Index Number	Place of Birth PALM BEACH COUNTY, FL	Nation USA	SSN			Driver's License or Other ID C236520794600	State Class or Type FL				
Address 600 VILLAGE GREEN CT C221		City PALM SPRINGS		County		State FL	Zip Code 33461		Phone		

CHARGES

Counts 1	Charge Number 316.193.3c1	Charge DUI-UNLAW BLD ALCH	OR
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL	<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Bond Amount \$0.00
DUI AND DAMAGE PROPERTY			
Counts 1	Charge Number 893.13.6a	Charge COCAINE-POSSESS	31000
Charge Degree THIRD DEGREE	Charge Level FELONY	General Offense Code PRINCIPAL	<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Bond Amount \$0.00
POSSESS COCAINE			

PROBABLE CAUSE

On the above date and time, I responding to a crash scene at the location of 3925 Park Ln, Palm Springs Florida, the Palm Springs Police Department (PSPD) were investigating. When I arrived on scene, I observed a tan colored vehicle, in the eastbound travel lane on Park Ln facing an easterly direction, with heavy front end damage. I then observed a dark colored vehicle partially in the eastbound travel lane facing a westerly direction with heavy front end damage also. I then exited my patrol vehicle and spoke with the primary crash investigating officer on scene for PSPD. Officer Ferrer advised me that the responded to a crash in the area of Park Ln and Kirk Rd around 11:30 PM. Once on scene PSPD Officer Ferrer advised that he observed an injured male driver, later identified by his Florida Driver's License number as R160420941800 as Joel Rovira, inside the tan vehicle, and the driver of the dark colored vehicle; who was later identified by his Florida Driver's License number C-236-520-79-480-0 as LIBAN CASTRO ALVAREZ; who was standing outside of this vehicle pacing back and forth. Officer Ferrer then activated EMS personnel to the scene for medical evaluation on both driver. Mr. Rovira was transported to the hospital due to incapacitating injuries. Officer Ferrer then advised me while speaking to Mr. Alvarez about the crash events, Officer Ferrer detected an odor of an unknown alcoholic beverage coming from Mr. Alvarez's mouth and breath area. That is then PSPD requested Florida Highway Patrol (FHP) assistance for further Driving Under the Influence (DUI) investigation. I then became the primary DUI Trooper on scene. I repositioned my patrol vehicle behind Mr. Alvarez's vehicle. After, I then began to speak with Mr. Alvarez. Mr. Alvarez advised that he spoke Spanish only. Officer Ferrer advised he would translate for me. While speaking to Mr. Alvarez, I detected an odor of unknown alcoholic beverage coming from Mr. Alvarez mouth and breath area. I then asked Mr. Alvarez on what happened leading up to the crash. Mr. Alvarez advised he was driving westbound on Park Ln after getting pizza, when suddenly he felt an impact. Mr. Alvarez advised that's all he remembers. I asked Mr. Alvarez to point out the vehicle he was driving. I asked Mr. Alvarez did he consume and alcoholic beverages prior and or while driving. Mr. Alvarez advised that he had two-three beers tonight before driving. I further observed Mr. Alvarez to have red glassy eyes. I then advised Mr. Alvarez that PSPD Officers have completed their crash investigation and that I (FHP) am now conducting a DUI investigation. I then read Mr. Alvarez his Constitutional Warnings. After doing so, Mr. Alvarez advised that he understood his rights and would continue to speak with me throughout the investigation. I then asked Mr. Alvarez on what happened leading up to the crash. Mr. Alvarez advised he was driving westbound on Park Ln after getting pizza, when suddenly he felt an impact. Mr. Alvarez advised that's all he remembers. I asked Mr. Alvarez to point out the vehicle he was driving. Mr. Alvarez then pointed to the dark colored vehicle facing in a westerly direction on Park Ln. I asked Mr. Alvarez did he consume and alcoholic beverages prior and or while driving. Mr. Alvarez advised that he had two-three beers tonight before driving. When asked, Mr. Alvarez agreed to submit to a series of field sobriety exercises. Officer Ferrer continued to translate to Mr. Alvarez.

Horizontal Gaze Nystagmus exercise

Prior to beginning the exercises it was determined Mr. Alvarez was not wearing contacts. Mr. Alvarez eyes were checked and his eyes displayed equal tracking and his pupils were equal sizes. Mr. Alvarez was instructed to following the stimulus with his eyes only, keeping his head still. After stating he understood the instructions Mr. Alvarez attempted this exercise.

The results of this exercise displayed 6 of the 6 possible clues.

- A lack of Smooth Pursuit in his left eye.
- A lack of Smooth Pursuit in his right eye.
- A distinct and sustained nystagmus in the left eye at maximum deviation.
- A distinct and sustained nystagmus in the right eye at maximum deviation.
- An onset of nystagmus in the left eye prior to 45 degrees.
- An onset of nystagmus in the right eye prior to 45 degrees.

The exercise further revealed the presence of vertical nystagmus. Vertical nystagmus is an indicator of high doses of alcohol, other central nervous system (CNS) depressants or inhalants, and the consumption of the drug phencyclidine (PCP).

While performing the Horizontal Gaze Nystagmus exercise, it was observed that Mr. Alvarez:

- Had difficulty following and responding to instructions.
- Moved his head from side to side during the exercise.
- Swayed while standing.
- The instructions for the exercise had to be repeated before Mr. Alvarez would respond

2017 JUN 25

JUN 25 AM 2017

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JUN 25 2017

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Walk and Turn exercise

Prior to attempting this exercise, Mr. Alvarez indicated he did not have any medical problems that would have prevented him from performing the exercise. Mr. Alvarez was instructed to put his left foot on the yellow line and his right foot in front of it with his right heel touching the toe of his left foot. He was instructed to stand in this manner with his hands to his sides until the exercise instructions were completed and the exercise demonstrated. Mr. Alvarez was instructed not to begin the exercise until told to start. He was instructed to take nine steps along the yellow line in a heel-to-toe manner. After the ninth step he was to stop and turn around keeping his lead foot on the ground, taking several small steps with the other foot to turn around. After turning around he was to take nine steps in a heel-to-toe manner back along the imaginary line, in the direction he had come from. Mr. Alvarez was further instructed to watch his feet at all times while walking, keep his arms down to his side, and to count his steps out loud. After the exercise was demonstrated Mr. Alvarez stated he understood the instructions and was instructed to begin the exercise.

- After attempting the Walk and Turn exercise Mr. Alvarez displayed 5 of 8 possible clues.

Walk and Turn exercise observations:

- On the first set of steps Mr. Alvarez failed to walk in a heel-to-toe manner on 2,4,8,9 steps, - On the second set of steps Mr. Alvarez failed to walk in a heel-to-toe manner on 5,6, steps, - Was unable to stand in a heel-to-toe manner while the instructions to the exercise were given.
- Raised arms for balance during the exercise.
- Turned incorrectly.
- Started the exercise before instructed to.

One Leg Stand exercise

Prior to attempting this exercise, Mr. Alvarez indicated he did not have any medical problems that would have prevented him from performing the exercise. Mr. Alvarez was instructed to stand with his heels together and hands down to his sides while the instructions were given and during the exercise. Mr. Alvarez was instructed not to begin the exercise until he was instructed to start, and after the exercise had been demonstrated. When instructed to start, he was to raise the foot of his choice off the ground approximately 6 inches. While his leg was raised he was to keep his leg straight, watch his raised foot, and to count out loud by thousands (one thousand one, one thousand two, one thousand three...) and to continue the exercise until told to stop (30 seconds). After this exercise was demonstrated and indicating he understood the instructions Mr. Alvarez attempted this exercise.

When Mr. Alvarez attempted this exercise he raised his right foot. Then switched to his left foot

The result of this exercise displayed 4 of the 4 possible clues.

During this exercise Mr. Alvarez:

- Swayed during the exercise.
- Used arms for balance.
- Hopped during the exercise
- Put his foot down (3 time(s) during the exercise).

Additionally, during the One Leg Stand exercise, Mr. Alvarez was observed to:

- End the exercise before he was told to put his foot down. (He was to keep his leg raised for 30 seconds). Ending the exercise at the count of 15. Then raised his left foot for the remainder of the exercise
- Fail to watch his raised foot during the exercise as instructed.
- Fail to keep his raised leg straight.

After I completed the Standardize Field Sobriety Exercise observations on Mr. Alvarez, I then placed Mr. Alvarez under arrest for suspected DUI of alcohol. I then placed searched Mr. Alvarez's person for weapons and or contraband. Subsequent search of Mr. Alvarez's property led to the discovery of a small clear baggie containing a white powdered substance contained inside. Mr. Alvarez advised that the powdered substance was cocaine. Due to officer safety reason, the white powdered substance was not field tested. I then placed Mr. Alvarez in the rear of my patrol vehicle, and secured him in. Shortly after, I departed the scene enroute to the Palm Beach County Jail. Upon arrival at the jail, I escorted Mr. Alvarez to the BAT center. There, I conducted a 20 minute observation period of Mr. Alvarez. Once the 20 minutes were up, I escorted Mr. Alvarez into the BAT room. Once there, I requested Mr. Alvarez to submit to a lawful test of his breath for the purpose of determining its alcohol content. Mr. Alvarez followed along in Spanish. After reading the Spanish version, Mr. Alvarez agreed to submit at 1:12AM. Mr. Alvarez provided an adequate breath sample of .123 at 1:17AM and another breath sample of .120 at 1:20AM. No Q&A was conducted, I then transported Mr. Alvarez to booking into the Palm Beach County Jail. Shortly after, Mr. Alvarez was booked into the Palm Beach County jail on 316.193.1 and 893.13.6a Florida Statue Misdemeanor DUI. After, the powdered substance was submitted into evidence at the Lantana Substation. All events occurred in Palm Beach County.

LEO BOND

Bond Amount \$	<input type="checkbox"/> None	<input type="checkbox"/> ROR	<input type="checkbox"/> Cash	<input type="checkbox"/> Any	<input type="checkbox"/> PreTrial If Qualify
	<input checked="" type="checkbox"/> Pro				<input type="checkbox"/>

COURT APPEARANCE INFORMATION

Court (CIRCUIT) PALM BEACH NORTH COUNTY COURTHOUSE	Court Phone 561-624-6608	Court Date & Time 07/25/2017 09:00 AM
Court Address 3188 PGA BLVD., PALM BEACH GARDENS, FL 33410		
Instructions		

ARREST INFORMATION

Arrest Date / Time 06/25/2017 12:15 AM	Residency Within jurisdiction	Injured None	Extent of Injury N/A	Resist Arrest No
Prior Arrests No	Arrest Jurisdiction Within jurisdiction		Alcohol Yes	Drugs Yes

ARREST LOCATION

County PALM BEACH	Address 3925 PARK LN, WEST PALM BEACH, FL 33406
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ARREST DELIVERED TO

Jail / Booking Facility PALM BEACH COUNTY CORRECTIONS	Location 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406	Phone (561) 688-4400
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ARREST REPORT

FHP99ARR137498

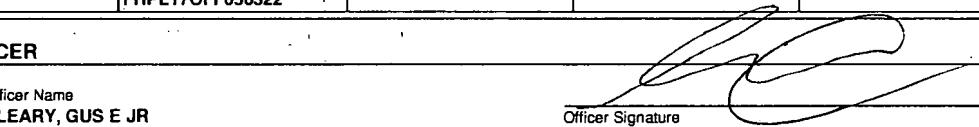
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ARRESTING OFFICER

Officer Call Number 1667 Officer Name **CLEARY, GUS E JR**

Officer Signature

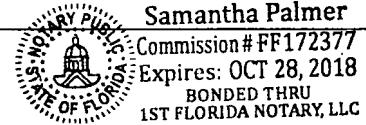


Subscribed and sworn to (or affirmed) before me this 25 day of JUNE A.D. 2017 by CLEARY who is personally known to me or
has produced SAM PALMER as identification.

Samantha Palmer
Signature

Notary Public LEO CO Commission No: _____ My Commission Expires: _____

Samantha Palmer



NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: CASTRO ALVAREZ, LIBAN

CASE NUMBER: 17-094509

DATE: 06/25/2017

VIDEO DVD NUMBER: 62855

BEGINNING TIME: 0112

ENDING TIME: 0123

BREATH TESTS RESULTS: 1) TIME A.M. P.M. 2) TIME A.M. P.M.
3) TIME A.M. P.M. 4) TIME A.M. P.M.

BREATH OPERATOR: S. PALMER #24520

MAINTENANCE TECHNICIAN: J Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SPANISH SPEAKING

ATTITUDE: CALM, QUIET, COOPERATIVE, FIDGETY

CLOTHING: GREY SHIRT, BLUE PLAID SHORTS, WHITE SNEAKERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES GLASSY AND BLOODSHOT,

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 2311
SUBJECT AGREED TO TAKE BREATH TEST
SUBECT PROVIDED TWO ADEQUATE BREATH SAMPLES SUCCESSFULLY.
A/O READ TEST RESULTS, SUBJECT STATED HE UNDERSTOOD RESULTS.
A/O DID NOT READ RIGHTS, OR CONDUCT Q&A DUE TO LANGUAGE BARRIER

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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 Trooper G. Cleary 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) Not Read

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GOLD JAIL

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? _____

WHERE WERE YOU GOING? _____

WHAT STREET OR HIGHWAY WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

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? _____

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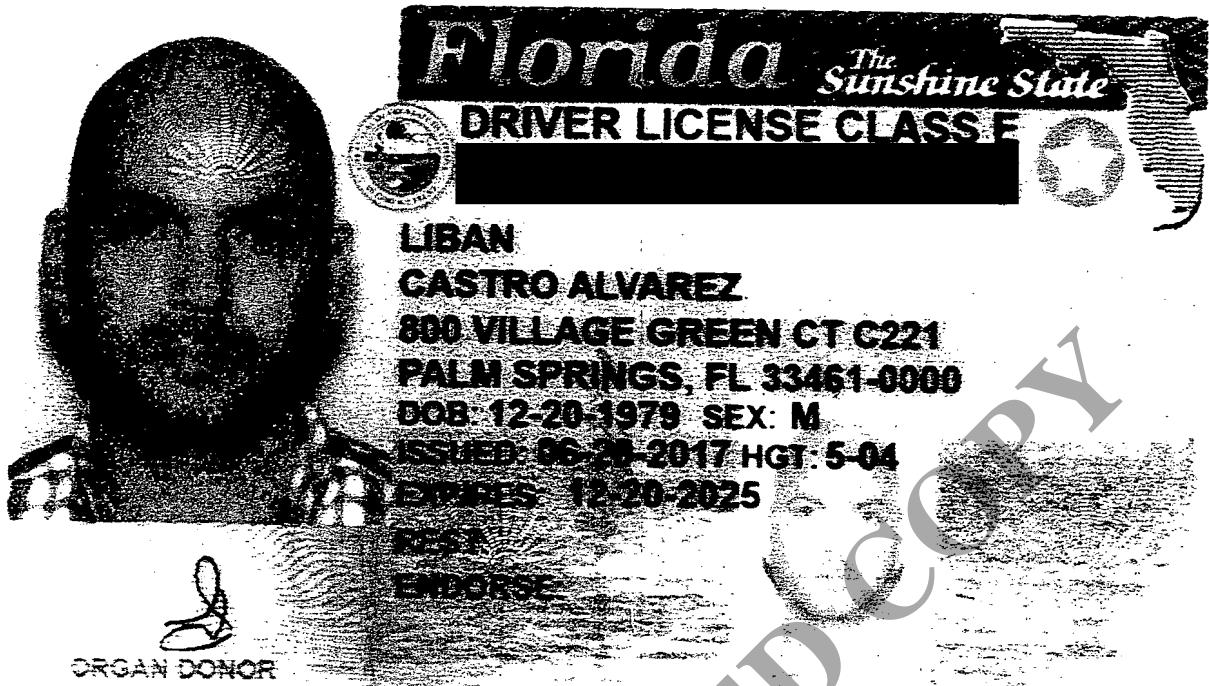
INTERVIEWER: _____

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL



ORGAN DONOR

SAFE DRIVER

Operation of a motor vehicle constitutes consent to any sobriety test required by law.

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JUN 25 2017

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: 80-006239 Software: 8100.27
Date of Test: 06/25/2017

Date of Last Agency Inspection: 06/02/2017

Observation Period Began: 00:45

Subject's Name: LIBAN CASTRO ALVAREZ

DOB: 12/20/1979 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	01:15
	Air Blank	0.000	01:16
	Control Test	0.081	01:16
	Air Blank	0.000	01:17
	Subject Sample #1	0.123	01:17
	Air Blank	0.000	01:18
	Air Blank	0.000	01:20
	Subject Sample #2	0.120	01:20
	Air Blank	0.000	01:21
	Control Test	0.081	01:21
	Air Blank	0.000	01:21
	Diagnostics Check	OK	01:22

Cylinder Lot: 646645
Exp: 12/05/2019

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 SAMANTHA M PALMER, 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: Samantha Palmer

Signature

Date: 06/25/17

Sworn to (or affirmed) before me this 25 day of June, 2017

Signature of Notary Public-State of Florida Trooper Cleary 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 # 17-094509

AGENCY CASE# FHPL17OFF050322

AGENCY ZONE 1-33

CRASH CASE # _____

TIME OF STOP/CRASH 11:30PM DATE 6/24/17 DAY SATURDAY

SUBJECT'S NAME LIBIAN C ALVAREZ RACE H SEX M

HGT 504 WGT 150 DOB 12/20/1979

LOCATION PARK LN X KIRK RD

ARRESTING OFFICER'S NAME & ID TPR. G. CLEARY (4055) AGENCY FLORIDA HIGHWAY PATROL

DIVISION: _____

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 1245 AM

BREATH RESULTS:

ARREST TIME 12:13AM

1. .123
2. .120
3. N/A
4. N/A

TESTING OFFICER'S ID 24520

PBSO VIDEOTAPE # 62855

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