

0489485

17 CT 12250 P#-2421

REPORT NUMBER
FHP99ARR137951

FLORIDA HIGHWAY PATROL

ARREST REPORT

Report Date / Time 07/06/2017 11:41 PM	Agency Case/Offense Number FHPL17OFF053843	OCA Number	Originating Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD120010
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LOCATION OF OCCURRENCE

County PALM BEACH	Address SR9 NB AT NORTHLAKE , PALM BEACH GARDENS, FL	
Range of Occurrence Date/Time 07/06/2017 11:00 PM to 07/06/2017 11:00 PM	Latitude N 26 48.4783	Longitude W 80 5.8477

PERSON: SUSPECT

First Name LINDA	Middle Name MOFFETT	Last Name STACK	Suffix	Date of Birth 12/24/1959	Age 57	Race W	Sex F	Height 506	Weight 130	Hair BRO	Eyes GRN
Master Name Index Number	Place of Birth SANDUSKY, OH	Nation US	SSN		Driver's License or Other ID S320533599640	State FL	Class or Type E				
Address 232 MURRAY CT		City JUPITER	County		State FL	Zip Code 33458	Phone				

CHARGES

Counts ► 1	Charge Number 316.193.1	Charge DUI-UNLAW BLD ALCH	OF
Charge Degree	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL	
DUI ALCOHOL OR DRUGS			<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Bond Amount \$0.00

PROBABLE CAUSE

Defendant was driving northbound on SR9 / I-95 from 45th ST in the left center lane and passed my marked patrol car as well as other traffic at an estimated speed of 80 mph. My partner, R/T Petti was driving, and accelerated to overtake the defendant. As we closed on defendant, she moved to the left lane, back to the left center lane then to the center lane without using her turn indicator. She was clocked by moving radar at 80-81 mph, then moved to the right center lane, again without signal. We activated our emergency lights. Defendant continued without slowing or attempting to change lanes for approximately 3/4 mile, then moved to the right exit lane to Northlake BV. She then slowed but did not stop. I activated the siren and defendant stopped just before the exit to SR-850 / Northlake BV.

R/T Petti approached the passenger side of the car, I stood near the rear of the car, close enough to hear, but I could not clearly see defendant. I smelled a faint sweet odor, like chewing gum, and a faint odor of an alcoholic beverage. We issued defendant a citation for unlawful speed, during which time we discussed whether she (Petti) suspected alcohol. When we returned to the car, I addressed defendant. I could see a tin of Altoids in the center console, and I could more clearly smell the two distinct odors of her gum and an unknown alcoholic beverage. I asked defendant to verify where she had been, she said at a business meeting at a restaurant in Delray Beach. I asked how much she'd had to drink and she said nothing. Her eyes were bloodshot and glassy, and she mumbled and spoke very softly and kept turning her face away from me as she spoke. I asked defendant to come out of the car, and she complied.

We stood at the rear of defendant's car on the shoulder. I asked again about her trip and the meeting, and each time defendant spoke she turned her face away from me. I asked her to spit her gum out, which she did. I knew from checking her DL that defendant had a prior refusal. We discussed this, and she said the DUI was dropped, and I explained that the refusal was still on her record. Defendant's responses during our conversation were evasive, and she continued to turn away from me as she spoke. In spite of this, I was able to clearly smell the odor of an alcoholic beverage when she spoke.

Defendant agreed to perform FSTs. Prior to beginning, I asked her if she had any medical issues or took any medication or drugs. She said she took half of an Ambien (sleep aid) at approximately 2:30 or 3:00 am. FSTs were performed on the shoulder as follows:

HGN: slight orbital sway when she stood, lack of smooth pursuit in both eyes, onset prior to 45% in both eyes, distinct at maximum deviation in both eyes.

W&T: Kept stopping me during the instruction phase because she felt the shoulder was too sloped. After moving twice, she finally began to comply with instructions. Stepped off to the left during instructions, and started to walk. Only the first step was heel-toe, all others at least 3-4", turned by pivoting on both feet, then stopped and said out loud "continue" (not as a question). Lost balance on step 3 back, crossed her feet and stepped to left and said "oops".

OLS: raised right leg, knee bent until Petti & I both told her to straighten her leg. Lost balance and put foot down for 2 seconds at 27 seconds.

We arrested defendant for DUI, R/T Petti handcuffed her and secured her in my car. As Petti inventoried the car, defendant asked me numerous questions about where she was going, how could she call an Uber and a bondsman, where was she going. I answered the questions several times.

We transported defendant to the PBSO BAT. We arrived, catalogued her property and conducted a 20 minute observation period. We entered the test room with DUI Tech S. Palmer. Defendant initially said she would not take a breath test, that her lawyer told her not to. I read Implied Consent on video, and after numerous questions (on video), she verbally agreed to take the test. As the instrument went through the startup process, defendant continued to ask questions. As Palmer began to explain the test, defendant said she was not going to take the test. I verified that she understood Implied Consent, and she refused.

A review of defendant's DL in DAVID indicated a prior refusal to submit to a lawful test on 03/24/2004.

LEO BOND

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

COURT APPEARANCE INFORMATION

Court (COUNTY) PALM BEACH NORTH COUNTY COURTHOUSE	Court Phone 561-624-6608	Date & Time 08/02/2017 10:00 AM
Court Address 3188 PGA BLVD., PALM BEACH GARDENS, FL 33410		
Instructions		

Report Date / Time 07/06/2017 11:41 PM	Agency Case/Offense Number FHPL17OFF053843	OCA Number	Originating Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD120010
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ARREST INFORMATION

Arrest Date / Time 07/06/2017 11:21 PM	Residency Within jurisdiction	Injured None	Extent of Injury N/A	Resist Arrest No
Prior Arrests Yes	Arrest Jurisdiction Within jurisdiction	Alcohol Yes	Drugs Yes	

ARREST LOCATION

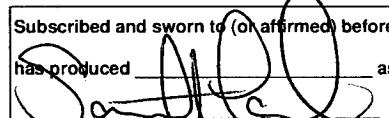
County PALM BEACH	Address SR9 NB AT NORTHLAKE , PALM BEACH GARDENS, FL
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ARREST DELIVERED TO

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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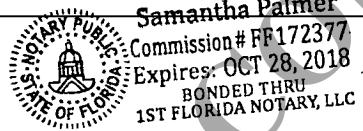
ARRESTING OFFICER

Officer Call Number 422	Officer Name P.L. CROY	Officer Signature
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Subscribed and sworn to (or affirmed) before me this 7th day of July A.D. 2017 by PL CROY who is personally known to me or has produced  as identification.

Siggraphre

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



TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: STACK, LINDA

CASE NUMBER: 17-099524

DATE: 07/07/2017

VIDEO DVD NUMBER: 62934

BEGINNING TIME: 0027

ENDING TIME: 0041

BREATH TESTS RESULTS: 1) R TIME 0033 A.M. P.M. 2) XX TIME XX 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: CLEAR

ATTITUDE: CALM, QUIET, COOPERATIVE,

CLOTHING: BLACK BUTTON UP BLOUSE, MULTI COLOR PANTS, BLACK SANDALS

MEDICAL CONDITIONS: NONE

MEDICATIONS: AMBIEN

OTHER:

EYES GLASSY AND BLOODSHOT, ADMITTED TO DRINKING ICED TEA AND VODKA (Q&A)

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0006
SUBJECT REFUSED TO TAKE BREATH TEST
A/O READ I/C @ 0028, SUBJECT STATED SHE UNDERSTOOD I/C AND AGREED TO TAKE BREATH TEST
TECH EXPLAINED INSTRUCTIONS TO BREATH TEST,
SUBJECT STATED SHE WAS SORRY BUT SHE WAS GOING TO REFUSE BREATH TEST
A/O READ RIGHTS @ 0034, SUBJECT STATED SHE UNDERSTOOD HER RIGHTS
A/O CONDUCTED Q&A, SUBJECT ANSWERED QUESTIONS.

SUBJECT: Stack, Linda

CASE NUMBER: FAIPL170FF 053843

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 Crou 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: Stack, Linda

CASE NUMBER: CHPL170FF053843

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? _____

INTERVIEWER: _____

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL



[Signature]
ORGAN DONOR

SAFE DRIVER

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

6801

DATE: Jul 07, 2017

TIME: 0322

EM6

BKINQ P A L M S S C R E E N 1 OF 10
PALMS NO= 9996084 PERCENTAGE: 1 OF 1 AT 93 % PAGE 1

STACK LINDA B R: W S: F DOB 12/24/1959 POB
HGT= 5 06 WGT= 140 HAIR= BROWN EYE= BROWN
09/24/2002 07220 NW 62 TR APT= PARKLAND FL 00000

CASE HISTORY=====>
ROLE SUSPECT DATE 09/23/2002 CASE 02 118718 BATTERY
REM= (H)9543452856 (B)
END OF DATA FOR THIS PALMS

PF-KEY: 2=RTRN 3=ONC 5=HAB 6=SHO 7=ASSOC 8=GANG 10=BKG 12=EXT 13=BKPND 14=MENU
15=LEMS 16=GRNCD 17=OFF 18=CLAB 20=EVI 21=TTY 22=PLMU 24=PRT PA1=NEXT PA2=PREV

NOT A CERTIFIED COPY