

0499034

18CT10483 1547

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

ADMINISTRATIVE	OBTS Number		Agency ORI Number FLO 500000		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE		Agency Report Number (N.T.A.'s only) 06-18-085733			
	Charge Type: Check as many as apply. <input checked="" type="checkbox"/> 1. Felony <input checked="" type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other		Weapon Seized / Type 2 1 Yes 2 No		Multiple Clearance Indicator 01					
	Location of Arrest (Including Name of Business) 1715 N DIXIE HWY, LAKE WORTH, FL 33460				Location of Offense (Business Name, Address) 1715 N DIXIE HWY, LAKE WORTH, FL 33460					
	Date of Arrest 06/14/2018	Time of Arrest 00:04	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle			
Name (Last, First, Middle) ZELAYA MAIYRA A				Alias (Name, DOB, Soc. Sec. #, Etc)						
Race W - White I - American Indian B - Black O - Oriental/Asian	Sex F	Date of Birth 10/11/1994	Height 5'2"	Weight 115	Eye Color Brown	Hair Color Brown	Complexion Fair	Build small		
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) SCAR LEFT ARMS,				Marital Status SINGLE	Religion PROTESTANT	Indication of Alcohol Influence Drug Influence Y N Unit <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
Local Address (Street, Apt. Number) 1105 6th Ave South		(City) Lake Worth, FL 33460	(State) FL	(Zip) 33460	Phone (561) 907-9187		Residence Type 1. City 2. County 3. Florida 4. Out of State 2			
Permanent Address (Street, Apt. Number)		(City)	(State)	(Zip)	Phone		Address Source Verbal			
Business Address (Name, Street)		(City)	(State)	(Zip)	Phone		Occupation Bartender			
DL Number, State Z400541948710, Florida		Soc. Sec. Number		INS Number	Place of Birth (City, State) West Palm Beach, FL		Citizenship US			
Co-Defendant Name (Last, First, Middle)				Race	Sex	Date of Birth	<input type="checkbox"/> 1 Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 2 At Large <input type="checkbox"/> 4 Misdemeanor <input type="checkbox"/> 5 Juvenile			
Co-Defendant Name (Last, First, Middle)				Race	Sex	Date of Birth	<input type="checkbox"/> 1 Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 2 At Large <input type="checkbox"/> 4 Misdemeanor <input type="checkbox"/> 5 Juvenile			
<input type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other		Address (Street, Apt. Number)		(City)	(State)	(Zip)	Residence Phone () Business Phone ()			
Notified by: (Name)		Date	Time	Juvenile Disposition 1. Handled/processed within Dept. and Released 2. TOT HRS / DYS 3. Incarcerated						
Released To: (Name)		Relationship		Date	Time					
The above address provided by <input type="checkbox"/> defendant and / or <input type="checkbox"/> defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2528) informed of any change of address. <input type="checkbox"/> Yes, by (Name) <input type="checkbox"/> No (Reason)				School Attended		Grade				
Property Crime? <input type="checkbox"/> Yes <input type="checkbox"/> No		Description of Property		Value of Property						
CODE	Drug Activity S Sell N N/A P Possess	R Smuggle D Deliver E Use	K Dispense/ Distribute	M Manufacture/ Produce/ Cultivate	Z Other	Drug Type N N/A A Amphetamines	B Barbiturate C Cocaine E Heroin	H Hallucinogen M Marijuana O Opium/Deriv	P Paraphernalia/ Equipment S Synthetics	U Unknown Z Other
CHARGE	Charge Description D.U.I.		Counts 1	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Statute Violation Number 316.193 (1)		Violation of ORD #			
	Drug Activity	Drug Type	Amount / Unit	Offense # 18-085733	Warrant / Capias Number		Bond OR			
CHARGE	Charge Description		Counts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number		Violation of ORD #			
	Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond			
CHARGE	Charge Description		Counts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number		Violation of ORD #			
	Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond			
CHARGE	Charge Description		Counts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number		Violation of ORD #			
	Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond			
NOTICE TO APPEAR	Location (Court, Room Number, Address) PALM BEACH COUNTY CRIMINAL JUSTICE COMPLEX - 3228 GUN CLUB RD WEST PALM BEACH FL, 33406									
	Court Date and Time Month July Day 19 Year 2018 Time 08:30 AM <input checked="" type="checkbox"/> PM									
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/Juvenile and Parent/Custodian <i>Thomas</i>						Date Signed 06/14/2018				
ADMIN	HOLD for other Agency Name		Signature of Arresting Officer <i>[Signature]</i> 31861		Name Verification (Printed by Arrestee) SCANNED					
	<input type="checkbox"/> Dangerous <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Suicidal <input type="checkbox"/> Other		Name of Arresting Officer (Print) D/S CHAHINE I.D. # 31811		(PRINT) JUN 15 2018			PAGE 1 OF 1		
Transporting Officer <i>Thomas</i> I.D. # 31811 Agency PBSO		ID # 31811 Agency PBSO		Witness here if subject signed with "X"						

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 14 DAY OF June 20 18 AT 2201 AM PM

SUBJECT: ZELAYA MAIYRA A CASE NUMBER: 18-085733

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: D/S CHAHINE

PERSONAL CONTACT

DRIVING PATTERN: ACTUAL PHYSICAL CONTROL (PHYSICAL EVIDENCE OR STATEMENTS PUTTING DEF. BEHIND WHEEL OF VEHICLE)

On 06/13/2018 at 2327 hours, I responded to 1715 N DIXIE HWY, LAKE WORTH, FL 33460 in reference to a vehicle crash involving a pedestrian who as a result died upon impact. Upon arrival, I made contact with Vehicle Homicide Investigator Stephan (#7240) who was standing in front of a black unmarked patrol vehicle. Investigator Stephan was standing next to a W/F identified through her Florida Driver's License as Maiyra A Zelaya. Stephan advised Corporal Soriano and I that he read Zelaya her constitutional rights and after understanding Miranda warnings, agreed to a video interview with Investigator Stephan. Post Miranda Zelaya advised that she was the driver and sole occupant of the vehicle that struck the pedestrian. When interviewing Zelaya, Investigator Stephan advised that he believed Zelaya was possibly impaired by unknown alcoholic beverage and requested Corporal Soriano and I to respond and conduct a separate DUI investigation.

OBSERVATION OF DRIVER:

I observed that Zelaya was wearing blue jean pants and gray/white plaid shirt. While questioning Zelaya, I observed an unknown alcoholic beverage emanating from her breath when she spoke. Zelaya's eyes appeared red and glassy. I observed that she was slurring her words. Zelaya was asked to perform field sobriety tasks and she agreed. While escorting Zelaya to the front of my patrol car, I observed she appeared shaky on her feet.

DRIVER'S STATEMENTS:

I asked Zelaya if she had been drinking or used any drugs. Zelaya advised she was on her way home from a friends house after swimming in their pool. Zelaya stated that she consumed two beers at her friends house. Zelaya was unable to tell me what time she left her friends house nor what time she arrived at her friends house today. Zelaya advised she left the scene initially after hitting something in the roadway but continued driving. Zelaya stated that she came back to the scene of the crash after noticing the damage to her vehicle. I asked Zelaya what medical problems and/or previous injuries she had, Zelaya advised that she was bite by a dog a year ago but is not currently suffering from any medical issues. Zelaya stated that she previously had cataract surgery in the past. Zelaya stated that she does not wear glasses or contacts. Zelaya stated that she is not currently on any medications.

ODORS:

Obvious odor of an unknown alcoholic beverage emanating from her breath.

GENERAL OBSERVATIONS

SPEECH: slow

ATTITUDE: calm

CLOTHING: wearing blue jean pants and gray/white plaid shirt

MEDICAL/OTHER: NONE

STATE OF FLORIDA
COUNTY OF PALM BEACH

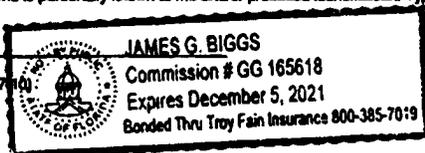
D/S CHAHINE

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 14 day of June 20 18 by D/S CHAHINE

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced KNOWN

Notary Public, Clerk of Court, Officer (F.S.S. 117.01)



SCANNED
JUN 15 2018

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- 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

Other Observations:

ICM - Once positioned in the front of my vehicle, I continued my investigation. I instructed Zelaya to keep her hands by their side, stand with her feet together, and follow a blue light stimulus with her eyes not turning her head. I asked her if she understood my instructions. Zelaya verbally stated she understood my instructions. Zelaya, however swayed while standing stationary. I observed both eyes to be red, bloodshot, and glassy. Her left and right eye displayed equal pupil size, equal tracking, and a lack of smooth. I observed distinct and sustained nystagmus was present in both her left and right eye at maximum deviation during two separate four second evaluations. The onset of nystagmus was prior to a 45 degree angle in both her left and right eye during two separate four second evaluations. Vertical nystagmus was NOT present in both the left and right eye during two separate four second evaluations. While conducting the test I had to remind her to keep hands by her side, not turn her head and follow the stimulus multiple times.

WALK & TURN:

I positioned Zelaya on a painted white line which was on a smooth and level surface, free of any debris and well lit by the headlights on my vehicle and (nearby street lighting). I instructed the driver to place her left foot on the line and her right foot in front of the left touching heel to toe. I instructed her that she was to keep her hands at her side and stay in this position until I instructed her to do otherwise. I instructed her to walk nine heel to toe steps counting out loud, while watching her feet. On the ninth step she was to keep her front foot on the line and use her back foot, in a series of small steps, to turn around before walking nine heel to toe steps the opposite direction counting out loud and watching her feet. I demonstrated the task while I was verbally instructing her in the proper way to complete the task. During the task, I observed the driver swayed while balancing. Zelaya began the task too soon after being told multiple times not to begin until instructed to do so. Used arms to maintain balance (+6"), did not turn properly Zelaya lost balance while turning and did not touch heel to toe.

ONE LEG STAND:

I placed Zelaya with her feet together and arms at her side. I demonstrated the task as I verbally instructed her to raise one of her feet approximately six inches off of the ground, point her toe towards my patrol car, look at the raised foot, and count out loud 1001, 1002, 1003 and so on until told to stop. I asked her if she understood the instructions and demonstration I provided. After Zelaya stated she understood my instructions, the task was performed. While Zelaya stood in the instructional position, I observed she started too soon AND swayed while standing stationary. While raising her foot she swayed while balancing, and put foot down twice within 30 seconds.

FINGER TO NOSE:

I instructed Zelaya to stand with her feet together, make each hand into a fist keeping, extended her index fingers and to place her palms facing up. She was instructed to lower her arms by her side. I instructed and demonstrated the proper hand and arm position and for her to remain in this position while I demonstrated the rest of the task. I instructed and demonstrated her to tilt her head back approximately 45 degrees and close their eyes while waiting for a verbal command of left or right. On the command of "left" or "right", she would raise the requested hand, touch the tip of her finger to the tip of her nose, then bring their hand immediately back down to her side. During the instruction and demonstration of the task she swayed while standing in the instructional position. I asked her if she understood the instructions I provided and she verbally stated she understood. I instructed her to start the task as explained. During the task, I observed Zelaya did not keep eyes closed, Zelaya touched areas on the side of her nose and under her nose on 4 out of the 6 counts.

ROMBERG ALPHABET:

I verbally inquired if Zelaya could recite the entire English alphabet. She stated she was able to recite the English alphabet and I instructed her to place their feet together with her arms at their side and stay in this position until told to do otherwise. I instructed her that upon starting she was to tilt her head back approximately 45 degrees and close their eyes. She would begin to state the alphabet in a slow and methodical manner without singing or rhyming it. I asked her if she understood the instructions and she verbally replied she understood. During the instructions she continued to sway while standing stationary. I instructed Zelaya to start the task as explained. During the task, I observed the driver did not keep eyes closed and got confused when reciting letters S, T, U, V. Zelaya wayed more than (+2") from front to back, used arms for balancing (more than 6").

BREATH TEST RESULTS: 1) .144 2) .145 3) 4)

STATE OF FLORIDA
COUNTY OF PALM BEACH

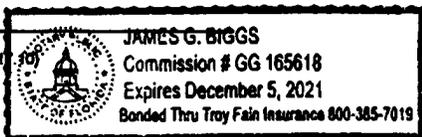
D/S CHAHINE

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 14 day of JUNE 2018 by D/S CHAHINE

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced known

Notary Public, Clerk of Court, Officer (F.S.S. 11)



SCANNED
JUN 15 2018

SUBJECT: Zelaya, Maiyra A CASE NUMBER: 18-085733

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) Read on Camera

SCANNED
JUN 15 2018

TESTING FACILITY TASK REPORT

AGENCY: PBSO-CHAHINE

SUBJECT: ZELAYA, MAIYRA A

CASE NUMBER: 18-085733

DATE: Jun 14, 2018

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0051

ENDING TIME: 0111

BREATH TESTS RESULTS: 1) .144 TIME 0055 A.M. P.M. 2) .145 TIME 0058 A.M. P.M.
3) XX TIME XX A.M. P.M. 4) XX TIME XX A.M. P.M.

BREATH OPERATOR: J Biggs# 7607

MAINTENANCE TECHNICIAN: D/S J Karklecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: LOW, SLURRED

ATTITUDE: COOPERATIVE

CLOTHING: BLACK/WHITE SHIRT, BLUE JEANS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES GLASSY, RED
ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE ON SUBJECT

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0030
SUBJECT ADVISED SHE WOULD SUBMIT TO THE BREATH TEST
SUBJECT WAS GIVEN THE INSTRUCTIONS FOR THE TEST
SUBJECT COMPLETED BOTH SAMPLES SUCCESSFULLY
RESULTS WERE GIVEN TO THE SUBJECT
SUBJECT WAS READ MIRANDA
SUBJECT SUBMITTED TO THE QUESTIONS ASKED

SCANNED
JUN 15 2018



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

REVIEW COMPLETED BY

Booking Number: 2018019788	Date: 06/14/2018
	Specialist Name/ID: howardt/7185

SCANNED
 JUN 15 2018