

Arrest Report

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

Report Date / Time 7/13/2019 07:44 AM	Report Number FHP99ARR782115	Case Number/Cad Number FHPL19OFF045885 /LWRC19C AD126956	Reporting Officer Name SAYIH R. A.
Originating Agency ORI	Occur Date Time Range 07/13/2019 06:47:41 - 07/13/2019 09:45:00	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type OTHER	Location Description			
Street Number	Street NB INTERSTATE 95 SOF 10TH AVE	Apt/Lot/Bldg	City BOYNTON BEACH	State FL	Zip Code 33435

Defendant

First Name MARIA	Middle Name GUADALUPE	Last Name SILVA MARTINEZ	Suffix	Race H	Sex FEMALE	Height 500	Weight 170	Hair BRO	Eyes BRO
MNI #	SSN	Date of Birth 01/26/1993	Age 26	Place of Birth MATE MOROS FF MEXICO	Drivers License or other ID S415547935260	State FL	ID Type E		
Address * RESIDENCE / 4754 ELMHURST RD APT 1 , WEST PALM BEACH, FL 33417 / 561-268-1938									

Arrest

Arrest Date/Time 7/13/2019 7:23:15 AM	Arrest Location Type OTHER	Arrest Location Description				
Street Number	Street NB INTERSTATE 95 SOF 10TH AVE	Apt/Lot/Bldg	County PALM BEACH	City BOYNTON BEACH	State FL	Zip Code 33435

Charge : S

Counts 1	Charge 316.193.1	Bond Amount \$0.00	☐ 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

On the above date and time I , Trooper R. Sayih #1273 was in service in Palm Beach County, FL. The weather was clear and traffic was light. I was traveling northbound on Interstate 95 (State Road 9) north of Atlantic Ave (State Road 9) when dispatched advised of a BOLO (Be On The Look Out). The BOLO was described to be a grey in color Cadillac traveling northbound on Interstate 95 (State Road 9) north

Arrest Report

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SCANNED
JUL 16 2019

2019 JUL 14 AM 7:43

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of Woolbright Rd. The grey in color Cadillac was said to not be maintaining a single lane and traveling off of the roadway. Trooper C. Vincent #1147 and myself both advised that we would be en route to the BOLO'd location. Several more calls were received in the communications center on the grey in color vehicle's driving pattern and were now advised that it collided into a barrier and continued northbound on Interstate 95 (State Road 9). Trooper C. Vincent #1147 was the first to obtain a visual on the grey in color northbound Interstate 95 (State Road 9) north of Lantana Rd. (County Rd. 812). Trooper C. Vincent #1147 advised over the radio that the vehicle traveled off of the roadway and was refusing to stop for him (See Trooper C. Vincent's Incident Report). Shortly after Trooper C. Vincent #1147 was able to successfully conduct a welfare check on the grey in color Cadillac on the left paved emergency shoulder, I arrived on scene. When I approached the grey in color Cadillac I observed a Hispanic female in the driver seat, to which she appeared to look dazed and confused. Her face and eyes were droopy and her motions within the vehicle were very slow. After speaking with Trooper C. Vincent #1147 I proceeded to go and speak with the driver of the grey in color vehicle who was later identified through her Florida driver license to be, Maria Guadalupe Silva Martinez 01/26/1993. Speaking to Ms. Silva Martinez through the driver side window I observed her eyes to be glossy and red in color. I introduced myself to Ms. Silva Martinez and advised her the reasoning of why I was there. Ms. Silva Martinez was asked where she was coming from and where she was heading. Ms. Silva Martinez advised me that she was on her way home from downtown Ft. Lauderdale. Ms. Silva Martinez was advised on the calls that we received from passing motorist on the road who observed her driving pattern. Ms. Silva Martinez then stated that she was driving that way due to her windshield being cracked and her not being able to see through it. Ms. Silva Martinez speech was slow, thick and slurred throughout our conversation so far. I asked Ms. Silva Martinez if she had any dangerous narcotics, Marijuana, hemp or weapons in the vehicle to which she responded no she did not. When Ms. Silva Martinez was asked to step out of the vehicle she stepped out, lost her balance and stumbled immediately using the driver door to maintain her balance and stay up right. Once Ms. Silva Martinez was with me outside of the vehicle, she was then explained the reasoning of why I had requested her to step out. Ms. Silva Martinez was advised that I had reason to believe that she was under the influence of alcohol or a controlled substance. Ms. Silva Martinez was then asked if she had consumed any alcohol or had taken any drugs of medication. Ms. Silva Martinez initially advised me that she did not consume either. I advised Ms. Silva Martinez that speaking with her face to face, I could smell the odor commonly associated with the smell of an unknown alcoholic beverage emitting from her breath as she spoke to me and questioned her once more on if she had anything to drink. Ms. Silva Martinez then stated that she had two shots of Crown Royal right before she had left Downtown Ft. Lauderdale. Ms. Silva Martinez was requested to perform a series of road side exercises due to me having reason to believe she was under the influence of alcohol or drugs. Ms. Silva Martinez then advised me that she would consent to perform the exercises that I have requested of her to perform (See Video / Roadside Task Sheet):

The area for the following roadside exercises was level and free of debris. Subject agreed to use an imaginary solid straight line to perform the walk and turn exercise in which her stepping off the imaginary line was not counted against her. Subject was then asked if she had any problems with her eyes aside from corrective vision, or injuries that would prevent her from performing any of the

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exercises that will be requested of her to perform. Subject then advised me that she did not have either eye nor physical body injuries or limitations and would be able to perform the exercises.

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

Walk and Turn Exercise:

Interaction Phase:

- Subject swayed in starting position.
- The exercise was then demonstrated and explained to the Subject.
- Subject advised she understood instructions and did not have any questions.
- Subject was not taking heel to toe steps as instructed on steps one through nine on her first set of nine steps and on steps one through nine on her second set of nine steps. Subject would take a step and bounce the bottom portion of her heel off of the top portion of her toes. Subject completely missed heel to toe on steps four, seven and nine on her first set of steps and on steps three, five and seven on her last set of nine steps. On the subjects last set of nine step she counted to ten while taking ten steps.
- Subject lost balance.
- Subject did not turn around as instructed.
- Subject used arms for balance.

One Leg Stand Exercise:

Interaction Phase:

- Subject was swaying while in starting position.
- The exercise was demonstrated and explained to the Subject
- Subject advised she understood the instructions and did not have any questions.
- Subject lost balance several times.
- Subject put foot down several times.
- Subject hopped.
- Subject used arms for balance.

Finger to Nose:

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Interaction Phase:

- Subject was swaying while in the starting position.
- The exercise was demonstrated and explained to the Subject
- Subject advised she understood the instructions and did not have any questions.
- On the subjects first attempt with her left finger she touched the tip of her nose with the pad of her finger.
- On the subjects second attempt with her right finger she touched the tip of her nose with the pad of her finger.
- On the subjects third attempt with her left finger she touched the tip of her nose with the pad of her finger.
- On the subjects fourth attempt with her right finger she touched the tip of her nose with the pad of her finger
- On the subjects fifth attempt with his right finger she attempted to use her left finger and then switched back to her right finger touching the tip of her nose with the pad of her finger.
- On the subjects sixth attempt with her left finger she attempted to use her right finger and then switched it to her left finger touching the tip of her nose with the pad of her finger.

Rhomberg Balance:

Interaction Phase:

- Subject was swaying while in the starting position.
- The exercise was demonstrated and explained to the Subject
- Subject advised she understood the instructions and did not have any questions.
- Subject exhibited an approximate 2 inch orbital sway.
- The Subject estimated 30 seconds in 31 seconds.

Due to the totality of the circumstances, Ms. Silva Martinez was then placed under arrest for DUI pursuant to Florida Statue 316.193.1 at 07:23 AM. After Ms. Silva Martinez was placed under arrest I allowed her mother to approach her to take her property and to let her provide her information on what was happening with her daughter, Ms. Silva Martinez, and where she was being taken too. Ms. Silva Martinez's mother began speaking with Ms. Silva Martinez advising her that she told her to call her and that she should not have been driving and told her that she would have picked her up or could have gotten an Uber. (Watch video for other statements in regards to Ms. Silva Martinez's mother speaking). Ms. Silva Martinez was then placed in my patrol vehicle where she was then taken to the Palm Beach County Jail in which she arrived at approximately 07:59 AM. Inside Palm Beach County Jail's breath alcohol testing facility (BAT) Ms. Silva Martinez began a 20 minute observation prior to being provided an opportunity to provide a breath sample. After Ms. Silva Martinez's 20 minute observation, she was given an opportunity to provide a breath sample in which she initially refused to provide. After reading Implied Consent Ms. Silva Martinez then consented to provide a breath sample. Ms. Silva Martinez first breath sample was provided at approximately 08:28 AM resulting in a .146. Ms. Silva Martinez second breath sample was provided at approximately 08:31 AM resulting in a .138.

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Video of the traffic stop, roadside exercises and transport to the Palm Beach County Jail can be obtained through the FHP custodian.

Video of the Palm Beach County BAT facility can be obtained through the Palm Beach County Sheriffs Office records department.

Court

Court County PALM BEACH	Court Location 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444		
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Appearance Date / Time 08/13/2019 8:30 AM	Court Fine
Comments			

Officer Name	Officer Rank	Involvement On Report	ID #	Org/Unit	Officer Agency
VINCENT, C.	TROOPER	ASSISTING	3568	FHPL1LWRC1PAL M BEACHSR804 JSOF SR702	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 SAYIH R. A.	Office Rank TROOPER	Officer ID No 3822	Sworn and subscribed before me, the undersigned authority This the <u>13</u> day of <u>July</u> , <u>2019</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL	 		
Officer Signature			



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

PBSO CASE # 19-092678

AGENCY CASE# FHPL19OFF045885

AGENCY ZONE _____

CRASH CASE # _____

TIME OF STOP/CRASH 06:57 AM DATE 07/13/2019 DAY SATURDAY

SUBJECT'S NAME MARIA GUADALUPE SILVA MARTINEZ RACE H SEX F

HGT 5'00" WGT 170 DOB 01/26/2019

LOCATION NB SR 9 SOF 10TH AVE

ARRESTING OFFICER'S NAME & ID TPR. SAYIH 3822 AGENCY FLORIDA HIGHWAY PATROL

DIVISION: LAKE WORTH

NOTIFIED BY COMMO _____

ARRIVAL AT FACILITY 07:59AM

BREATH RESULTS:

ARREST TIME 07:23 AM

1. 0.146

2. 0.138

3. _____

4. _____

TESTING OFFICER'S ID 6212 PBSO VIDEOTAPE # N/A

TESTING FACILITY TASK REPORT

AGENCY: FHP Tip. Sayih #3322

SUBJECT: Silva Martinez, Maria G. CASE NUMBER: 14-092678

DATE: 07-13-19 VIDEO TAPE NUMBER: /

BEGINNING TIME: 0821hrs ENDING TIME: 0838hrs

BREATH TESTS RESULTS: 1) .146 TIME 0823 A.M./P.M. 2) .133 TIME 0831 A.M./P.M.
3) _____ TIME _____ A.M./P.M. 4) _____ TIME _____ A.M./P.M.

BREATH OPERATOR: S. O Neal #6212

MAINTENANCE TECHNICIAN: Cpi. Harleche #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Low, Slurred

ATTITUDE: Calm, Cooperative, Agitated, Emotional, Crying

CLOTHING: Dress- Black & White / Pant

MEDICAL CONDITIONS: Gastritis

MEDICATIONS: Yes

OTHER: Eyes: Very Red, Glassy, Watery from crying

Odor of _____

COMMENTS: 20 min. observation done by ALO Sayih #3322
ALO requested the breath test.

D refused the request.

ALO read the implied consent on camera more than once, broke it down to her.

She decided to submit after the IIC.

D completed the test correctly.

CLW read on camera.

Q4A conducted

SUBJECT: Silva Martinez, Maria G. CASE NUMBER: FHP414OFF045335

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 T.P. Smith #3822 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: SILVA MARTINEZ, MARIA G CASE NUMBER: FHPL19OFF045885

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? YES

WHERE WERE YOU GOING? HOME

WHAT STREET OR HIGHWAY WERE YOU ON? 1-95

DIRECTION OF TRAVEL? N WHERE DID YOU START? BROWARD

WHAT TIME DID YOU START? 3:00 AM WHAT TIME IS IT NOW? NO

WHAT IS TODAY'S DATE? JULY 13 2019 WHAT DAY OF THE WEEK IS IT? SATURDAY

WHAT COUNTY AND CITY ARE YOU IN NOW? PALM BEACH

WHEN DID YOU LAST EAT? 2 DAY AGO WHAT DID YOU EAT? MEXICAN TACOS

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS?

HOW MUCH DO YOU WEIGH? 170 HAVE YOU BEEN DRINKING? YES WHAT? (2) CROWN ROYAL

HOW MUCH? 2 WHERE? DOWNTOWN FT. LAUDERDALE WITH WHOM? WITH FRIEND SHOTS

WHEN DID YOU HAVE YOUR FIRST DRINK? 1:00 AM AND YOUR LAST DRINK? 2:00 AM

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? ORALLY

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? NO ARE YOU UNDER THE INFLUENCE? I DONT THINK SO.

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? NO HOW MUCH?

WHAT? WHERE? WHEN?

WHAT LINE OF WORK ARE YOU IN? DOES NOT HAVE JOB WHEN DID YOU LAST WORK?

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? WHAT? BRUISE

ARE YOU SICK OR INJURED? WHAT'S WRONG?

DO YOU LIMP? NO DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? NO

WERE YOU IN AN ACCIDENT TODAY?

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? NO WHEN?

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? WHY?

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? YES WHAT? WHEN?

DO YOU HAVE:

EPILEPSY?

NO

GLASS EYE?

FALSE TEETH?

EAR INFECTION?

INNER EAR TROUBLE?

DIABETES?

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED 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? NO WHERE?

INTERVIEWER: TPR. SAY IT #3822



**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	☐		Other:	
	☐		Other:	

REVIEW COMPLETED BY

Booking Number: 2019022896

Date: 07/14/2019

Specialist Name/ID: AM/31562