

J-0509042

19CT 11839

P-883

Arrest Report

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

Report Date / Time 6/28/2019 04:10 AM	Report Number FHP99ARR802961	Case Number/Cad Number FHPL19OFF042363 /LWRC19C AD116800	Reporting Officer Name Z. TODD
Originating Agency ORI	Occur Date Time Range 06/28/2019 03:46:31 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description ROADWAY
Street Number SR-9	Street SB NOF SR 804	Apt/Lot/Bldg BOYNTON BEACH
City BOYNTON BEACH	State FL	Zip Code 33435

Defendant

First Name MARK	Middle Name ADAM	Last Name PISARRI	Suffix	Race WHITE	Sex MALE	Height 600	Weight 200	Hair BLK	Eyes BRO
MNI #	SSN [REDACTED]	Date of Birth 04/20/1963	Age 56	Place of Birth KATZKIN NY USA	Drivers License or other ID P260541631400	State FL	ID Type E		
Address * RESIDENCE / 9819 KAMENA CIR , BOYNTON BEACH, FL 33436 /									

Arrest

Arrest Date/Time 6/28/2019 4:02:23 AM	Arrest Location Type	Arrest Location Description
Street Number SR-9	Street SB NOF SR 804	Apt/Lot/Bldg PALM BEACH
City BOYNTON BEACH	State FL	Zip Code 33435

Charge : S

Counts 1	Charge 318.14.3	Bond Amount \$0.00	☐ No Bond
Charge Degree S	Charge Level MISDEMEANOR	General Offense Code RESIST OFFICER	
Charge Description REFUSE TO ACCEPT SIGN CITATION OR POST BOND			

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			

Arrest Report

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2019 JUN 29 8:10

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Bond Set by Court

Bond Amount \$0.00	No Bond? No
Bond Type(s)	

Probable Cause

On June 28, 2019 I was on routine patrol in my marked patrol car in Palm Beach County. I was conducting laser speed enforcement southbound on I-95 (State Road 9) south of Gateway Blvd inside of a marked construction zone. I observed a black vehicle traveling at a high rate of speed in the center lane south of the construction zone speed limit signs. I visually estimated the speed to be 80 mph in a 65 mph construction zone. I then placed the center crosshairs of my Laser Atlanta on the front bumper of the vehicle and obtained a visual reading of 82 mph and confirmed it with an audible tone from 347.6ft. I then positioned my patrol car behind the vehicle and activated my emergency lights and sirens to initiate a traffic stop on the vehicle. The vehicle yielded to the right paved shoulder. I then approached the vehicle and observed that the driver was the sole occupant of the vehicle. I requested that the driver provide a DL and vehicle registration and insurance. While I talked to the driver he stated that he had a couple of drinks earlier. As he talked I observed that he had the odor of an unknown alcoholic beverage emitting from his breath as he talked. I also observed that he had bloodshot glassy eyes and thick lethargic speech. I requested that he step out of the vehicle and stand in front of my patrol car. As he stood in front of me I observed that he had an orbital sway, bloodshot glassy eyes, thick speech and the odor of an unknown alcoholic beverage was emitting from his breath as he talked. I requested that he conduct field sobriety exercises and he agreed. The driver was later identified as Mark Pisaari by his FL DL.

Horizontal Gaze Nystagmus

Before beginning the exercises, I checked to see if Mr. Pisaari was wearing glasses or contact lenses. It was determined that Mr. Pisaari was not wearing glasses. I then checked Mr. Pisaari's eyes and observed equal tracking and equal pupil size. Mr. Pisaari was instructed to place his feet together and place his hands down at his side. He then was instructed to keep his head still and follow the stimulus with his eyes and his eyes only. He was also instructed to keep looking at the stimulus until told not to. Mr. Pisaari verbally indicated that he understood.

- Lack of smooth pursuit, left eye
- Lack of smooth pursuit, right eye
- A distinct and sustained nystagmus at maximum deviation in the left eye
- A distinct and sustained nystagmus at maximum deviation in the right eye
- An onset of nystagmus prior to 45 degrees in the left eye
- An onset of nystagmus prior to 45 degrees in the right eye

I also observed vertical nystagmus.

During the exercise Mr. Pisaari had to be told to stay in the proper position and not to move his head during the exercise. I also observed Mr. Pisaari to have orbital sway and glassy red eyes. I observed an onset of 30° and no vertical nystagmus.

2019 06 28

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Walk and Turn Exercise

The area was level and free of debris. Mr. Pisaari verbally indicated that he saw the line on the ground. Mr. Pisaari was instructed to put his left foot on the line, then place his right foot on the line ahead of the left foot in a heel to toe manner. I then demonstrated this position. Mr. Pisaari was instructed not to begin untold to do so. Mr. Pisaari verbally indicated that he has understood all instructions up to this point. Mr. Pisaari was then instructed to take 9 heel to toe steps on the line when told to do so. I then demonstrated this. Mr. Pisaari was then instructed to turn on the ninth step and to keep the front foot on the line and to take a series of small steps with the foot on the line. I then demonstrated this for Mr. Pisaari. Mr. Pisaari was also instructed to keep his arms at his sides and to watch his feet during the exercise. Mr. Pisaari was also instructed to count aloud and to not stop once he begins the exercise. He was also instructed to keep his arms at his sides at all times.

He took 9 steps forward and stopped the exercise and decided to restart. He then took 10 steps forward. He missed heel to toe on multiple steps and stepped off the line on multiple steps. He also used his arms for balance and stopped the exercise and asked for further instructions. He then began to walk backwards down the line when told to return.

One Leg Stand Exercise

Mr. Pisaari was instructed to stand with his feet together and to place his arms down at his side. Mr. Pisaari was instructed to maintain that position until told to do so. Once told to do so, Mr. Pisaari was instructed to raise one foot approximately 6 inches off the ground and to keep both legs straight with both arms at his side. He was also instructed to look at the elevated foot and count aloud in the manner of one thousand-one, one thousand-two and so on until told to stop. Mr. Pisaari verbally indicated that he understood the instructions after I demonstrated to him.

Mr. Pisaari was told to begin and raised his right foot. During the exercise Mr. Pisaari displayed an orbital sway. Mr. Pisaari also did not count aloud properly as instructed. Mr. Pisaari did not look down at his foot during the exercise and had to be told to do so. He also placed his foot down multiple times and almost fell over while conducting the exercise. He started and stopped the exercise and had to be prompted multiple times to put his arms down and continue the exercise.

He was then placed under arrest for DUI and secured inside of my patrol car. He was then transported to the county jail. Once we arrived at the testing center I conducted a 20-minute observation. At no time did he regurgitate or take anything by mouth. I requested that he provide a lawful sample of his breath and he refused. Implied consent was read and he stated that he understood. He then refused again. He was then booked into the county jail. He then refused to sign the DUI citation.

The above incident occurred in Palm Beach County.

Court

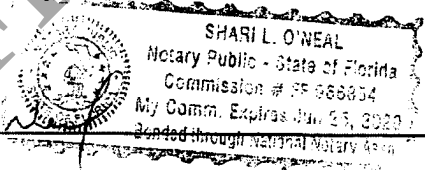
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Court County PALM BEACH	Court Location 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444		
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Appearance Date / Time 07/22/2019 830AM	Court Fine
Comments			

Officer Name	Officer Rank	Involvement On Report	ID #	Org/Unit	Officer Agency
Z. TODD	TROOPER		4141	FHPL1LWRCIPAL M BEACHISR804 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 Z. TODD	Office Rank TROOPER	Officer ID No 4141	Sworn and subscribed before me, the undersigned authority This the <u>28</u> day of <u>June</u> , 2019 DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature 			

TESTING FACILITY TASK REPORT

(3)

AGENCY: FHP Tro. Todd #4141

SUBJECT: Pisani, Mark CASE NUMBER: 19-087310

DATE: 06-28-19 VIDEO TAPE NUMBER: 1

BEGINNING TIME: 0520hrs ENDING TIME: 0523hrs

BREATH TESTS RESULTS: **REFUSED** TIME 0522 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. O'Neal #6212

MAINTENANCE TECHNICIAN: Cpl. Buckeye #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: _____

ATTITUDE: Calm, Cooperative, Indecisive

CLOTHING: Shirt: Black/White Print Pants: Blue Jeans

MEDICAL CONDITIONS: —

MEDICATIONS: —

OTHER: Eyes: Red, Glassy

Odor of unknown alcoholic beverage. #4141

COMMENTS: 20 min. observation done by AIO Todd

AIO requested the breath test.

Implied consent read on camera.

D refused the test after the IIC was read.

CIW read on camera.

No Q+A, D asked for his attorney.

SUBJECT: _____ CASE NUMBER: _____

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 :

SUBJECT: _____ CASE NUMBER: _____

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: _____

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST

I, Z. TODD 4/14/19, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of FLORIDA HIGHWAY PATROL, and I do swear

(Name of law enforcement agency)
or affirm that on or about the 28 day of June, 2019, at 0402 ☐ P.M. ☒ A.M.

DRIVER MARK ADAM PISARRI
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

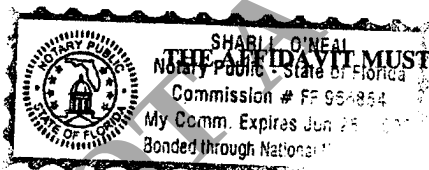
DL# P260541631400, state of FL, was placed under lawful arrest for

316.193(1)
the offense of D.U.I. - DRIVING UNDER THE INFLUENCE (MISD... by Z. TODD 4/14/19 and
(Name of Arresting Officer)
issued Citation # A76P2IE

That on or about the 28 day of June, 2019, at 0522 ☐ P.M. ☒ A.M.
in PALM BEACH County,

I requested that the driver submit to a ☒breath and/or ☐urine test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test(s) would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended for refusing to submit to a breath, urine or blood test. I also informed the driver that he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood. Additionally, I informed the driver that if he or she holds a CDL, or was operating a CMV, refusal will result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.

Signature of Law Enforcement Officer or
Correctional Officer



(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before
me this 23 day of June, 2019,
by _____,

who is personally known to me or who has produced
_____ as identification.

Notary Public S. O'Neal

HSMV-BAR1001 (REV. 10/2016)

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title _____

Date _____

Note: Mail or hand deliver to the designated
Bureau of Administrative Reviews office,
Department of Highway Safety and Motor
Vehicles, with the driver's license, the
appropriate copy of the UTC, and the
probable cause affidavit.



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

PBSO CASE # 19-087310 PBSO ZONE 6-12

AGENCY CASE # FHPL190FF642363 CRASH CASE #

TIME OF STOP/CRASH 0346 DATE 6/28/19 DAY FRI

SUBJECT'S NAME MARK PISARRI RACE W SEX M

HGT 6'20 WGT 200 DOB 04 / 20 / 1963

LOCATION I-95 8B Boynton Beach Blvd

ARRESTING OFFICER'S NAME & ID TODD 4141 AGENCY FHPL

DIVISION: DUI

NOTIFIED BY COMMO X

ARRIVAL AT FACILITY 0436

ARREST TIME 0902

BREATH RESULTS:

1.
2.
3.
4.

TESTING OFFICER'S ID 6212 PBSO VIDEOTAPE # /

REFUSED

NOT A CERTIFIED COPY



**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: 2019021180

Date: 06/29/2019

Specialist Name/ID: AM/31562