

Arrest Report

#0497527

18CT6998

#1582

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

Report Date / Time 4/18/2018 6:35:39AM	Report Number FHP99ARR767682	Case Number/CAD Number FHPL18OFF031784 / LWRC18CAD069489	Reporting Officer Name C.X MITCHELL
Originating Agency ORI FL0509000	Occurrence Date Time Range 4/18/2018 3:51:02 AM -	Jurisdiction	Clearance

Location of Occurrence

Location Type OTHER	Location Description NB I-95/S OF SR-804		
Street Number	Street I-95	Apt/Lot/Bldg	
County PALM BEACH	City BOYNTON BEACH	State FL	Zip 33426

Defendant

First Name MARK	Middle Name ALEXANDER	Last Name RICCI	Suffix	Date Of Birth 11/6/1991	Age 26	Race WHITE	Sex MALE
SSN	MNI #	Place of Birth TRUCKS HILL, PA, USA	Height 5'10"	Weight 175	Hair BRO	Eyes GRN	
DL or ID Number Y3510498	ID State CA	ID Type C	Address Type RESIDENCE				
Street Number 8207	Street MULHOLLAND DR					Apt/Lot/Bldg	
County	City LOS ANGELES	State CA	Zip 90046	Phone Number	Extension		
Location Description							

Arrest

Arrest Date/Time 4/18/2018 5:01:00AM	Arrest Location Type OTHER	Arrest Location Description NB I-95/S OF SR-804	
Street Number	Street I-95	Apt/Lot/Bldg	County PALM BEACH
City BOYNTON BEACH	State FL	Zip 33426	

Charge(s)

Counts 1	Charge 316.193.1	General Offense Code	Bond Amount \$ 0.00	<input type="checkbox"/> Bond
Charge Degree N	Charge Level MISDEMEANOR	Arrest Offense Code Description DUI-UNLAW BLD ALCH		
Charge Description DUI ALCOHOL OR DRUGS				

Probable Cause

On the above date and time, I was in service in Palm Beach County, FL. I was dispatched to a call with a driver passed out behind the wheel located on northbound Interstate 95 (State Road 9) south of Boynton Beach Boulevard (State Road 804) on the left paved shoulder. Upon my arrival on scene, I made contact with the driver who was later identified through his driver license as Mark Ricci. Mr Ricci was sitting in the driver seat of his motor vehicle with the keys in his possession. I spoke with the road ranger who found Mr. Ricci passed out behind the wheel. He advised that he attempted several times to wake Mr. Ricci, but was unsuccessful. The road ranger contacted his dispatch via radio to notify fire rescue to respond. While asking Mr. Ricci for his driver license, registration, and proof of insurance, I noticed a burnt stale odor emitting from out of the vehicle. I noticed his eyes were glassy and red in color, and his speech was slurred. I asked Mr. Ricci if he would be willing to perform roadside exercises to determine if he was ok to drive, to which he stated yes. I then proceeded to

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marked patrol vehicle to prepare an area to conduct roadside exercises.

Horizontal Gaze Nystagmus:

Prior to beginning the exercise, it was determined the subject was not wearing contacts or corrective lenses at the time. The subject's eyes displayed equal tracking and his pupils were equal sizes. The subject was instructed to follow the stimulus with his eyes only, keeping his head still. After stating he understood the instructions, the subject started the 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

Walk and Turn:

The subject was instructed to put his left foot on the 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 down to his sides until the instructions were completed and demonstrated. The subject was instructed not to begin until told to start. He was instructed to take nine steps along the line in a heel to toe manner. After the ninth step, he was advised to stop and turn around keeping his pivot foot on the ground, taking several small steps with the other foot to turn around. After turning around, the subject was instructed to take nine steps in a heel to toe manner back along the line in the direction he had come from. The subject was further instructed to watch his feet at all times while walking, keeping his arms down to his side, and to count his steps out loud. After the exercise was demonstrated, the subject stated he understood the instructions, and was instructed to begin the exercise.

After attempting the Walk and Turn, the subject displayed 3 of 8 possible clues.

The subject started before told to do so. The subject failed to make a proper turn. On the first set of steps, the subject stepped off the line on step 3.

One Leg Stand:

Prior to attempting this exercise, the subject indicated he did not have any medical problems that would prevent him from performing the exercise. The subject was instructed to stand with his heels together and hands down at his sides while the instructions were given. The subject was instructed not to begin until told to do so. The subject was advised to raise either foot of his choice off the ground approximately 6 inches keeping his foot parallel with the ground. While his leg was raised, the subject was advised to keep his legs straight, watch his raised foot, and to count out loud by thousands and to continue until told to stop. After the exercise was demonstrated, the subject was advised if he understood the instructions to which he replied yes. I advised the subject if he didn't have any

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questions, he may begin the exercise. When the subject attempted the exercise, he raised his left foot. During the exercise, the subject displayed 1 of the 4 clues. The subject used arms to balance himself.

Finger to Nose:

The subject was asked to stand with feet together and his hands at his sides with his index fingers pointed. The subject was advised to not start until told to do so. The subject was instructed to close both eyes and tilt his head back. I advised the subject when I tell you to bring the hand I direct upward touching the tip of your index finger to the tip of your nose. After demonstrating the instructions, I advised the subject if he understood the instructions, to which he replied yes. The exercise was conducted in the following manner of left, right, left, right, right, left. The subject failed to touch the tip of his finger to the tip of his nose on each attempt.

I then advised the subject as well as dispatch at 5:01 AM, that he was being placed under arrest for operating a motor vehicle under the influence of alcohol and or a controlled substance pursuant to Chapter 316.193 of the Florida State Statutes. The subject was properly searched, and placed in the backseat of my marked patrol vehicle. The subject was transported to the Palm Beach County Jail. Upon my arrival to the county jail, the subject was escorted to the Breath and Alcohol testing center, and a 20 minute observation was conducted to ensure the subject did not take anything by mouth or regurgitate. After the 20 minute observation, the subject was taken into the testing room. The subject was asked to submit to a breath test to determine the alcohol content to which he stated yes. The subject provided two samples of his breath (.000) and (.000). The subject was then asked to submit to a lawful test of his urine for the purpose of detecting the presence of chemical or controlled substance to which the subject agreed. The subject was read Miranda to which he stated he understood. The subject provided a urine sample. The subject was asked if he would be willing to submit to a drug recognition evaluation to which he stated no. The subject was then transported to the booking side and was processed without any incident to himself. The urine sample was taken back to the station and entered into evidence for lab testing. Video of the roadside exercises as well as transport to the county jail are available upon request with FHP custodian.

Jail Booking Facility

Booking Date/Time 4/18/2018 6:43:11AM	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4400
Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406			Booking Number
Booking Comments			

Court

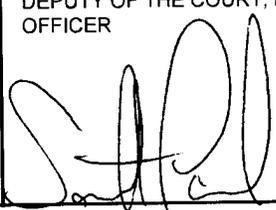
Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court CRIMINAL JUSTICE COMPLEX	Court Phone 561-355-2994	Court Appearance Date / Time 5/17/2018 8:30AM	Court Fine
Comments			

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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 C.X MITCHELL	Officer Rank TROOPER	Officer ID No 3667	Sworn and subscribed before me, the undersigned authority This the <u>18th</u> day of <u>April</u> , <u>2018</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency FLORIDA HIGHWAY PATROL	Officer Signature 		 

Approving Supervisor

Officer Name	Officer Rank	Officer ID No	Officer Agency
Officer Signature 			APR 18 AM 8:54

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