

2019CT018177

Arrest Report

0511333

3631

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

Report Date / Time 9/28/2019 04:01 AM	Report Number FHP99ARR811113	Case Number/Cad Number FHPL19OFF064093 / LWRC19CAD17677	Reporting Officer Name SAYIH R. A.
Originating Agency ORI	Occur Date Time Range 09/28/2019 03:06:25 - 09/28/2019 05:55:00	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description
Street Number SR 704 / SR 807	Street	Apt/Lot/Bldg WEST PALM BEACH
City WEST PALM BEACH	State FL	Zip Code 33409

Defendant

First Name MICHAEL	Middle Name K	Last Name ROSA	Suffix	Race HISPANIC	Sex MALE	Height 508	Weight 180	Hair BLK	Eyes BRO
MNI #	SSN	Date of Birth 06/07/1980	Age 39	Place of Birth CLINTON CT USA	Drivers License or other ID R200551802070	State FL	ID Type E	Address * RESIDENCE / 683 MERCURY ST , WEST PALM BEACH, FL 33406 / 561-720-9309	

Arrest

Arrest Date/Time 9/28/2019 3:37:00 AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description NB CONGRESS AVE SOF OKEECHOBEE BLVD
Street Number N CONGRESS AVE	Street	Apt/Lot/Bldg PALM BEACH
City WEST PALM BEACH	State FL	Zip Code 33409

Charge : S

Counts 1	Charge 316.193.1	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree N	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI ALCOHOL OR DRUGS			

Charge : S

Counts 1	Charge 318.14.3	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree S	Charge Level MISDEMEANOR	General Offense Code RESIST OFFICER	
Charge Description REFUSE TO ACCEPT SIGN CITATION OR POST BOND			

Arrest Report

Thomas 7904

Received WB

OCT 01 2019

**FILED**

SEP 29 2019

SHARON R. BOCK  
Clerk & Comptroller

Report Date / Time <b>9/28/2019 04:01 AM</b>	Report Number <b>FHP99ARR811113</b>	Case Number/Cad Number <b>FHPL19OFF064093 / LWRC19CAD176777</b>	Reporting Officer Name <b>SAYIH R. A.</b>
Originating Agency ORI	Occur Date Time Range <b>09/28/2019 03:06:25 - 09/28/2019 05:55:00</b>	Jurisdiction	Clearance

**Bond Set by Court**

<input type="checkbox"/> Bond Amount	<input type="checkbox"/> No Bond
Bond Type(s)	

**Probable Cause**

On September 28th 2019, at approximately 3:04 A.M, I Trooper Sayih #3822 and Trooper Prado #1851 were performing routine road patrol in Palm Beach County, FL. Stationary at the traffic control signal at the intersection of Okeechobee Blvd (State Road 704) and Congress Ave (State Road 807) I observed a black in color vehicle (Honda) bearing a Florida tag of ID31MG, facing the wrong way in the southbound lanes of Congress Ave (State Road 807). Upon further observation, the front bumper of the wrong way facing vehicle was pressed against the front bumper of another black in color vehicle (Acura) bearing a Florida tag of JYGS36 that was facing the right way northbound on Congress Ave (State Road 807) in the inside left turning lane. When on scene I observed a Hispanic male in the driver seat of the black in color Honda with his seat belt on, keys in the ignition and vehicle still turned on. The Hispanic male driver was later identified through his Florida driver license to be Michael K Rosa 06/07/1980. Mr. Rosa appeared dazed and confused and was staring at his phones screen and not doing anything with it. Mr. Rosa was asked what had happened and if he was okay. Mr. Rosa responded to me in a low, slurred and mumbled manner advising me that he was just trying to get home. I observed Mr. Rosa's eyes to be red in color and glossy along with the smell commonly associated with the smell of an unknown alcoholic beverage emitting from his breath as he spoke to me. In the black in color Acura, I observed a white male in the driver seat and a white female in the passenger seat. After assuring the occupants in both vehicles were not injured and did not require any medical assistance, I then began to conduct a crash investigation (see crash report). After the vehicles were removed from the roadway, they were relocated at the Chevron gas station on the southeast corner of Congress Ave and Okeechobee Blvd. I then concluded my crash investigation to which I then approached Mr. Rosa who was now standing outside of his vehicle. Mr. Rosa was advised that I had concluded the crash investigation and that I would now be conducting a criminal DUI investigation due to me having reason to believe he was driving under the influence of alcohol and/or a controlled substance. Before I was able to read Mr. Rosa his Miranda Rights he proceeded to interrupt me to advise me that I had to go investigate the other individuals involved in the crash. Mr. Rosa was advised that I did not need to do so due to me not having reason to believe anything was wrong with the other individuals. Face to Face with Mr. Rosa, I could still see that his eyes were red in color and glossy, and smell the odor commonly associated with the smell of an unknown alcoholic beverage emitting from his breath as he spoke to me. Mr. Rosa continued to argue and refuse to listen to me I then advised him that he would be placed under arrest based off my observations up until this point. Mr. Rosa then stated to arrest him to which I considered a refusal. (see video)

Horizontal Gaze Nystagmus:

- NOT CONDUCTED

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Walk and Turn Exercise:

- NOT CONDUCTED

One Leg Stand Exercise:

- NOT CONDUCTED

Finger to Nose:

- NOT CONDUCTED

Rhomberg Balance:

- NOT CONDUCTED

Due to the totality of the circumstances, Mr. Rosa r was then placed under arrest for DUI pursuant to Florida Statue 316.193.1 at 03:37 AM. Mr. Rosa was then searched and placed in my patrol vehicle where he was then transported to the Palm Beach County Jail's Breath alcohol testing facility (BAT). Inside the Palm Beach County Jail's breath alcohol testing facility (BAT) Mr. Rosa began a 20 minute observation prior to being provided an opportunity to provide a breath sample. After Mr. Rosa's 20 minute observation, he was given an opportunity to provide a breath sample to which refused to provide. Mr. Rosa was then read implied consent resulting in him refusing to provide a sample of his breath again at approximately 04:21 AM.

Mr. Rosa was later asked to sign the citations he was provided in reference to the arrest resulting in Mr. Rosa refusing to do so.

Video of the crash investigation, DUI investigation and transport to the Palm Beach County Jail can be obtained through the FHP custodian

Video of the Palm Beach County Jail's BAT facility can be obtained through the Palm Beach County records department.

**Jail Bookin Facility**

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone Number
0.0000	PALM BEACH	PALM BEACH COUNTY CORRECTIONS	(561) 688-4400

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Booking Facility Location

Booking Number

**3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406**

Booking Comments



**Court**

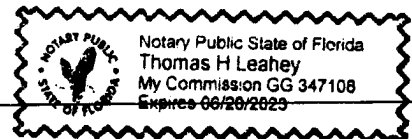
Court County <b>PALM BEACH</b>	Court Location <b>200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444</b>		
Court <b>PALM BEACH SOUTH COUNTY COURTHOUSE</b>	Court Phone <b>561-274-1530</b>	Court Appearance Date / Time <b>10/29/2019 0830 AM</b>	Court Fine
Comments			

Officer Name Rank / ID # <b>SAYIH R. A. TROOPER 3822</b>	Involvement On Report / Reporting Role <b>REPORTING OFFICER</b>	Officer Agency Org/Unit <b>FLORIDA HIGHWAY PATROL FHPL1LWRC1PALM BEACH/BROW LN TO SR804</b>
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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 <b>SAYIH R. A.</b>	Office Rank <b>TROOPER</b>	Officer ID No <b>3822</b>	Sworn and subscribed before me, the undersigned authority This the <u>28<sup>th</sup></u> day of <u>September</u> , <u>2019</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency <b>FLORIDA HIGHWAY PATROL</b>	Officer Signature 		Notary Signature 



NOT A CERTIFIED COPY



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

PBSO CASE # 19-120185

AGENCY CASE# FHPL19OFF064093

AGENCY ZONE \_\_\_\_\_

CRASH CASE # \_\_\_\_\_

TIME OF STOP/CRASH 03:04 AM

DATE 09/28/2019

DAY SATURDAY

SUBJECT'S NAME MICHAEL K ROSA

RACE H

SEX M

HGT 5'08"

WGT \_\_\_\_\_

DOB 06/07/1980

LOCATION SR 704 / SR 807

ARRESTING OFFICER'S NAME & ID

TPR. SAYIH #3822

AGENCY FLORIDA HIGHWAY PATROL

DIVISION: LAKE WORTH

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 03:58 AM

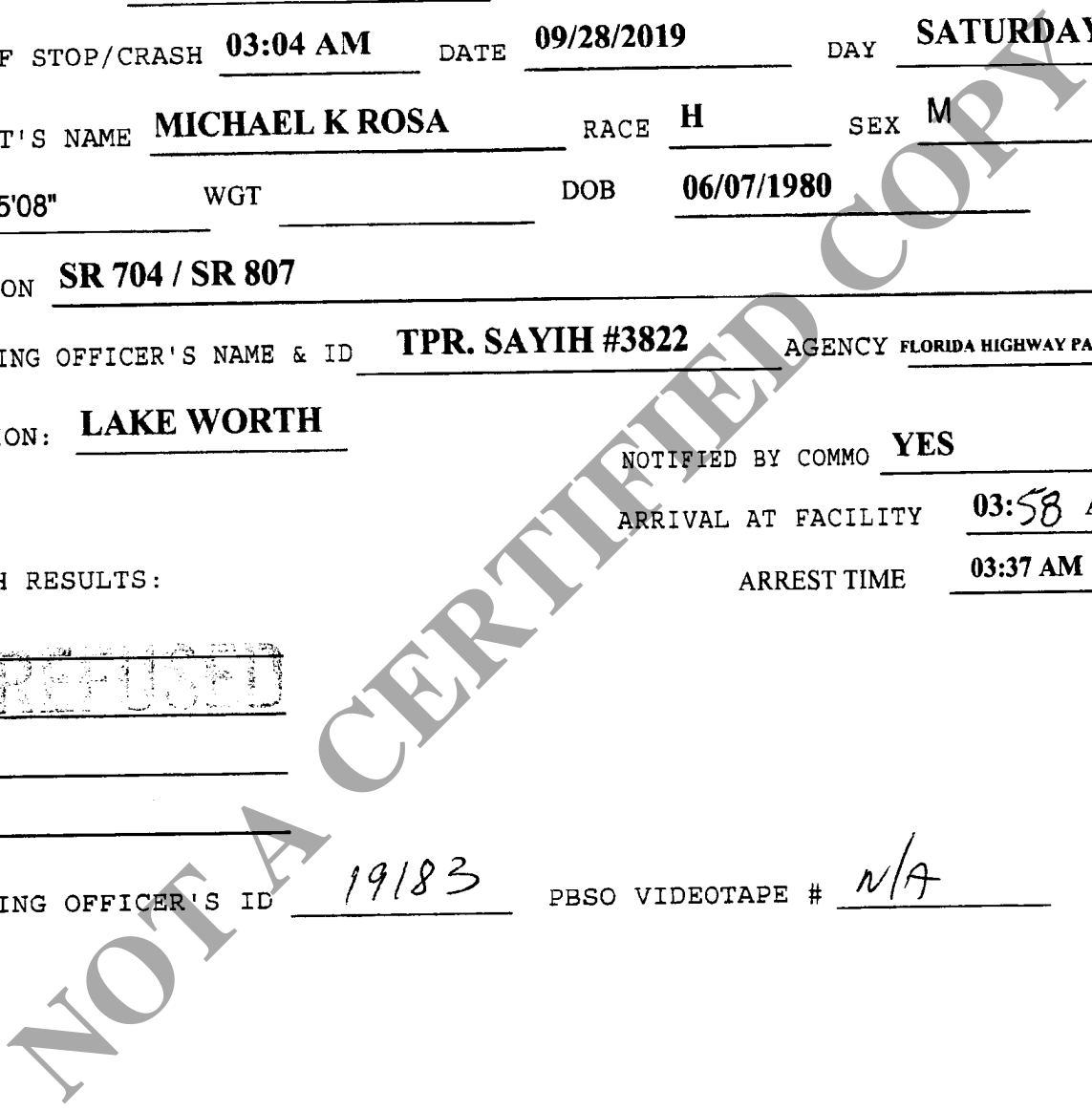
BREATH RESULTS:

ARREST TIME 03:37 AM

1. REFUSED
2. REFUSED
3. \_\_\_\_\_
4. \_\_\_\_\_

TESTING OFFICER'S ID 19183

PBSO VIDEOTAPE # N/A



# TESTING FACILITY TASK REPORT

AGENCY: FHP-L  
SUBJECT: Rosa, Michael K CASE NUMBER: 19-120185  
DATE: 09/28/19 VIDEO TAPE NUMBER: N/A  
BEGINNING TIME: 04:20 ENDING TIME: 04:22  
BREATH TESTS RESULTS: 1) R TIME 04:21 A.M./P.M. 2) N/A TIME --- A.M./P.M.  
3) N/A TIME --- A.M./P.M. 4) N/A TIME --- A.M./P.M.  
BREATH OPERATOR: T. Leahy #19183  
MAINTENANCE TECHNICIAN: J Karlecke #6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: thick, slurred  
ATTITUDE: irritated, short, argumentative  
CLOTHING: blue pants, white polo, tan shoes  
MEDICAL CONDITIONS: none  
MEDICATIONS: none  
OTHER: eyes glassy + bloodshot

COMMENTS: arrived at center A/c conducted 20 minute observation period at 03:58 hrs

A refused to perform breath test.  
A/c read I/c + A refused to answer  
A refused to answer re: breath test  
A/c read rights + A refused to answer  
A/c did not attempt Q/A

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

I, Trooper Sayih, Robert #3822, 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 September, 2019, at 3:37  P.M.  A.M.

DRIVER Michael K Rosa,  
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# R200 551802070, state of FLORIDA, was placed under lawful arrest for

the offense of DUI by Trooper Sayih, Robert #3822 and  
(Name of Arresting Officer)

issued Citation # A76SYIE

That on or about the 28 day of September, 2019, at 4:21  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]  
Signature of Law Enforcement Officer or  
Correctional Officer

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



The foregoing instrument was sworn and subscribed before me:

The foregoing instrument was sworn and subscribed before  
me this 28th day of September, 2019,  
by \_\_\_\_\_,  
who is personally known to me or who has produced  
personally known as identification  
Notary Public [Signature]

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.

SUBJECT: Rosa, Michael K CASE NUMBER: 19-120185

### 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: \_\_\_\_\_

SUBJECT: Rosa, Michael K

CASE NUMBER: FHPL19OFF064023  
19-120185

## 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 Trp. R Sayih #3822 of the FHP-L

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



**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)
<b>L/E Exemptions</b>	<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.	
<b>Public Info. Exemptions</b>	<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.	
<b>Florida Rules of Judicial Administration 2.420 (Rule of 23)</b>	<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"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
<b>Other</b>	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

**REVIEW COMPLETED BY**

<b>Booking Number:</b> 2019031649	<b>Date:</b> 09/29/2019
	<b>Specialist Name/ID:</b> AM/31562