0274116/1565 19CTD022306MB

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

ADMINISTRATIVE

OBTS Number	Agency ORI Number	Agency Name	Agency Report Number (N.T.A.'s only)
	FLO 500000	PALM BEACH COUNTY SHERIFF'S OFFICE	06- 19144247

Charge Type: Check as many as apply: ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Weapon Seized / Type: 2 | 1. Yes 2. No NONE

Multiple Clearance Indicator: 01

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
MELALEUCA LN / MISTY PINES TRL. GREENACRES, FL. 33463	MELALEUCA LN / MISTY PINES TRL GREENACRES, FL. 33463

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
12/04/2019	0120					

DEFENDANT

Name (Last, First, Middle): ECHEVERRIA NELSON — Alias (Name, DOB, Soc. Sec. #, Etc.)

Race (W - White I - American Indian B - Black O- Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	8/28/1963	5'06"	180	BROWN	~~BALD~~	MED	HEAVY

Scars, Marks, Tatoos, Unique Physcal Features (Location, Type, Description): NONE

Marital Status: Married — Religion: CHRISTIAN — Indication of: Alcohol Influence (Y ☐ N ☐ Unk. ☐) Drug Influence (Y ☐ N ☐ Unk. ☒)

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Residence Type: 1. City 2. County 3. Florida 4. Out of State
5673 KIMBERTON WAY.	LAKE WORTH, FL. 33463			( ) NONE	1

Permanent Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Address Source
,				( )	FL D/L

Business Address (Name, Street)	(City)	(State)	(Zip)	Phone	Occupation
				( )	BUS DRIVER

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
E216-621-63-308-0, FL	[redacted]		WEST PALM BEACH, FL	U.S.

CO-DEF

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	1. Arrested 2. At Large	3. Felony 4. Misdemeanor 5. Juvenile
				☐ ☐	☐ ☐ ☐
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	1. Arrested 2. At Large	3. Felony 4. Misdemeanor 5. Juvenile
				☐ ☐	☐ ☐ ☐

JUVENILE

☐ Parent ☐ Legal Custodian ☐ Other: — Residence Phone ( )

Address (Street, Apt. Number) (City) (State) (Zip) — 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 ☐ defendant and / or ☐ defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) informed of any change of address. ☐ Yes, by: (Name) ☐ No: (Reason)

School Attended — Grade

Property Crime? ☐ Yes ☐ No — Description of Property — Value of Property

CODE

Drug Activity: N. N/A P. Possess S. Sell B. Buy T. Traffic R. Smuggle D. Deliver E. Use K. Dispense/ Distribute M. Manufacture/ Produce/ Cultivate Z. Other

Drug Type: N. N/A A. Amphetamine 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	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DRIVING UNDER THE INFLUENCE	1	☐Y ☒N	316.193(1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N	NONE	19144247		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
REUSAL TO SIGN/ACCEPT SUMMONS	1	☐Y ☒N	318.14(3)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N	NONE	19144247		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

NOTICE TO APPEAR

Location (Court, Room Number, Address)

CRIMINAL JUSTICE COMPLEX / 3228 GUN CLUB ROAD, WPB, FL 33406

Court Date and Time: Month JANUARY Day 2 Year 2020 Time 8:30 AM X 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 (or Juvenile and Parent /Custodian) — Date Signed: 12/04/2019

ADMIN

HOLD for other Agency Name: — Signature of Arresting Officer: X

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Name Verification (Printed by Arrestee) (PRINT) DEC 4 AM 8:31

Name of Arresting Officer (Print)	I.D. #
INV. ZEITZ	24970

Issuing Deputy	I.D. #	Pouch #	Transporting Officer	ID #	Agency
			INV. ZEITZ	24970	PBSO

Witness here if subject signed with an -X"

PAGE 1 OF 1

PBSO #148 REV 07 DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - AGENCY GOLD - DEFENDANT (N.T.A.'s ONLY)

ADMIN

OBTS Number

PROBABLE CAUSE AFFIDAVIT

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

1

Juvenile

Agency ORI Number: FLO 500000

Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE

Agency Report Number: 06- 19- 144247

Charge Type: Check as many as apply. 1. Felony 2. Traffic Felony 3. Misdemeanor 4. Traffic Misdemeanor 5. Ordinance 6. Other

Special Notes: **DUI SUPPLEMENT PC**

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
Echeverria, Nelson , Alexander		W	M	08/28/1963

CHARGES

Charge Description	Charge Description
DUI	
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
State of Florida , ,			

Local Address (Street, Apt. Number) (City) (State) (zip)	Phone	Address Source
,	( )	
Business Address (Name, Street) (City) (State) (zip)	**Phone**	**Occupation**
	( )	

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.
The Person taken into custody

☒ committed the below acts in my presence.

☐ confessed to _____ admitting to the below facts.

☐ was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.

☒ was found to have commited the below acts, resulting from my (described) investigation.

On the 3rd day of DECEMBER 20 19 at 2300 ☐ A.M. ☒ P.M. (Specifically include facts constituting cause for arrest.)

On 12/04/2019 at approximately 0009hrs I was traveling west in the 5800 block of Melaleuca Ln., Greenacres, Palm Beach County, FL 33463.

I observed a gray Toyota bearing FL tag 748QKD stopped in the east travel lane partial on the curb with the brake lights on. I made contact at the passenger door and the windows were rolled down and a W/M later identified as Nelson Echeverria 08/28/1963passed out. The radio was extremely loud and a Natural Ice beer was in the center cup holder. I reached in the vehicle and turned off the ignition then placed the vehicle in park. I attempted to wake Echeverria who was snoring. After a few attempts he woke up. I asked if he knew where he was he stated right by my house.

I identified myself to Echeverria who had an unknown alcoholic smell emitting from his person, and a slurred speech. I asked if he had anything to drink this evening and he replied one drink.

At this point, I contacted Dui Investigator Zeitz 24970 who assumed a DUI investigation.

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S NORRIS 24996
(Signature of Arresting/Investigating Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 3RD day of DECEMBER 20 19 by D/S NORRIS 24996

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

D/S Zeitz 24970
Notary Public/Clerk of Court, Officer (F.S.S. 117.10)

PAGE 1 OF 1

PBSO 08/04 REV. 04/01 DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - AGENCY

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 4TH DAY OF DECEMBER 20 19, AT 0009 ✓ AM PM

SUBJECT: ECHEVERRIA NELSON CASE NUMBER: 19144247

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: INV. ZEITZ

PERSONAL CONTACT

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

On the above date and time, I responded to the area of Melaleuca Ln and Misty Pines Trl in reference to a subject asleep behind the wheel. Upon arrival I met with D/S Norris who informed me of the following:

D/S Norris stated that he was traveling on Melaleuca Ln when he observed a gray Toyota bearing FL tag 748QKD stopped in the Eastbound lanes of Melaleuca Ln. The vehicle was partially against the curb and partially in the curb lane of Eastbound travel. D/S Norris observed a W/M asleep in the driver's seat. There was also a Natural Light can of beer in the center cup holder. D/S Norris was able to reach into the vehicle, put the vehicle in "Park" and turn the car off. After a number of attempts trying to wake the driver, he finally awoke. D/S Norris was able to identify the driver and sole occupant of the vehicle as Nelson Echeverria by his Florida Driver' license. D/S Norris provided a supplemental probable cause affidavit detailing his observations.

OBSERVATION OF DRIVER:

Upon making contact with the driver who was identified by his Florida driver license as Nelson Echeverria, I immediately detected an obvious and strong odor of an unknown alcoholic beverage emitting from his person and breath. This odor intensified as I spoke to him. He had glassy and glazed eyes. Echeverria's speech was slurred, slow, thick, and at times difficult to understand. His movements were slow, deliberate, and lethargic with poor coordination. He had an unsteady gait while walking to my patrol vehicle and stumbled while getting out of his vehicle. Echeverria also had difficulty following directions given to him. He was wearing a red t-shirt, multi-colored shorts, and gray shoes.

DRIVER'S STATEMENTS:

Pre-Miranda: Originally stated that he had nothing to drink. Echeverria changed his story to having a couple of beers when confronted with the Natural Light beer can found in the center console.

Stated that he was not sick or injured at all. I later found that Echeverria was possibly diabetic. Medics arrived and checked his vitals. All vitals, including blood sugar, were at normal levels.

ODORS:

A strong and obvious odor of an unknown alcoholic beverage was emitting from his person and breath which intensified as I spoke to him.

GENERAL OBSERVATIONS

SPEECH: **Echeverria's speech was slurred, slow, and thick, and at times difficult to understand.**

ATTITUDE: **Pleading**

CLOTHING: **Red shirt with multi-colored shorts and gray shoes.**

MEDICAL/OTHER: **SEE BAT REPORT**

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. ZEITZ
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 4th day of DECEMBER 20 19 by INV. ZEITZ

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

Notary Public, Clerk, or Court Attest (F.S. 117.10)

Notary Public State of Florida
Thomas H Leahey
My Commission GG 347108
Expires 08/20/2023

SCANNED
DEC 04 2019

SUBJECT: ECHEVERRIA NELSON CASE NUMBER 19144247

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- [x] LT EYE-LACK OF SMOOTH PURSUIT
- [x] RT EYE-LACK OF SMOOTH PURSUIT
- [x] LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- [x] RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

Echeverria would sway roughly in a side to side front to back pattern throughout the task. He was reminded numerous times to track the pen with his eyes only. He failed to keep his head still while tracking the stimulus.

WALK & TURN:

I explained and demonstrated the instructions for the "Walk & Turn" to Echeverria who stated that he understood. During the task, I observed him to sway roughly in a side to side, front to back pattern throughout the demonstration phase. He could not maintain his balance while listening to instructions. Echeverria stepped out of the instructional stance during the demonstration to catch his balance. He started the task before being instructed to do so. Echeverria missed heel-to-toe steps and stepped off the line. Echeverria almost fell during the task and I did not feel that Echeverria could complete the task without possibly injuring himself. The task was not completed.

ONE LEG STAND:

I explained and demonstrated the instructions for the "One Leg Stand" to Echeverria who stated that he understood. During the task, I observed him to sway roughly in a side to side, front to back pattern throughout the demonstration phase. He continued to sway while balancing on one leg. Echeverria started hopping in an attempt to maintain balance. He put his foot down to regain balance numerous times before the 30 seconds had elapsed. Echeverria started hopping erratically and again, I did not feel that the task could be completed safely. I stopped Eceheverria before the task could be competed.

FINGER TO NOSE:

I explained and demonstrated the instructions for the "Finger to Nose" task to Echeverria who stated that he understood. During the task, I observed him to sway roughly in a side to side, front to back pattern throughout the demonstration phase. He did not keep his eyes closed and had to be reminded. He failed to return his arms down to his sides as instructed after touching his nose. Echeverria's index finger did not touch the tip of the nose on 4 of 6 attempts. He searched for the tip of his nose using the finger to find their nose prior to touching the tip. Echeverria also used the hand other than that which was called. The sequence used for this task was L, R, L, R, R, L.

ROMBERG ALPHABET:

I explained and demonstrated the instructions for the "Rhomberg Alphabet" task to Echeverria who stated that he understood. During the task, I observed him to sway roughly in a side to side, front to back pattern throughout the demonstration phase. He would sway more than 2 inches. Echeverria was allowed to count from 1-26 for this task. He incorrectly counted as instructed.

BREATH TEST RESULTS: **REFUSED**

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. ZEITZ
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 4th day of DECEMBER 2019 by INV. ZEITZ

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

Notary Public State of Florida
Thomas H Leahey
My Commission GG 347108
Expires 08/20/2023

Notary Public, Clerk of Court, Officer (F.S.S 117.10)

SCANNED
DEC 04 2019

TESTING FACILITY TASK REPORT

AGENCY: PBSO

SUBJECT: Echeverria, Nelson A CASE NUMBER: 19-144247

DATE: 12/04/19 VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 01:58 ENDING TIME: 02:06

BREATH TESTS RESULTS: 1) R TIME 02:05 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. Leahey #19183

MAINTENANCE TECHNICIAN: J Roetcke #6467

TESTING OFFICER'S OBSERVATIONS:

SPEECH: slurred, thick, deliberate

ATTITUDE: ~~arrogant~~, ~~hostile~~, cooperative

CLOTHING: Acm t-key shorts, red t-shirt, black sneakers

MEDICAL CONDITIONS: diabetes

MEDICATIONS: metformin

OTHER: eyeglasses + bloodshot.

REFUSED

COMMENTS: arrived at center A/o conducted 20 minute observation period at 01:35 hrs

A refused to perform breath test

A/o read I/c + CDL I/c + A stated he understood I/c

A refused to perform breath test after first warning

A/o read rights + A stated he understood rights

A/o did not attempt Q + A

REFUSED

A refused to answer questions

SCANNED

DEC 04 2019

WHITE - [illegible] YELLOW - DHSMV PINK - CENTER [illegible] GOLD - JAIL

PRINT FORM - NEW FORM

SUBJECT: Echeverria, Nelsm A CASE NUMBER: 19-144247

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) 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: Echeverria, Nelson A CASE NUMBER: 19-144247

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 _____

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006238 Software: 8100.27
Date of Test: 12/04/2019

Date of Last Agency Inspection: 11/15/2019
Observation Period Began: 01:35
Subject's Name: NELSON A ECHEVERRIA DOB: 08/28/1963 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:

Test	g/210L	Time
Diagnostics Check	OK	02:03
Air Blank	0.000	02:03
Control Test	0.080	02:04
Air Blank	0.000	02:04
Subject Sample #1	REF*	02:05
Air Blank	0.000	02:05
Control Test	0.080	02:06
Air Blank	0.000	02:06
Diagnostics Check	OK	02:06

*Subject Test Refused

Cylinder Lot: 17919080A1
Exp: 08/05/2021

State of Florida, County of Palm Beach.

Personally appeared before me the undersigned authority, who (✓) is personally known to me or (__) produced _____ as identification, and who after being placed under oath states:

I THOMAS H LEAHEY, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: _____ Date: 12/04/19
Signature

Sworn to (or affirmed) before me this 04th day of December, 2019

_____ Fnv P Zeiz #24970
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007

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

I, INV. ZEITZ #24970 , a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of PALM BEACH COUNTY SHERIFF'S OFFICE , and I do swear
(Name of law enforcement agency)

or affirm that on or about the 4TH day of DECEMBER , 20 19 , at 0120 ☐ P.M ☒ A.M.

DRIVER NELSON ECHEVERRIA ,
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# E216-621-63-308-0 , state of FLORIDA , was placed under lawful arrest for

the offense of DUI by INV. ZEITZ and
(Name of Arresting Officer)

issued Citation # A2GD1OP .

That on or about the 4TH day of DECEMBER , 20 19 , at 0205 ☐ 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

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

Notary Public State of Florida
Thomas H Leahey
My Commission GG 347108
Expires 06/20/2023

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 4TH day of DECEMBER , 20 19 , by INV. ZEITZ #24970 , who is personally known to me or who has produced PERSONALLY KNOWN as identification

Notary Public

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.

FSMV 6[illegible]01 (REV. 10/2016)

WITNESS LIST

CASE NUMBER: 19144247

ARRESTING OFFICER: INV. ZEITZ
ADDRESS: 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406
PHONE NUMBERS (HOME): (WORK) (561) 688-4001
CAN TESTIFY TO: SEE DUI PROBABLE CAUSE AFFIDAVIT & OFFENSE REPORT

NAME: D/S NORRIS #24996
ADDRESS: 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406
PHONE NUMBERS (HOME) (WORK) (561) 688-3000
CAN TESTIFY TO: SEE SUPPLEMENTAL PROBABLE CASUE AFFIDAVIT

NAME:
ADDRESS
PHONE NUMBERS (HOME) (WORK)
CAN TESTIFY TO:

NAME:
ADDRESS
PHONE NUMBERS (HOME) 0 (WORK) 0
CAN TESTIFY TO:

NAME:
ADDRESS
PHONE NUMBERS (HOME) (WORK)
CAN TESTIFY TO:

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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.	
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Other	☐	539.001 FS	Other: All records relating to pawnbroker transactions.	
	☐	119.0712(2)	Other: Personal information contained within a motor vehicle record	

REVIEW COMPLETED BY

Booking Number: 2019038719	**Date:** 12/04/2019
	Specialist Name/ID: howardt7185