

2017 CT B473

## ARREST REPORT

Report Date / Time 07/16/2017 03:47 AM	Agency Case/Offense Number FHPL17OFF056648	OCA Number	Operating Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD126195
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## LOCATION OF OCCURRENCE

County PALM BEACH	Address I-95 NB, LAKE WORTH, FL
Range of Occurrence Date/Time 07/16/2017 03:26 AM to 07/16/2017 03:26 AM	Latitude N 26 37.3993

## PERSON: SUSPECT

First Name NICOLAS	Middle Name	Last Name BOGADO ACOSTA	Suffix	Date of Birth 10/25/1979	Age 37	Race W	Sex M	Height 600	Weight 200	Hair BRO	Eyes BRO
Master Name Index Number	Place of Birth ASUNCION	Nation PARAGUAY	SSN	Driver's License or Other ID B232620793850	State FL	Class or Type E					
Address 4327 HEINE DR		City LAKE WORTH	County		State FL	Zip Code 33461	Phone				

## CHARGES

Counts 1	Charge Number 316.193.1	Charge DUI-UNLAW BLD ALCH	Charge Degree	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL	<input type="checkbox"/> Hate Crime	<input type="checkbox"/> Domestic Violence	Bond Amount \$0.00
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Counts 1	Charge Number 322.34.2a	Charge MOVING TRAFFIC VIOL	Charge Degree SECOND DEGREE	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL	<input type="checkbox"/> Hate Crime	<input type="checkbox"/> Domestic Violence	Bond Amount \$0.00
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DRIVE WHILE LIC SUSP 1ST OFF

## PROBABLE CAUSE

On July 16th, 2017 I Trooper Lucas M. Tavares (3913/1555) with the Florida Highway Patrol was on active patrol in Palm Beach County, Florida. I was in a marked FHP unit equipped with overhead emergency lights and external siren. At approximately 03:24 a.m. I was traveling northbound on Interstate 95 from Lantana Road. I was in the process of intercepting an unrelated reckless driver traveling northbound on Interstate 95. While attempting to locate this vehicle, I observed a red in pick-up truck traveling northbound on Interstate 95, just south of 10th Avenue North. The vehicle was traveling at a very high rate of speed. I then sped up to intercept the vehicle. I the visually estimated the vehicle to be traveling at 110 miles per hour. I then activated my issued Stalker dual radar, front antenna (STALKER DUAL S/N: DC090655 / ANT:054406). I then got a readout of 110 miles per hour and an audio Doppler sound consistent with the speed of the vehicle.

I then activated my overhead emergency lights and activated my siren, in attempt to initiate a traffic stop upon the vehicle. The vehicle then slowed its speed and pulled over onto the right shoulder. I then approached the driver's side of the vehicle to make contact with the driver of the vehicle.

Suspect vehicle: 2007 Toyota Tundra, Red in Color, with Florida Tag: (RKS673) attached.

I then made contact with the driver who I later identified him to be Nicolas Bogado by his Florida's Drivers License: (B232620793850) and by his Paraguay Passport. I then requested Mr. Bogado's License. He then stated that he did not have one. He stated that it expired. While talking to Mr. Bogado I could detect a odor of an unknown alcoholic beverage coming from within the vehicle. Mr. Bogado's speech was slurred and his eyes were bloodshot and watery. I then requested Mr. Bogado to step out of the vehicle.

While talking to Mr. Bogado, while outside his vehicle, I could detect an unknown alcoholic beverage on Mr. Bogado's breath that grew stronger as he spoke. Mr. Bogado had a slight sway while standing. Mr. Bogado's answers to my questions were not consistent.

Based upon my observations of Mr. Bogado, I then requested that he perform field sobriety exercises. Mr. Bogado stated that he would perform the exercise.

## Standardized Field Sobriety Exercises (SFSE):

The area for the following roadside exercises was level hard surface and was free of debris. The weather was clear.

## Horizontal Gaze Nystagmus:

I advised the subject to stand straight with their feet together and arms down by their side. I asked subject if they wear any glasses or contacts, they advised they do not. For the exercise I used my issued red pen light and illuminated it with a Streamlight white in color flash light. I asked the subject if they could see the red pen light, they stated yes. The subject was asked about any current medical conditions, they stated that they did not have. I advised the subject to follow the red pen light with their eyes and eyes only, and to not move their head. I asked subject if they understood the instructions I gave to them. They stated yes. I asked if they had any questions they stated no.

While performing the exercise, the subject was moving his head (not as instructed).

The following was observed during Horizontal Gaze Nystagmus:

The subject did have resting Nystagmus and dilated pupils.

- 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

The following was observed during Vertical Gaze Nystagmus:

Subject did not have Vertical Gaze Nystagmus

2017 JUN 17 AM 7:18

CPL 107767204

The following was observed during Lack of Convergence:

Subject could not follow the stimulus. Subject's both eyes did converge onto the stimulus.

**Walk and Turn Exercise:**

**Interaction Phase:**

The area for the following roadside exercises was level and free of debris. Subject agreed to use an imaginary straight line to perform the walk and turn. I advised the subject to place their left foot on the imaginary line and their right foot directly in front of it, touching heel to toe. I advised the subject to keep their arms down by their side and to stay in that position until I advise them to begin the exercise. This exercise was first explained to the subject then was demonstrated by myself. Subject advised that they would be able to perform the exercise. Subject advised that they had no injuries that would affect the exercise. Subject advised me that they understood instructions and did not have any questions.

- The following was observed during the instructional phase of the exercise:

The subject could not keep balance while in the starting position. Subject kept stepping out of the starting position. I had to repeat the instructions multiple times to the subject.

- The following was observed during the walking phase of the exercise:

The subject missed heel to toe on multiple steps. The subject performed an improper turn (not as instructed). Subject stopped after the turn. Subject lost balance.

**One Leg Stand Exercise:**

I instructed the subject to stand with their feet together and keep their arms down by his side. I instructed the subject to stay in that position until I tell them to start the exercise. This exercise was first explained to the subject then was demonstrated by myself. Subject advised that they will be able to perform the exercise. Subject advised me that they had no injuries that would affect the exercise. Subject advised that they understood instructions and did not have any questions.

Subject was swaying in the starting position. Subject put his foot down multiple times. Subject miscounted multiple times.

**Finger to Nose:**

I instructed the subject to stand with his feet together and his hands down by his side. I then explained the exercise to the subject then demonstrated it. Subject stated that he understood the directions.

Subject was swaying during the exercise. Subject missed to touch the tip of his nose one time.

Based on the totality of circumstances, Mr. Bogado was placed under arrest for DUI pursuant to Florida Statute 316.193.1 at 03:43 AM. Mr. Bogado was then searched and placed in Tpr. Todd's (1729) patrol vehicle and transported to the Palm Beach County Jail in which he arrived at 04:20 AM. After the defendant's 20min observation, the defendant was then given the opportunity to provide a sample of his breath which he did not consent to provide. I then read the implied consent warning to Mr. Bogado, in which he again refused.

Mr. Bogado was also issued two uniform traffic citations for speed pursuant to Florida Statute: 316.187(2)(c) and for operating a vehicle while driver's license canceled under Florida Statute 322.34(2)(a).

Video of the traffic stop, roadside and transport are available through the FHP custodian. The above incident did occur in Palm Beach County, Florida.

**LEO BOND**

Bond Amount \$	<input type="checkbox"/> None	<input type="checkbox"/> ROR	<input type="checkbox"/> Cash	<input type="checkbox"/> Any	<input type="checkbox"/> PreTrial If Qualify
	<input type="checkbox"/> Pro			<input type="checkbox"/>	

**COURT APPEARANCE INFORMATION**

Court (COUNTY) PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Date & Time 08/14/2017 08:30 AM
Court Address 200 WEST ATLANTIC AVE., DELRAY BEACH, FL 33444		
Instructions		

**ARREST INFORMATION**

Arrest Date / Time 07/16/2017 03:43 AM	Residency Within jurisdiction	Injured None	Extent of Injury N/A	Resist Arrest No
Prior Arrests Unknown	Arrest Jurisdiction Within jurisdiction	Alcohol Yes	Drugs No	

**ARREST LOCATION**

County PALM BEACH	Address I-95, LAKE WORTH, FL
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**ARREST DELIVERED TO**

Jail / Booking Facility PALM BEACH COUNTY CORRECTIONS	Location 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406	Phone (561) 688-4400
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**ARRESTING OFFICER**

Officer Call Number 1555	Officer Name L. TAVARES	Officer Signature
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Report Date / Time  
07/16/2017 03:47 AM

Agency Case/Offense Number  
FHPL17OFF056648

CCA Number

Originating Agency  
Case Number

OBTS Number

Offender Based  
Transaction System

Jail Booking Number

Other Number

LWRC17CAD126195

Subscribed and sworn to (or affirmed) before me this 17 day of JULY, A.D. 2017 by JAVARES who is  personally known to me or  
has produced \_\_\_\_\_ as identification.

Samantha Palmer  
Signature

Notary Public LEO CO Commission No: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_



Samantha Palmer

Commission # FF172377

Expires: OCT 28, 2018

BONDED THRU

1ST FLORIDA NOTARY, LLC

NOT A CERTIFIED COPY



# TESTING FACILITY TASK REPORT

AGENCY: FHP-L/TAVARES

SUBJECT: BOGADO-ACOSTA, NICOLAS

CASE NUMBER: 17-103113

DATE: 07/16/2017

VIDEO DVD NUMBER: 63000

BEGINNING TIME: 0441

ENDING TIME: 0450

BREATH TESTS RESULTS: 1)  R  TIME 0443  A.M.  P.M. 2)  XX  TIME XX  A.M.  P.M.  
3)  XX  TIME XX  A.M.  P.M. 4)  XX  TIME XX  A.M.  P.M.

BREATH OPERATOR: S. PALMER #24520

MAINTENANCE TECHNICAN: J Karlecke #6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: ACCENT

ATTITUDE: CALM, QUIET, FIDGETTY

CLOTHING: WHITE BUTTON UP SHIRT WITH POKA DOTS, WHITE JEANS, BLACK DRESS SHOES

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

## OTHER:

EYES GLASSY AND BLOODSHOT, SWAYING, ADMITTED TO DRINKING FOUR GLASSES OF WINE (Q&A)

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## COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0420  
SUBJECT REFUSED TO TAKE BREATH TEST  
A/O READ I/C @ 0442, SUBJECT STATED HE UNDERSTOOD I/C  
AND AGAIN REFUSED TO TAKE BREATH TEST  
A/O READ RIGHTS @ 0443, SUBJECT STATED HE UNDERSTOOD HIS RIGHTS  
A/O CONDUCTED Q&A, SUBJECT ANSWERED SOME QUESTIONS.

SUBJECT: Bogado-Acosta, Nicolas 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? YES

WHERE WERE YOU GOING? Friend house then to his house

WHAT STREET OR HIGHWAY WERE YOU ON? 95 - North passing 10th Ave

DIRECTION OF TRAVEL? N WHERE DID YOU START? Boca/Blades (95)

WHAT TIME DID YOU START? 7:20 am P.M. WHAT TIME IS IT NOW? 4:30 am

WHAT IS TODAY'S DATE? 15th of July '16 WHAT DAY OF THE WEEK IS IT? Saturday

WHAT COUNTY AND CITY ARE YOU IN NOW? WPB

WHEN DID YOU LAST EAT? last night 10pm WHAT DID YOU EAT? Burger

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? With girl friend @ a house in Boca

HOW MUCH DO YOU WEIGH? 200 HAVE YOU BEEN DRINKING? YES WHAT? Wine

HOW MUCH? 4 glasses WHERE? Boca WITH WHOM? friends

WHEN DID YOU HAVE YOUR FIRST DRINK? 8-9 AND YOUR LAST DRINK? 11-12

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? Slow

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? No ARE YOU UNDER THE INFLUENCE? NO

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? Stop No HOW MUCH? /

WHAT? / WHERE? / WHEN? /

WHAT LINE OF WORK ARE YOU IN? Construction WHEN DID YOU LAST WORK? today 3pm

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? No WHAT? /

ARE YOU SICK OR INJURED? No WHAT'S WRONG? /

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

WERE YOU IN AN ACCIDENT TODAY? No

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? No WHAT? / WHEN? /

DO YOU HAVE: NO EPILEPSY?

NO GLASS EYE?

NO FALSE TEETH?

NO EAR INFECTION?

NO INNER EAR TROUBLE?

NO 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? yes WHERE? MD

INTERVIEWER: Do. Tavares (3a13)

## 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 Trooper TAVARES 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