

## ARREST REPORT

Report Date / Time 04/14/2017 04:14 AM	Agency Case/Offense Number FHPL17OFF028470	OCA Number 0487058 mm004544	Obtaining Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD063332
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## LOCATION OF OCCURRENCE

County PALM BEACH	Address SR9N / SR708 XR, RIVIERA BEACH, FL 33404	
Range of Occurrence Date/Time 04/14/2017 03:16 AM to 04/14/2017 03:16 AM	Latitude N 26 46.9788	Longitude W 80 5.8893

## PERSON: SUSPECT

First Name NICOLE	Middle Name CLAIRE	Last Name JANISZEWSKI	Suffix	Date of Birth 09/28/1993	Age 23	Race W	Sex F	Height 509	Weight 175	Hair BRO	Eyes BRO
Master Name Index Number	Place of Birth GAINESVILLE, FL	Nation US	SSN	Driver's License or Other ID J522623938480	State FL	Class or Type E					
Address 306 W KENTUCKY AVE	City TAMPA	County HILLSBORO	State FL	Zip Code 33603	Phone 2064290269						

## CHARGES

Counts 1	Charge Number 316.193.1	Charge DUI-UNLAW BLD ALCH
Charge Degree	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL
DUI ALCOHOL OR DRUGS		<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence Bond Amount \$0.00

Counts 1	Charge Number 316.1939.1	Charge DUI-UNLAW BLD ALCH
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL
REFUSE TO SUBMIT DUI TEST AFTER LIC SUSP		<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence Bond Amount \$0.00

Counts 1	Charge Number 322.16.1c	Charge MOVING TRAFFIC VIOL
Charge Degree SECOND DEGREE	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL
VIOLATE DRIVERS LICENSE RESTRICTIONS		<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence Bond Amount \$0.00

Counts 1	Charge Number 843.02	Charge RESIST OFFICER
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL
OBSTRUCT WO VIOLENCE		<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence Bond Amount \$0.00

## PROBABLE CAUSE

I was stopped on the left shoulder of SR9 northbound on top of SR710. I saw a vehicle approaching in the second lane at a high rate of speed, estimated near 90 mph in a posted 65. I clocked the car as it passed another vehicle at 88 mph. As I pulled onto the roadway the car drifted into lane 3, then crossed 2 more lanes toward the exit to SR708 (Blue Heron BV). I moved behind the car and activated my emergency lights. The car gave no indication of sign of slowing. I turned on my siren, the car slowed and moved to the right lane on the exit, but did not pull to the shoulder. Just prior to reaching the intersection the car moved to the shoulder and stopped. I could see the driver and passenger moving around a lot inside the car, but could not determine what they were doing. I approached the driver's side, and the driver lowered the window partially. I could immediately smell a strong odor of an unknown alcoholic beverage coming from the car. I also noticed that the driver had a blue paper wrist band on her right wrist, consistent with the type use at night clubs to indicate either cover charge or drinking age. Defendant was slightly sweaty and had glitter on her exposed skin.

I told defendant why I stopped her and asked for her driver license (she was removing it from her purse as I approached). I noticed on her license a "BUSINESS ONLY" restriction until 05-21-17. I asked her where they were coming from and she said she was driving her friend home from the clubs on Clematis St. I asked her how much she'd had to drink and she said she wasn't drinking. Although she was chewing gum, I noticed the odor was stronger when she spoke, and her speech was slightly slurred. I asked her to come out of the car and she said I was violating her rights, and she refused everything, then rolled the window up. I called in the traffic stop and request back-up. As I was talking on the radio she lowered the window approximately 8". She screamed that I had no right in her car. I reached through the window and unlocked the door and told her to come out. She attempted to raise the window, so I pushed down on the glass with my left hand as I unlocked the door with my right. I pulled the door open and ordered defendant out of the car, and she tried to put her seatbelt back on. I was concerned she would attempt to flee. I drew my CEW (taser) and told her if she did not come out and stop resisting I would taser her. At this point she complied, but said again that she refused everything.

I handcuffed defendant and secured her in my car. She was yelling and cursing, demanded her phone, said I had no reason to arrest her and said her friend could drive. I spoke to the passenger (identified by FL DL as Melissa Anne Schirra) and asked her how much she'd had to drink and she said two beers. I told her to call for a ride, then requested a tow for the rented car.

Sgt. T. Smith, Riviera Beach PD arrived, and said she would take Schirra to the WaWa on SR708 to await her father. I noticed a white metal screw-cap similar to the type on flasks on the floor next to Schirra's seat. I conducted an inventory of the car while waiting for Kauff's. I found 2 white metal flasks in the glove compartment. One had the cap on it, was empty but had an odor of an unknown alcoholic beverage when I opened it. The second had no cap and had the dregs of an unknown alcoholic beverage inside.

Defendant went through mood swings, at times yelling and cursing, then quietly asking what her charges were. She was screaming at me to get her phone so she could call a ride, and asked me several time how much her bond was. I told her repeatedly she would be ROR'd after 8 hours as long as she was compliant. Then she kept asking me when her 8 hours started.

I transported defendant to the PBSO BAT and conducted a twenty minute observation period. Defendant told me she needed to use to toilet, and after telling me again that she was going to refuse, she was permitted to use the toilet. After the twenty minute observation, we went to the test room with DUI Tech J. Biggs. I asked defendant on video if she would submit to a breath test, she replied "I Refuse". I read Implied Consent, and again she refused. I read Miranda, and defendant answered the first question "I plea the fifth". I asked if she was going to answer any questions and she said no.

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I reviewed her DL record on DHSMV, and confirmed a prior refusal, as well as the Business Only restriction as posted on the face of her DL.

**LEO BOND**

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

**COURT APPEARANCE INFORMATION**

Court (COUNTY) PALM BEACH NORTH COUNTY COURTHOUSE	Court Phone 561-624-6608	Court Date & Time 05/10/2017 08:30 AM
Court Address 3188 PGA BLVD., PALM BEACH GARDENS, FL 33410		
Instructions		

**ARREST INFORMATION**

Arrest Date / Time 04/14/2017 03:21 AM	Residency Within state	Injured None	Extent of Injury N/A	Resist Arrest Yes
Prior Arrests Yes	Arrest Jurisdiction Within jurisdiction	Alcohol Yes	Drugs Unknown	

**ARREST LOCATION**

County PALM BEACH	Address SR9N / SR708 XR, RIVIERA BEACH, FL 33404
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**ARREST DELIVERED TO**

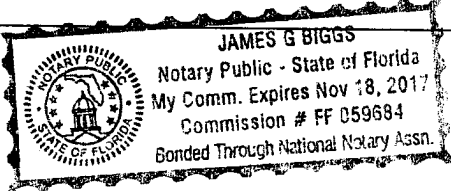
Jail / Booking Facility PALM BEACH COUNTY CORRECTIONS	Location 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406	Phone (561) 688-4400
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**ARRESTING OFFICER**

Officer Call Number 422	Officer Name P.L. CROY	Officer Signature
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Subscribed and sworn to (or affirmed) before me this 14 day of APRIL A.D., 17 by P.L. CROY who is personally known to me or  
has produced \_\_\_\_\_ as identification.

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



# TESTING FACILITY TASK REPORT

AGENCY: FHP-CROY

SUBJECT: JANISZEWSKI, NICOLE C

CASE NUMBER: 17-064364

DATE: Apr 14, 2017

VIDEO DVD NUMBER: 62435

BEGINNING TIME: 0420

ENDING TIME: 0423

BREATH TESTS RESULTS: 1) REF TIME 0422 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: J Biggs# 7607

MAINTENANCE TECHNICAN: D/S J Karkleck #6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: COOPERATIVE

CLOTHING: RED HALF SHIRT, BLUE JEANS

MEDICAL CONDITIONS: ANXIETY, SLEEPING ISSUES

MEDICATIONS: ADDERALL, LORAZAPAM, WELLBUTRIN

## OTHER:

EYES GLASSY, RED

ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE ON SUBJECT

SUBJECT HAD HARD TIME REMEMBERING THINGS, ASKING SAME QUESTIONS MULTIPLE TIMES

## COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0400

SUBJECT REFUSED THE TEST INITIALLY

SUBJECT WAS READ IMPLIED CONSENT

SUBJECT ADVISED SHE UNDERSTOOD AND REFUSED ONCE AGAIN

MIRANDA WAS READ

SUBJECT REFUSED QUESTIONS

0422  
SUBJECT: JANUZEWSKI, NICOLE C CASE NUMBER: FHP 17JFF 028470

## 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 TPL CRO1 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

SUBJECT: JANISZEWSKI, NICOLE C CASE NUMBER: LA 17 JFF028470

## QUESTIONS AND ANSWERS *refused on camera*

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME <sup>0123</sup> 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: \_\_\_\_\_

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL