

**Arrest Report**

J#0445245

PLH#857

18CF802

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

Report Date / Time 1/27/2018 12:56:26AM	Report Number FHP99ARR762170	Case Number/CAD Number FHPL18OFF007835 / LWRC18CAD016754	Reporting Officer Name L. TAVARES
Originating Agency ORI FL0509000	Occurrence Date Time Range 1/27/2018 12:32:04 AM -	Jurisdiction	Clearance

**Location of Occurrence**

Location Type OTHER	Location Description MCKENNETHS PLACE		
Street Number 4068	Street FOREST HILL BLVD	Apt/Lot/Bldg	
County PALM BEACH	City WEST PALM BEACH	State FL	Zip 33406

**Defendant**

First Name NIKKI	Middle Name LEIGH	Last Name CUNNINGHAM	Suffix	Date Of Birth 6/17/1981	Age 36	Race WHITE	Sex FEMALE
SSN	MNI #	Place of Birth WEST PALM BEACH, FL, USA	Height 504	Weight 160	Hair BRO	Eyes BRO	
DL or ID Number C552632817170	ID State FL	ID Type E	Address Type RESIDENCE				
Street Number 15048	Street N 85TH RD	Apt/Lot/Bldg					
County PALM BEACH	City LOXAHATCHEE GROVES	State FL	Zip 33470	Phone Number	Extension	Location Description	

**Arrest**

Arrest Date/Time 1/27/2018 12:40:57AM	Arrest Location Type OTHER	Arrest Location Description MCKENNETHS PLACE	
Street Number 4068	Street FOREST HILL BLVD	Apt/Lot/Bldg	County PALM BEACH
City WEST PALM BEACH	State FL	Zip 33406	

**Charge(s)**

Counts 1	Charge 893.13.6a	General Offense Code	Bond Amount \$ 0.00	<input type="checkbox"/> No Bond
Charge Degree T	Charge Level FELONY	Arrest Offense Code Description COCAINE-POSSESS	3000	
Charge Description POSSESS COCAINE				
Counts 1	Charge 316.193.1	General Offense Code	Bond Amount \$ 0.00	<input type="checkbox"/> No Bond
Charge Degree N	Charge Level MISDEMEANOR	Arrest Offense Code Description DUI-UNLAW BLD ALCH		
Charge Description DUI ALCOHOL OR DRUGS				

**Probable Cause**

On January, 27th 2018 I Trooper Lucas M. Tavares (3913/1421) with the Florida Highway Patrol was on active DUI patrol in Palm Beach County, Florida. I was in a jurisdictional marked FHP unit equipped with overhead emergency lights and external siren. At approximately 12:32 a.m. I received a call in reference to an agency assist for the Palm Springs Police Department, in reference to a possible impaired driver. Palm Springs Police Department Case Number: 18-2156)

At approximately 12:38 a.m. I arrived on scene at 4068 Forest Hill Blvd, Palm Springs, FL. There I observed a white in color

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SUV which was stopped by the Palm Springs Police Department. I then made contact with the Officers on Scene who advised me that they were called out to that location (McKenneths Place) in reference to a female that was intoxicated and was attempting to drive off in a white SUV. They stated that once they arrived on scene they observed a vehicle matching the description of what was stated to them and they performed an investigatory stop upon the vehicle.

They then made contact with the driver in which she was in the vehicle with two children in the rear seat. They stated that the female displayed obvious signs of impairment while talking to her. I then made contact with the driver of the vehicle who was a White female. I then asked her about what was going on and she stated she had nothing to do with it and that she does not know. I asked her where she was coming from and she stated McKenneths Bar. I asked her where she was going and she stated home in Loxahatchee. I asked her if she had anything to drink that night and she persisted that she did not.

While talking to her I could detect a very strong odor of an alcoholic beverage coming from within the vehicle. I observed her eyes to be bloodshot and watery. Her speech was slurred and mumbled. While in conversation she was avoiding eye contact and was staring in random directions. I then requested her to step out of the vehicle.

I later identified the subject, Nikki Leigh Cunningham by their Florida's Driver's License: (C552-632-81-717-0). Their license was valid and had the listed address of 15048 N 85th Rd, Loxahatchee, FL 33470.

While outside her vehicle, Ms. Cunningham was swaying. I then began to further investigate the prior incident in which she stated that her friend got into a fight outside of the bar and she was just there. While talking to Ms. Cunningham I could detect a very strong odor on her breath that grew stronger as she spoke.

Based upon my observations made on scene, within contact with the subject (Nikki Cunningham), and the totality of the circumstances I requested the subject to perform a series of road side exercises (Standardized Field Sobriety Exercises). The subject refused. I then informed the subject of the Taylor Warning, in which their refusal to perform the exercises will later be used against them in the court of law and that I will have to base the entirety of this investigation, based upon my observations on scene. The subject then stated that she will not perform them.

**Standardized Field Sobriety Exercises (SFSE):**

REFUSED

**Horizontal Gaze Nystagmus:**

REFUSED

**Walk and Turn Exercise:**

REFUSED

**One Leg Stand Exercise:**

REFUSED

Based upon my observations and the totality of circumstances, Ms. Cunningham was placed under arrest for DUI pursuant to Florida Statute 316.193.1 at 12:40 AM, 01/25/2018. Ms. Cunningham was then searched by female Officer Brito (166) (PSPD). While searching Ms. Cunningham Officer Brito found a small clear Pink baggie that contained a white and powdery substance. The white and powdery substance was later tested utilizing a field test kit which turned blue, testing positive for cocaine.

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Ms. Cunningham was placed in my patrol vehicle, and transported to the Palm Beach County Jail. While in transport to the Palm Beach County Jail there was an obvious strong odor of an unknown alcoholic beverage within my vehicle that was not present prior to placing the defendant in the vehicle.

The defendant arrived at the Palm Beach County Jail at 01:08 AM. I then conduct a 20min observation of the subject. The subject did not have any foreign objects in their mouth prior to the 20 minute observation. Throughout the observation the subject did not take anything by mouth or regurgitated. After the defendant's 20min observation, the defendant was then given the opportunity to provide a sample of their breath which they did not consent to provide (On Video). I then read the Florida Implied Consent Warning to the subject in which they advised that they understood, and that they stated she will not provide. Refusal time: 01:33 a.m.

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

#### Jail Booking Facility

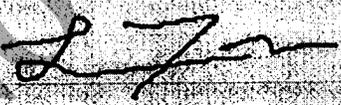
Booking Date/Time <b>1/27/2018 1:59:43AM</b>	Booking County <b>PALM BEACH</b>	Booking Facility <b>PALM BEACH COUNTY CORRECTIONS</b>	Booking Facility Phone Number <b>(561) 688-4400</b>
Booking Facility Location <b>3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406</b>			Booking Number
Booking Comments			

#### 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>2/26/2018</b>	Court Fine
Comments			

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>L. TAVARES</b>	Officer Rank <b>TROOPER</b>	Officer ID No <b>3913</b>	Sworn and subscribed before me, the undersigned authority This the <u>27</u> day of <u>January</u> , <u>2018</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency <b>FLORIDA HIGHWAY PATROL</b>	Officer Signature 		
			 

#### Approving Supervisor

Officer Name	Officer Rank	Officer ID No	Officer Agency
Officer Signature			