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D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 28th DAY OF August 20 16, AT 02:09 AM PM

SUBJECT: FLORES-RUIZ, NORBERTO CASE NUMBER: 16-119989

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: A. SENTMANAT
PERSONAL CONTACT

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

I responded to S. 57th Ave and Pine Ridge Cir, Greenacres, FL 33463 at approximately 0302hrs in reference as a back-up for Deputy Miller #24991 on a traffic stop. When I arrived and spoke with the driver I began a D.U.I. investigation. See D/S M. Miller's supplemental probable cause affidavit for the driving pattern (see attached).

OBSERVATION OF DRIVER:

Upon arrival I observed the driver W/M Norberto Flores Ruiz (09/01/81) had bloodshot/watery eyes. Flores was having some difficulties locating his registration and I observed him chewing gum. I asked him to spit out his gum and he began chewing faster. Again I asked him to spit out the gum, he chewed it a few times, and spit it out. Flores exiting the vehicle and he appeared to be swaying.

DRIVER'S STATEMENTS:

Flores advised that he was at a friend's house and that he only had drank two beers.

ODORS:

Flores had a strong odor of an unknown alcoholic beverage coming from his breath and person. While sitting in the back of my marked patrol unit there was a very strong odor of the unknown alcoholic beverage within my vehicle interior.

GENERAL OBSERVATIONS

SPEECH: Very talkative, repeatative

ATTITUDE: Cooperative

CLOTHING: Black t-shirt, blue jeans, and black sneakers

MEDICAL/OTHER: None

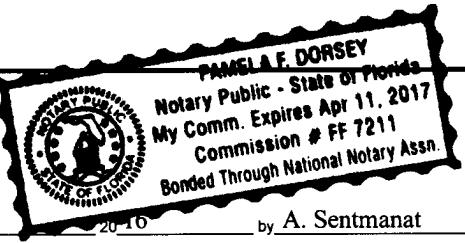
STATE OF FLORIDA
COUNTY OF PALM BEACH

A. SENTMANAT

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to, examined and subscribed before me this 28th day of August 2016 by A. Sentmanat

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



ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

LT EYE-LACK OF SMOOTH PURSUIT

LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION

LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

RT EYE-LACK OF SMOOTH PURSUIT

RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION

RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

As Flores stood with his feet together he was swaying side to side.

WALK & TURN:

Flores stumbled out of the starting position six times. He crossed his feet on steps 3, 4 and on the walked back at step 8. Flores made an improper turn and at times did not walk heel to toe. On the walk back he stumbled left on step 2 and stumbled right on step 5.

ONE LEG STAND:

Flores raised his right foot and at times try to bend the knee. He used his left arm for balance by holding it out. He dropped his foot on the fifth count and at times would lean to the left.

FINGER TO NOSE:

While Flores was in the starting position he would be swaying in a star like pattern. After giving the instructions, demonstrating it, and told him "left" he just raised his arm up. On all the attempts with his left and right hand Flores missed the tip of his nose. He would either touch the bottom or the side of the nose.

ROMBERG ALPHABET:

I asked Flores to count from 1 to 24. Flores counted to 30. Through out this task Flores was swaying side to side.

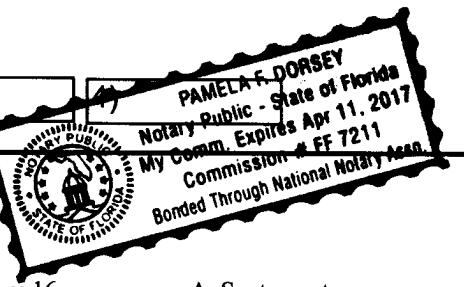
BREATH TEST RESULTS: 1) 0.235 2) 0.238 3)

STATE OF FLORIDA
COUNTY OF PALM BEACH

A. SENTMANAT

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 28th day of August



2016

by A. Sentmanat

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

TESTING FACILITY TASK REPORT

SUBJECT: <u>Flint - B-12 Nader</u>	AGENCY: <u>FB-331</u>
DATE: <u>8/14/96</u>	CASE NUMBER: <u>18-111189</u>
BEGINNING TIME: <u>0333</u>	ENDING TIME: <u>0353</u>
BREATH TESTS RESULTS: 1) <u>235</u> TIME <u>03:11</u> A.M./P.M. 2) <u>252</u> TIME <u>03:11</u> A.M./P.M.	
3) <u>15</u> TIME <u> </u> A.M./P.M. 4) <u> </u> TIME <u> </u> A.M./P.M.	
BREATH OPERATOR: <u>Bob</u>	
MAINTENANCE TECHNICIAN: <u>John</u>	
TESTING OFFICER'S OBSERVATIONS	
SPEECH: <u>Normal</u>	
ATTITUDE: <u>Calm, cooperative</u>	
CLOTHING: <u>Blue shirt, blue jeans</u>	
MEDICAL CONDITIONS: <u> </u>	
MEDICATIONS: <u> </u>	
OTHER: <u>Age: 35</u> <u>Height: 5'6"</u> <u>Weight: unknown</u> <u>Odor of Alcohol</u> <u>Bad</u> <u>on Breath</u>	
COMMENTS: <u>All observations are noted</u> <u>obtained. Alcohol on Breath stated</u> <u>He did not drink alcohol prior to</u> <u>the Sample (See Video) Video passed C</u> <u>D331 Video Stated 03:11 Note AB</u> <u>Obtained D through from using the</u> <u>alcohol from a bottle anything by</u> <u>mouth. Also not alcohol in D passed</u>	

SUBJECT: John K. & N. Doe CASE NUMBER: 10-111-61

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) _____

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) John K. & N. Doe

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? Home

WHAT STREET OR HIGHWAY WERE YOU ON? 57th Ave

DIRECTION OF TRAVEL? N WHERE DID YOU START? Lake Worth Village

WHAT TIME DID YOU START? Don't Know WHAT TIME IS IT NOW? Don't Know

WHAT IS TODAY'S DATE? 8/20 Don't Know WHAT DAY OF THE WEEK IS IT? Saturday

WHAT COUNTY AND CITY ARE YOU IN NOW? Palm Beach Palm Beach

WHEN DID YOU LAST EAT? 1:00pm WHAT DID YOU EAT? TACOS

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Took my wife to dinner

HOW MUCH DO YOU WEIGH? 160 HAVE YOU BEEN DRINKING? YES WHAT? Montel/Maestro/Modelo

HOW MUCH? 6 WHERE? Friend's house WITH WHOM? Friend

WHEN DID YOU HAVE YOUR FIRST DRINK? 3pm AND YOUR LAST DRINK? 6pm

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? —

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

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? — HOW MUCH? —

WHAT? — WHERE? — WHEN? —

WHAT LINE OF WORK ARE YOU IN? Roofers WHEN DID YOU LAST WORK? Today

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: EPILEPSY? NO

GLASS EYE? NO

FALSE TEETH? NO

EAR INFECTION? NO

INNER EAR TROUBLE? NO

DIABETES? NO

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? NO WHERE? —

INTERVIEWER: A. Sutmanat #24968

WITNESS LIST

16-119989

CASE NUMBER: _____

ARRESTING OFFICER: **A. SENTMANAT**

ADDRESS: **2995 S. Jog Road, Greenacres, FL 33467**

PHONE NUMBERS (HOME): _____ (WORK) **561-688-3400**

CAN TESTIFY TO: **Roadsides and B.A.T.**

NAME: **D/S M. Miller #24991**

ADDRESS: **2995 S. Jog Road, Greenacres, FL 33467**

PHONE NUMBERS (HOME): _____ (WORK) **561-688-3400**

CAN TESTIFY TO: **Driving Pattern and traffic stop**

NAME: _____

ADDRESS: _____

PHONE NUMBERS (HOME): _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS: _____

PHONE NUMBERS (HOME): _____ (WORK) _____

CAN TESTIFY TO: _____

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CAN TESTIFY TO: _____

NAME: _____

ADDRESS: _____

PHONE NUMBERS (HOME): _____ (WORK) _____

CAN TESTIFY TO: _____

SCANNED
AUG 30 2016



NOT A CERTIFIED

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2016