

Arrest Report

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

Report Date / Time 10/28/2019 03:37 AM	Report Number FHP99ARR811124	Case Number/Cad Number FHPK19OFF062197 / LWRC19CAD195828	Reporting Officer Name SAYIH R. A.
Originating Agency ORI	Occur Date Time Range 10/28/2019 03:03:22 - 10/28/2019 04:55:00	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type RESIDENCE	Location Description INTERSTATE
Street Number SB SB SR 9 SOF WOOLBRIGHT RD	Street BOYNTON BEACH	City FL
Apt/Lot/Bldg		Zip Code

Defendant

First Name PAMELA	Middle Name LORENE	Last Name GIUSTIZIA	Suffix	Race WHITE	Sex FEMALE	Height 509	Weight 135	Hair BRO	Eyes BRO
MNI #	SSN	Date of Birth 05/11/1969	Age 50	Place of Birth AUSTIN TX USA	Drivers License or other ID G232672696710	State FL	ID Type E		
Address * RESIDENCE / 7801 NORTH FEDERAL HWY 2301, BOCA RATON, FL 33436 / 561-212-2199									

Arrest

Arrest Date/Time 10/28/2019 3:32:15 AM	Arrest Location Type RESIDENCE	Arrest Location Description
Street Number SB SB SR 9 SOF WOOLBRIGHT RD	Street PALM BEACH	City BOYNTON BEACH
Apt/Lot/Bldg		State FL
County		Zip Code

Charge : S

Counts 1	Charge 316.193.1	Bond Amount \$0.00	☐ No Bond
Charge Degree N	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI ALCOHOL OR DRUGS			
Bond Set by Court			
Bond Amount	☐ No Bond		
Bond Type(s)			

Probable Cause

On Monday, October 28th, 2019, I Trooper Sayih #3822 was on routine road patrol in Palm Beach County, FL. Traveling southbound on Interstate 95 (State Road 9) north of Lantana Rd. (County Road 812) I received a call from Trooper Tavares #1320 in regards to needing assistance with a possibly impaired driver. (See Tpr. Tavares Incident Report) When I arrived on scene southbound on Interstate

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2019CT019982

OCT 28 AM 5:41

FILED
2019 OCT 28 PM 12:08
CLERK & COMPTROLLER
PALM BEACH COUNTY FLORIDA
WEST COUNTY BRANCH

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95 (State Road 9) south of Woolbright Rd. I observed Trooper Tavares behind a black in color Mercedes Benz in the outside center lane that was closed off due to the active work zone. I also observed a white female standing outside the passenger side of Trooper Tavares's patrol car on her phone who was later identified to be the driver of the black in color Mercedes Benz. The white female driver was identified through her Florida driver license to be Pamela Lorene Giustizia 05/11/1969. Trooper Tavares advised me on the reasoning of the traffic stop and what he had observed along with his concerns of the driver possibly being impaired. I then approached Ms. Giustizia advising her of who I was and the reasoning I was there, which was to assist Trooper Tavares in regards to him having reason to believe she was driving under the influence of alcohol and/or a controlled substance. Ms. Giustizia appeared to be off balance as she was swaying while standing and exhibited red in color, glossy eyes. Ms. Giustizia was asked if she had been drinking resulting in her advising me that she had been drinking, but hours ago and that she had just eaten a big thing of gelato. As Ms. Giustizia spoke, outside of her vehicle and face to face with me on the roadway, I could smell the odor commonly associated with the smell of an unknown alcoholic beverage emitting from her breath. Ms. Giustizia was questioned on if she had any medical or physical disabilities to which she denied having anything other than high blood pressure. Ms. Giustizia was also asked if she was taking any medication to which she denied taking anything other than the medication for her high blood pressure. Ruling out any medical concerns or physical disabilities, Ms. Giustizia was then asked to perform a series of roadside exercises to which she consented and agreed to perform (see roadside task sheet)

The area for the following roadside exercises was free of debris. Subject agreed to use a straight line to perform the walk and turn exercise. Subject was asked if she had any problems with her eyes aside from corrective vision, or injuries that would prevent her from performing any of the exercises that would be requested of her to perform. Subject advised that she did not have any physical body injuries or limitations and would be able to perform the exercises requested of her to perform.

Horizontal Gaze Nystagmus:

- LT EYE-LACK OF SMOOTH PURSUIT
- RT EYE-LACK OF SMOOTH PURSUIT
- LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- 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

Walk and Turn Exercise:

Interaction Phase:

- Subject swayed in starting position.
- The exercise was then demonstrated and explained to the Subject.
- Subject then advised that she had a hurt knee

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- Subject advised she understood instructions and did not have any questions.
- Subject stopped during exercise to ask me how to conduct the exercise
- Subject lost balance
- Subject missed heel to toe steps
- Subject failed to count out loud as instructed
- Subject took more steps than instructed
- Subject used arms for balance

One Leg Stand Exercise:

Interaction Phase:

- Subject was swaying while in starting position.
- The exercise was demonstrated and explained to the Subject
- Subject advised she understood the instructions and did not have any questions.
- Subject lost balance
- Subject exhibited leg and body tremors
- Subject failed to count as instructed
- Subject hopped
- Subject placed foot down

Finger to Nose:

Interaction Phase:

- Subject was swaying while in the starting position.
- The exercise was demonstrated and explained to the Subject
- Subject advised she understood the instructions and did not have any questions
- On the subjects first attempt with her left finger she touched the left side of her nose with the pad of her finger and tapped it twice.
- On the subjects second attempt with her right finger she touched the bridge of her nose with the pad of her finger and tapped it twice.
- On the subjects third attempt with her left finger she touched the bridge of her nose with the pad of her finger and tapped it twice.
- On the subjects fourth attempt with her right finger she touched the inside portion of her cheek close to her nose and corrected it to the tip of her nose with the pad of her finger and tapped it twice.
- On the subjects fifth attempt with her right finger she attempted to use her left finger, shortly after correcting her self and then using her right finger touching the bridge of her nose with the pad of her finger
- On the subjects sixth attempt with her left finger she touched the bridge of her nose with the pad of her finger.

Rhomberg Balance:

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Interaction Phase:

- Subject swayed in starting position.
- The exercise was then demonstrated and explained to the Subject.
- Subject exhibited an approximate 2 inch orbital sway
- Subject estimated 30 seconds in approximately 36 seconds.

Due to the totality of the circumstances, Ms. Giustrzia was then placed under arrest for DUI pursuant to Florida Statue 316.193.1 on October 28th, 2019 at 03:32 AM . Ms. Giustrzia was then placed in my patrol vehicle where she was then transported to the Palm Beach County Jail's Breath alcohol testing facility (BAT). Inside the Palm Beach County Jail's breath alcohol testing facility (BAT) Ms. Giustrzia began a 20 minute observation prior to being provided an opportunity to provide a breath sample. After Ms. Giustrzia's 20 minute observation, she was given an opportunity to provide a breath sample to which she refused to provide. Ms. Giustrzia was then read implied consent and was requested once more to provide a sample of her breath resulting in her refusing at approximately 04:30 AM.

Video of the crash investigation, roadside exercises and transport to the Palm Beach County Jail can be obtained through the FHP custodian

Video of the Palm Beach County Jail's BAT facility can be obtained through the Palm Beach County records department.

Jail Bookin Facility

Booking Date/Time 0.0000	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4400
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Booking Facility Location

3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406

Booking Number

Booking Comments

Court

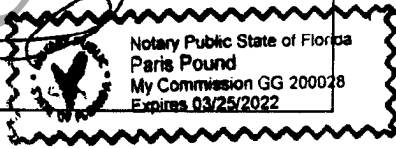
Court County PALM BEACH	Court Location 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530
Court Apperance Date / Time 11/28/2019 08:30 AM	Court Fine
Comments	

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Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
SAYIH R. A. TROOPER 3822	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL\LRCC\PALM BEACH\BROW LN TO SR804

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 SAYIH R. A.	Office Rank TROOPER	Officer ID No 3822	Sworn and subscribed before me, the undersigned authority This the <u>28</u> day of <u>October</u> , <u>2019</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature			

NOT A CERTIFIED COPY



PALM BEACH COUNTY SHERIFF'S OFFICE
DUI TESTING FACILITY
INFORMATION SHEET

PBSO CASE # 19-131121 AGENCY CASE# FHPL19OFF071200
AGENCY ZONE 6-11 CRASH CASE # FHPL19OFF071200
TIME OF STOP/CRASH 03:33 DATE 10/28/2019 DAY MONDAY
SUBJECT'S NAME PAMELA LORENE GIUSTIZIA RACE W SEX F
HGT 5'09" WGT 135 DOB 05/11/1969
LOCATION SB SR 9 SOF GATEWAY BLVD
ARRESTING OFFICER'S NAME & ID TPR. SAYIH AGENCY FLORIDA HIGHWAY PATROL
DIVISION: LAKE WORTH NOTIFIED BY COMMO YES
ARRIVAL AT FACILITY 04:08 AM
BREATH RESULTS: ARREST TIME 03:32 AM
1. REFUSED
2. REFUSED
3. REFUSED
4. REFUSED
TESTING OFFICER'S ID 24639 PBSO VIDEOTAPE # N/A

TESTING FACILITY TASK REPORT

AGENCY: FHP

SUBJECT: GIUSTIZIA, PAMELA L

CASE NUMBER: 19-131121

DATE: 10/28/19

VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 04:29

ENDING TIME: 04:36

BREATH TESTS RESULTS: 1) R TIME 04:30 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: P POUND #24639

MAINTENANCE TECHNICIAN: J. KARLECE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: TALKATIVE, CALM

CLOTHING: DIVE JEAN SHORTS, GRAY TANK TOP, SILVER SANDALS

MEDICAL CONDITIONS: HIGH BLOOD PRESSURE

MEDICATIONS: METOPROLOL

OTHER: EYES GLASSY + BLOODSHOT

A. STATED SHE HAD VODKA IN Q+A

COMMENTS: ARRIVED AT CENTER A/O BEGAN THE 20
MINUTE OBSERVATION PERIOD AT 04:00 HRS.

A. REFUSED TO TAKE TEST.

A/O READ I/C

A. STATED SHE UNDERSTOOD I/C AND WOULD REFUSE
TEST AGAIN.

A/O READ RIGHTS

A. STATED SHE UNDERSTOOD RIGHTS

A/O CONDUCTED Q+A

A. ANSWERS QUESTIONS

REFUSED

SUBJECT: GIUSTIZIA, PAMELA L CASE NUMBER: FHPL190FFD71200

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 TPR. SAYITH of the F41P

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

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

I, TPR. SAYITH #3822, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of Florida Highway Patrol, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 28TH day of OCT, 20 19, at _____ ☐ P.M. ☒ A.M.

DRIVER PAMELA LORENE GIUSTIZIA,
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

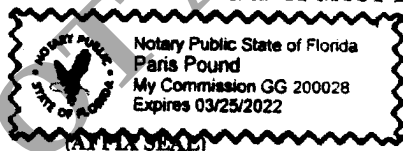
DL# G232672696710, state of FL, was placed under lawful arrest for
the offense of DUI by TPR. SAYITH #3822 and
issued Citation # A76TVME
(Name of Arresting Officer)

That on or about the 28TH day of OCT, 20 19, at 14:30 ☐ 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] #3822
Signature of Law Enforcement Officer or
Correctional Officer

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



The foregoing instrument was sworn and subscribed before

me this 28 day of October, 20 19,

by _____,

who is personally known to me or who has produced

_____ as identification

Notary Public [Signature]

HSMV-BAR1001 (REV. 10/2016)

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.

SUBJECT: GIUSTIZIA, PAMELA L CASE NUMBER: FHPL190FF071200

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? MOVING FROM HOME TO NEW HOME

WHAT STREET OR HIGHWAY WERE YOU ON? 195

DIRECTION OF TRAVEL? S WHERE DID YOU START? _____

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

WHAT IS TODAY'S DATE? 28 WHAT DAY OF THE WEEK IS IT? MONDAY

WHAT COUNTY AND CITY ARE YOU IN NOW? PALM BEACH

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? GELATO

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? _____

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? YES WHAT? VODKA

HOW MUCH? A GLASS WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? _____ AND YOUR LAST DRINK? 40 URS

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? NO 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? YES WHAT? KNEE

ARE YOU SICK OR INJURED? _____ WHAT'S WRONG? _____

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

WERE YOU IN AN ACCIDENT TODAY? _____

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? HIGH BLOOD WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____ WHO? PRESSURE AND WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

DO YOU HAVE:

EPILEPSY?	<u>NO</u>
GLASS EYE?	_____
FALSE TEETH?	_____
EAR INFECTION?	_____
INNER EAR TROUBLE?	_____
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? TEXAS / ALASKA /
ARIZONA / NY / CALI

INTERVIEWER: TR. SAYIHI #3822



**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.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

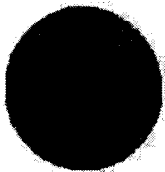
REVIEW COMPLETED BY

Booking Number: 2019034962

Date: 10/28/2019

Specialist Name/ID: Gammage/5660

502019CT019982 AXXXSB



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Probable Cause

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In the County Court of the 15th Judicial Circuit,
In and For Palm Beach County (Traffic Division)

CLOCK IN

THE STATE OF FLORIDA

vs.

CASE NUMBER

PAMELA LORENE GIUSTIZIA

FHPL19OFF071200

Defendant.

CHARGING DOCUMENT AMENDMENT FORM

Pursuant to Florida Rules of Traffic Court 6.455, the undersigned hereby amends

Florida Uniform Traffic Citation Number _____

section _____ CASE NUMBER / CAD NUMBER _____

from _____ FHPK19OFF062197 _____

to _____ FHPL19OFF071200 _____

A copy of the amended citation is attached hereto.

Dated: 11/14/2019

PRINT: TPR. SAYIH

BADGE NO.: 3822

I hereby certify that the foregoing was mailed/delivered to the Clerk of the Court, Traffic
Division at the courthouse location where this case is pending on this 14TH day of NOV,
20019.


Law Enforcement Supervisor/Liaison