

## ARREST REPORT

Report Date / Time 04/28/2017 02:40 AM	Agency Case/Offense Number FHP17OFF032797	OCA Number	Submitting Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD072564
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## LOCATION OF OCCURRENCE

County PALM BEACH	Address WB ATLANTIC AND 7TH AVE , BOYNTON BEACH, FL	Latitude N 26 40.1751	Longitude W 80 5.5459
Range of Occurrence Date/Time 04/28/2017 01:20 AM to 04/28/2017 01:20 AM			

## PERSON: SUSPECT

First Name PAUL	Middle Name THOMAS	Last Name PALANZA	Suffix	Date of Birth 11/06/1988	Age 28	Race W	Sex M	Height 603	Weight 180	Hair BLK	Eyes BRO
Master Name Index Number	Place of Birth ATLANTA, GA	Nation USA	SSN	P452698884060	Driver's License or Other ID P452698884060	State FL	Class or Type				
Address 1771 SERVICE RD		City NORTH PALM BEACH	County	State FL	Zip Code 33408	Phone					

## CHARGES

Count	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

## PROBABLE CAUSE

On the above date and time, I was stationary on westbound State Road 806 (Atlantic Blvd), in the Dunkin Dounuts parking lot. I observed a dark colored truck traveling at what appeared to be a high rate of speed westbound. When the dark colored truck passed my location, I observed two occupants, a white male driver and a white female passenger. I then began to travel westbound in an attempt to catch up with the dark colored truck. As I traveled westbound, I observed the dark truck come to a controlled stop halfway in a parking spot off the roadway, and partially blocking the outside westbound travel lane. I also observed a white female exit the truck from the passenger side of the truck, and appeared distressed. I then observed the driver door open and saw a white male driver exit the truck. I then activated my emergency lights to initiate a traffic stop to see why the truck was partially blocking the roadway, and a welfare check on the occupants.

Once out of my patrol vehicle, the male driver, who was later identified by his Florida Driver's license number P-452-698-88-406-0 as PAUL THOMAS PALANZA. Mr. Palanza was yelling to his girlfriend advising that she was driving. The female passenger then approached me and advised me that she is calling an Uber. When I asked the female passenger why, she advised that Mr. Palanza has had too much to drink. I then asked Mr. Palanza why he parked the truck partially in the road way. Mr. Palanza advised me that he and his girlfriend (passenger) were arguing when she advised him to stop the truck so she can get out. While speaking to Mr. Palanza, he was observed to have red glassy eyes, slurred speech, and an odor of an unknown alcoholic beverage coming from his mouth and breathe area. I then asked Mr. Palanza how many alcoholic beverages he consumed before driving. Mr. Palanza advised me that he had three (3) Jack and cokes.

When asked, Mr. Palanza agreed to submit to a series of Standardized Field Sobriety Exercises (SFSE's).

## Horizontal Gaze Nystagmus Exercise

Prior to beginning the exercise it was determined Mr. Palanza was not wearing contacts. Mr. Palanza's eyes were checked and his eyes displayed equal tracking and his pupils were equal sizes. Mr. Palanza was instructed to follow the stimulus with his eyes only, keeping his head still. After stating he understood the instructions Mr. Palanza attempted this exercise.

The results of this exercise displayed 6 of the 6 possible clues.

- A lack of Smooth Pursuit in his left eye.
- A lack of Smooth Pursuit in his right eye.
- A distinct and sustained nystagmus in the left eye at maximum deviation.
- A distinct and sustained nystagmus in the right eye at maximum deviation.
- An onset of nystagmus in the left eye prior to 45 degrees.
- An onset of nystagmus in the right eye prior to 45 degrees.

The exercise further revealed the presence of vertical nystagmus. Vertical nystagmus is an indicator of high doses of alcohol, other central nervous system (CNS) depressants or inhalants, and the consumption of the drug phencyclidine (PCP).

While performing the Horizontal Gaze Nystagmus exercise, it was observed that Mr. Palanza:

- Had difficulty following and responding to instructions.
- Moved his head from side to side during the exercise.
- Swayed while standing.

The instructions for the exercise had to be repeated before Mr. Palanza would respond

## Walk and Turn exercise

Prior to attempting this exercise, Mr. Palanza indicated he did not have any medical problems that would have prevented him from performing the exercise. Mr. Palanza was instructed to put his left foot on the line and his right foot in front of it with his right heel touching the toe of his left foot. He was instructed to stand in this manner with his hands to his sides until the exercise instructions were completed and the exercise demonstrated. Mr. Palanza was instructed not to begin the exercise until told to start. He was instructed to take nine steps along the line in a heel-to-toe manner. After the ninth step he was to stop and turn around keeping his lead foot on the ground, taking several small steps with the other foot to turn around. After turning around he was to take nine steps in a heel-to-toe manner back along the line, in the direction he had come from. Mr. Palanza was further instructed to watch his feet at all times while walking, keep his arms down to his side, and to count his steps out loud. After the exercise was demonstrated Mr. Palanza stated he understood the instructions and was instructed to begin the exercise.

- After attempting the Walk and Turn exercise Mr. Palanza displayed 7 of 8 possible clues.

## Walk and Turn exercise observations:

- On the first set of steps Mr. Palanza failed to walk in a heel-to-toe manner on 9 steps, failing to walk heel-to-toe on steps 1, 2, 3, 4, 5, 6, 7, 8, and 9. Mr. Palanza then stepped off the line on 5 steps, stepping off the line on steps 4, 5, 6, 7, and 8.

## ARREST REPORT

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- On the second set of steps Mr. Palanza failed to walk in a heel-to-toe manner on 9 steps, failing to walk heel-to-toe on steps 1, 2, 3, 4, 5, 6, 7, 8, and 9. Mr. Palanza then stepped off the line on 4 steps, stepping off the line on steps 3, 4, 5, and 6.
- Was unable to stand in a heel-to-toe manner while the instructions to the exercise were given.
- Raised arms for balance during the exercise.
- Lost his balance while walking.
- Turned incorrectly.
- Failed to count his steps out loud.
- Took the incorrect number of steps on the first set of 9 steps (up). Took 10
- Took the incorrect number of steps on the second set of 9 steps (back) Took 10
- Started the exercise before instructed to.

#### One Leg Stand exercise

Prior to attempting this exercise, Mr. Palanza indicated he did not have any medical problems that would have prevented him from performing the exercise. Mr. Palanza was instructed to stand with his heels together and hands down to his sides while the instructions were given and during the exercise. Mr. Palanza was instructed not to begin the exercise until he was instructed to start, and after the exercise had been demonstrated. When instructed to start, he was to raise the foot of his choice off the ground approximately 6 inches. While his leg was raised he was to keep his leg straight, watch his raised foot, and to count out loud by thousands (one thousand one, one thousand two, one thousand three...) and to continue the exercise until told to stop (30 seconds). After this exercise was demonstrated and indicating he understood the instructions Mr. Palanza attempted this exercise. When Mr. Palanza attempted this exercise he raised his right foot.

The result of this exercise displayed 4 of the 4 possible clues.

During this exercise Mr. Palanza:

- Swayed during the exercise.
- Used arms for balance.
- Hopped during the exercise
- Put his foot down (4 time(s) during the exercise).

Additionally, during the One Leg Stand exercise, Mr. Palanza was observed to:

- Fail to watch his raised foot during the exercise as instructed.
- Fail to keep his raised leg straight.

After I completed the Standardize Field Sobriety Exercise observations on Mr. Palanza, I then placed Mr. Palanza under arrest for suspected driving under the influence (DUI) of alcohol. I then placed Mr. Palanza in the rear of my patrol vehicle, and secured him in. Shortly after, I departed the scene enroute to the Palm Beach County Jail. Upon arrival at the jail, I escorted Mr. Palanza to the BAT center. There, I conducted a 20 minute observation period of Mr. Palanza. Once the 20 minutes were up, I escorted Mr. Palanza into the BAT room. Once there, I requested Mr. Palanza to submit to a lawful test of his breath for the purpose of determining its alcohol content. Mr. Palanza refused to submit at 2:09AM.

After, Mr. Palanza refused, I then advised Mr. Palanza of Implied Consent. After advising Mr. Palanza of Implied Consent, Mr. Palanza advised me he would continue to refuse to provide a breathe sample. I then advised Mr. Palanza of his Constitutional rights. After doing so, Mr. Palanza understood his rights and advised that he would refuse any further questioning. I then transported Mr. Palanza to booking into the Palm Beach County Jail. Shortly after, Mr. Palanza was booked into the Palm Beach County jail on 316.193.1 Florida Statue Misdemeanor DUI. All events occurred in Palm Beach County.

#### LEO BOND

Bond Amount \$	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 <b>(CIRCUIT) PALM BEACH NORTH COUNTY COURTHOUSE</b>	Court Phone <b>561-624-6608</b>	Court Date & Time <b>05/28/2017 09:00 AM</b>
Court Address <b>3188 PGA BLVD., PALM BEACH GARDENS, FL 33410</b>		
Instructions		

#### ARREST INFORMATION

Arrest Date / Time <b>04/28/2017 01:20 AM</b>	Residency <b>Within jurisdiction</b>	Injured <b>None</b>	Extent of Injury <b>N/A</b>	Resist Arrest <b>No</b>
Prior Arrests <b>Yes</b>	Arrest Jurisdiction <b>Within jurisdiction</b>	Alcohol <b>Yes</b>	Drugs <b>Unknown</b>	

#### ARREST LOCATION

County <b>PALM BEACH</b>	Address <b>WB ATLANTIC AND 7TH AVE, BOYNTON BEACH, FL</b>
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#### ARREST DELIVERED TO

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

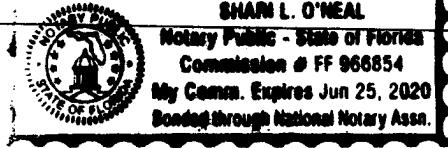
Officer Call Number <b>1667</b>	Officer Name <b>CLEARY, GUS E JR</b>	Officer Signature
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Subscribed and sworn to (or affirmed) before me this 28 day of April A.D., 2017 by Shawn L. O'Neal who is ✓ personally known to me or has produced Shawn L. O'Neal as identification.

Shawn L. O'Neal Notary Public LEO CO Commission No: SHAW L. O'NEAL My Commission Expires: 06/25/2020

#### ARREST REPORT

FHP99ARR131307



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## 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? Next

WHERE WERE YOU GOING? Home

WHAT STREET OR HIGHWAY WERE YOU ON? Next +

DIRECTION OF TRAVEL? Next WHERE DID YOU START? Next +

WHAT TIME DID YOU START? Next + 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: MAY 03 2017

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL

# TESTING FACILITY TASK REPORT

(4)

AGENCY: FHP Trp. Cleary #405E  
SUBJECT: Polanze, Paul T. CASE NUMBER: 17-070162  
DATE: 04-28-17 VIDEO TAPE NUMBER: 62533

BEGINNING TIME: 0207 hrs ENDING TIME: 0211 hrs

BREATH TESTS RESULTS: **REFUSED** TIME 0209 A.M./P.M. 2) TIME A.M./P.M.  
3) TIME A.M./P.M. 4) TIME A.M./P.M.

BREATH OPERATOR: S. O'Neal #6212

MAINTENANCE TECHNICIAN: DIS J. Harleche #6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH:

ATTITUDE: Calm, Cooperative, Polite

CLOTHING: Shirt - White & Black / Plaid Pants - Blue Jeans

MEDICAL CONDITIONS: Allergic to Mangoes

MEDICATIONS: None

OTHER: Eyes: Red & Glossy

#405E

COMMENTS: 20 min. observation done by AIO Cleary  
AIO requested the breath test.

D refused the request.

AIO read the implied consent on camera.

D understood the IC as read.

D still refused the request.

C/W read on camera.

QFA Started then stopped.

SCANNED

MAY 03 2017

## **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 Trp. Cleary #4055 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



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

PBSO CASE # 17-070162

AGENCY CASE# C 22 FHPL17OFF032797

AGENCY ZONE \_\_\_\_\_

CRASH CASE # \_\_\_\_\_

TIME OF STOP/CRASH 1:00AM DATE 4/28/17 DAY FRIDAY

SUBJECT'S NAME PAUL THOMAS PALANZA RACE W SEX M

HGT 603 WGT 190 DOB 11/6/88

LOCATION EB ATLANTIC BLVD X 7TH AVE

ARRESTING OFFICER'S NAME & ID TPR. G. CLEARY AGENCY FLORIDA HIGHWAY PATROL

DIVISION: \_\_\_\_\_ NOTIFIED BY COMMO ✓

ARRIVAL AT FACILITY 0144hrs

BREATH RESULTS: ARREST TIME 1:20AM

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_

TESTING OFFICER'S ID 6212 PBSO VIDEOTAPE # 62533

REFUSED  
NOT A CERTIFIED COPY

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

I, TROOPER G. CLEARY, 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)

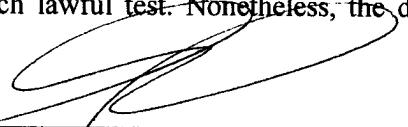
or affirm that on or about the 28TH day of APRIL, 20 17, at 1:20  P.M.  A.M.

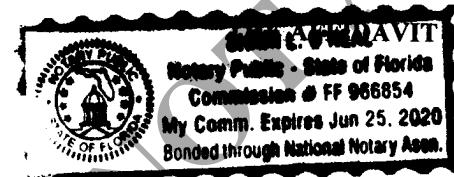
DRIVER PAUL THOMAS PALANZA  
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# P-452-698-88-406-0, state of FLORIDA, was placed under lawful arrest for  
the offense of 316.193 by TPR. G. CLEARY and  
issued Citation # 7159-XBS (Name of Arresting Officer)

That on or about the 28TH day of APRIL, 20 17, at 209  P.M.  A.M.  
in PALM BEACH COUNTY 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 of Law Enforcement Officer or  
Correctional Officer



(AFFIX SEAL)

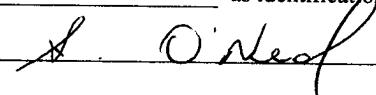
The foregoing instrument was sworn and subscribed before

me this 28 day of April, 20 17,  
by \_\_\_\_\_,

who is personally known to me or who has produced

as identification

Notary Public



HSMV-BAR1001 (REV. 10/2016)

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.

NOT A CERTIFICATE