19CF9488AMB

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias | 1 | Juvenile

ADMINISTRATIVE

OBTS Number	Agency ORI Number	Agency Name	Agency Report Number (N.T.A.'s only)
	FLO 500000	PALM BEACH COUNTY SHERIFF'S OFFICE	06- 19-122754

Charge Type: Check as many as apply. [X] 1. Felony [ ] 2. Traffic Felony [X] 3. Misdemeanor [X] 4. Traffic Misdemeanor [ ] 5. Ordinance [ ] 6. Other

Weapon Seized / Type: 2 (1. Yes 2. No)

Multiple Clearance Indicator:

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
Southbound Judge Winikoff, just North of Palmetto Park Road	SOUTBOUND JUDGE WINIKOFF JUST NORTH OF PALMETTO PARK ROAD, BOCA RATON FL, 33428

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
10/04/2019	22:08					Southbound Judge Winikoff, just North of Palmetto Park Road

DEFENDANT

Name (Last, First, Middle): **Vareles, Peter, Joseph** — Alias (Name, DOB, Soc. Sec. #, Etc.)

Race (W - White I - American Indian B - Black 0- Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	3/5/1973	6'01	215	HAZEL	BLACK	LIGHT	MEDIUM

Scars, Marks, Tatoos, Unique Physcal Features (Location, Type, Description): EAGLE TATTOO ON UPPER LEFT ARM

Marital Status: Single — Religion: CATHOLIC — Indication of: Alcohol Influence [ ] Y [ ] N [ ] Unk; Drug Influence [ ] Y [ ] N [X] Unk

Local Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Residence Type: 1. City 2. County 3. Florida 4. Out of State	Address Source
22238 Woodborn Dr, Boca Raton, FL 33428	(561) 302-8821	2	
Permanent Address (Street, Apt. Number) (City) (State) (Zip)	( )		
,			
Business Address (Name, Street) (City) (State) (Zip)	( )	Occupation: SALES	

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
V642670730850, FL	[redacted]		EAST MEADOW, NY	USA

CO-DEF

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	1. Arrested 2. At Large	3. Felony 4. Misdemeanor 5. Juvenile
				[ ] 1. [ ] 2.	[ ] 3. [ ] 4. [ ] 5.
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	1. Arrested 2. At Large	3. Felony 4. Misdemeanor 5. Juvenile
				[ ] 1. [ ] 2.	[ ] 3. [ ] 4. [ ] 5.

JUVENILE

[ ] Parent [ ] Legal Custodian [ ] Other: — Name (Last) (First) (Middle) — Residence Phone ( )

Address (Street, Apt. Number) (City) (State) (Zip) — Business Phone ( )

Notified by: (Name)	Date	Time	Juvenile Disposition 1. Handled/ processed within Dept. and Released. 2. TOT HRS / DYS 3. Incarcerated

Released To: (Name)	Relationship	Date	Time

The above address provided by [ ] defendant and / or [ ] defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) informed of any change of address. [ ] Yes, by: (Name) [ ] No: (Reason)

School Attended: — Grade:

Property Crime? [ ] Yes [ ] No — Description of Property: — Value of Property:

CODE

Drug Activity: N. N/A P. Possess — S. Sell B. Buy T. Traffic — R. Smuggle D. Deliver E. Use — K. Dispense/ Distribute — M. Manufacture/ Produce/ Cultivate — Z. Other

Drug Type: N. N/A A. Amphetamine — B. Barbiturate C. Cocaine E. Heroin — H. Hallucinogen M. Marijuana O. Opium/Deriv. — P. Paraphernalia/ Equipment S. Synthetics — U. Unknown Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #	Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
DRIVING UNDER THE INFLUENCE	1	[ ] Y [X] N	316.193(1)					19-122754		OR.
DUI REFUSAL TO SUBMIT TO TESTING	1	[ ] Y [X] N	316.1939							OR
POSSESSION OF CONTROLLED SUBSTANCE (COCAINE)	1	[ ] Y [X] N	893.13(6)(a)		P	C				3000
		[ ] Y [ ] N								

NOTICE TO APPEAR

Location (Court, Room Number, Address): South County Courthouse, Courtroom #1, 200 W. Atlantic Ave., Delray Beach, FL 33444 - Ph: (561) 355-2996

Court Date and Time: Month TO BE SET Day Year Time AM PM

I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED

Signature of Defendant (or Juvenile and Parent/Custodian) — Date Signed: 10/04/2019

ADMIN

HOLD for other Agency Name: — Signature of Arresting Officer: X — Name Verification (Printed by Arrestee) (PRINT): OCT 5 AM 4:14

[ ] Dangerous [ ] Resisted Arrest [ ] Suicidal [ ] Other:

Name of Arresting Officer (Print): D/S J. PINZON — I.D. #: 33100

Intake Deputy: Thomas #7958 — Pouch # — Transporting Officer: D/S J. PINZON — ID #: 33100 — Agency: PBSO

Witness here if subject signed with an "X"

PAGE 1 OF 1

DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - AGENCY GOLD - DEFENDANT (NTA's ONLY)

PBSO #148 REV. 8/97

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PROBABLE CAUSE AFFIDAVIT

OBTS Number | 1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias | 1 | Juvenile | N

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FLO 500000	PALM BEACH COUNTY SHERIFF'S OFFICE	06- 19-122754

Charge Type (Check as many as apply): ☐ 1 Felony ☒ 3 Misdemeanor ☐ 5 Ordinance ☐ 2 Traffic Felony ☐ 4 Traffic Misdemeanor ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
Vareles, Peter, Joseph		H	M	3/5/1973

CHARGES

Charge Description	Charge Description
DUI 316.193 (1)	
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
STATE, OF, FLORIDA			

Local Address (Street, Apt. Number)	(City)	(State)	(zip)	Phone	Address Source
,				( )	
Business Address (Name, Street)	(City)	(State)	(zip)	Phone	Occupation
				( )	

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.
The Person taken into custody

☒ committed the below acts in my presence.
☐ confessed to _____ admitting to the below facts.
☐ was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.
☒ was found to have commited the below acts, resulting from my (described) investigation.

On the 04 day of OCTOBER 2019 at 22:08 ☐ A.M. ☒ P.M. (Specifically include facts constituting cause for arrest.)

On October 04, 2019 at approximately 21:44 Hours I was exiting the Loggers Run Plaza located at 11400 block of Palmetto Park Rd, near the west exit, in unincorporated Boca Raton, FL. While at the stop sign, waiting to go southbound on Judge Winikoff Rd, a black 4 door Toyota bearing Fla. Tag 051QXH (who was traveling southbound on Judge Winikoff Rd) turned into the plaza, nearly striking my vehicle, coming within inches of it. I then turned around and got behind the vehicle and noticed that it had an expired tag (expired 03/19). I initiated a traffic stop, activating my blue lights and siren and the vehicle came to rest in front of the Game of Zones business. As the vehicle pulled in, it parked very close to the vehicle on the right, all the meantime having ample room on the left. As I approached the vehicle from the driver's side, I immediately detected a strong odor of an unknown alcoholic beverage being emitted from the driver's facial area. I then asked the driver, who was identified by his Florida Driver's License #V642670730850 as Peter Joseph Vareles w/m DOB 03/05/1973 , to step out of the vehicle to which he complied. Upon exiting the vehicle, Vareles (Defendant) lacked stability and had to lean up against his vehicle to not sway. I also confirmed that the Defendant had a strong odor of an unknown alcoholic being emitted from his facial area, along with having blood shot eyes, a flush face and slurred speech. I then requested a DUI unit respond and D/S Pinzon responded and assumed the investigation. This concluded my part of the DUI investigation.

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

C. UGALDE
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 04 day of October 2019 by Lt. C. Ugalde #7016

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

D/S J. Pinzon #33100
Notary Public, Clerk of Court, Officer (F.S.S. 117.10)

DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - AGENCY

PBSO #0004 REV. 04/01

PROBABLE CAUSE AFFIDAVIT

OBTS Number:

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Copies

Juvenile: n

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FLO 500000	PALM BEACH COUNTY SHERIFF'S OFFICE	06- 19122754

Charge Type: Check as many as apply. 1. Felony 2. Traffic Felony 3. Misdemeanor 4. Traffic Misdemeanor 5. Ordinance 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
Vareles, Peter, Joseph		H	M	3/5/1973

CHARGES

Charge Description	Charge Description
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
state of florida, ,			

Local Address (Street, Apt. Number)	(City)	(State)	(zip)	Phone	Address Source
,				( )	

Business Address (Name, Street)	(City)	(State)	(zip)	Phone	Occupation
				( )	

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody

- ☒ committed the below acts in my presence.
- ☐ confessed to _____ admitting to the below facts
- ☐ was observed by _____ who told _____ that he/she saw the arrested person commit the below acts
- ☐ was found to have commited the below acts, resulting from my (described) investigation.

On the 04 day of 10 2019 at 2225 ☐ A.M. ☒ P.M. (Specifically include facts constituting cause for arrest.)

On 10/04/19 I responded as a back up unit to the location of south bound judge winikoff just north of Palmetto Road in unincorporated Boca Raton FL in reference to a traffic stop.

Upon being arrested peter was searched to inventory his belongings on a property sheet to book peter into the county jail. Upon searching Peter, I observed a clear plastic bag to which contained white powdery substance fall out of the subjects black wallet. The bag was stuffed between two hard plastic cards.

I notified DS Pinzon of my findings.

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

(Signature of Arresting/Investigative Officer) JCN708

The foregoing instrument was sworn to or affirmed and subscribed before me this 04 day of 10 2019 by _____

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

D/S T. Pinzon #33100

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)

PAGE 1 OF 1

PBSO #0004 REV. 04/01 DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - AGENCY

PROBABLE CAUSE AFFIDAVIT

OBTS Number:

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias: 1

Juvenile:

ADMIN

Agency ORI Number: FLO 500000

Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE

Agency Report Number: 06- 19-122754

Charge Type: Check as many as apply. [X] 1. Felony [ ] 2. Traffic Felony [X] 3. Misdemeanor [X] 4. Traffic Misdemeanor [ ] 5. Ordinance [ ] 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
Vareles, Peter, Joseph		W	M	3/5/1973

CHARGES

Charge Description		Charge Description	
DRIVING UNDER THE INFLUENCE	316.193(1)	DUI REFUSAL TO SUBMIT TO TESTING	316.1939
Charge Description		Charge Description	
POSSESSION OF CONTROLLED SUBSTANCE (COCAINE)	893.13(6)(a)		

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
STATE OF FLORIDA, ,			

Local Address (Street, Apt. Number)	(City)	(State)	(zip)	Phone	Address Source
,				( )	
Business Address (Name, Street)	**(City)**	**(State)**	**(zip)**	**Phone**	**Occupation**
				( )	

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody

[ ] committed the below acts in my presence.

[ ] confessed to _____ admitting to the below facts.

[ ] was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.

[X] was found to have commited the below acts, resulting from my (described) investigation.

On the 4th day of October 20 19 at 2208 [ ] A.M. [X] P.M. (Specifically include facts constituting cause for arrest.)

PROBABLE CAUSE STATEMENT

On Friday, October 4, 2019 at approximately 21:58 hours, I responded as a back up unit to 11400 W. Palmetto Park Road (Loggers Run Plaza) parking lot in front of Game of Zones business in the unincorporated Boca Raton, Palm Beach County Florida, in reference to traffic stop. The traffic stop originated southbound Judge Winikoff Road, just north of Palmetto Park Road by Lieutenant C. Ugalde #7016 (see Lieutenant Ugalde's supplemental probable cause affidavit).

I learned the following from LT. Ugalde. As he was exiting the Loggers Run shopping plaza, he observed a black four door Toyota traveling southbound on Judge Winikoff Road who turned into the plaza within inches of colliding with his vehicle. Upon approaching the vehicle after turning around, he noticed the vehicle's Florida tag expired (03/31/2019) which was [redacted] through FCIC/NCIC. LT. Ugalde advised me that upon approaching the driver's side door, he immediately detected a strong odor of alcohol beverage coming from the driver's facial area. According to LT. Ugalde's supplement, the driver who was identified by his Florida driver license as Peter Joseph Vareles lacked of stability upon exiting the vehicle and had to lean up against his vehicle to not sway. LT. Ugalde also observed Peter having blood shot eyes and slurred speech.

I made contact with Peter Joseph Vareles who was leaned against the rear of a black four door Toyota Camry bearing Florida tag 051QXH. Peter displayed glassy eyes and upon talking to him and explaining the reason of my presence I detected a strong odor of an alcoholic beverage coming from his mouth/facial area as well as slurred speech. I asked Peter if he was willing to perform a series of exercises called field sobriety exercises to what he replied, I would but I'm honestly okay. I then asked Peter to head towards the parking lot white line to began with the exercises to what he replied "you know what, just take me to jail." I tried to explained several times to Peter the importance of the tasks requested from me to what he kept talking over my words and at times repeating more than once to just take him to jail since I had already made my decision and condemned him. I then requested once again Peter to performed the field sobriety exercises, Peter refused. I explained Peter his Taylor warnings to what he turned around and placed his hands on his back refusing my request stating "just take me to jail." Peter was placed under arrest at 2208 hours, handcuffs were double locked and checked for proper fit before placing him in the rear seat of my marked patrol unit. Peter was transported to the Palm Beach County Jail for booking without incidents.

Deputy M. Collura #26708 who was on scene assisted me with the search after the arrest of Peter. While the search was taking place Deputy Collura found a small clear bag with a white powder residue between two plastic cards inside Peter's wallet which was removed from his rear pockets (see Deputy Collura's supplemental probable cause affidavit). I then read Peter his constitutional rights while on camera. Peter refused to answer any question stating that small clear bag containing white powder residue was not his. The white powder was tested using test kit Cobalt #4 turning from a pink liquid into blue which indicates positive for cocaine. The white powder was also tested with test kit Marquis #2 turning from a clear liquid to a dark brown which indicates positive for cocaine. The clear bag was placed into an evidence bag and turned to evidence at the district seven lockers.

Once at the jail, while inside the breath alcohol testing (BAT) after the 20 minute observation, Peter refused to submit to sample of his breath while recorded on camera. It should be noted that Peter has a prior refusal to submit to a lawful test.

Based on the facts, circumstances, and totality of my investigation I do find probable cause to charge Peter Joseph Vareles with driving under the influence (DUI) Florida State Statute 316.193(1), DUI refusal to submit to testing based on his prior refusal Florida State Statute 316.1939, and possession of a controlled substance (cocaine) Florida State Statute 893.13(6)(a).

This case is clear by arrest.

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S J. PINZON
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 5th day of October 20 19 by D/S/J. PINZON

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

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)

Notary Public State of Florida
Thomas H Leahey
My Commission GG 047106
Expires 06/30/2021

PAGE 1 OF 1

PBSO #0004 REV. 04/01 DISTRIBUTION: WHITE - COURT COPY YELLOW - ATTORNEY YELLOW - AGENCY PINK - AGENCY

SUBJECT: Vareles, Peter, Joseph CASE NUMBER 19-122754

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- ☐ LT EYE-LACK OF SMOOTH PURSUIT
- ☐ RT EYE-LACK OF SMOOTH PURSUIT
- ☐ 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

Other Observations:

REFUSED FIELD SOBRIETY EXERCISES

WALK & TURN:
REFUSED FIELD SOBRIETY EXERCISES

ONE LEG STAND:
REFUSED FIELD SOBRIETY EXERCISES

ROMBERG ALPHABET:
REFUSED FIELD SOBRIETY EXERCISES

ROMBERG ALPHABET:
REFUSED FIELD SOBRIETY EXERCISES

BREATH TEST RESULTS: **REFUSED**

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S J. PINZON
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 5th day of October 2019 by D/S J. PINZON

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

Notary Public, Clerk of Court, Officer (F.S.S 117.10)

Notary Public State of Florida
Thomas H Leahey
My Commission GG 347108
Expires 06/20/2023

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 4th DAY OF October 20 19 AT 2208 AM ✓ PM

SUBJECT: Vareles, Peter, Joseph CASE NUMBER: 19-122754

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: D/S J. PINZON

PERSONAL CONTACT

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

almost collided with the primary unit's vehicle while turning into the plaza. (see supplemental PC)

OBSERVATION OF DRIVER:

blood shot eyes, slurred speech, instability while standing.

DRIVER'S STATEMENTS:

refused field sobriety exercises

ODORS:

strong odor of alcohol coming from mouth/facial area

GENERAL OBSERVATIONS

SPEECH: **slurred**

ATTITUDE: **talkative**

CLOTHING: **white with blue stripes shirt, blue jeans, sneakers**

MEDICAL/OTHER: **none**

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S J. PINZON
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 5th day of October 20 19 by D/S J. PINZON

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

Notary Public/Clerk of Court, Officer (F.S. 117.10)

Notary Public State of Florida
Thomas H Leahey
My Commission GG 347108
Expires 06/20/2023

WITNESS LIST

CASE NUMBER: 19-122754

ARRESTING OFFICER: D/S J. PINZON
ADDRESS: 17901 US HIGHWAY 441 BOCA RATON FL, 33498
PHONE NUMBERS (HOME): ________ (WORK) 561-687-6510
CAN TESTIFY TO: ARREST

NAME: LIETENANT C. UGALDE #7016
ADDRESS: 17901 US HIGHWAY 441 BOCA RATON FL, 33498
PHONE NUMBERS (HOME) ________ (WORK) 561-687-6510
CAN TESTIFY TO: INITIAL TRAFFIC STOP

NAME: D/S M. COLLURA #26708
ADDRESS 17901 US HIGHWAY 441 BOCA RATON FL, 33498
PHONE NUMBERS (HOME) ________ (WORK) 561-687-6510
CAN TESTIFY TO: INVENTORY, SEARCH, CONTROLLED SUBSTANCE FOUND IN WALLET

NAME: ________
ADDRESS ________
PHONE NUMBERS (HOME) ________ (WORK) 0
CAN TESTIFY TO: ________

NAME: ________
ADDRESS ________
PHONE NUMBERS (HOME) ________ (WORK) ________
CAN TESTIFY TO: ________

NAME: ________
ADDRESS ________
PHONE NUMBERS (HOME) ________ (WORK) ________
CAN TESTIFY TO: ________

NAME: ________
ADDRESS ________
PHONE NUMBERS (HOME) ________ (WORK) ________
CAN TESTIFY TO: ________

NAME: ________
ADDRESS ________
PHONE NUMBERS (HOME) ________ (WORK) ________
CAN TESTIFY TO: ________

NAME: ________
ADDRESS ________
PHONE NUMBERS (HOME) ________ (WORK) ________
CAN TESTIFY TO: ________

NAME: ________
ADDRESS ________
PHONE NUMBERS (HOME) ________ (WORK) ________
CAN TESTIFY TO: ________

NAME: ________
ADDRESS ________
PHONE NUMBERS (HOME) ________ (WORK) ________
CAN TESTIFY TO: ________

STATE OF FLORIDA 19-122754
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST

I, **D/S J. PINZON**, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)
am a member of **Palm Beach County Sheriff's Office**, and I do swear
(Name of law enforcement agency)
or affirm that on or about the **4** day of **October**, 20 **19**, at **22:08** ☑ P.M. ☐ A.M.

DRIVER **Peter** **Joseph** **Vareles**,
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# **V642670730850**, state of **Florida**, was placed under lawful arrest for
the offense of **DRIVING UNDER THE INFLUENCE** by **D/S J. PINZON** and
(Name of Arresting Officer)
issued Citation # **A2GD05P**

That on or about the **4TH** day of **OCTOBER**, 20 **19**, at **2208** ☐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 of Law Enforcement Officer or Correctional Officer

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

Notary Public State of Florida
Thomas H Leahey
My Commission GG 347108
Expires 06/20/2023
(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this **5th** day of **October**, 20 **19**, by **D/S J. PINZON**, who is personally known to me or who has produced **known** as identification

Notary Public

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.

HSMV-BAR1001 (REV. 10/2016)

SUBJECT: VARELES, PETER J CASE NUMBER: 19 122754

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) READ OFF 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: VARLES PETER J CASE NUMBER: 19-122754

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? _____

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: D/C J. PINTER #12166

TESTING FACILITY TASK REPORT

AGENCY: PBSO

SUBJECT: VARELES PETER J CASE NUMBER: 19 122754

DATE: 10/07/11 VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 00.36 ENDING TIME: 00.41

BREATH TESTS RESULTS: 1) R TIME 00.38 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 # 21039

MAINTENANCE TECHNICIAN: J. KAMLICKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: IMCA

ATTITUDE: TACITURN

CLOTHING: BLUE JEANS, WHITE/BLUE JERSEY, BLUE JACKET

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER: EYES GLASSY + BLOODSHOT

COMMENTS: ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 0014 HRS.

A. REFUSED TO TAKE TEST.

A/O. READ I/C.

A. STATED HE UNDERSTOOD I/C AND WOULD REFUSE TEST NOW.

A/O. READ RIGHTS

A. STATED HE UNDERSTOOD RIGHTS

A/O. ATTEMPTED Q+A

A. REFUSED QUESTIONS.

REFUSED

REFUSED

SCANNED
OCT 07 2019

NOT A CERTIFIED COPY

WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

PBSO #0129A REV.11/02

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.	5
	☐	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	☐	539.001 FS	Other: All records relating to pawnbroker transactions.	
	☐	119.0712(2)	Other: Personal information contained within a motor vehicle record	

REVIEW COMPLETED BY

Booking Number: 2019032531	**Date:** 10/06/2019
	Specialist Name/ID: howardt7185