

048488

FLORIDA HIGHWAY PATROL

2090
 REPORT NUMBER
 FHP99ARR119793
ARREST REPORT

Report Date / Time 01/29/2017 02:30 AM	Agency Case/Offense Number FHPL17OFF007395	OCA Number	Originating Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD016459
---	---	------------	--------------------------------	-------------	-----------------------------------	---------------------	---------------------------------

LOCATION OF OCCURRENCE

County PALM BEACH	Address SR-9 SB ENT RAMP , BOYNTON BEACH, FL 33435
Range of Occurrence Date/Time 01/29/2017 02:07 AM to 01/29/2017 04:30 AM	Latitude N 26 33.0294

Longitude
W 80 4.1916**PERSON: SUSPECT**

First Name RANDALL	Middle Name	Last Name BOURQUIN	Suffix	Date of Birth 06/29/1965	Age 51	Race W	Sex M	Height 5'10	Weight 170	Hair BRO	Eyes BRO
Master Name Index Number	Place of Birth BUFFALO, NY	Nation USA				Driver's License or Other ID B625720652290	State FL	Class or Type			
Address 720 SUNNY SOUTH AVE		City BOYNTON BEACH	County			State FL	Zip Code 33436	Phone			

CHARGES

Counts 1	Charge Number 316.193.1	Charge DUI-UNLAW BLD ALCH	COP
Charge Degree	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL	<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Bond Amount \$0.00
DUI ALCOHOL OR DRUGS			

PROBABLE CAUSE

On the above date and time I was working in Palm Beach County. I was traveling southbound on Interstate 95 just North of Gateway Blvd in the center lane when I observed a white in color vehicle in the inside center lane traveling at a high rate of speed. I visually estimated that vehicles speed to be approximately 95 miles per hour I also observed the vehicle to be straddling the double white lines that separate the inside lane (HOV) from the inside center lane. I then began to pace the vehicle in my marked patrol unit FHP0997. As I was pacing I observed the vehicle to continue to swerve between lanes going from the inside center lane to the outside lane (See video). I paced the vehicle for approximately a 1/4 mile and within the time the vehicle had a continuous speed of 91 miles per hour in a posted 65. I then activated my lights and sirens (emergency equipment). The vehicle continued to travel until exiting onto the Gateway Blvd exit ramp. It was not until I drove next to the vehicle and advised the driver to pull over that he did. The vehicle stopped on the right shoulder on Interstate 95 southbound exit ramp to Gateway Blvd. I then advised dispatch of my location and the stop. I then approached the vehicle from the driver's side. Upon approach I observed a white male in the driver seat. As the driver rolled down his window I observed him to have blood shot glossy eyes. I then advised the driver who I was and reason for the stop. I then asked the driver where he was coming from and once he replied I observed an odor commonly associated with that of an alcoholic beverage emitting from his breath as well as a slurred speech. The subject advised he was coming from "Roosters a bar in West Palm". I then asked the subject if he had been drinking to which he replied "a couple drinks". I then asked the subject if he could provide me with his driver's license at which point I was able to identify him as Randall Bourquin by his Florida driver's license. I then asked the subject if he would exit his vehicle at which he did. Upon exiting I observed the driver to have a lack of balance. I advised the driver that due to the odor I observed that I believed he was operating a motor vehicle under the influence of alcohol and or a controlled substance and if he would perform field sobriety exercises to which he replied "yes".

Before the exercises the subject was asked if he had any medical conditions that would prevent him from performing these exercise to which he replied "no". Each exercise was demonstrated by myself and explained to the subject before he performed and each time he was asked if he understood the instructions to which he replied "yes".

Horizontal Gaze Nystagmus (HGN): Lack of Smooth Pursuit observed

Distinct and Sustained Nystagmus at Maximum Deviation observed
 Onset of Nystagmus prior to 45 degrees observed
 Subject had issues keeping head straight
 6 clues observed

Walk and Turn: Subject could not balance during instructions (Breaks heel/toe)

Subject does not touch heel to toe
 Subject stepped off line
 Subject used arms for balance
 Subject made improper turn
 5 Clues observed (See Video for all clues)

One Leg Stand: Subject put foot down

Subject used arms to balance
 Subject swayed while balancing
 3 clues observed (See video for all clues)

Finger to Nose: Subject swayed while balancing

Subject would keep finger on nose
 Subject could not differentiate between left and right finger
 (See Video)

Rhomberg with Recitation: Subject swayed while balancing

Subject could not state alphabet without singing
 Subject stopped at "S" and could not finish
 (See Video)

After finishing the field sobriety exercises I advised the subject as well at dispatch at 2:23 am that he was being placed under arrest pursuant to F.S 316.193 suspicion of operating a motor vehicle under the influence of alcohol and or a controlled substance. I then advised dispatch that I was on my way to the Palm Beach County Jail. Trooper Maia#1634 as well as Trooper Pajon-Zuniga stayed with the vehicle until D&D Towing took possession. Once we arrived at the

Cpl H O Neal 720

SCANNED

JAN 30 2017

2017 JAN 30

AM 5:29

JAN 29 AM 4:26

Report Date / Time 01/29/2017 02:30 AM	Agency Case/Offense Number FHPL17OFF007395	OCA Number	Organizing Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWRC17CAD016459
---	---	------------	----------------------------------	-------------	--------------------------------------	---------------------	---------------------------------

jail I observed the subject for twenty minutes before entering into the breathalyzer room. Once inside the subject agreed to provide us two samples of his breath. At 3:10am the subject blew a .224 and then at 3:13 am he blew a .219. Video of the traffic stop, field sobriety exercises, and transportation to the county jail are available upon request with FHP custodian. Video of inside the breathalyzer room is available upon request with Palm Beach County Sheriff's Office Central Records.

LEO BOND

Bond Amount \$ _____	None <input type="checkbox"/> Pro	<input type="checkbox"/> ROR	<input type="checkbox"/> Cash	<input type="checkbox"/> Any	<input type="checkbox"/> PreTrial If Qualify <input type="checkbox"/>
-------------------------	--------------------------------------	------------------------------	-------------------------------	------------------------------	--

COURT APPEARANCE INFORMATION

Court (CRIMINAL) PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Date & Time 02/27/2017 08:30 AM
Court Address 200 WEST ATLANTIC AVE., DELRAY BEACH, FL 33444		
Instructions		

ARREST INFORMATION

Arrest Date / Time 01/29/2017 02:23 AM	Residency Within state	Injured None	Extent of Injury N/A	Resist Arrest No
Prior Arrests No	Arrest Jurisdiction Within state	Alcohol Yes	Drugs No	

ARREST LOCATION

County PALM BEACH	Address SR-9 SB ENT RAMP , BOYNTON BEACH, FL 33435
-----------------------------	--

ARREST DELIVERED TO

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

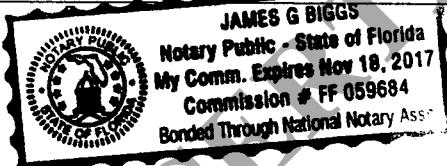
ARRESTING OFFICER

Officer Call Number 1486	Officer Name FERNANDEZ, RYAN P	Officer Signature
------------------------------------	--	-------------------

Subscribed and sworn to (or affirmed) before me this 29 day of Jan A.D., 2017 by Officer Fernandez who is personally known to me or

has produced _____ as identification.

Notary Public Signature	<u>LEO</u> <u>CO</u> Commission No.: _____	My Commission Expires: _____
-----------------------------------	--	------------------------------



D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 29TH DAY OF JANUARY 20 17, AT 2:10 AM

AM PM

SUBJECT: RANDALLL BOURQUIN CASE NUMBER: FHPL17OFF007395

AGENCY: FHP ARRESTING OFFICER: TPR.FERNANDEZ#3798

PERSONAL CONTACT

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

SEE NARRATIVE

OBSERVATION OF DRIVER:

SEE NARRATIVE

DRIVER'S STATEMENTS:

SEE NARRATIVE

ODORS:

ODOR COMMONLY ASSOCIATED WITH THAT OF AN ALCOHOLIC BEVERAGE EMITTING FROM HIS BREATH

GENERAL OBSERVATIONS

SPEECH: **SLURRED**

ATTITUDE: **COMPLIANTS**

CLOTHING: **BROWN SWEATER/WHITE BUTTON UP/BLUE JEANS/BROWN SHOES**

MEDICAL/OTHER: **NA**

STATE OF FLORIDA

COUNTY OF PALM BEACH

TPR.FERNANDEZ#3798

(signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this _____ day of _____ 20_____, by _____

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

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:**BLOOD SHOT AND GLOSSY****WALK & TURN:****Subject could not balance during instructions (Breaks heel/toe)**

Subject does not touch heel to toe
Subject stepped off line
Subject used arms for balance
Subject made improper turn
5 Clues observed (See Video for all clues)

ONE LEG STAND:**Subject put foot down**

Subject used arms to balance
Subject swayed while balancing
3 clues observed (See video for all clues)

FINGER TO NOSE:**Subject swayed while balancing**

Subject would keep finger on nose
Subject could not differentiate between left and right finger
(See Video)

ROMBERG ALPHABET:**Subject swayed while balancing**

Subject could not state alphabet without singing
Subject stopped at "S" and could not finish
(See Video)

BREATH TEST RESULTS:

1) .224

2) .219

3)

4)

STATE OF FLORIDA**COUNTY OF PALM BEACH****TPR.FERNANDEZ#3798**

Signature of Arresting/Investigative Officer

The foregoing instrument was sworn to or affirmed and subscribed before me this _____ day of _____ 20_____, by _____

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

TESTING FACILITY TASK REPORT

AGENCY: FHP-FERNANDEZ

SUBJECT: BOURQUIN, RANDALL

CASE NUMBER: 17-032784

DATE: Jan 29, 2017

VIDEO DVD NUMBER: 62050

BEGINNING TIME: 0306

ENDING TIME: 0319

BREATH TESTS RESULTS: 1) .224 TIME 0310 A.M. P.M. 2) .219 TIME 0313 A.M. P.M.
3) XX TIME XX A.M. P.M. 4) XX TIME XX A.M. P.M.

BREATH OPERATOR: J Biggs# 7607

MAINTENANCE TECHNICAN: D/S J Karklecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: DELAYED AT TIMES

ATTITUDE: COOPERATIVE

CLOTHING: WHITE SHIRT UNDER BROWN SWEATER, BLUE JEANS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES GLASSY, RED

ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE ON SUBJECT

COMMENTS:

THE ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0245
SUBJECT AGREED TO SUBMIT TO THE TEST
SUBJECT WAS GIVEN THE INSTRUCTIONS FOR THE TEST
SUBJECT COMPLETED BOTH SAMPLES SUCCESSFULLY
MIRANDA WAS READ AND UNDERSTOOD
SUBJECT SUBMITTED TO THE QUESTIONS
RESULTS WERE GIVEN TO SUBJECT

SUBJECT: Randell Bourguin

CASE NUMBER: FHPL17OFF007395

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) _____

Rec'd on Cmrs

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) _____

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? I 95

DIRECTION OF TRAVEL? S WHERE DID YOU START? Bethelere / 95

WHAT TIME DID YOU START? N-1 sun WHAT TIME IS IT NOW? Don't kn

WHAT IS TODAY'S DATE? January 28th WHAT DAY OF THE WEEK IS IT? Sunday

WHAT COUNTY AND CITY ARE YOU IN NOW? Palm Beach

WHEN DID YOU LAST EAT? Today WHAT DID YOU EAT? Pasta

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

HOW MUCH DO YOU WEIGH? 170 HAVE YOU BEEN DRINKING? Yes WHAT? Beer

HOW MUCH? 4 WHERE? Roosters WITH WHOM? myself

WHEN DID YOU HAVE YOUR FIRST DRINK? 9:00 pm AND YOUR LAST DRINK? 1:00 a.m.

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? By mouth

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? a little ARE YOU UNDER THE INFLUENCE? a little bit

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

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? retail 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? yes WHERE? New York

INTERVIEWER: _____

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL