



Arrest Report

0310911

Pch. 2018

190114506

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

Report Date / Time 8/8/2019 12:41 AM	Report Number FHP99ARR803737	Case Number/Cad Number FHPL190FF052136	Reporting Officer Name IV, ANDREW L
Originating Agency ORI	Occur Date Time Range 08/08/2019 11:19:00 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description INTERSTATE 95 NORTHBOUND EXIT RAMP			
Street Number N INTERSTATE 95	Street	Apt/Lot/Bldg WEST PALM BEACH	City WEST PALM BEACH	State FL	Zip Code 33409

Defendant

First Name ROBERT	Middle Name RAYMOND	Last Name WAGER	Suffix	Race WHITE	Sex MALE	Height 509	Weight 170	Hair BRO	Eyes BLU
MNI #	SSN	Date of Birth 11/06/1976	Age 42	Place of Birth HASTINGS MI UNITED STATES	Drivers License or other ID W260776764060	State FL	ID Type E		
Address * RESIDENCE / 1404 S DIXIE HWY APT 2501 , LANTANA, FL 33462 / 561-722-8007									

Arrest

Arrest Date/Time 8/8/2019 12:07:00 AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description INTERSTATE 95 NORTHBOUND EXIT RAMP				
Street Number N INTERSTATE 95	Street	Apt/Lot/Bldg	County PALM BEACH	City WEST PALM BEACH	State FL	Zip Code 33409

Charge : S

Counts 1	Charge 316.193.1	Bond Amount \$0.00	<input checked="" type="checkbox"/> No Bond
Charge Degree N	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI ALCOHOL OR DRUGS			

Charge : S

Counts 1	Charge 316.193.3c1	Bond Amount \$0.00	<input checked="" type="checkbox"/> No Bond
Charge Degree F	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI DAMAGE TO PROPERTY OR PERSON OF ANOTHER			

SCANNED
AUG 08 20

AUG 8 AM 4:23

2019 AUG 8 AM 7:53

Report Date / Time 8/8/2019 12:41 AM	Report Number FHP99ARR803737	Case Number/Cad Number	Reporting Officer Name IV, ANDREW L
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Bond Set by Court

▶ Bond Amount	<input type="checkbox"/> No Bond
Bond Type(s)	

Probable Cause

*****ROUGH ARREST REPORT***** A more detailed probable cause affidavit will be submitted to the Palm Beach County State Attorney's Office at a later time.

On 8/8/2019 I responded to the scene of a reported vehicle collision in the area of the Interstate 95 northbound exit ramp to Palm Beach Lakes Boulevard. Upon my arrival I observed a black Hyundai Elantra (attached Florida tag: LJWX94) with damage to the front parked on the right shoulder of the exit ramp. I also observed a black Nissan 350Z (attached Florida tag: Y24NNE) with damage to the right rear. Sgt. B. Handzik (#403) was already on scene and provided me the information she had collected from each involved driver. The driver of the black Hyundai Elantra was identified by his Florida drivers license as Robert Raymond Wager (FL DL: W260776764060). As I spoke to Mr. Wager I smelled the strong odor of an alcoholic beverage coming from his breath as he spoke. I also noticed that his voice was slurred at times and his eyes were red and glassy. I also spoke to the driver of the black Nissan 350Z and she identified Mr. Wager as the driver of the black Hyundai Elantra. She stated that she was at a complete stop for traffic ahead on the ramp when she was struck in the rear by the vehicle driven by Mr. Wager. After completion of my crash investigation I informed Mr. Wager that the crash investigation had ended and I was beginning a criminal investigation for DUI. I read Mr. Wager his Miranda Rights from a Florida Highway Patrol Miranda warning printout and he stated that he understood his rights and refused to answer any questions. I asked if he was willing to perform standardized field sobriety exercises and he agreed to perform the exercises. Each exercise was explained and demonstrated prior to him attempting to perform the exercises. The results of those exercises are summarized below. Prior to administering the exercises I asked Mr. Wager if he had any medical conditions and he stated that he had ADHD. I asked if he wore glasses or contacts and he stated he wore contacts which were in his eyes. I asked what his natural eye color was and he stated blue green which was observed. Later during the exercises he also disclosed that he had a prior knee injury. (Note: The below summary is not intended to be a verbatim account of all the events that took place during the administration of the standardized field sobriety exercises. Video footage and audio of the exercises is available upon request.)

Horizontal Gaze Nystagmus Exercise (Streamlight red LED pen used as a contrasting stimulus)

- I checked for resting nystagmus which was not observed in either eye
- I checked for equal pupil size and equal tracking; Both pupils were equal in size and constricted. Both eyes tracked the stimulus equally.
- I observed a lack of smooth pursuit in both eyes
- I observed horizontal gaze nystagmus at maximum deviation which was distinct and sustained in both eyes

SCANNED
Aug 08 2019

ED
2019

Report Date / Time 8/8/2019 12:41 AM	Report Number FHP99ARR803737	Case Number/Cad Number	Reporting Officer Name IV, ANDREW L
Originating Agency ORI	Occur Date Time Range 08/08/2019 11:19:00 -	Jurisdiction	Clearance

Walk and Turn Exercise (a white painted line on the exit ramp was utilized)

- Did not stay in the starting position as instructed
- Did not turn around as instructed
- Did not walk with heel to toe touching as instructed with a gap of 2-3 inches between the heel and toe at times

One Leg Stand Exercise

- Placed foot down
- Did not keep hands to side as instructed with a gap of approximately 3-4 inches between his arms and body

Based upon the performance of the above exercises and the totality of the circumstances I determined that there was probable cause to believe that Robert Raymond Wager committed the offense of driving under the influence by being in actual physical control/operating a motor vehicle while under the influence of alcoholic beverages, any chemical substance per Florida State Statute 877.111, or any controlled substance per Chapter 893, while their normal faculties were impaired. He was placed under arrest for the above offense and handcuffed behind his back. After being searched he was then placed in the backseat of my patrol vehicle. Mr. Wager was later transported to the Palm Beach County Breath Alcohol Testing (BAT) facility. At the BAT facility a 20 minute observation period was conducted where he did not ingest anything by mouth or regurgitate (mouth was confirmed to be empty prior to beginning of the observation period). He was then asked to provide a breath test sample to test for the alcoholic content of his breath. He agreed to provide the samples and provided a first breath test sample of 0.042 and a second breath test sample of 0.038. I then asked that he submit to a lawful test of his urine for the purpose of detecting the presence of chemical or controlled substances and he stated no. I then read him the Florida Implied Consent drivers license suspension warning and asked him again to submit to a lawful test of his urine and he still refused to provide the urine sample. A refusal time of 1:09AM was notated. He was then read his rights from a prepared Constitutional Warning document provided by the BAT facility. He stated that he understood his rights and agreed to answer my questions (see Question and Answer document and BAT video for a full account). Mr. Wager refused to be evaluated by a drug recognition expert when asked. He was transported to JFK North Hospital for medical clearance. After he was medically cleared he was transported back to the Palm Beach County Jail. Mr. Wager was issued a DUI citation and uniform traffic citations for careless driving, no proof of insurance and DUI resulting in property damage. He was subsequently booked without incident. All of the above events occurred in Palm Beach County, FL.

Note: My patrol vehicle is equipped with in car video and audio that is available upon request

Court

SCANNED
AUG 08

Report Date / Time 8/8/2019 12:41 AM	Report Number FHP99ARR803737	Case Number/Cad Number	Reporting Officer Name IV, ANDREW L
Originating Agency ORI	Occur Date Time Range 08/08/2019 11:19:00 -	Jurisdiction	Clearance

Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court CRIMINAL JUSTICE COMPLEX	Court Phone 561-355-2994	Court Appearance Date / Time 09/05/2019 8:30AM	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
IV, ANDREW L TROOPER 3651	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL\LRCC\PALM BEACH\SR702 TO MARTIN LN

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 IV, ANDREW L	Office Rank TROOPER	Officer ID No 3651	Sworn and subscribed before me, the undersigned authority This the <u>8th</u> day of <u>August</u> , <u>2019</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT <i>D.S. Williams #8848</i> <i>Williams 8848</i>
Officer Agency FLORIDA HIGHWAY PATROL	Officer Signature <i>Andrew L</i>		

NOT A CERTIFIED COPY

ROBERT R

CASE NUMBER ENCL 1368

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH THE TESTS

I am now requesting that you submit to a lawful test of your BREATH for the purpose of determining the alcohol content.

OR

I am now requesting that you submit to a lawful test of your URINE for the purpose of determining the alcohol content.

OR

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of determining the alcohol content.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH THE TESTS

I am _____ of the _____

I am now requesting that you submit to a lawful test of your breath, urine or blood. Additionally, I am requesting that you submit to a lawful test of your blood for the purpose of determining the alcohol content. If you have a blood alcohol concentration of .08 or higher, you are guilty of a misdemeanor. Refusal to submit to a lawful test of your breath, urine or blood is a criminal offense.

SUBJECT'S SIGNATURE (0)

Read on

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE I ASK YOU ANY STATEMENTS THAT MAY BE USED AGAINST YOU IN COURT.

1. You have the right to remain silent and will 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 statement 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 you to make a statement. This must be true.
7. Any statement you make can be used against you in a court of law.

Read

Robert R

CASE NUMBER 100-100000

QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OR ALL OF THEM BY 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-75 off ramp to Palo Verde Lake

DIRECTION OF TRAVEL? North WHERE DID YOU START? Fucci's home in Del Rio

WHAT TIME DID YOU START? don't know WHAT TIME IS IT NOW? about 1:00 AM

WHAT IS TODAY'S DATE? 1/12/08 WHAT DAY OF THE WEEK IS IT? Thursday

WHAT COUNTY AND CITY ARE YOU IN? Palmer Palo Verde, Palo Verde County

WHEN DID YOU LAST EAT? 2-3 hrs ago WHAT DID YOU EAT? supper

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? watching TV

HOW MUCH DO YOU WEIGH? 170 lbs HAVE YOU BEEN DRINKING? yes WHAT? COE

HOW MUCH? one WHERE? Fucci's home WITH WHOM? alone

WHEN DID YOU HAVE YOUR LAST INJECTION? 3 hrs ago AND YOUR LAST INJECTION? only one

WHEN DID YOU CONSUME YOUR LAST INJECTION? only one

CAN YOU FEEL THE EFFECTS OF THE ACCIDENT? yes ARE YOU UNDER THE INFLUENCE? no

HAVE YOU COMBINED ANY ALCOHOL WITH THE ACCIDENT? no

WHAT? w/e

WHAT LINE OF WORK ARE YOU IN? equipment sale WHEN DID YOU LAST WORK? yesterday

DO YOU HAVE ANY PHYSICAL DISABILITIES? yes WHAT? back surgery

ARE YOU SICK OR INJURED? yes WHAT'S WRONG? bad fatigue

DO YOU LIMP? yes DID YOU RECENTLY INJURE OR THE HEAD RECENTLY? bad falling

WERE YOU IN AN ACCIDENT TODAY? yes

HAVE YOU TAKEN ANY DRUGS OR SMOKE ANY MARIJUANA TODAY? yes WHAT? add-on

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? w/e

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? yes WHAT? add-on

DO YOU WEAR	NO
GLASS EYES	NO
FALSE TEETH	NO
EAR IMPLANTS	NO
HEAR EAR TUBES	NO
HEARING	NO

DO YOU WEAR CONTACT LENSES OR GOGGLES THAT ARE NOT CORRECTED BY GLASSES? NO

DO YOU TAKE INJECTIONS? yes IF SO, WHEN WAS YOUR LAST INJECTION? w/e

HAVE YOU EVER HAD A PHYSICAL EXAMINATION IN THIS STATE? yes WHEN? 1/12/08

TESTING FACILITY TASK REPORT

AGENCY: FHP-L
SUBJECT: WAGNER, ROBERT R CASE NUMBER: 19-101689
DATE: 08/08/19 VIDEO TAPE NUMBER: n/a
BEGINNING TIME: 01:04 ENDING TIME: 01:24
BREATH TESTS RESULTS: 1) 0.047 TIME 01:09 AM/PM 2) 0.038 TIME 01:15 AM/PM
3) n/a TIME --- AM/PM 4) n/a TIME --- AM/PM
BREATH OPERATOR: P. POUND # 24631
MAINTENANCE TECHNICIAN: J. KARLECKE # 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM QUIET

CLOTHING: TAN SHORTS, GREEN SHIRT, BLACK SANDALS

MEDICAL CONDITIONS: ADD

MEDICATIONS: ADDAKAL

OTHER: GLAUCOMA + BIPOLAR

A. STATED HE HAD "2" BEER IN CAR
COMMENTS: ARRIVED AT CENTER @ 01:00
MINUTE OBSERVATION PERIOD AT 01:04

A. ASKED WHAT IS THE LEGAL LIMIT. TECH.
SAID YES HE WOULD TAKE TEST AFTER A/O
WENT OVER LIMIT.

TECH. READ TEST RESULTS A. STATED HE UNDERSTOOD TEST
A/O. ASKED FOR URINE @ 01:15 RESULTS

A. STATED HE WOULDN'T PROVIDE A URINE SAMPLE @ 01:15

A/O. READ I/P

A. STATED HE DIDN'T UNDERSTOOD I/P AND WOULDN'T PROVIDE

A/O. READ RIGHTS A URINE SAMPLE

A. STATED HE UNDERSTOOD RIGHTS

A/O. CONDUCTED TEST

A. ANSWERS QUESTIONS.

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006239 Software: 8100.27
Date of Test: 08/08/2019

Date of Last Agency Inspection: 07/19/2019

Observation Period Began: 00:40

Subject's Name: ROBERT R WAGER

DOB: 11/06/1976 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:	Test	g/210L	Time
	Diagnostics Check	OK	01:07
	Air Blank	0.000	01:08
	Control Test	0.080	01:08
	Air Blank	0.000	01:08
	Subject Sample #1	0.042	01:09
	Air Blank	0.000	01:10
	Air Blank	0.000	01:12
	Subject Sample #2	0.038	01:13
	Air Blank	0.000	01:13
	Control Test	0.079	01:13
	Air Blank	0.000	01:14
	Diagnostics Check	OK	01:14

Cylinder Lot: 00919080A3
Exp: 03/05/2021

State of Florida, County of PALM BEACH.

Personally appeared before me the undersigned authority, who () is personally known to me or () produced _____ as identification, and who after being placed under oath, states:

I PARIS D POUND, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: _____ Date: 08/08/19
Signature

Sworn to (or affirmed) before me this 8th day of AUGUST, 2019

TR Chubra Jr #2651 TRP. A. IV
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.



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

PBSO CASE # 19-101689

AGENCY CASE# FHPL19OFF052136

AGENCY ZONE _____

CRASH CASE # FHPL19OFF052136

TIME OF STOP/CRASH ~11:19PM

DATE 8/7/2019

DAY THURSDAY ^{Wednesday} _{AT 8/8/19}

SUBJECT'S NAME ROBERT RAYMOND WAGER RACE WHITE SEX MALE

HGT 5'9" WGT 170LBS DOB 11/6/1976

LOCATION INTERSTATE 95 NORTHBOUND EXIT RAMP TO PALM BEACH LAKES BLVD

ARRESTING OFFICER'S NAME & ID TPR ANDREW IV #3651 AGENCY FLORIDA HIGHWAY PATROL

DIVISION: TROOP L - LAKE WORTH

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 12:40 AM

ARREST TIME ~12:07AM

BREATH RESULTS:

1. .042
2. .038
3. N/A
4. URINE

REFUSED

TESTING OFFICER'S ID 24639

PBSO VIDEOTAPE # N/A

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, IV, ANDREW L, 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 8th day of August, 2019, at 12:07 P.M. A.M.

DRIVER ROBERT RAYMOND WAGER,
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME
DL# W260776764060, state of FL, was placed under lawful arrest for

316.193(1)
the offense of D.U.I. - DRIVING UNDER THE INFLUENCE (MIS... by IV, ANDREW L and
(Name of Arresting Officer)
issued Citation # A76RUUE

That on or about the 8th day of August, 2019, at 1:09 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.

Andrew L

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:

D.S. Williams #80046

Signature of Attesting Officer

Title Deputy Sheriff

Date 8-8-19

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before
me this _____ day of _____, 20____,

by _____,

who is personally known to me or who has produced
_____ as identification.

Notary Public _____

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.



Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	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)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>	539.003	Other: Florida Pawnbroking Act	
	<input type="checkbox"/>	119.0712(2)(j)1	Other: Documents regarding victims which are received by an agency	

REVIEW COMPLETED BY

Booking Number: 2019025851	Date: 08/08/2019
	Specialist Name/ID: VARGO/6665