Arrest Report

0500588

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

18 CT 014432 3600

Report Date / Time	Report Number	Case Number/CAD Number	Reporting Officer Name
8/12/2018 4:57:56AM	FHP99ARR788676	FHPL18OFF067006 / LWRC18CAD146312	Z. TODD

Originating Agency ORI	Occurrence Date Time Range	Jurisdiction	Clearance
FL0509000	8/12/2018 4:15:37 AM -		

Location of Occurrence

Location Type	Location Description
PUBLIC PLACE	ROADWAY

Street Number	Street	Apt/Lot/Bldg
CR-812	WB LANTANA RD	

County	City	State	Zip
PALM BEACH	LAKE WORTH	FL	33463

Defendant

First Name	Middle Name	Last Name	Suffix	Date Of Birth	Age	Race	Sex
ROBERTA	PAOLA	ULLOA-GALVEZ		1/27/1977	41	WHITE	FEMALE

SSN	MNI #	Place of Birth	Height	Weight	Hair	Eyes
[redacted]		PERU, FF, PERU	502	160	BRO	BRO

DL or ID Number	ID State	ID Type	Address Type
U424735775271	FL	E	

Street Number	Street	Apt/Lot/Bldg
7085	MERGANSER CT APT 2106	

County	City	State	Zip	Phone Number	Extension
PALM BEACH	LAKE WORTH	FL	33463		

Location Description

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
8/12/2018 4:38:06AM		

Street Number	Street	Apt/Lot/Bldg	County
CR-812	WB LANTANA RD		PALM BEACH

City	State	Zip
LAKE WORTH	FL	33463

Charge(s)

Counts	Charge	General Offense Code	Bond Amount	No Bond
1	316.193.1 (1st)		$ 0.00	☐

Charge Degree	Charge Level	Arrest Offense Code Description
N	MISDEMEANOR	DUI-UNLAW BLD ALCH

Charge Description: DUI ALCOHOL OR DRUGS

Counts	Charge	General Offense Code	Bond Amount	No Bond
1	318.14.3 (2nd)		$ 0.00	☐

Charge Degree	Charge Level	Arrest Offense Code Description
S	MISDEMEANOR	RESIST OFFICER

AUG 12 AM 5:19

Charge Description: REFUSE TO ACCEPT SIGN CITATION OR POST BOND

Probable Cause

On August 12, 2018 I was on routine patrol in my marked patrol car in Palm Beach County. I was traveling westbound on Lantana Road approaching Haverhill Road. I observed a white Kia van that was traveling in the left lane. I observed the vehicle failing to maintain a single lane and was crossing the lane dividers to the left and the right of the lane. I also observed the vehicle straddling the lane divider in between the left and the center lane of the roadway. I then initiated my emergency lights and sirens to initiate a traffic stop on the vehicle. The vehicle the braked abruptly and yielded to the left turn lane of the roadway just east of the intersection of Haverhill Road. I then approached the vehicle and observed that the

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CLERK OF CIRCUIT COURTS
(CRIMINAL DIV.)

front of me I observed that she had an orbital sway, bloodshot glassy eyes and the odor of an unknown alcoholic beverage was emitting from her breath as she talked. I then requested that she conduct field sobriety exercises and she agreed. The driver was later identified as Roberta Ulloa-Galvez by her FL DL.

Horizontal Gaze Nystagmus

Before beginning the exercises, I checked to see if Ms. Ulloa- Galvez was wearing glasses or contact lenses. It was determined that Ms. Ulloa- Galvez was not wearing glasses. I then checked her eyes and observed equal tracking and equal pupil size. She was instructed to place her feet together and place her hands down at her side. She then was instructed to keep her head still and follow the stimulus with her eyes and her eyes only. She was also instructed to keep looking at the stimulus until told not to. She verbally indicated that she understood. During the exercise I observed 6 of the 6 possible clues.

- Lack of smooth pursuit, left eye
- Lack of smooth pursuit, right eye
- A distinct and sustained nystagmus at maximum deviation in the left eye
- A distinct and sustained nystagmus at maximum deviation in the right eye
- An onset of nystagmus prior to 45 degrees in the left eye
- An onset of nystagmus prior to 45 degrees in the right eye

During the exercise Ms. Ulloa- Galvez had to be told to stay in the proper position and not to move her head during the exercise. I also observed Ms. Ulloa- Galvez to have orbital sway and vertical nystagmus.

Walk and Turn Exercise

The area was level and free of debris. Ms. Ulloa- Galvez indicated that she observed the white line on the ground. Ms. Ulloa - Galvez was instructed to put her left foot on the line, then place her right foot on the line ahead of the left foot in a heel tc toe manner. I then demonstrated this position. She was instructed not to begin untold to do so. Ms. Ulloa- Galvez verbally indicated that she has understood all instructions up to this point. Ms. Ulloa- Galvez was then instructed to take 9 heel to toe steps on the line when told to do so. I then demonstrated this. Ms. Ulloa- Galvez was then instructed to turn on the ninth step and to keep the front foot on the line and to take a series of small steps with the foot on the line. I then demonstrated this. Ms. Ulloa- Galvez was also instructed to keep her arms at her sides and to watch her feet during the exercise. Ms. Ulloa- Galvez was also instructed to count aloud and to not stop once she begins the exercise. She was also instructed to keep her arms at her sides at all times.

Ms. Ulloa- Galvez began the exercise too soon and had to be told to wait and to get back into the starting position multiple times. She began the exercise and stepped off the line on multiple steps. Ms. Ulloa- Galvez also did not count aloud and showed difficulty keeping balance. She used her arms for balance and raised them higher than 6 inches. While completing the turn Ms. Ulloa- Galvez took both feet off the line and incorrectly completed the turn. She also did not touch heel to toe on all steps. Ms. Ulloa- Galvez took 4 steps forward and 4 steps back. I then asked if she understood the exercise and she stated that she did. I then had her redo the exercise and observed the same clues as above.

One Leg Stand Exercise

Ms. Ulloa- Galvez was instructed to stand with her feet together and to place her arms down at her side. Ms. Ulloa- Galvez was instructed to maintain that position until told to do so. Once told to do so, she was instructed to raise one leg approximately 6 inches off the ground and to keep both legs straight with both arms at her side. She was also instructed to look at the elevated foot and count aloud in the manner of one thousand-one, one thousand-two and so on until told to stop. Ms. Ulloa- Galvez verbally indicated that she understood the instructions after I demonstrated to her.

Ms. Ulloa- Galvez was told to begin and raised her right foot. During the exercise Ms. Ulloa- Galvez displayed an orbital sway and had to use her arms multiple times to keep from losing balance. She raised her arm approximately 6-7 inches away from her body. She also did not raise her foot six inches off the ground or keep both legs straight. She raised her foot approximately 2 inches. Ms. Ulloa- Galvez placed her foot down during the exercise multiple times and stopped the exercise as well as hopped. She did not look down at her foot during the exercise and count aloud as instructed and had to be prompted to continue the exercise.

She was then placed under arrest for DUI and secured inside of my patrol car. She was then transported to the Palm Beach

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County Jail. Once I arrived at the testing facility I began a 20-minute observation. At no time did she take anything by mouth or regurgitate. I then requested that she provide a lawful sample of her breath and she refused. Implied consent was read and she refused again. She also refused to sign the citations. She was then booked in the Palm Beach County Jail.
The above incident occurred in Palm Beach County.

Jail Booking Facility

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

Booking Facility Location	Booking Number
3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406	

Booking Comments

Court

Court County	Court Location
PALM BEACH	200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444

Court	Court Phone	Court Appearance Date / Time	Court Fine
PALM BEACH SOUTH COUNTY COURTHOUSE	561-274-1530	9/3/2018 830AM	

Comments

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	Officer Rank	Officer ID No
Z. TODD	TROOPER	4141

Officer Agency
FLORIDA HIGHWAY PATROL

Officer Signature [redacted]

Sworn and subscribed before me, the undersigned authority
This the 12 day of AUGUST, 2018
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER

Notary Public State of Florida
Paris Pound
My Commission GG 200028
Expires 03/25/2022

Approving Supervisor

Officer Name	Officer Rank	Officer ID No	Officer Agency

Officer Signature

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

I, Z. TODD 4141, 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 12 day of Aug, 2018, at 0458 ☐ P.M. ☒ A.M.

DRIVER ROBERTA PAOLA ULLOA-GALVEZ,
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# U424735775271, state of FL, was placed under lawful arrest for

the offense of 316.193(1) D.U.I. - DRIVING UNDER THE INFLUENCE (MISD... by Z. TODD and
(Name of Arresting Officer)

issued Citation # A7689ZE.

That on or about the 12 day of Aug, 20 18, at 0518 ☐ 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
Paris Pound
My Commission GG 200028
Expires 03/25/2022

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title

Date

The foregoing instrument was sworn and subscribed before me this 12 day of Aug, 20 18,

by Z-TODD 4141,

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.

HSMV-BAR1001 (REV. 10/2016)

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

PBSO CASE # 18-108081 PBSO ZONE 1-42

AGENCY CASE # FHPL18OFF067006 CRASH CASE #

TIME OF STOP/CRASH 0415 DATE 6/12/18 DAY SUN

SUBJECT'S NAME LORENA ULLOA-GALVEZ RACE W SEX F

HGT 5'02 WGT 150 DOB 01 / 27 / 1977

LOCATION LANTANA / HAVERHILL

ARRESTING OFFICER'S NAME & ID TODD 4141 AGENCY FHPL

DIVISION: DUI

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 0451

ARREST TIME 0438

BREATH RESULTS:

1.
2. REFUSED
3.
4.

TESTING OFFICER'S ID 24639 PBSO VIDEOTAPE # N/A

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TESTING FACILITY TASK REPORT

AGENCY: FHP

SUBJECT: ULLOA-GALVEZ, ROBERTA P CASE NUMBER: 18-108081

DATE: 8/12/18 VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 05:14 ENDING TIME: 05:19

BREATH TESTS RESULTS: 1) R TIME 05:18 (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. KARLECKE # 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SPANISH SPEAKER BROKEN ENGLISH

ATTITUDE: TALKATIVE, UPSET, LOUD, CRYING

CLOTHING: BLACK DRESS, NO SHOES

MEDICAL CONDITIONS: BLOOD CLOTS

MEDICATIONS: WARFIN

OTHER: EYES GLASSY AND BLOODSHOT

ODOR OF UNKNOWN ALCOHOLIC BEVERAGE ON BREATH.

COMMENTS: ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 04:51 HRS

Δ. REFUSED TO TAKE TEST

A/O. READ I/C AND SHOWED IT IN SPANISH.

Δ. UNDERSTOOD I/C AND REFUSED TO TAKE TEST AGAIN.

A/O. READ RIGHTS AND SHOWED IT IN SPANISH.

Δ. UNDERSTOOD RIGHTS.

NO Q+A CONDUCTED

REFUSED

REFUSED

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

PBSO #0129A REV.11/02

SUBJECT: ULLOA-GALVEZ, ROBERTA P CASE NUMBER: _____

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)_____

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

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

PBSO #0129B REV. 06/11

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SUBJECT: ULLOA - GALVEZ, ROBERTA P CASE NUMBER: _____

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: _____

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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)
I/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:	

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REVIEW COMPLETED BY

Booking Number: 2018026779	**Date:** 08/13/2018
	Specialist Name/ID: AM/31562