0507851

1620

[redacted]

Arrest Report

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

Report Date / Time	Report Number	Case Number/CAD Number	Reporting Officer Name
5/12/2019 11:18:15PM	FHP99ARR797531	FHPL19OFF031302 / LWRC19CAD065813	Z. TODD

Originating Agency ORI	Occurrence Date Time Range	Jurisdiction	Clearance
FL0509000	5/12/2019 10:41:56 PM -		

Location of Occurrence

Location Type	Location Description
PUBLIC PLACE	ROADWAY

Street Number	Street	Apt/Lot/Bldg
	EB OLD BOYNTON/ CONGRESS AVE	

County	City	State	Zip
PALM BEACH	BOYNTON BEACH	FL	33426

Defendant

First Name	Middle Name	Last Name	Suffix	Date Of Birth	Age	Race	Sex
ROLANDO	X	FERNANDEZ DE CASTRO		11/25/1980	38	WHITE	MALE

SSN	MNI #	Place of Birth	Height	Weight	Hair	Eyes
[redacted]		DOMINICAN REPUBLIC, FF, DONMINICAN REPUBLIC	601	190	BLK	BRO

DL or ID Number	ID State	ID Type	Address Type
F655739804250	FL	E	RESIDENCE

Street Number	Street	Apt/Lot/Bldg
920	NEWLAKE DR	

County	City	State	Zip	Phone Number	Extension
PALM BEACH	BOYNTON BEACH	FL	33426		

Location Description: RESIDENCE

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
5/12/2019 11:10:15PM	PUBLIC PLACE	ROADWAY

Street Number	Street	Apt/Lot/Bldg	County
	EB OLD BOYNTON/ CONGRESS AVE		PALM BEACH

City	State	Zip
BOYNTON BEACH	FL	33426

Charge(s)

Counts	Charge	General Offense Code	Bond Amount	No Bond
1	316.193.1		$ 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	316.1939		$ 0.00	☐

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

Charge Description: REFUSE TO SUBMIT DUI TEST AFTER LIC SUSP

Probable Cause

On May 12, 2019 I was on routine patrol in my marked patrol car in Palm Beach County. I arrived on the scene of a traffic crash that occurred in the intersection of Old Boynton and Congress Ave in the city of Boynton Beach Florida. I was briefed on scene by officer Nalerio of Boynton Beach Police Department as to the events of the traffic crash. He stated to me that as he was conducting the traffic crash investigation he observed that the driver of the black Mercedes had bloodshot glassy

SCANNED MAY 13 2019

DS Collins 7622 Todd, Z #4441

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5/12/2019 11:18:15PM	FHP99ARR797531	FHPL19OFF031302 / LWRC19CAD085813	Z. TODD
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FL0509000	5/12/2019 10:41:56 PM -		

eyes, slurred speech and the odor of an unknown alcoholic beverage was emitting from his breath as he talked. The driver was later identified as Rolando Fernandez De Castro by his FL DL. An independent witness of the crash Taylor Matchton stated that he observed Mr. Fernandez behind the wheel of the vehicle immediately after the crash occurred. He also stated that he observed him getting out of the vehicle from behind the wheel. Officer Nalerio concluded the crash investigation and I began the DUI investigation. I stated to Mr. Fernandez that I was conducting the DUI investigation and that the crash investigation was concluded. He stated that he understood. I also read Miranda Warning to him form my state issued Miranda Warning card and he stated that he understood.

I asked how the crash occurred and he stated the following, he said he was traveling north to south and coming from a friend's house and going home. He stated that he looked and then hit the other vehicle. As he talked I observed that he had the odor of an unknown alcoholic beverage emitting form his breath as he talked as well as an orbital sway and slurred speech. I also observed that he had bloodshot glassy eyes as he stood in front of me. I requested that he conduct field sobriety exercises and he refused. Taylor warnings were stated to him and he stated that he understood and refused again. He was then placed under arrest for DUI and secured inside of my patrol car. I then conducted a 20-minute observation of Mr. Fernandez. At no time did he regurgitate or take anything by mouth. I requested that he provide a lawful sample of his breath and he refused. Implied consent was read and he stated that he understood and refused again. He was then booked into the county jail.

The above incident occurred in Palm Beach County.

Jail Booking Facility

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone Number
5/12/2019 11:20:17PM	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	6/10/2019 830 AM	
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 13 day of May, 2019
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER

[redacted] Notary Public - State of Florida Commission # FF [redacted] My Comm. Expires Jun 25, 2020 Bonded through National Notary A[redacted]

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FL0509000	5/12/2019 10:41:56 PM -		

Approving Supervisor

Officer Name	Officer Rank	Officer ID No	Officer Agency

Officer Signature

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

I, Z. TODD 4141 (Name of Officer reading Implied Consent Warning), a duly certified Law Enforcement Officer or Correctional Officer,

am a member of FLORIDA HIGHWAY PATROL (Name of law enforcement agency), and I do swear

or affirm that on or about the 12 day of MAY, 2019, at 2310 ☒ P.M. ☐ A.M.

DRIVER (Type or Print) ROLANDO (FIRST NAME) X (MIDDLE OR MAIDEN NAME) FERNANDEZ DE CASTRO (LAST NAME),

DL# F655739804250, 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 (Name of Arresting Officer) and

issued Citation # A76P2FE.

That on or about the 12 day of MAY, 20 19, at 2335 ☒ 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)

SHARI L. O'NEAL
Notary Public - State of Florida
Commission # FF 986654
My Comm. Expires Jun 25, 2020
Bonded through National Notary Assn

The foregoing instrument was sworn and subscribed before me this 13 day of May, 20 19, by _____, who is personally known to me or who has produced _____ as identification.

Notary Public S. O'Neal

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)

STATE OF FLORIDA
IMPLIED CONSENT WARNING
(*Not applicable with Voluntary Consents*)

Defendant Name: ROLANDO FERNANDEZ DE CASTRO Agency Case #: FHPL19OFF031302

Arresting Officer: TODD 4141 (Print Name and ID #) Agency: FHP L

Breath Test Operator: TODD 4141 (Print Name and ID #) Agency: FHP L

Implied Consent Read By: TODD 4141

SECTION 1 (Note: Read ONLY the paragraph applicable to the type of test you are requesting.)

☒ **BREATH TEST**
I am now requesting that you submit to a lawful test of your breath for the purpose of determining its alcoholic content.

OR

☐ **URINE TEST**
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

☐ **BLOOD TEST**
I am now requesting that you submit to a lawful test of your blood for the purpose of determining its alcoholic content or the presence of chemical or controlled substances.

WILL YOU TAKE THE TEST? ☐ **YES** ☒ **NO**

SECTION 2 (Note: Read ONLY if the subject does not comply with your request.)

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, in addition to any other penalties. Refusing to submit to testing is admissible as evidence in any criminal proceeding.**

DO YOU STILL REFUSE TO SUBMIT TO THIS TEST KNOWING THAT YOUR DRIVING PRIVILEGE WILL BE SUSPENDED FOR A PERIOD OF AT LEAST ONE YEAR FOR FIRST REFUSAL, AND EIGHTEEN MONTHS IF YOUR DRIVING PRIVILEGE HAS BEEN PREVIOUSLY SUSPENDED FOR PRIOR REFUSAL TO SUBMIT TO A LAWFUL TEST OF YOUR BREATH, URINE OR BLOOD? ADDITIONALLY, IF YOUR LICENSE HAS BEEN PREVIOUSLY SUSPENDED FOR FAILURE TO SUBMIT TO A TEST OF YOUR BREATH, BLOOD OR URINE, THAT YOU WILL BE ALSO CHARGED WITH A MISDEMEANOR FOR REFUSING TO SUBMIT TO THIS TEST? ☒ **YES** ☐ **NO**

SECTION 3 (Also read for CDL Holders)

In addition, your refusal to submit will result in the **loss of your commercial driving privilege** for a period of **one year from today.** If this is your SECOND REFUSAL, you will be **permanently disqualified** from operating a **commercial motor vehicle.**

DO YOU STILL REFUSE TO SUBMIT TO THIS TEST KNOWING THAT YOUR COMMERCIAL DRIVING PRIVILEGE WILL BE DISQUALIFIED FOR A PERIOD OF AT LEAST ONE YEAR FOR FIRST REFUSAL, AND PERMANENTLY FOR SECOND REFUSAL TO SUBMIT TO A LAWFUL TEST OF YOUR BREATH, URINE OR BLOOD?
☐ **YES** ☐ **NO**

Defendant Signature (Not an Admission of Guilt)	Date	Time (am / pm)
READ ON CAMERA		

HSMV 61299 (03/14)

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.	
	☐	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	☐	948.064 (1) FSS	Other: Notification of Status as a Violent Felony Offender of/with Special Concerns.	
	☐	119.0712 (2)	Other: Personal Information Contained in a Motor Vehicle Record	

REVIEW COMPLETED BY

Booking Number: 2019015892	**Date:** 5/13/2019
	Specialist Name/ID: M. Tooks #8557