

Arrest Report

CLASS 11

3399

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

Report Date / Time 2/5/2018 3:42:51AM	Report Number FHP99ARR755459	Case Number/CAD Number FHPL18OFF010230 / LWRC18CAD022165	Reporting Officer Name Z. TODD
Originating Agency ORI FL0509000	Occurrence Date Time Range 2/ 5/2018 3:16:00 AM -	Jurisdiction	Clearance

Location of Occurrence

Location Type PUBLIC PLACE	Location Description ROADWAY		
Street Number SR-809	Street SB PURDY LANE	Apt/Lot/Bldg	
County PALM BEACH	City WEST PALM BEACH	State FL	Zip 33415

Defendant

First Name RUHUL	Middle Name	Last Name AMIN	Suffix	Date Of Birth 3/18/1992	Age 25	Race WHITE	Sex MALE
SSN	MNI #	Place of Birth BANGLADESH, FF, BANGLADESH	Height 507	Weight 150	Hair BLK	Eyes BRO	
DL or ID Number A550720920980	ID State FL	ID Type E	Address Type RESIDENCE				
Street Number 405	Street TALIA CIR	Apt/Lot/Bldg					
County PALM BEACH	City LAKE WORTH	State FL	Zip 33461	Phone Number	Extension		
Location Description RESIDENCE							

Arrest

Arrest Date/Time 2/5/2018 3:28:52AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description ROADWAY	
Street Number SR-809	Street SB PURDY LANE	Apt/Lot/Bldg	County PALM BEACH
City WEST PALM BEACH	State FL	Zip 33415	

Charge(s)

Counts 1	Charge 893.13.6a	General Offense Code	Bond Amount \$ 0.00	<input type="checkbox"/> No Bond
Charge Degree T	Charge Level FELONY	Arrest Offense Code Description COCAINE-POSSESS	3000	
Charge Description POSSESS COCAINE				
Counts 1	Charge 316.193.1	General Offense Code	Bond Amount \$ 0.00	<input type="checkbox"/> No Bond
Charge Degree N	Charge Level MISDEMEANOR	Arrest Offense Code Description DUI-UNLAW BLD ALCH	2018 FEB -6 AM 5:27	
Charge Description DUI ALCOHOL OR DRUGS				

Probable Cause

On February 5, 2018, I was on routine patrol in my marked patrol vehicle in Palm Beach County. I was traveling southbound on Military Trail (SR-809) approaching Purdy Lane. I observed a black Toyota Camry directly in front of me in the left lane. I observed that the vehicle was failing to maintain a single lane and was swerving from left to right in the lane. I then positioned my patrol car behind the vehicle and activated my emergency lights and sirens to initiate a traffic stop on the vehicle. The vehicle pulled into the Checkers Parking lot adjacent to the intersection. I approached the vehicle and observed that the driver was the sole occupant of the vehicle. I also observed that there was an open Bud Light beer bottle

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in the center cup holder of the vehicle. As I talked to the driver I observed that he had bloodshot glassy eyes and the odor of an unknown alcoholic beverage was emitting from his breath. The driver was later identified as Ruhul Amin by his FL DL and was also identified as the registered owner of the vehicle. Mr. Amin was asked to step out of the car and walk towards my patrol vehicle. As he stood in front of me I observed that he had an orbital sway, blood shot glassy eyes and the odor of an unknown alcoholic beverage was emitting from his breath as he talked. I then requested that he preform roadside exercises and he stated that he would.

Horizontal Gaze Nystagmus

Before beginning the exercises, I checked to see if Mr. Amin was wearing glasses or contact lenses. It was determined that Mr. Amin was not wearing glasses or contacts. I then checked Mr. Amin's eyes and observed equal tracking and equal pupil size. Mr. Amin was instructed to place his feet together and place his hands down at his side. He then was instructed to keep his head still and follow the stimulus with his eyes and his eyes only. He was also instructed to keep looking at the stimulus until told not to. Mr. Amin verbally indicated that he understood.

- 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 Mr. Amin had to be told to stay in the proper position and not to move his head during the exercise. I also observed Mr. Amin to have orbital sway and glassy red eyes.

I also observed that during the exercise he licked his lips multiple times. And was trying to look away from the light as I was conducting the exercise.

Walk and Turn Exercise

The area was level and free of debris. Mr. Amin verbally indicated that he saw the line on the ground. Mr. Amin was instructed to put his left foot on the line, then place his right foot on the line ahead of the left foot in a heel to toe manner. then demonstrated this position. Mr. Amin was instructed not to begin untold to do so. Mr. Amin verbally indicated that he has understood all instructions up to this point. Mr. Amin was then instructed to take 9 heel to toe steps on the line when told to do so. I then demonstrated this. Mr. Amin was then instructed to turn on the ninth step and to keep the front foot o the line and to take a series of small steps with the foot on the line. I then demonstrated this for Mr. Amin. Mr. Amin was also instructed to keep his arms at his sides and to watch his feet during the exercise. Mr. Amin was also instructed to count aloud and to not stop once he begins the exercise. He was also instructed to keep his arms at his sides at all times. Mr. Amin began the exercise too soon and had to be told to wait and to get back into the starting position. He took 9 steps forward and 9 steps back. Mr. Amin showed difficulty keeping balance during the instructions and the exercise. He completed the turn incorrectly, never touched heel to toe, or stepped on the line.

One Leg Stand Exercise

Mr. Amin was instructed to stand with his feet together and to place his arms down at his side. Mr. Amin was instructed to maintain that position until told to do so. Once told to do so, Mr. Amin was instructed to raise one foot approximately 6 inches off the ground and to keep both legs straight with both arms at his side. He 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. Mr. Amin verbally indicated that he understood the instructions after I demonstrated to him.

Mr. Amin was told to begin and raised his right foot. During the exercise Mr. Amin displayed an orbital sway. He placed his foot down multiple times. Mr. Amin also did not count aloud properly as instructed and repeated numbers. Mr. Amin did not look down at his foot during the exercise.

Finger To Nose

Mr. Amin was instructed stand with his feet together and arms at his side and to have his index fingers pointed out. He was instructed to not start and stay in that position until told to do so. He stated that he understood. I then demonstrated the position. Mr. Amin was then instructed to when told to start to close both eyes and tilt his head back. When told to do so he

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was instructed to bring the hand I directed upward, touching the tip of your finger to the tip of his nose. I then demonstrated this. He was then instructed to after touching the tip of the nose to immediately bring his hand down to his side. He stated that he understood. I then demonstrated and he stated that he understood. He was instructed to raise his hand in the following order, left, right, left, right, and right, left.

- Left: Missed tip of nose. Didn't return down immediately.
- Right: Missed tip of nose. Didn't return down immediately.
- Left: Missed tip of nose.
- Right: Missed tip of nose.
- Right: Missed tip of nose.
- Left: Missed tip of nose.

Mr. Amin was then placed into handcuffs and under arrest for DUI. He was then searched for contraband. Inside of the left rear pocket of Mr. Amin's pants I found a clear plastic bag with a white powdery substance inside. Based on my training and experience I concluded that the substance was cocaine. The cocaine was then secured and will be later entered into evidence. No other contraband was found. He was then transported to the county jail. Once I arrived at the testing center I conducted a 20 minute observation of Mr. Amin. At no time did he regurgitate or take anything by mouth. I then requested that he provide a sample of his breath. He provided a sample of .148 and .149. he was then booked into the county jail. The above incident occurred in Palm Beach County.

Jail Booking Facility

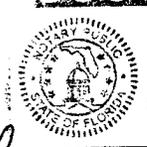
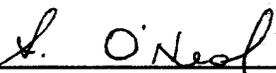
Booking Date/Time 2/5/2018 3:45:49AM	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4400
Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406			Booking Number
Booking Comments			

Court

Court County PALM BEACH	Court Location 205 NORTH DIXIE HIGHWAY WEST PALM BEACH, FL 33401		
Court MAIN COURTHOUSE	Court Phone 561-355-2996	Court Appearance Date / Time	Court Fine
Comments TO BE SET			

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 Z. TODD	Officer Rank TROOPER	Officer ID No 4141	Sworn and subscribed before me, the undersigned authority This the <u>05</u> day of <u>February</u> , 2018 DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency FLORIDA HIGHWAY PATROL	Officer Signature 		
			 SHARI L. O'NEAL Notary Public - State of Florida Commission # FF 966854 My Comm. Expires Jun 25, 2020 Bonded through National Notary Assn. 

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Approving Supervisor

Officer Name	Officer Rank	Officer ID No	Officer Agency
Officer Signature			

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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: 80-006238 Software: 8100.27
Date of Test: 02/05/2018

Date of Last Agency Inspection: 02/02/2018
Observation Period Began: 04:10
Subject's Name: RUHUL AMIN

DOB: 03/18/1992 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	04:39
	Air Blank	0.000	04:39
	Control Test	0.079	04:40
	Air Blank	0.000	04:40
	Subject Sample #1	0.148	04:41
	Air Blank	0.000	04:41
	Air Blank	0.000	04:43
	Subject Sample #2	0.149	04:44
	Air Blank	0.000	04:44
	Control Test	0.079	04:45
	Air Blank	0.000	04:45
	Diagnostics Check	OK	04:45

Cylinder Lot: 22817080A5
Exp: 10/05/2019

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 SHARI L O'NEAL, 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: *S. O'Neal* Date: 02-05-18
Signature

Sworn to (or affirmed) before me this 05 day of February, 2018

[Signature] Printed Name of Notary Public-State of Florida Tcp. Todd #4141

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 # 18-034860

AGENCY CASE# FHPL18OFF010230

AGENCY ZONE _____

CRASH CASE # _____

TIME OF STOP/CRASH 0316 DATE 2/5/18 DAY MON

SUBJECT'S NAME RUHUL AMIN RACE W SEX M

HGT 507 WGT 150 DOB 03-18-1992

LOCATION MILITARY TRAIL/ PURDY LANE

ARRESTING OFFICER'S NAME & ID TODD 4141 AGENCY FHP

DIVISION: ROAD

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 0410hrs

BREATH RESULTS:

ARREST TIME 0328

1. .148

2. .149

3. _____

4. _____

TESTING OFFICER'S ID 6212 PBSO VIDEOTAPE # _____

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TESTING FACILITY TASK REPORT

AGENCY: FHP Trp. Todd #4141
SUBJECT: Amin, Rubul CASE NUMBER: 18-034860
DATE: 02-05-18 VIDEO TAPE NUMBER: —
BEGINNING TIME: 0436hrs ENDING TIME: 0447hrs
BREATH TESTS RESULTS: 1) .148 TIME 0441 (A.M.)/P.M. 2) .149 TIME 0444 (A.M.)/P.M.
3) _____ TIME _____ A.M./P.M. 4) _____ TIME _____ A.M./P.M.

BREATH OPERATOR: S. O'Neal #6212

MAINTENANCE TECHNICIAN: DIS J. Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slur

ATTITUDE: Calm, Cooperative

CLOTHING: Shirt: Light Blue Pants - Blue Jeans

MEDICAL CONDITIONS: None

MEDICATIONS: None

OTHER: Eyes: Red

Lips: Dry

Odor of unknown alcoholic beverage.

COMMENTS: 20 min. observation done by AIO Todd #414

AIO requested the breath test.

D submitted to the breath request.

D completed the test correctly.

C/W read on camera.

No Q&A conducted.

SCANNED

SUBJECT: _____ 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

SUBJECT: _____ 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: _____

SCANNED

FEB 07 2018



operation of a motor vehicle requires consent to any sobriety test required by law.

NOT A CERTIFIED

SCANNED
FEB 07 2018