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#72

FLORIDA HIGHWAY PATROL

REPORT NUMBER  
FHP99ARR125926

17CT2318

## ARREST REPORT

Report Date / Time 02/03/2017 09:50 PM	Agency Case/Offense Number FHPL17OFF008926	OCA Number FHPL17OFF008926	Originating Agency Case Number	OBTS Number	Offender Based Transcation System	Jail Booking Number	Other Number LWRC17CAD019796
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## LOCATION OF OCCURRENCE

County PALM BEACH	Address EB 882 EOF DIXIE , UNINCORPORATED, FL	Latitude N 26 40.1908	Longitude W 80 5.5422
Range of Occurrence Date/Time 02/03/2017 07:00 PM to 02/03/2017 07:00 PM			

## PERSON: SUSPECT

First Name SHARAGAY	Middle Name V	Last Name ESPOSITO	Suffix	Date of Birth 12/02/1966	Age 50	Race W	Sex F	Height 506	Weight 163	Hair BLD	Eyes UNK
Master Name Index Number	Place of Birth LAKE WORTH, FL	Nation USA	SSN			Driver's License or Other ID E212798669420	State FL			Class or Type FL	
Address 1602 N LAKESIDE DR		City LAKE WORTH	County			State FL	Zip Code 33460			Phone	

## CHARGES

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

## PROBABLE CAUSE

On the above date and time, I was patrolling Palm Beach County in my marked patrol vehicle. I was traveling southbound on Dixie Highway, when I observed a gray in color small vehicle in the outside travel lane. I noticed the vehicle was slightly weaving within its lane. I continued to follow the vehicle southbound, on Dixie Highway. The gray vehicle then changed lanes from the outside travel lane, into the outside travel lane without activating the vehicles turn signal. The vehicle then made a left turn onto State Road 882 (Forrest Hill Blvd). I then activated my emergency lights and sirens to initiate a traffic stop on the vehicle. Shortly after, the gray vehicle came to a controlled stop on the right shoulder on Forrest Hill Blvd. I then observed the vehicle to be a Gray Porsche, bearing Florida License Plate "350NJK". I then exited my patrol vehicle and approached the Gray Porsche on the driver side. Once to vehicle, I observed a white female driver; who was later identified by her Florida Driver's License E-212-798-66-942-0 Sharagay Esposito. I introduced myself to Ms. Esposito and explained the reason for the traffic stop. I then asked Ms. Esposito for her Florida Driver's License. Ms. Esposito advised me that she did not have her license with her at the time. While speaking I observed an unknown alcoholic beverage coming from inside the vehicle. I then asked Ms. Esposito if she has had any alcoholic beverages tonight before driving. Ms. Esposito advised me no, then advised me yes she did. I asked Ms. Esposito how many drinks she had. Ms. Esposito advised me that she had 3 glasses of wine. I then advised Ms. Esposito to exit the vehicle. Once out of the vehicle, Ms. Esposito was observed to have a moderate odor of an unknown alcoholic beverage coming from her mouth and breathe area while speaking with me. Ms. Esposito was slow to respond to questions. Ms. Esposito was also observed to have:

- Bloodshot eyes
- Slurred speech
- Slow and lethargic movements

when asked, Ms. Esposito agreed to submit to a series of field sobriety exercises.

## Horizontal Gaze Nystagmus exercise

Prior to beginning the exercise it was determined Ms. Esposito was wearing contacts. Ms. Esposito's eyes were checked and her eyes displayed equal tracking and her pupils were equal sizes. Ms. Esposito was instructed to following the stimulus with her eyes only, keeping her head still. After stating she understood the instructions Ms. Esposito attempted this exercise.

The results of this exercise displayed 5 of the 6 possible clues.

- A lack of Smooth Pursuit in her left eye.
- A lack of Smooth Pursuit in her right eye.
- A distinct and sustained nystagmus in the left eye at maximum deviation.
- An onset of nystagmus in the left eye prior to 45 degrees.
- An onset of nystagmus in the right eye prior to 45 degrees.

While performing the Horizontal Gaze Nystagmus exercise, it was observed that Ms. Esposito:

- Had difficulty following and responding to instructions.
- Moved her head from side to side during the exercise.
- Swayed while standing.
- The instructions for the exercise had to be repeated

## Walk and Turn exercise

Prior to attempting this exercise, Ms. Esposito indicated she did not have any medical problems that would have prevented her from performing the exercise. Ms. Esposito was instructed to put her left foot on the line and her right foot in front of it with her right heel touching the toe of her left foot. She was instructed to stand in this manner with her hands to his sides until the exercise instructions were completed and the exercise demonstrated. Ms. Esposito was instructed not to begin the exercise until told to start. She was instructed to take nine steps along the line in a heel-to-toe manner. After the ninth step she was to stop and turn around keeping her lead foot on the ground, taking several small steps with the other foot to turn around. After turning around she was to take nine steps in a heel-to-toe manner back along the line, in the direction she had come from. Ms. Esposito was further instructed to watch her feet at all times while walking, keep her arms down to his side, and to count her steps out loud. After the exercise was demonstrated, Ms. Esposito stated she understood the instructions and was instructed to begin the exercises.

- After attempting the Walk and Turn exercise displayed 1 of 8 possible clues.

## Walk and Turn exercise observations:

- On the first set of steps Ms. Esposito failed to walk in a heel-to-toe manner on 5 steps, failing to walk heel-to-toe on steps 2, 4, 6, 8, and 9. - On the second set of steps Ms. Esposito failed to walk in a heel-to-toe manner on 5 steps, failing to walk heel-to-toe on steps 2, 3, 4, 5, and 6.

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#### One Leg Stand exercise

Prior to attempting this exercise, Ms. Esposito indicated she did not have any medical problems that would have prevented her from performing the exercise. Ms. Esposito was instructed to stand with her heels together and hands down to her sides while the instructions were given and during the exercise. Ms. Esposito was instructed not to begin the exercise until she was instructed to start, and after the exercise had been demonstrated. When instructed to start, she was to raise the foot of her choice off the ground approximately 6 inches. While her leg was raised she was to keep her leg straight, watch her raised foot, and to count out loud by thousands (one thousand one, one thousand two, one thousand three...) and to continue the exercise until told to stop (30 seconds). After this exercise was demonstrated and indicating she understood the instructions Ms. Esposito attempted this exercise. When Ms. Esposito attempted this exercise she raised his right foot.

The result of this exercise displayed 3 of the 4 possible clues.

During this exercise, Ms. Esposito:

- Swayed during the exercise.
- Used arms for balance.
- Put her foot down (2 time(s) during the exercise).

Ms. Esposito also raised her right foot, counted to 5 seconds then placed that foot back on the ground. Then raised her left foot, and counted to 5 seconds.

Additionally, during the One Leg Stand exercise, Ms. Esposito was observed to:

- End the exercise before she was told to put her foot down. (She was to keep her leg raised for 30 seconds). Ending the exercise at the count of 5.
- Fail to watch her raised foot during the exercise as instructed.
- Fail to keep her raised leg straight.

After I completed the Standardize Field Sobriety Exercise observations on Ms. Esposito, I then placed Ms. Esposito under arrest for suspected driving under the influence (DUI) of alcohol. I then placed Ms. Esposito in the rear of my patrol vehicle, and secured her in. Shortly after, I departed the scene enroute to the Palm Beach County Jail. Upon arrival at the jail, I escorted Ms. Esposito to the BAT center. There, I conducted a 20 minute observation period of Ms. Esposito. Once the 20 minutes were up, I escorted Ms. Esposito into the BAT room. Once there, I requested Ms. Esposito to submit to a lawful test of her breath for the purpose of determining its alcohol content. Ms. Esposito agreed to submit at 7:57PM. At 8:07PM, Ms. Esposito provided her first breath sample of .048. At 8:11PM, Ms. Esposito provided a breathe sample of .055.

After providing the breath sample, Ms. Esposito was asked to provide a urine sample to for the purpose of detecting the presence of chemical or controlled substances. Ms. Esposito agreed to submit. I then Ms. Esposito advised of her Miranda warnings. After advising Ms. Esposito of her Miranda warnings, Ms. Esposito advised me she would continue further questioning. After a several questions, Ms. Esposito then refused with further questioning.

I then attempted to obtain a urine sample from Ms. Esposito. Ms. Esposito failed to provide a sample after several attempts.

I then transported Ms. Esposito to booking into the Palm Beach County Jail. Shortly after, Ms. Esposito was booked into the Palm Beach County jail on 316.193.1 Florida Statue Misdemeanor DUI. All events occurred in Palm Beach County.

#### LEO BOND

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

#### COURT APPEARANCE INFORMATION

Court <b>(CRIMINAL) CRIMINAL JUSTICE COMPLEX</b>	Court Phone 561-355-2994	Court Date & Time
Court Address <b>3228 GUN CLUB ROAD, WEST PALM BEACH, FL 33406</b>		
Instructions		

#### ARREST INFORMATION

Arrest Date / Time 02/03/2017 07:00 PM	Residency Within state	Injured None	Extent of Injury N/A	Resist Arrest No
Prior Arrests Yes	Arrest Jurisdiction Within state	Alcohol Yes	Drugs Unknown	

#### ARREST LOCATION

County <b>PALM BEACH</b>	Address <b>EB 882 EOF DIXIE , UNINCORPORATED, FL</b>
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#### ARREST DELIVERED TO

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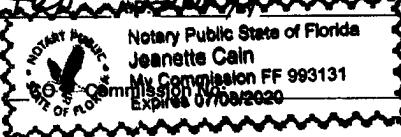
#### ARRESTING OFFICER

Officer Call Number 1667	Officer Name <b>CLEARY, GUS E JR</b>	Officer Signature
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Subscribed and sworn to (or affirmed) before me this 3 day of February, 2017, who is  personally known to me or

has produced Jeanette Cain as identification.

Jeanette Cain Notary Public LEO



My Commission Expires: \_\_\_\_\_

#### ARREST REPORT

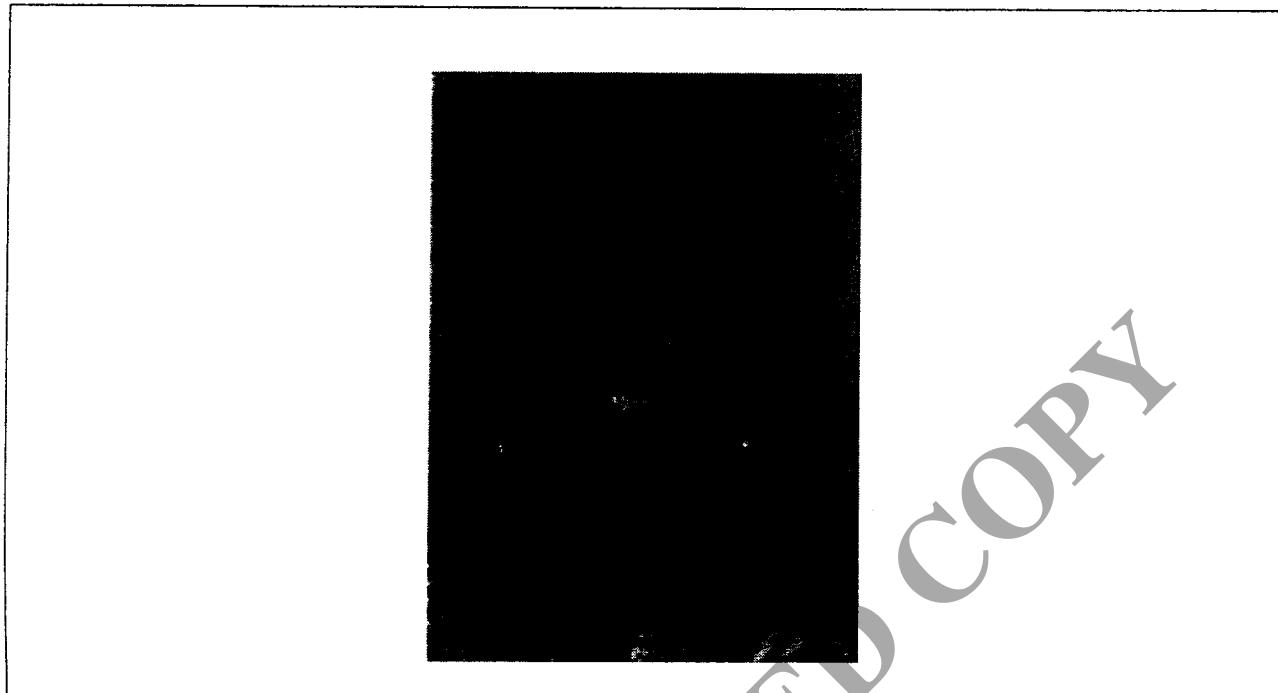
FHP99ARR125926

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SCANNED

FEB 07 2017

CIC Vehicle Owner by OLN: E212798669420



FDQ FL05092M0E212798669420  
--DHSMV--

Y

SHARAGAY,V,ESPOSITO  
1602 N LAKESIDE DR LAKE WORTH FL 33460  
1602 N LAKESIDE DR LAKE WORTH FL 33460  
TYPE LIC: CLASS E OPERATOR DOB: 12/02/1966 HT: 506 RACE: W SEX: F  
CURRENT LICENSE ISSUED: 11/22/2013 EXPIRES: 12/02/2021  
VALID LICENSE SOC SEC: [REDACTED]

PRIOR SUSPENSION FOR REFUSAL TO SUBMIT TO LAWFUL TEST OF BREATH, URINE, BLOOD

END OF DDL/DHSMV RESPONSE

**CIC Vehicle Owner by OLN:** [REDACTED]

FDQ FL05092M0 [REDACTED]  
--FCIC HIT RESPONSE--  
FDQ : NO RECORDS FOUND  
--END--

Y

**CIC Vehicle Owner by OLN:** [REDACTED]

QW FL05092M0SHARAGAY V ESPOSITO  
141769989  
--NCIC--  
1L01FLS1121815205

19661202FW

SCANNED  
FEB 07 2017

**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 Ipr. Gus Cleary of the Florida Highway Patrol.

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) Read on Camera

**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.

**SCANNED**  
**FEB 07 2017**

SUSPECT'S SIGNATURE: (X) Read on Camera

## TESTING FACILITY TASK REPORT

27

SUBJECT: ESPOSITO, SHARAGAY V.AGENCY: FHPDATE: FEB. 3rd, 2017CASE NUMBER: 17-035191BEGINNING TIME: 19:57 hrs.VIDEO TAPE NUMBER: 62075BREATH TESTS RESULTS: 1) VNM\* (043) TIME 20:07 A.M./P.M. 2) 048 TIME 20:11 A.M./P.M.  
3) .055 TIME 20:15 A.M./P.M. 4)    TIME    A.M./P.M.BREATH OPERATOR: J. CAIN #2109MAINTENANCE TECHNICIAN: J. KARLECKE #6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: slurred, repetitive questions though answeredATTITUDE: talkative, playing gamesCLOTHING: blue jeans, blk blouse, high heel sandals - brn.MEDICAL CONDITIONS: HBPMEDICATIONS: for aboveOTHER: blond hair 50 YOAOdor of unknown alcoholic beverage  
Eyes: Red + glassy

COMMENTS:

20 Min. observ done by arresting trooper.Said yes to b/t.  
Then requested a lawyer/ Ipc. read the Implied Consent.I asked questions and was answered to the best of our ability.  
Said she would submit.Once test started, I was not following instructions Start +  
Stop no tight seal. Was told if she kept playing games, Ipc.  
could call refusal. Rec'd a vnm.Then when time to blow again - said she didn't want to  
continue. Ipc. read the Implied Consent, again as per I's  
request. Said yes to blowing again. Gave sample. Start + stop  
on 3rd & final sample. 20:18 hrs. Ipc. requested writing. Stated yes.  
Rights read/answered questions. Drank wine - 2/3.SCANNED  
FEB 07 2017

## 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? South on dixie

DIRECTION OF TRAVEL? S WHERE DID YOU START? Clematis street

WHAT TIME DID YOU START? approx. 10pm WHAT TIME IS IT NOW? I don't know

WHAT IS TODAY'S DATE? Feb 3, 2017 WHAT DAY OF THE WEEK IS IT? Friday

WHAT COUNTY AND CITY ARE YOU IN NOW? Burn Beach

WHEN DID YOU LAST EAT? approx 3:30 WHAT DID YOU EAT? Candy Bar

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? I don't know

HOW MUCH DO YOU WEIGH? 162 lbs HAVE YOU BEEN DRINKING? yes WHAT? 1/4 glass of wine

HOW MUCH? approx 2 or 3 WHERE? Halibut WITH WHOM? work colleagues

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? \_\_\_\_\_

SCANNED

INTERVIEWER: \_\_\_\_\_

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL