



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

0174465 19CT15821ANB 399

Report Date / Time 8/25/2019 03:24 AM	Report Number FHP99ARR802113	Case Number/Cad Number FHPL19OFF058148 / LWRC19CAD155701	Reporting Officer Name A. FERNANDEZ
Originating Agency ORI	Occur Date Time Range 08/25/2019 02:52:36 -	Jurisdiction	Clearance

**Location of Occurrence**

County PALM BEACH	Location Type PUBLIC PLACE	Location Description SB NOF
Street Number 95	Street SB NOF 10TH AVE	Apt/Lot/Bldg City State Zip Code

**Defendant**

First Name SMITH	Middle Name LEON	Last Name COOPER	Suffix 2	Race WHITE	Sex MALE	Height 511	Weight 200	Hair BLD	Eyes GRY
MNI #	SSN	Date of Birth 12/18/1976	Age 42	Place of Birth ILLINOIS	Drivers License or other ID C160792764580	State FL	ID Type E		
Address * RESIDENCE / 801 HUMMINGBIRD WAY # 204 , NORTH PALM BEACH, FL 33408 /									

**Arrest**

Arrest Date/Time 8/25/2019 3:16:00 AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description I-95 SB NORTH OF 10TH AVE N
Street Number Street	Apt/Lot/Bldg County PALM BEACH	City State Zip Code

**Charge : S**

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

**Bond Set by Court**

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

**Probable Cause**

On Sunday August 25th, 2019 at approximately 2:52 AM I was conducting a speed enforcement detail on I-95 SB just north of 10th AVE N. I observed a pickup truck traveling southbound in the number 4 lane,

DS Collins 7622

Fernandez, A II. 2932

Report Date / Time 8/25/2019 03:24 AM	Report Number FHP99ARR802113	Case Number/Cad Number FHPL19OFF056148 / LWRC19CAD155701	Reporting Officer Name A. FERNANDEZ
Originating Agency ORI	Occur Date Time Range 08/25/2019 02:52:36 -	Jurisdiction	Clearance

I estimated the vehicle speed to be well above the posted speed limit of 65 MPH. I aimed the cross hairs of my laser to the front of the vehicle and confirmed the speed visually at 89 MPH on a posted 65. I proceeded to overtake the vehicle and while doing so I observed the vehicle changed from the number 4 lane into the right lane. Trooper Denis ID #1430 was on the right shoulder conducting a traffic stop with her emergency lights activated. The vehicle remained in that right lane and failed to move over for Trooper Denis. I then conducted a traffic stop on a red Chevrolet pickup truck bearing FL tag JMLU03. I approached the right passenger side of the vehicle and observed the defendant in actual physical control of the vehicle. The defendant was ID by his FL DL C-160-792-76-458-0. I advised the driver the reason for the stop (speed) and asked him for his DL and registration. While he was gathering the documents I could smell a strong odor of an alcoholic beverage emitting from within the vehicle. I then asked the defendant to step out of the vehicle in order to eliminate any smells or odors from inside the vehicle. While standing outside of the vehicle and talking to the defendant I could still smell the strong odor of an alcoholic beverage but this time emitting from the defendant's mouth. I asked the defendant if he would be ok with me transporting him off of the interstate in order to perform a series of field sobriety exercises, he agreed. I advised the defendant that he was not under arrest but rather detained until the conclusion of the field sobriety exercises. I then transported the defendant off of the interstate and performed the field sobriety exercises. All the exercises will be detailed in a separate incident report; they were also recorded in my in-car video camera. The defendant did not perform the exercises satisfactorily and was placed under arrest for DUI at 3:16 AM. He was advised of his Miranda Rights at 3:19 AM. I then transported the defendant to the Palm Beach County Jail where he will submit to a breath test. I began my 20-minute observation at 3:35 AM.

Report Date / Time 8/25/2019 03:24 AM	Report Number FHP99ARR802113	Case Number/Cad Number FHPL19OFF056148 / LWRC19CAD155701	Reporting Officer Name A. FERNANDEZ
Originating Agency ORI	Occur Date Time Range 08/25/2019 02:52:36 -	Jurisdiction	Clearance

At 4:04 AM the defendant was asked to submit to a breath test but refused. He was advised of the implied consent and still refused to provide the breath sample. The defendant also refused to answer any question from the medical questionnaire. He was then booked in the Palm Beach County Jail without incident.

#### Jail Bookin Facility

Booking Date/Time 0.0000	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4400
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Booking Facility Location Booking Number

3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33408

Booking Comments



#### Court

Court County PALM BEACH	Court Location 3188 PGA BLVD. PALM BEACH GARDENS, FL 33410		
Court PALM BEACH NORTH COUNTY COURTHOUSE	Court Phone 561-624-6608	Court Appearance Date / Time 09/12/2019 8:30 AM	Court Fine
Comments			

Officer Name Rank / ID # A. FERNANDEZ TROOPER 2932	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA HIGHWAY PATROL FHPL1LWRC1PALM BEACH1SR702 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 A. FERNANDEZ	Office Rank TROOPER	Officer ID No 2932	Sworn and subscribed before me, the undersigned authority This the <u>25<sup>TH</sup></u> day of <u>AUGUST</u> , <u>2019</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature 			

Arrest Report

Page 3 of 3  
**SCANNED**  
AUG 27 2019

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

I, A. FERNANDEZ, 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 25<sup>th</sup> day of AUGUST, 2019, at 3:16  P.M.  A.M.

DRIVER SMITH LEON COOPER 2,  
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME  
DL# C160792764580, state of FL, was placed under lawful arrest for

the offense of 316.193(1)  
D.U.I. - DRIVING UNDER THE INFLUENCE (MIS... by A. FERNANDEZ and  
(Name of Arresting Officer)  
issued Citation # A76NJYE.

That on or about the 25<sup>th</sup> day of AUGUST, 2019, at 4:04  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.

A.F.  
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:

[Signature]  
Signature of Attesting Officer

Title 1 Cooper

Date 8/25/2019

(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.

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

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(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 25<sup>th</sup> day of AUGUST, 2019, at 3:16  P.M.  A.M.

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(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# C160792764580, state of FL, was placed under lawful arrest for

the offense of 316.193(1) D.U.I. - DRIVING UNDER THE INFLUENCE (MIS..) by A. FERNANDEZ and  
(Name of Arresting Officer)

issued Citation # A76NJYE

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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]  
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:

[Signature]  
Signature of Attesting Officer

Title 1 Cooper

Date 8/25/2019

(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.

HSMV-BAR1001 (REV. 10/2016)

SCANNED

AUG 27 2019



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

PBSO CASE # 19-107991

AGENCY CASE# FHPL19OFF056148

AGENCY ZONE \_\_\_\_\_

CRASH CASE # \_\_\_\_\_

TIME OF STOP/CRASH 2:52 AM

DATE 8-25-19

DAY SUNDAY

SUBJECT'S NAME SMITH LEON COOPER 2

RACE WHITE

SEX MALE

HGT 5-11

WGT 200

DOB 12/18/1976

LOCATION I-95 SB NORTH OF 10th AVE

ARRESTING OFFICER'S NAME & ID TPR. ALAIN FERNANDEZ

AGENCY FLORIDA HIGHWAY PATROL

DIVISION: TROOP L - LAKE WORTH

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 3:35 AM

BREATH RESULTS:

ARREST TIME 3:16 AM

1. \_\_\_\_\_
2. **REFUSED**
3. \_\_\_\_\_
4. \_\_\_\_\_

TESTING OFFICER'S ID 24639

PBSO VIDEOTAPE # N/A

NOT A CERTIFIED COPY

**SCANNED**

**AUG 27 2019**

# TESTING FACILITY TASK REPORT

AGENCY: FHP  
SUBJECT: COOPER SMITH L CASE NUMBER: 17-107991  
DATE: 2/2/19 VIDEO TAPE NUMBER: n/a  
BEGINNING TIME: 03:08 ENDING TIME: 04:05  
BREATH TESTS RESULTS: 1) R TIME 04:04 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. PUGH # 1111  
MAINTENANCE TECHNICIAN: J. HALL # 1111

## TESTING OFFICER'S OBSERVATIONS

SPEECH: (MUTTERED)  
ATTITUDE: AGGRESSIVE, QUIET  
CLOTHING: BLUE DENIM, WHITE SHOES, WHITE SOCKS  
MEDICAL CONDITIONS: \_\_\_\_\_  
MEDICATIONS: \_\_\_\_\_  
OTHER: NO OTHER

COMMENTS: Subject was arrested at 03:08 and taken to the testing facility. Breath test results are as follows: 1) 0.04 at 04:04. All other tests were refused.

**REFUSED**

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AUG 27 2019

**REFUSED**

SUBJECT: COOPER, SMITH L 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? \_\_\_\_\_

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AUG 27 2019

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: \_\_\_\_\_

SUBJECT: COOPER, SMITH L 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 SMITH L COOPER of the STATE OF MISSISSIPPI

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) SMITH L COOPER

## 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.

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AUG 27 2019

SUSPECT'S SIGNATURE: (X) SMITH L COOPER

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



**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)
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"/>		Other:	
	<input type="checkbox"/>		Other:	

**REVIEW COMPLETED BY**

Booking Number: 2019027822	Date: 08/26/2019
	Specialist Name/ID: AM/31562

**SCANNED**  
**AUG 27 2019**