Arrest Report

JA C509758 PCH# 1635

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

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
7/27/2019 12:28 AM	FHP99ARR802141	FHPL19OFF049191 /LWRC19C AD136225	IV, ANDREW L

Originating Agency ORI	Occur Date Time Range	Jurisdiction	Clearance
	07/26/2019 23:10:56 - 07/27/2019 02:16:00		

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	PUBLIC PLACE	INDIANTOWN ROAD WESTBOUND

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
	W INDIANTOWN ROAD		JUPITER	FL	33478

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
STEPHEN	VICTOR	ROGERS		WHITE	MALE	602	210	Gray	Brn

MNI #	SSN	Date of Birth	Age	Place of Birth	Drivers License or other ID	State	ID Type
	[redacted]	10/28/1963	55	BAY SHORE NY UNITED STATES	R262798633880	FL	E

Address
* RESIDENCE / 4328 SE SWEETWOOD WAY , STUART, FL 34997 / 772-263-3249

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
7/26/2019 11:34:00 PM	PUBLIC PLACE	INDIANTOWN ROAD WESTBOUND

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
	W INDIANTOWN ROAD		PALM BEACH	JUPITER	FL	33478

Charge : S

Counts	Charge	Bond Amount	
1	316.193.1	$0.00	☐ No Bond

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

Charge Description
DUI ALCOHOL OR DRUGS

Bond Set by Court

Bond Amount	No Bond?
$0.00	No

Bond Type(s)

FILED
JUL 28 2019
SHARON R. BOCK
Clerk & Comptroller

JUL 27 AM 3:44

Probable Cause

ROUGH ARREST REPORT A more detailed probable cause affidavit will be submitted to the Palm Beach County State Attorney's Office at a later time.

On 7/26/2019 I was informed by the Lake Worth Regional Communications Center (LWRCC) or Disptach that they had received a report of a reckless vehicle traveling all over the roadway

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2019CT013891

southbound on Interstate 95 near Mile Marker 91. The vehicle was described as a white Volkswagon with an attached Florida tag of 958PQS. The vehicle had reportedly taken the Indiantown Road exit and traveled westbound. I intercepted the vehicle as it was traveling westbound on Indiantown Road and observed several vehicles behind the white Volkswagon hesitating to pass the vehicle which was traveling at a slow rate of speed in the left travel lane. I observed the vehicle drifting within the left travel lane and moving at a slow rate of speed around 25mph. I then observed the vehicle drift from the left travel lane into the right travel lane with the right front and right rear wheels of the vehicle crossing the white dashed lines separating the lanes of the roadway. I activated my emergency lights and sirens to initiate a traffic stop. The vehicle slowly pulled to the right shoulder of the roadway. The driver of the vehicle then opened the driver side door and attempted to exit the vehicle. I gave him the verbal command to get back inside the car and close the door. After repeating the commands multiple times the driver of the vehicle finally complied and closed the door to the vehicle. I approached the driver side window and identified myself before asking for the drivers license, registration and proof of insurance. The driver was able to provide a Florida drivers license which was used to identify him as Stephen Victor Rogers (FL DL: R262798633880). I noticed that his movements were extremely slow and he appeared to be very lethargic. His eyes were red and glassy and his speech noticeably slurred. He fumbled with the papers inside the vehicle as he looked for the requested items. I smelled the strong odor of an alcoholic beverage coming from his breath as he spoke. He was also able to provide the insurance card for the vehicle but he seemed to forget that I had also asked for the vehicle registration. I asked again for the vehicle registration and he was able to locate an expired registration document. I informed Mr. Rogers of the reason for the stop and asked him if he had anything to drink and he stated "yea". I asked how much he had to drink and then he replied none. I informed him that he had just replied "yea" to my previous question of whether he had anything to drink. He eventually admitted that he had 1 or 2 beers in Stuart prior to driving. At one point he stated that "I'm impaired". I later asked him to exit the vehicle and spoke to him in front of my marked patrol vehicle. As I spoke to him outside of his vehicle I continued to smell the strong odor of an alcoholic beverage coming from his breath as he spoke. He seemed to be unsteady on his feet as well. I asked him to perform standardized field sobriety exercises and he refused. I informed him that his refusal to perform the exercises could be used against him and that I would be forced to make a decision based upon my observations up till that point in time. Mr. Rogers still refused to perform the field sobriety exercises. Based upon the above facts and the totality of the circumstances I determined that there was probable cause to believe that Stephen Victor Rogers committed the offense of driving under the influence by being in actual physical control/operating a motor vehicle while under the influence of alcoholic beverages, any chemical substance per Florida State Statute 877.111, or any controlled substance per Chapter 893, while their normal faculties were impaired. He was placed under arrest for the above offense and handcuffed behind his back. After being searched he was placed in the backseat of my patrol vehicle. During a routine inventory search of the white Volkswagon an empty bottle of SKOL Vodka and a half filled bottle of SKOL Vodka which was cold to the touch were found inside the vehicle in plain view. Those items were collected and later transported to the Florida Highway Patrol Lantana substation and submitted into evidence. Mr. Rogers was later transported to the Palm Beach County Breath Alcohol Testing (BAT) facility. After he was placed in the backseat of my patrol vehicle I smelled the strong odor of an alcoholic beverage coming from the rear passenger compartment that was not present prior to placing

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Originating Agency ORI	Occur Date Time Range	Jurisdiction	Clearance
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him in the backseat. At the BAT facility a 20 minute observation period was conducted where he did not ingest anything by mouth or regurgitate (mouth was confirmed to be empty prior to beginning of the observation period). He was then asked to provide a breath test sample to test for the alcoholic content of his breath. He refused to provide the breath test sample. He was then read the Florida Implied Consent drivers license suspension warning and he stated that he understood and still refused to provide a breath test sample. He was then read his rights from a prepared Constitutional Warning document provided by the BAT facility. He stated that he understood his rights and refused to answer any questions. Mr. Rogers was issued a DUI citation and uniform traffic citations for driving too slow in the left lane obstructing traffic and for having an open container of an alcoholic beverage. He was subsequently booked without incident. All of the above events occurred in Palm Beach County, FL.

Note: My patrol vehicle is equipped with in car video and audio that is available upon request

Court

Court County	Court Location
PALM BEACH	3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406

Court	Court Phone	Court Appereance Date / Time	Court Fine
CRIMINAL JUSTICE COMPLEX	561-355-2994	08/22/2019 8:30AM	

Comments

Officer Name	Officer Rank	Involvement On Report	ID #	Org/Unit	Officer Agency
IV, ANDREW L	TROOPER		3651	FHPL\LWRCC\PALM BEACH\SR702 TO MARTIN LN	FLORIDA HIGHWAY PATROL

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	Office Rank	Officer ID No
IV, ANDREW L	TROOPER	3651

Officer Agency
FLORIDA HIGHWAY PATROL

Officer Signature: Andrew L IV

Sworn and subscribed before me, the undersigned authority
This the 27th day of July, 2019
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

Notary Public State of Florida
Thomas H Keehey
My Commission GG 345108
Expires 9/30/2022

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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, **IV, ANDREW L**, 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 26th day of July, 2019, at 11:34 ☑ P.M. ☐ A.M.

DRIVER **STEPHEN** **VICTOR** **ROGERS**,
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# **R262798633880**, state of **FL**, was placed under lawful arrest for

the offense of **316.193(1) D.U.I. - DRIVING UNDER THE INFLUENCE (MIS...** by **IV, ANDREW L** and
(Name of Arresting Officer)

issued Citation # **A76Q4JE**.

That on or about the 27th day of July, 20 19, at 12:51 ☐ 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.

Andrew Iv

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
[illegible] H Lashley
Commission GG 347118
[illegible] 08/23/2023

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 27 day of July, 20 19, by Trp. A Iv, who is personally known to me or who has produced _____ as identification.

Notary Public _____

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)

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

PBSO CASE # 19-097489 AGENGY CASE# **FHPL19OFF049191**

AGENCY ZONE 3-14 CRASH CASE #

TIME OF STOP/CRASH **11:22PM** DATE 7/26/2019 DAY Friday

SUBJECT'S NAME **STEPHEN VICTOR ROGERS** RACE **WHITE** SEX MALE

HGT 6'2" WGT 210LBS DOB **10/28/1963**

LOCATION **INDIANTOWN ROAD WESTBOUND AND TAYLOR ROAD**

ARRESTING OFFICER'S NAME & ID **TPR ANDREW IV #3651** AGENCY **FLORIDA HIGHWAY PATROL**

DIVISION: **TROOP L - LAKE WORTH**

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 12:26 AM

BREATH RESULTS:

ARREST TIME **11:34PM**

1. **REFUSED**
2.
3.
4.

TESTING OFFICER'S ID 8656 . PBSO VIDEOTAPE # N/A

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TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: ROGERS, STHEPHEN V. CASE NUMBER: 19-097489

DATE: 07/27/19 VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 0049 ENDING TIME: 0052

BREATH TESTS RESULTS: 1) R TIME 0051 A.M./P.M. 2) N/A TIME XX A.M./P.M.

3) N/A TIME XX A.M./P.M. 4) N/A TIME XX A.M./P.M.

BREATH OPERATOR: J. BELL #8656

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

REFUSED

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED, MUSHMOUTHED

ATTITUDE: QUIET/COCKY, ARGUMENTATIVE

CLOTHING: GREEN TEE SHIRT, TAN SHORTS, TAN FLIP FLOPS

MEDICAL CONDITIONS: HIGH BLOOD PRESSURE

MEDICATIONS: HYDROCHLOROTHIAZIDE, LOSARTAN

OTHER: EYES:BLOODSHOT, GLASSY

ODOR OF AN UNKNOWN ALCHOLIC BEVERAGE COMING FROM BREATH

COMMENTS: ARRIVED AT CENTER A/O BEGAN 20 MIN OBSERVATION AT 0026 HRS

SUBJECT STATED HE WOULD NOT TAKE BREATH TEST

A/O READ I.C.

SUBJECT STATED HE UNDERSTOOD I.C. AND REFUSED TO TAKE BREATH TEST

A/O READ RIGHTS

SUBJECT STATED HE UNDERSTOOD HIS RIGHTS

REFUSED

A/O ATTEMPTED Q AND A

SUBJECT DECLINED TO ANSWER ANY QUESTIONS

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SUBJECT: Rogers, Stephen V CASE NUMBER: FHPL14CFF044191

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? Refused

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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SUBJECT: Rogers, Stephen V CASE NUMBER: FHPL14CFF044141

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) 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.

SUSPECT'S SIGNATURE: (X) Read on camera

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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)
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	☐		Other:	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2019024454	**Date:** 07/28/2019
	Specialist Name/ID: AM/31562