

2018CT002128
P# 2197

Arrest Report J# 0495378

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

Report Date / Time 1/31/2018 9:49:47PM	Report Number FHP99ARR762173	Case Number/CAD Number FHPL18OFF009135 / LWRC18CAD019681	Reporting Officer Name L. TAVARES
Originating Agency ORI FL0509000	Occurrence Date Time Range 1/31/2018 8:46:18 PM -	Jurisdiction	Clearance

Location of Occurrence

Location Type OTHER	Location Description CONGRESS AVE EXIT		
Street Number	Street SR-9 SB	Apt/Lot/Bldg	
County PALM BEACH	City BOCA RATON	State FL	Zip 33487

Defendant

First Name TERESA	Middle Name MARIE	Last Name ROGERS	Suffix	Date Of Birth 2/26/1966	Age 51	Race WHITE	Sex FEMALE
SSN [REDACTED]	MNI #	Place of Birth PUYALL, WA, USA	Height 505	Weight 140	Hair BRO	Eyes BLU	
DL or ID Number ROGERTM341C8	ID State WA	ID Type E	Address Type RESIDENCE				
Street Number 413	Street SW 7TH AVE		Apt/Lot/Bldg				
County PALM BEACH	City BOYNTON BEACH	State FL	Zip 33435	Phone Number	Extension		
Location Description							

Arrest

Arrest Date/Time 1/31/2018 9:26:28PM	Arrest Location Type OTHER	Arrest Location Description CONGRESS AVE EXIT	
Street Number	Street SR-9 SB	Apt/Lot/Bldg	County PALM BEACH
City BOCA RATON	State FL	Zip 33487	

Charge(s)

Counts 1	Charge 316.193.3c1	General Offense Code	Bond Amount \$ 0.00	No. Bond
Charge Degree F	Charge Level MISDEMEANOR	Arrest Offense Code Description DUI-UNLAW BLD ALCH		
Charge Description DUI AND DAMAGE PROPERTY				

Probable Cause

On January 31st, 2018, I Trooper Lucas M. Tavares (3913/1421) with the Florida Highway Patrol was on active DUI patrol in Palm Beach County, Florida. I was in a jurisdictional marked FHP unit equipped with overhead emergency lights and external siren. At approximately 9:05 P.M. I received a call in reference to a vehicle crash located on Interstate-95 (State Road 9), southbound, at the Congress Avenue Exit (51). On scene was Detective Jonathan Patterson (S461) with the State Insurance Fraud Bureau. Detective Patterson stated that the driver of the only vehicle involved could possibly be under the influence.

On scene I observed Silver 4-door vehicle with heavy right front damage and a construction arrow board with heavy damage. The vehicle had orange transfer paint, consistent with the damage to the arrow board. Detective Patterson stated to me that the silver vehicle collided with the arrow board located in the center apex for the exit ramp at Congress Avenue. Detective Patterson pointed out the possible driver who was a white female. She was in a large jean jacket, high heels, and

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a blue dress. She was leaning on the concrete divider wall, on the left shoulder of Interstate-95. Also on scene was a witness to the vehicle crash who I later identified as Fils Gelin by his Florida's Driver's License: (G-450-243-76-167-0). Mr. Gelis stated that he witnessed the vehicle on scene, drove off the roadway and struck the arrow board. He stated that he made contact with the driver who he later identified on scene as the driver, only person in the vehicle.

I later identified the driver as Teresa Marie Rogers (DOB: 02/28/1966), Washington Driver's License Number: (ROGERTM341 C8). Florida Address of 413 SW 7th Ave., Boynton Beach, FL.

Suspect Vehicle: 2012 Silver Kia Optima with Washington Tag: (AHV7394) attached, Registered owner is Subject (Teresa Rogers (Armit)).

While talking to Ms. Rogers about the vehicle crash I could observe her eyes to be bloodshot and watery. I could detect a very strong odor of an unknown alcoholic beverage on her breath that grew stronger as she spoke. Her eye lids were droopy and she would avoid eye contact. While observing the damage on her vehicle I could observe an open container of Gin in a clear bottle, located on the passenger floor board.

I then explain to Ms. Rogers that I have completed my crash investigation and now going to conduct a criminal investigation for DUI (Change Hats). I asked Ms. Rogers where she was coming from Boynton Beach and was going to Boca. I asked if she had anything to drink and she stated that she did.

Based upon my observations made on scene, within contact with the subject (Teresa Rogers), and the totality of the circumstances I requested the subject to perform a series of road side exercises (Standardized Field Sobriety Exercises). The subject stated that they would perform the exercises.

Standardized Field Sobriety Exercises (SFSE):

The area for the following roadside exercises was a level hard surface and was free of debris. The weather was clear. Lighting was dark but was illuminated with surrounding ambient light and vehicle lights.

Horizontal Gaze Nystagmus:

I advised the subject to stand straight with their feet together and arms down by their side. I asked subject if they wear any glasses or contacts, they advised they do not. The subject was asked about any current medical conditions, they stated that they do not. For the exercise I used my issued red in color pen light. I asked the subject if they could see the red pen light, they stated, "yes." I asked the subject what color was the pen light and they stated, "Red." I advised the subject to follow the red pen light with their eyes, and to not move their head. I asked subject if they understood the instructions I gave to them. They stated yes. I asked if they had any questions they stated no.

The following was observed during Horizontal Gaze Nystagmus:

The subject had dilated pupils.

- LEFT EYE-LACK OF SMOOTH PURSUIT
- RIGHT EYE-LACK OF SMOOTH PURSUIT
- LEFT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- RIGHT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- LEFT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- RIGHT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

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While standing within close proximity of the subject, I could observe their eyes to be bloodshot and watery and a strong odor of an unknown alcoholic beverage. Subject was swaying.

The following was observed during Vertical Gaze Nystagmus:

- Subject did not have Vertical Gaze Nystagmus.

Walk and Turn Exercise:

The area for the following roadside exercises was level and free of debris. We used a white in color traffic line. The line was illuminated with surrounding light and vehicle lights.

(Starting Position): I advised the subject to place their left foot on the white in color line and their right foot directly in front of it, touching heel to toe. I advised the subject to keep their arms down by their side and to stay in that position until I advise them to begin the exercise.

Subject could not stay in the starting position. Subject was swaying and started the exercise prior to me telling them to do so. Subject stated she could not complete the exercise because she drank too much.

COULD NOT COMPLETE

One Leg Stand Exercise:

The area for the following roadside exercises was level and free of debris.

(Starting Position): I instructed the subject to stand with their feet together and keep their arms down by her side. I instructed the subject to stay in that position until I tell her to start the exercise.

(Instructional Phase): This exercise was first explained to the subject then was demonstrated by myself. Subject stated that she could not complete the exercise because she drank too much.

COULD NOT COMPLETE

Based upon my observations and the totality of circumstances, Ms. Rogers was placed under arrest for DUI pursuant to Florida Statute 316.193.3(c)1 at 09:26 PM. Ms. Rogers was then placed in my patrol vehicle, and transported to the Palm Beach County Jail. While in transport to the Palm Beach County Jail there was an obvious strong odor of an unknown alcoholic beverage within my vehicle that was not present prior to placing the defendant in the vehicle.

The defendant arrived at the Palm Beach County Jail at 10:14 PM. I then conduct a 20min observation of the subject. The subject did not have any foreign objects in her mouth prior to the 20 minute observation. Throughout the observation the subject did not take anything by mouth or regurgitated. After the 20 minute observation, the defendant was then given the opportunity to provide a sample of her breath which she refused. I then read the Florida Implied Consent to the subject. She then stated that she understood and that she refuses. (10:37 P.M.).

I then read the Miranda warning to the subject. The subject was asked if she was driving prior to the crash and she stated

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yes. Subject was asked if she had anything to drink and she stated she had vodka.

Ms. Balfe was also issued a Uniform Traffic Citation for Failure to use due care (316.183(1)), No proof of insurance (316.646(1)), Expired tag/registration (320.07(3)(b)), and open container (316.1936).

Ms. Balfe was then booked into the Palm Beach County Jail without incident. Video of the traffic stop, roadsides and transport are available through the FHP custodian. The above incident did occur in Palm Beach County, Florida.

Jail Booking Facility

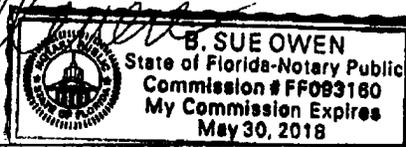
Booking Date/Time 1/31/2018 10:55:54PM	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4400
Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406			Booking Number
Booking Comments			

Court

Court County PALM BEACH	Court Location 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444		
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Appearance Date / Time 2/26/2018	Court Fine
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 L. TAVARES	Officer Rank TROOPER	Officer ID No 3913	Sworn and subscribed before me, the undersigned authority This the <u>31st</u> day of <u>January</u> , <u>2018</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency FLORIDA HIGHWAY PATROL	 		
Officer Signature			

Approving Supervisor

Officer Name	Officer Rank	Officer ID No	Officer Agency
Officer Signature			

SCANNED

FEB 02 2018

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

PBSO CASE # 18-033255

AGENCY CASE# FHPL18OFF009135

AGENCY ZONE 3-23

CRASH CASE # _____

TIME OF STOP/CRASH 08:45 PM DATE 01/31/2018 DAY WEDNSDAY

SUBJECT'S NAME TERESA ROGERS RACE W SEX F

HGT 505 WGT 140 DOB 02/28/1966

LOCATION I-95 (SB) / CONGRESS AVE

ARRESTING OFFICER'S NAME & ID TPR. LUCAS TAVARES (3913) AGENCY Florida Highway Patrol

DIVISION: LANTANA (TROOP L)

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 22:14

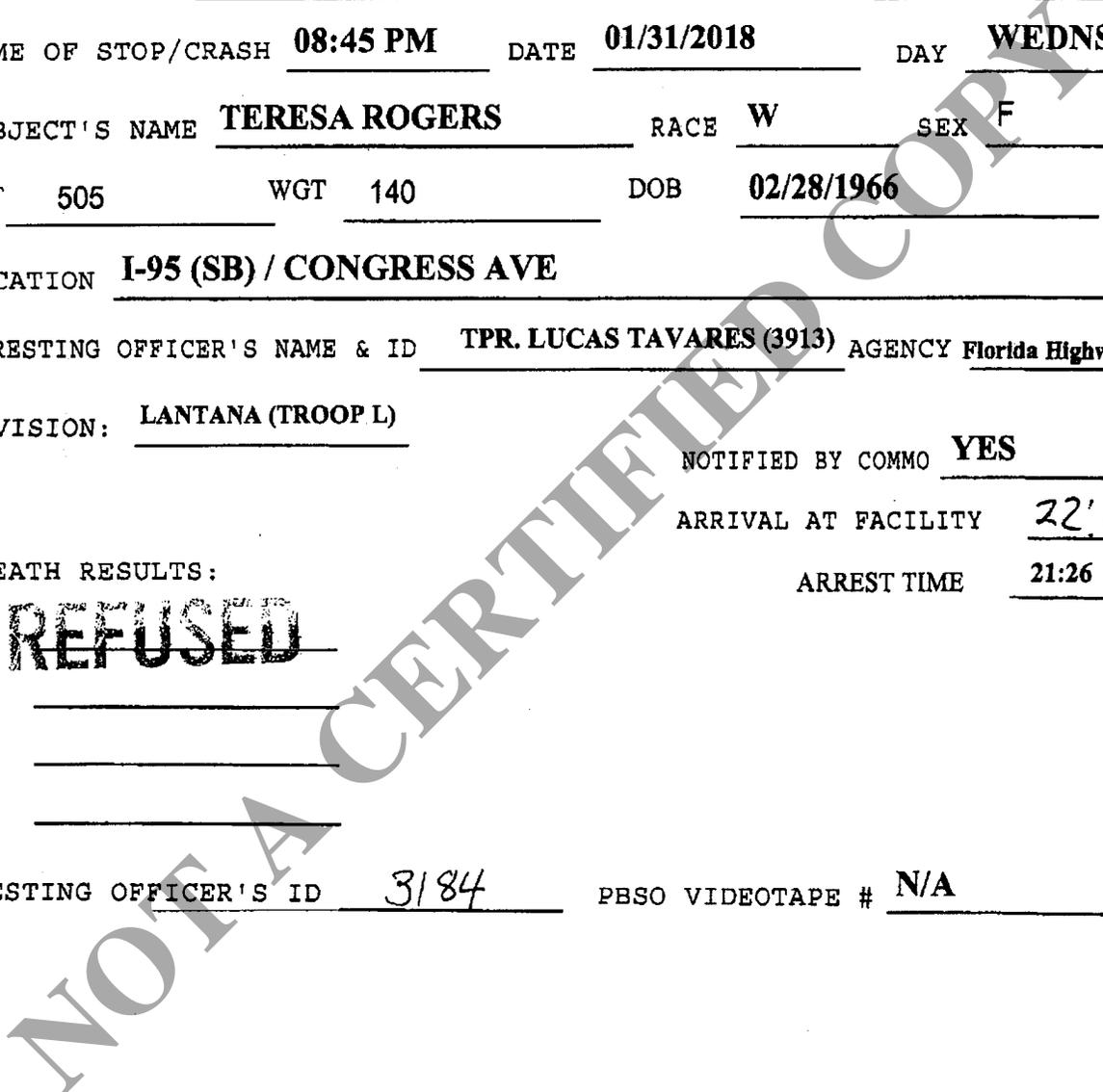
BREATH RESULTS:

ARREST TIME 21:26

1. REFUSED
2. _____
3. _____
4. _____

TESTING OFFICER'S ID 3184

PBSO VIDEOTAPE # N/A



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FEB 02 2018

TESTING FACILITY TASK REPORT

AGENCY: FHP - L
SUBJECT: Rogers, Teresa Marie CASE NUMBER: 18-033055
DATE: 1/31/18 VIDEO TAPE NUMBER: N/A
BEGINNING TIME: 2235 ENDING TIME: 2241
BREATH TESTS RESULTS: **REFUSED** 1) TIME 2237 A.M./P.M. 2) TIME A.M./P.M.
3) TIME A.M./P.M. 4) TIME A.M./P.M.
BREATH OPERATOR: S. Owen #3184
MAINTENANCE TECHNICIAN: J. Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: _____

ATTITUDE: quiet, Co-operative

CLOTHING: black dress

MEDICAL CONDITIONS: heart condition, high blood pressure, anxiety

MEDICATIONS: depression PTSD

OTHER: lots of meds not taken for week came down for rehab & checked out, they would not give her meds very sunburned

COMMENTS: A/O & A arrived at 2214 hrs

A/O observed 20 minutes

A/O requested breath test, & asked consequences

A/O read TTC, & understood, refused

A/O read C/W, & understood risks

& answered Q&A HALF way thru

decided to NOT answer anymore

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FEB 02 2018

SUBJECT: Rogers, Teresa Marie CASE NUMBER: FHPL180FF009135

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 Tpr TAVARES of the FHP

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

SCANNED
FEB 02 2018

SUBJECT: Rogers, Teresa Marie CASE NUMBER: FHPL18OFF009135

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? Boca Raton

WHAT STREET OR HIGHWAY WERE YOU ON? ??

DIRECTION OF TRAVEL? N WHERE DID YOU START? Boynton Beach

WHAT TIME DID YOU START? NO (11/31/98) WHAT TIME IS IT NOW? NO

WHAT IS TODAY'S DATE? NO WHAT DAY OF THE WEEK IS IT? Wednesday

WHAT COUNTY AND CITY ARE YOU IN NOW? Boynton West Palm

WHEN DID YOU LAST EAT? Morning WHAT DID YOU EAT? Eggs

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Cleaning the house

HOW MUCH DO YOU WEIGH? 140 HAVE YOU BEEN DRINKING? Yes WHAT? Vodka

HOW MUCH? less than 1/5 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?	<u>NO</u>
GLASS EYE?	<u>NO</u>
FALSE TEETH?	<u>NO</u>
EAR INFECTION?	<u>NO</u>
INNER EAR TROUBLE?	<u>NO</u>
DIABETES?	<u>NO</u>

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? YES/NO

DO YOU TAKE INSULIN? NO IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? YES WHERE? LA

INTERVIEWER: _____

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FEB 02 2018

WITNESS INTERVIEW / STATEMENT

Name	<u>FILS CÉRES GELIN</u>	Date/Time	<u>01/31/2018</u>
Address	<u>7416 Willow Spring Circle N, Bogart, FL 33036</u>		
Place of Employment	<u>Astaldi Construction</u>		
Phone Number(s): Home	<u>(561) 294-3801</u>	Work	<u>()</u>
Interview Conducted By:	<u>Tpr. Lucas Tavares (3913)</u>		
Identification Produced:	<u>FL DL: G450-243-76-167-0</u>		

I saw her driving off the gore, she hit the arrow board and she was the only one person on the car.

Sworn to me this 31st day of January, 2018

[Signature]
(Law Enforcement Officer Signature)
Section 117.10 Florida Statute

I swear/affirm that this statement is true and correct

[Signature]
(Witness Signature)

Mr. Lucas Tavares (3913)
(Print Name / PIN)

Statement Page 1 of 1

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