0480385

ARREST / NOTICE TO APPEAR

NR

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias

1667 | 5629

1 JUVENILE

ADMINISTRATION

OBTS Number

Agency ORI Number: 0500200

Agency Name: Boca Raton Police Department

Agency Report Number (N.T.A.'s only): 3 | 2 | 2016-012174

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☒ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

If Weapon Seized — Enter Type: None/not Applicable

Multiple Clearance Indicator

Location of Arrest (Including Name of Business): 1000 S DIXIE HWY

Location of Offense (Business Name, Address): 1000 S DIXIE HWY, BOCA RATON, FL 33432

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
08/19/2016	23:32	08/19/2016	23:42	08/20/2016	00:30	EMERALD

DEFENDANT

Name (Last, First, Middle): HURLEY, THOMAS

Alias (Name, DOB, Soc. Sec. #, Etc.): Alias:

Race (W - White, B - Black, I - American Indian, O - Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	12/16/1956	6'02	230	BLUE	BROWN	LIGHT	Large

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description)

Marital Status: S — Religion: N/A

Indication of: Alcohol Influence ☒ Yes ☐ No ☐ Unk. — Drug Influence ☐ Yes ☒ No ☐ Unk.

Local Address (Street, Apt. Number) (City) (State) (Zip): 900 NE SPANISH RIVER BLVD 3W, BOCA RATON, FL 33431 — Phone: (203) 615-3372 — Residence Type: 1. City 2. County 3. Florida 4. Out of State: 1

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 900 NE SPANISH RIVER BLVD 3W, BOCA RATON, FL 33431 — Phone: (203) 615-3372 — Address Source: SUBJECT

Business Address (Name, Street) (City) (State) (Zip) — Phone — Occupation: Retired

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
H640820564560 / FL	[redacted]		WILLIMANTIC, CT,	US

CO-DEF

Co-Defendant Name (Last, First, Middle) — Race — Sex — Date of Birth — ☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

Co-Defendant Name (Last, First, Middle) — Race — Sex — Date of Birth — ☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

JUVENILE

☐ Parent ☐ Other: ☐ Legal Custodian — Name (Last, First, Middle) — Residence Phone

Address (Street, Apt. Number) (City) (State) (Zip) — Business Phone

Notified by: (Name) — Date — Time — JUVENILE DISPOSITION: 1. Handled/Processed within Department and Released 2. TOT JAC 3. Incarcerated

Released To: (Name) — Relationship — Date — Time

The above address was provided by ☐ defendant and/or ☐ defendant's parents.
The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address.
☐ Yes, by: ☐ No:

School Attended — Grade

Property Crime? ☐ Yes ☒ No — Description of Property — Value of Property

CODE

Drug Activity: N. N/A, P. Possess, S. Sell, B. Buy, T. Traffic, R. Smuggle, D. Deliver, E. Use, K. Disperses/ Distribute, M. Manufacture/ Produce/ Cultivate, Z. Other

Drug Type: N. N/A, A. Amphetamine, B. Barbiturate, C. Cocaine, E. Heroin, H. Hallucinogen, M. Marijuana, O. Opium/Deriv., P. Paraphernalia/ Equipment, S. Synthetic, U. Unknown, Z. Other

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #
DUI	316.193(1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
	N	/	2016-012174	1	☐ Y ☒ N		

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

INTAKE

Health / Apparent Physical Condition of Defendant: GOOD

Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries — Explain:

Check which applies: ☐ Released O.R. ☐ Posted Bond ☐ Released to Parent/Guardian ☐ South County Mental Health ☒ T.O.T. County Jail

PROPERTY - Received By: BISSOON — Released By: BISSOON — Released To: COUNTY JAIL

Transported By — Date Transported: / / : : — Time Transported — Other

NOTICE TO APPEAR

☒ INSTRUCTION NO. 1 - Mandatory appearance in court
☐ INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.

Location (Court, Room): South County 200 W Atlantic Ave Delray Beach, FL 33444

Court Date and Time: 09/26/2016 08:30:00

I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN COMTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.

Signature of Defendant (or Juvenile and Parent/Custodian) — Date Signed

AUG 20 2016 AM 1:41

No Photo Available

ADMIN

HOLD for Other Agency

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other

Intake Deputy — I.D. # — Pouch #

Signature of Arresting Officer — 664

Name of Arresting Officer (Print): BISSOON, STEPHEN R. — I.D. # 664

Transporting Officer: D. Graham — I.D. # 773 — Agency: BRPD

Name Verification (Printed by Arrestee) - (PRINT)

Witness here if subject signed with an "X".

PAGE 1 OF 1

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PROBABLE CAUSE AFFIDAVIT

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias

1 JUVENILE

ADMIN

OBTS Number			
Agency ORI Number: FL 0500200	Agency Name: BOCA RATON POLICE DEPARTMENT	Agency Report Number: 3 | 2 | 2016-012174	

Charge Type: Check as many as apply. ☐ 1. Felony ☒ 3. Misdemeanor ☐ 5. Ordinance ☒ 4. Traffic Misdemeanor ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
HURLEY, THOMAS		W	M	12/16/1956

CHARGES

Charge Description	Charge Description
316.193(1) DUI	
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
STATE, FLORIDA	U	U	

Local Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Address Source
100 NW 2ND AVE, BOCA RATON, FL 33432		
Business Address (Name, Street) (City) (State) (Zip)	**Phone**	**Occupation**

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that he/she has just and resonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.

The Person taken into custody . . .

☐ committed the below acts in my presence.

☐ confessed to _____ admitting to the below facts.

☒ was observed by OFC LYMAN who told OFC BISSOON that he/she saw the arrested person committ the below acts.

☒ was found to have committed the below acts, resulting from my (described) investigation.

On the 19 day of August, 2016 at 23:32 (Specifically include facts constituting cause for arrest.)

On 08/19/2016 I responded to 1000 S Dixie Hwy in reference to backing up Ofc Lyman. I met with Ofc Lyman who advised that the driver of a black 2015 Volkswagen bearing Florida license plate #RPV2B passed the construction barricades and crashed into the railroad tracks. Ofc Lyman advised that the driver, Thomas Hurley crashed into the railroad tracks and he was still behind the wheel of the car when he arrived. There were also construction workers present who witnessed the accident. See Ofc Lyman`s report for further details.

I met with Hurley who was still sitting in the driver`s side seat and with his eyes blood shot and glossy. Hurley placed paper in his mouth in an attempt to conceal the odor of alcohol that was coming from his person. I asked him to take the paper out of his mouth and he removed the paper from his mouth. I then asked him what happened and he replied that he was trying to take his sister-in-law home and was convinced by her to go through the railroad tracks. Hurley advised that he was the "asshole driving and saw the signs that prohibited traffic from passing". Hurley`s car got stuck on the tracks and had to be pushed off by the construction workers so they could continue their work.

Based on the above information I asked Hurley to exit the vehicle. As Hurley exited the vehicle he needed the assistance of the driver side door to maintain his balance, as he walked to the rear of his vehicle he stumbled and almost fell at which point I asked Hurley if everything was okay. Hurley advised that his shoes were slippery. I then read Hurley his Constitutional Rights and advised him that I was now conducting a criminal investigation. Hurley advised that he understood and would talk to me without an attorney present.

Hurley then reiterated what happened that caused the accident, advising that he tried to cut across the railroad tracks. I then began to ask him if he would submit to roadside

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

IMMLER, DOUGLAS J
NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

08/20/2016
DATE

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

BISSOON, STEPHEN R (664)
NAME OF OFFICER (PLEASE PRINT)

08/20/2016
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

PROBABLE CAUSE AFFIDAVIT SUPPLEMENT

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias

1 JUVENILE

ADMIN

OBTS Number

Agency ORI Number: FL 0500200

Agency Name: BOCA RATON POLICE DEPARTMENT

Agency Report Number: 3 | 2 | 2016-012174

Charge Type: Check as many as apply. ☐ 1. Felony ☒ 3. Misdemeanor ☐ 5. Ordinance ☐ 2. Traffic Felony ☒ 4. Traffic Misdemeanor ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle): HURLEY, THOMAS

Alias

Race	Sex	Date of Birth
W	M	12/16/1956

PROBABLE CAUSE STATEMENT

sobriety tasks and he began to feel that he was being setup. Hurley was very hesitant and began to become uncooperative. Hurley then advised that he would submit to roadside tasks. I then walked him over to a well lit area and asked him if he had any medical problems or medical issues that would prevent him from doing the tasks. Hurley claimed that he had back problems and he had an issue with the shoes he had on at the time. Hurley advised that if he was able to remove his shoes that he would be able to conduct the tasks. Hurley advised that he had back problems but removing his shoes would help, so Hurley was able to remove his shoes.

I began to give Hurley instructions to the tasks that he was going to perform, which were the Walk and Turn, the One leg Stand, the Finger to Nose and the Rhomberg Alphabet. As I placed Hurley in the starting position for the walk and turn, he was unable to maintain his feet heel to toe, and he could not stay on the line as I was giving the instructions. As Hurley realized that he was having trouble with staying in this position he then advised that he wouldn`t be able to do the walk and turn or the one leg stand because he was experiencing back problems. So I then stopped giving the instructions to the walk and turn and moved onto the Finger to Nose task (R-L-R-R-L). On the first right he touched under the tip of his nose as well as the first left. On the second and third right he touched the bridge of his nose. The second left he touched the side of his nose.

The next SFST was the Rhomberg Alphabet which Hurley was able to say all the letters correctly but he sped through the alphabet not as he was instructed to do. Based on the above information I placed Hurley under arrest for DUI. I then transported him to BRPD.

Ofc. Crawford responded to BRPD as my Breath Test Operator. Ofc Crawford and I conducted the 20 minute observation and then he was taken into the BAT room. Hurley advised that he wouldn`t provide a sample. I then read him the Implied Consent Warnings and Hurley then advised that he would provide a breath sample. Hurley provided two valid samples of .089 and .096. I also read Hurley his Constitutional Rights which he advised he understood and he would answer my questions without an attorney present. See DUI influence report.

Hurley is being charged under F.S.S. 316.193(1) for DUI. Ofc Murphy conducted a crash investigation see her report for further details. A copy of the original in car Video Tape of the above Road Side Tasks was submitted into BRPD evidence. Hurley was transported to the Palm Beach County Jail for further processing.

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

IMMLER, DOUGLAS J 713

NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

08/20/2016

DATE

664

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

BISSOON, STEPHEN R (664)

NAME OF OFFICER (PLEASE PRINT)

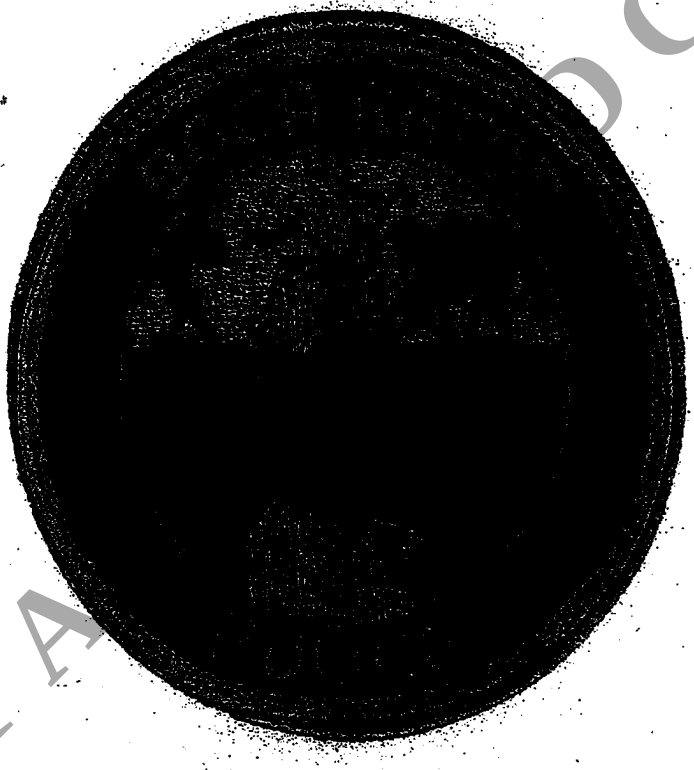
08/20/2016

DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

16-12174 1015 2332 Obs. 2345

D. U. I. INFLUENCE REPORT



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Boca Raton Police Services Department
100 Northwest Second Avenue
Boca Raton, Florida 33432

WITNESS LIST

ARRESTING OFFICER: Bissoon

Name: Lt Kwiatkin Phone # Home — Work —

Address: —

Can testify to: See report

Name: Ofc. Lyman Phone # Home — Work —

Address: —

Can testify to: See report

Name: Ofc. Crawford Phone # Home — Work —

Address: —

Can testify to: Breath test

Name: Phone # Home Work

Address:

Can testify to:

Name: Phone # Home Work

Address:

Can testify to:

Name: Phone # Home Work

Address:

Can testify to:

Name: Phone # Home Work

Address:

Can testify to:

Name: Phone # Home Work

Address:

Can testify to:

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BOCA RATON POLICE DEPARTMENT

Agency Case# 16-12174

PART II D.U.I. REPORT
To be filled out at testing facility

I. INTRODUCTION (Instrument Operator faces video camera)

A. The day is: Saturday (day), August (month), 20th (date), 2016 (year)

B. The time is now approximately 12:09 (AM)/PM

C. The following is in reference to case number 2016-12174

D. Present at this time is Ofc's Cadet/Bissoon (Officer's Name) of the Boca Raton Police Department.

E. Officer Bissoon, Have you arrested Thomas Hurley (Defendant's name)
In violation of Florida State Statute 316.193?

F. Did this violation occur within the City of Boca Raton, Palm Beach County, Florida?

G. Mr./Mrs./Ms. Hurley, I am required to inform you these proceedings are being video taped.

Operator Note: Video tape breath request, breath sample, and interview

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BOCA RATON POLICE DEPARTMENT

Agency Case # 16-12194

H. AT THIS TIME THE ARRESTING OFFICER WILL REQUEST A BREATH SAMPLE.

Note: Read only the paragraph applicable to the type of test you are requesting.

1. (A.) I am now requesting that you submit to a lawful test of your **BREATH** for the purpose of determining its alcohol content.

B. I am now requesting that you submit to a lawful test of your **URINE** for the purpose of determining its alcohol content.

C. I am now requesting that you submit to a lawful test of your **BLOOD** for the purpose of determining its alcohol content and the presence of chemical or controlled substances.

IMPLIED CONSENT WARNINGS

Note: Read only if the subject does not comply with your request.

2. I am Ofc. Bisson of the Boca Raton Police Dept.

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 signature: Read on tape

ALSO READ FOR CDL HOLDERS

IN ADDITION, your refusal to submit will result in the **loss of your commercial privileges** for **one year from today.** If this is your SECOND REFUSAL, you will be **permanently disqualified** from operating a commercial motor vehicle.

After reading the implied consent warning, the arresting officer must request a breath sample again.

(IF REFUSAL THEN)

At this time Mr/Mrs/Ms._____has refused to submit to a breath test.

The date is_____(Month)_____(Day)_____(Year) and the time____AM/PM

A refusal form will be completed by the arresting officer.

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BOCA RATON POLICE DEPARTMENT
TESTING FACILITY TASK REPORT

SUBJECT: Hurley, Thomas

CASE #: 2016-12194 DATE: 8/20/16

BREATH TESTS RESULTS:

1) TIME .089 / 12:15 (AM)/PM 2) TIME .096 / 12:19 (AM)/PM

3) TIME — AM/PM 4) TIME — AM/PM

BREATH OPERATOR: Ofc. Cantad

MAINTENANCE TECHNICIAN: Ofc. Brooke

TESTING OFFICER'S OBSERVATIONS

SPEECH: normal

ATTITUDE: quiet, but agitated at times, temperamental.

CLOTHING: peach polo shirt, tan shorts, tan shoes

MEDICAL CONDITIONS: Lisinopril, atorvastin, allegra, prevacid

OTHER: Diabetics (type 2), Acid reflux

COMMENTS: Hurley's eyes are glassy + bloodshot. I can smell an odor of alcoholic beverage emanating from Hurley's breath.

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BOCA RATON POLICE DEPARTMENT

Agency Case # 16-12174

ADULT CONSTITUTIONAL WARNINGS
(Juvenile warning on reverse side)

"I am required to warn you before you make any statement that you have the following rights":

1) You have the right to remain silent and not answer any questions.

2) Any statement you make must be freely and voluntarily given.

3) You have the right to the presence of a lawyer and representation 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 statement 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 be and will be used against you in a court of law.

DO YOU UNDERSTAND THESE RIGHTS AS I HAVE READ THEM TO YOU AND DO YOU WISH TO SPEAK TO ME?

(X) Read on tape

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QUESTIONS AND ANSWERS

Were you operating a motor vehicle at the time of the accident/stop? Yes

Where were you going? Driving sister in law home.

What street or highway were you on? Dixie Hwy.

Direction of travel? South.

Where did you start driving from? Arturo's Restaurant.

What City (County) were you stopped in? Boca Raton.

What time did you start? 1030 pm AM/PM What time is it now 1215 am

What is today's date? 20th/Ay What day of the week is it? Saturday

BOCA RATON POLICE DEPARTMENT

Agency Case # 16-12174.

When did you last eat? 830 pm What did you eat? 1 linguine w/ white Clams Casino & Mussels

What have you been doing the past three hours prior to this stop/accident? ate & Shopping.

How much do you weigh? 230lbs Have you been drinking? Yes What were you drinking? Wine

How much? 3 bottles Where? Js's seafood. With whom were you drinking? wife & sister in law.

When did you have your first drink? 645 AM/PM When did you stop drinking? 900 AM/PM

How did you consume your last two drinks? Sipped.

Are you under the influence of alcohol now? Yes ☐ No ☒

Can you feel the affects of alcohol? Yes ☒ No ☐

Have you consumed alcohol since the accident? Yes ☐ No ☒

Can you feel the affects of alcohol? Yes ☐ No ☐

Have you consumed alcohol since the accident? Yes ☐ No ☐ How much? _____ What? _____

Where? _____

What line of work are you in? Retired.

When did you last work? 1yr ago.

Do you have any physical defects or injuries? Yes ☒ No ☐ If yes, explain:
Back problem

Are you sick or injured? Yes ☐ No ☒ If yes explain:

Do you limp? Occasionally Did you get a bump on the head? No.

Were you involved in an accident today? Yes.

Have you taken any drugs or smoked marijuana today? Not

What? lisinopril allegra aspirin atorvastin omeprozole. When? morning

Have you seen a doctor or dentist today? No. Who? _____

Are you taking any prescription medicines? Yes ☒ No ☐ What? _____ When? _____

Do you have:	Epilepsy? Yes ☐ No ☒	Inner ear trouble? Yes ☐ No ☒
	Glass Eye? Yes ☐ No ☒	Ear Infection? Yes ☒ No ☐
	False Teeth? Yes ☐ No ☒	Diabetes? Yes ☒ No ☐

Any eye problems not correctable by glasses or contact lenses? _____

Do you take insulin? Yes ☐ No ☒ If yes, when was your last injection? _____

Have you ever had a driver's license in any other state? Connecticut.

I am now ending this videotaping. The time now is approximately 1226 AM/PM

The date is: August (month) 20 (day) 2016 (year).

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FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: BOCA RATON PD
Instrument Serial Number: 80-001183 Software: 8100.27
Date of Test: 08/20/2016

Date of Last Agency Inspection: 07/26/2016
Observation Period Began: 23:45
Subject's Name: THOMAS J HURLEY DOB: 12/16/1956 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	00:13
Air Blank	0.000	00:14
Control Test	0.079	00:14
Air Blank	0.000	00:14
Subject Sample #1	0.089	00:15
Air Blank	0.000	00:16
Air Blank	0.000	00:17
Subject Sample #2	0.096	00:19
Air Blank	0.000	00:20
Control Test	0.079	00:20
Air Blank	0.000	00:21
Diagnostics Check	OK	00:21

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Cylinder Lot: 28515080A3
Exp: 11/05/2017

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 A CRAWFORD, 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: _____ #623 Date: 8/20/16
Signature

Sworn to (or affirmed) before me this 20th day of August, 2016

_____ Stephen Bisson
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

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.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007