0480976 1096 NH

FLORIDA HIGHWAY PATROL

REPORT NUMBER
FHP99ARR101200

ARREST REPORT

Report Date / Time	Agency Case/Offense Number	OCA Number (Originating Agency Case Number)	OBTS Number (Offender Based Transaction System)	Jail Booking Number	Other Number
09/10/2016 02:28 AM	FHPK16OFF060195				LWRC16CAD156417

LOCATION OF OCCURRENCE

County	Address		
PALM BEACH	FLORIDA'S TPKE NB , BOYNTON BEACH, FL 33437		
Range of Occurrence Date/Time		Latitude	Longitude
09/10/2016 01:53 AM to 09/10/2016 01:53 AM		N 26 30.9492	W 80 10.3512

PERSON: SUSPECT

First Name	Middle Name	Last Name	Suffix	Date of Birth	Age	Race	Sex	Height	Weight	Hair	Eyes
VELMA	M	XAVIER		10/15/1974	41	B	F	506	105	BLK	BRO

Master Name Index Number	Place of Birth	Nation	SSN	Driver's License or Other ID	State	Class or Type
	S. AFRICA	UNKOWN	[redacted]	X160873748750	FL	E

Address	City	County	State	Zip Code	Phone
21116 VIA VENTURA	BOCA RATON	PALM BEACH	FL	33433	

CHARGES

Counts	Charge Number	Charge
1	316.193.1	DUI ALCOHOL OR DRUGS

Charge Degree	Charge Level	General Offense Code			Bond Amount
	MISDEMEANOR	PRINCIPAL	☐ Hate Crime	☐ Domestic Violence	$0.00

DUI ALCOHOL OR DRUGS

PROBABLE CAUSE

On Saturday September 10, 2016 I, Trooper N. Tineo was on routine patrol on the Florida Turnpike in Palm Beach County. I was traveling northbound approaching the Boynton Beach Blvd exit when I observed a vehicle braking in the distance without any other vehicles near it or in front of it. The vehicle slowed to below the normal flow of traffic. As we approached the exit, the vehicle appeared to be exiting to Boynton Beach Blvd and attempted to enter the exit ramp. The vehicle then suddenly veered left and continued traveling north. The vehicle was weaving from left to right within its lane and at times straddled the solid white line on the right side of the road. The driving pattern appeared to be of someone who is sleepy, ill, or impaired.

I initiated a traffic stop and made contact with the driver. I explained to her the reason for the stop and she advised that she was fine. While engaged in conversation with her, I noticed her eyes to be bloodshot and glassy. As she looked for her documents (Drivers' license and insurance) a clear bottle caught my attention and it appeared to be that of an alcoholic beverage. The driver was identified as Velma Xavier by her Florida DL (DL # X160873748750). When I asked her where she was heading to, she stated that she was going to exit at the next exit. I then asked her was exit was that and she stated Glades Road. This traffic stop was made 12 miles north of Glades Rd and Ms. Xavier had a couple prior exits to get off the highway and head home. She handed me a few documents and stated that it was her Geico insurance. Ms. Xavier actually handed me a vehicle registration and a red Bank of American debit card ending in 2420.

Based on the events described above Ms. Xavier was asked to step out of the vehicle. As she exited the vehicle Ms. Xavier decided to wear a pair of sunglasses. She was asked if she were willing to perform field sobriety exercises and she agreed. The three standardized field sobriety exercises that were performed were HGN, walk and turn, and one leg stand. Her performance was poor.

HGN: Several attempts were made at HGN since Ms. Xavier had difficulty following directions and maintaining her head straight. She either moved her head or looked away after being instructed not to do so. Lack of smooth pursuit was present. Lack of smooth pursuit, distinct nystagmus at maximum deviation and on set prior to 45 degrees were all present. The front emergency lights of my patrol vehicle were turned off and she removed her sunglasses prior to start.

Walk and Turn: During the instruction phase Ms. Xavier was not able to hold the start position after attempting to do so more than once. She stated that she would not be able to perform this exercise because she did not have her glasses her on. Ms. Xavier advised she understood the instructions after being explained and demonstrated. This exercise was started over more than once. Instead of counting her steps out loud as instructed, she began to call out Left, Right, Left, Right as she stepped forward. She did not touch heal to toe on her way up the line and on her way down the line. Once she completed her first 9 steps, she stopped the exercise and was reminded that she had to take 9 heel to toe steps back. As she took her steps she began to crisscross her feet instead of walking heel to toe.

One Leg Stand: Ms. Xavier raised her right leg and shortly afterwards put it back down. She asked if she had to count up to 600. For safety reasons, this exercise was stopped once Ms. Xavier nearly fell back.

At 2:14am, I placed Ms. Xavier under arrest for driving under the influence. She was then transported to the Palm Beach County BAT. Once the 20 minute observation was complete, Ms. Xavier advised that she did not understand what was being asked of her when asked to provide a breath sample. I proceeded to read her implied consent and she stated that she did not understand. The BAT tech attempted to explain the process and implied consent to her. She asked for an attorney and stated that she did not know how to answer that right now. I read her implied consent again and reminded her that at this part of the breath sample she did not have the right to an attorney. At 3:13am, she was charged with DUI refusal. Implied consent and Miranda were read on camera at the BAT. There's also video available from the patrol car.

It should be noted that the bottle was later discovered to be an open container of Vodka. Ms. Xavier stated that she did not have any injuries or eye conditions that would prevent her from perform the exercise. She urinated on herself while sitting in her car. As she was doing the sobriety exercises I noticed her upper thigh and butt area to be wet. I later noticed that the driver seat was also wet. The vehicle was towed by Sister Towing.

Ms. Xavier was charged with DUI refusal, cited for proof of insurance, open container and violation of traffic control device. Ms. Xavier was then turned over to the Palm Beach County Jail staff without incident.

UNCERTIFIED COPY

LEO BOND

Bond Amount $	None	☐ROR	☐Cash	☐Any	☐PreTrial If Qualify
_____	☐Pro				☐

SCANNED SEP 1 1 2016

Report Date / Time	Agency Case/Offense Number	OCA Number (Originating Agency Case Number)	OBTS Number (Offender Based Transaction System)	Jail Booking Number	Other Number
09/10/2016 02:28 AM	FHPK16OFF060195	.			LWRC16CAD156417

COURT APPEARANCE INFORMATION

Court	Court Phone	Court Date & Time
(COUNTY) PALM BEACH NORTH COUNTY COURTHOUSE	561-624-6608	10/05/2016 10:00 AM

Court Address: 3188 PGA BLVD., PALM BEACH GARDENS, FL 33410

Instructions:

ARREST INFORMATION

Arrest Date / Time	Residency	Injured	Extent of Injury	Resist Arrest
09/10/2016 02:14 AM	Within jurisdiction	None	N/A	No

Prior Arrests	Arrest Jurisdiction	Alcohol	Drugs
Unknown	Within jurisdiction	Yes	Unknown

ARREST LOCATION

County	Address
PALM BEACH	STATE ROAD 91 MM 88 , BOYNTON BEACH, FL 33472

ARREST DELIVERED TO

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

ARRESTING OFFICER

Officer Call Number	Officer Name	Officer Signature
1246	N.A. TINEO	Tpr. Nelson Tineo

Subscribed and sworn to (or affirmed) before me this 10th day of September A.D., 2016 by _____ who is __ personally known to me or has produced _____ as identification.

_____ __Notary Public __LEO __CO Commission No: _____ My Commission Expires: _____
Signature

JAMES G BIGGS
Notary Public - State of Florida
My Comm. Expires Nov 18, 201
Commission # FF 059684
Bonded Through National Notary A

NOT A CERTIFIED COPY

SCANNED
SEP 11 2016

TESTING FACILITY TASK REPORT

AGENCY: FHP-TINEO

SUBJECT: XAVIER, VELMA M

CASE NUMBER: 16-125280

DATE: Sep 10, 2016

VIDEO DVD NUMBER: 61361

BEGINNING TIME: 0306

ENDING TIME: 0315

BREATH TESTS RESULTS: 1) REF TIME 0313 A.M. ☒ P.M. ☐ 2) XX TIME XX A.M. ☐ P.M. ☐

3) XX TIME XX A.M. ☐ P.M. ☐ 4) XX TIME XX A.M. ☐ P.M. ☐

BREATH OPERATOR: J Biggs# 7607

MAINTENANCE TECHNICAN: D/S J Karklecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SOMEWHAT SLURRED

ATTITUDE: COOPERATIVE

CLOTHING: BLUE SHIRT, BLUE JEANS URINE SOAKED

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES GLASSY, BLOOD SHOT RED

COMMENTS:

THE ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 0245 HOURS
SUBJECT DID NOT ANSWER ANY OF THE BOOKING QUESTIONS
SUBJECT WAS UNSURE IF SHE WOULD SUBMIT TO THE TEST OR NOT
IMPLIED CONSENT WAS READ TO THE SUBJECT
SUBJECT ADVISED SHE WANTED AN ATTORNEY
SUBJECT WAS EXPLAINED SHE DID NOT HAVE ACCESS
IMPLIED CONSENT WAS EXPLAINED BY A/O AND TECH
SUBJECT STILL UNSURE
REFUSAL WAS CALLED
MIRANDA READ AND UNDERSTOOD
SUBJECT REQUESTED ATTORNEY

NOT A CERTIFIED COPY

SCANNED
SEP 1 1 2016

SUBJECT: Velma M. Davis CASE NUMBER: [illegible]

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? _____

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: _____

NOT A CERTIFIED COPY

SCANNED
SEP 1 1 2016

SUBJECT: [illegible] CASE NUMBER: [illegible]

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) _____

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.

NOT A CERTIFIED COPY

SCANNED
SEP 1 1 2016

SUSPECT'S SIGNATURE: (X) _____



NOT A CERTIFIED

SCANNED
SEP 1 1 2016