



Arrest Report

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

0510448 19CT15701AMB
196

Report Date / Time 8/24/2019 11:42 PM	Report Number FHP99ARR804483	Case Number/Cad Number FHPL19OFF056109 / LWRC19CAD155516	Reporting Officer Name IV, ANDREW L
Originating Agency ORI	Occur Date Time Range 08/24/2019 22:06:24 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description MILITARY TRAIL SOUTHBOUND			
Street Number	Street S MILITARY TRL	Apt/Lot/Bldg	City JUPITER	State FL	Zip Code 33458

Defendant

First Name XAVIER	Middle Name	Last Name ALVAREZ	Suffix	Race WHITE	Sex MALE	Height 600	Weight 220	Hair GRY	Eyes BRO
MNI #	SSN	Date of Birth 03/29/1964	Age 55	Place of Birth LIMA PERU	Drivers License or other ID A416940641090	State FL	ID Type E		
Address * RESIDENCE / 6297 DANIA ST , JUPITER, FL 33458 / 561-743-8634									

Arrest

Arrest Date/Time 8/24/2019 10:44:00 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description MILITARY TRAIL SOUTHBOUND				
Street Number	Street S MILITARY TRL	Apt/Lot/Bldg	County PALM BEACH	City JUPITER	State FL	Zip Code 33458

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 OR	
Charge Description DUI ALCOHOL OR DRUGS			

Bond Set by Court

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

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 8/24/2019 at approximately 10:06PM I responded to the area of Military Trail south of Indian Town Road to provide routine backup to Sgt. Gallagher (#1176) who had conducted a traffic stop on a red

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DS COLLINS 7622

IV, A # 3651

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AUG 25 AM 11:45
AUG 26 2019

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Toyota Corolla (attached Florida tag: CIM124). Sgt. Gallagher informed me that the driver of the above vehicle was traveling all over the roadway failing to maintain a single lane prior to the initiation of the traffic stop. Sgt. Gallagher provided a detailed written account of his observations which are listed at the bottom of the report. The driver of the red Toyota Corolla was identified by his Florida drivers license as Xavier Alvarez (FL DL: A416940641090). I approached the driver side window and spoke to Mr. Alvarez. As I spoke to Mr. Alvarez I noticed that his eyes appeared to be bloodshot and glassy and his eyelids appeared to flutter periodically. I also observed that his hands appeared to shake periodically in an odd manner. His shirt was off and he was sweating profusely while inside the vehicle. I asked him to step out of the vehicle and perform standardized field sobriety exercises. Prior to administering the exercises I asked Mr. Alvarez if he had any medical conditions and he stated that he suffered from Glaucoma. I asked him if he wore glasses or contacts and he did not. I asked if he had any injuries and he stated no. The results of the exercises are summarized below. (Note: The below summary is not intended to be a verbatim account of all the events that took place during the administration of the standardized field sobriety exercises. Video footage and audio of the exercises is available upon request.) Each exercise was explained and demonstrated prior to the subject attempting to perform the exercise.

Horizontal Gaze Nystagmus Exercise (Streamlight red LED pen used as a contrasting stimulus)

- I checked for resting nystagmus which was not observed in either eye
- I checked for equal pupil size and equal tracking; Both pupils were equal in size and both eyes tracked the stimulus equally.

Walk and Turn Exercise (A white painted line on the roadway was utilized)

- Did not stay in the starting position as instructed
- Started exercise prior to command to begin
- Used arms to balance
- Stepped off the line

One Leg Stand Exercise

- Placed foot down
- Did not keep hands to side as instructed, using them to balance

Modified Rhomberg Balance Exercise

- 13 seconds elapsed during the 30 second time estimation

Finger to Nose Exercise

- Missed finger to nose multiple times touching other areas of the nose contrary to the provided

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instructions

Based upon the performance of the above exercises and the totality of the circumstances I determined that there was probable cause to believe that Xavier Alvarez 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 marked patrol vehicle. Mr. Alvarez was later transported to the Palm Beach County Breath Alcohol Testing (BAT) facility. 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 agreed to provide the samples and provided a first breath test sample of 0.000 and a second breath test sample of 0.000. He was then asked to provide a urine sample to test for the presence of chemical or controlled substances and he agreed to provide the sample. The urine sample was collected from Mr. Alvarez, sealed and labeled. The urine sample was later transported to the Florida Highway Patrol Lantana substation to submitted into evidence for toxicology testing. Mr. Alvarez was issued a uniform traffic citation for DUI. Sgt. Gallagher issued Mr. Alvarez a citation for Improper Turn and for Failure to drive in a single lane. 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

Sergeant M. Gallagher's Observations:

On 8/24/19 at approximately 10:00 p.m., I (Sergeant Matthew Gallagher) was traveling southbound on Alternate A1A south of US Highway 1 in the center lane. I observed a red Toyota Corolla bearing Florida tag "CIMI24". The Toyota was drifting within the lane. Several times the Toyota weaved into the outside lane before returning to the center lane. The vehicle straddled the intermittent white line separating the center lane and outside lane. The Toyota approached a steady red traffic signal at the intersection of State Road 706 (Indiantown Road). The Toyota stopped behind another vehicle at the traffic signal. After approximately 20 seconds, the Toyota changed lanes into the outside lane. The Toyota traveled past the stop bar and onto the marked crosswalk where it stopped again. The Toyota made a right turn on red to travel westbound on State Road 706. The Toyota made a wide and improper turn into the center lane when the outside lane was available. The Toyota continued to drift with in the center lane as it traveled westbound. As the Toyota approached the intersection of Military Trail, the vehicle changes lanes across the inside lane and into the outside left turn lane. The Toyota stopped for traffic ahead that was already stopped for a steady red traffic signal. The traffic light changed to green and the Toyota began a left turn to travel southbound on Military Trail. I activated my patrol vehicle's emergency lights to conduct a traffic stop on the red Toyota. The vehicle's right side tires traveled over the solid white fog line. The driver of the vehicle was slow to respond to my emergency lights. After several seconds, the vehicle finally slowed and came to a stop in the

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southbound outside lane of Military Trail. There was a parking lot available on the right side of the roadway, however the driver failed to use the parking lot and stopped on the roadway.

I approached the vehicle on the driver's side and made contact with the driver who was the only occupant. The driver was identified by his Florida driver license (A-416-940-64-109-0) as Xavier Alvarez. Mr. Alvarez had no shirt or seatbelt on and was sweating profusely. I asked Mr. Alvarez if he was ill or suffered from any medical conditions to which stated he has Glaucoma. He stated he takes eye drops from his condition and does not take any other medication. He stated he does not have any other known medical conditions. He stated the vehicle he was driving did not have any mechanical issues. I advised him of the reason for the stop in reference to his driving pattern. He stated he possible was distracted. He stated he was sweaty from doing yard work at a house he is 'fixing up' and was on his way home. Mr. Alvarez's eyes were blood shot and glassy. Trooper Andrew Iv arrived on scene and took over the traffic stop. Trooper Iv conducted a DUI investigation and Mr. Alvarez was subsequently arrested for DUI and transported to the Palm Beach County Jail. The red Toyota was towed by All Florida Tow.

Jail Bookin Facility

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

Booking Facility Location
3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406

Booking Comments

Court

Court County	Court Location		
PALM BEACH	3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court	Court Phone	Court Apperance Date / Time	Court Fine
CRIMINAL JUSTICE COMPLEX	561-355-2994	09/19/2019 8:30AM	
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
IV, ANDREW L TROOPER 3651	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL1LWRC1PALM BEACH1SR702 TO MARTIN LN

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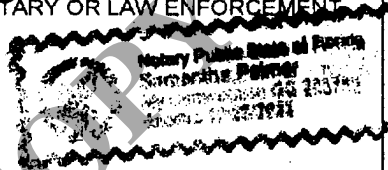
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AUG 26 2019

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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 IV, ANDREW L	Office Rank TROOPER	Officer ID No 3651	Sworn and subscribed before me, the undersigned authority This the <u>25</u> day of <u>August</u> , <u>2019</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL	Officer Signature <i>Andrew L</i>		

NOT A CERTIFIED COPY



**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: 2019027796	Date: 08/26/2019
	Specialist Name/ID: AM/31562

SCANNED
AUG 26 2019