

J# 0486932

3222



FLORIDA HIGHWAY PATROL

REPORT NUMBER
FHP99ARR121287

ARREST REPORT

| | | | | | | | |
|---|---|------------|-----------------------------------|-------------|--------------------------------------|---------------------|--------------------------------|
| Report Date / Time 04/10/2017 01:29 AM | Agency Case/Offense Number FHPK17OFF023698 | OCA Number | Originating Agency Case Number | OBTS Number | Offender Based Transaction System | Jail Booking Number | Other Number LWR17CAD060921 |
|---|---|------------|-----------------------------------|-------------|--------------------------------------|---------------------|--------------------------------|

LOCATION OF OCCURRENCE

| | |
|---|---|
| County PALM BEACH | Address SR91 (FL TURNPIKE) NB 96.5MM , WEST PALM BEACH, FL 33413 |
| Range of Occurrence Date/Time 04/10/2017 12:35 AM to 04/10/2017 12:35 AM | Latitude N 26 39.9133 |

PERSON: SUSPECT

| | | | | | | | | | | | |
|--|-----------------------------------|--------------------------------------|--------|------------------------------------|------------------|--|--------------------------|---------------------------|----------------------|--------------------|--------------------|
| First Name XAVIER | Middle Name EMERSON | Last Name CASTRO CANIZALES | Suffix | Date of Birth 06/03/1989 | Age 27 | Race W | Sex M | Height 506 | Weight 150 | Hair BRO | Eyes BRO |
| Master Name Index Number | Place of Birth HONDURAS | Nation CENTRAL AMERICA | SSN | | | Driver's License or Other ID C236945892030 | State FL | Class or Type E | | | |
| Address 8260 SW 210TH ST 311 | City CUTLER BAY | County MIAMI-DADE | | | | State FL | Zip Code 33189 | Phone | | | |

CHARGES

| | | |
|----------------------|------------------------------------|--|
| Counts 1 | Charge Number 316.193.1 | Charge DUI-UNLAW BLD ALCH |
| Charge Degree | Charge Level MISDEMEANOR | General Offense Code PRINCIPAL |
| DUI ALCOHOL OR DRUGS | | <input checked="" type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Bond Amount |

PROBABLE CAUSE

On April 10th, 2017, I Trooper J. Tillet I.D. # 1262 was dispatched via the Lake Worth Regional Communication Center (LWRCC) to a vehicle that was all over the roadway, swerving unable to maintain its' lane, and hit the guardrail multiple times and kept going, northbound on State Road 91 (Florida's Turnpike) approximately from mile marker 86, in Palm Beach County, Florida. The description of the vehicle that was given was a red / white Ford pick-up truck.

Moments later, while I was stationary at mile marker 94, I observed a red pick-up truck with a white tail-gate, traveling at a high-rate of speed, greater than the posted speed limit. I then pulled out into traffic and proceeded to over-take the vehicle, while never losing site. As I was over-taking the vehicle, I observed the red pick-up truck cross-over the center lines twice, and the right solid line once. After observing the vehicle unable to maintain a single lane, I pulled up directly behind it, which was bearing a Florida's tag/registration of 520RVJ, and activate my mark patrol vehicles' emergency equipment to conduct a traffic-stop on the vehicle for a welfare check on the driver, who I had reasonable suspicion to believe may have been in need of medical attention or driving under the influence.

I activated my patrol vehicle's emergency equipment at approximately mile marker 95, and the aforementioned vehicle hesitated to pull over for approximately 1.5 miles, finally at mile marker 96.5, which is just south of State Road 80 (Southern Blvd), in Palm Beach County, Florida, the vehicle pulled over to the right side paved shoulder.

I then made contact with the driver of the vehicle through the front passenger side window, who was then positively identified as Xavier Emerson Castro Canizales date of birth of 06/03/1989 via his valid Florida's Driver's License; C236945892030. While speaking with Mr. Castro Canizales, I detected an odor of an alcoholic beverage emitting from his breath, along with a slurred speech and observed his eyes to be blood-shot red, watery, and glassy.

I then asked Mr. Castro Canizales, to step-out from his vehicle, to which he complied. Mr. Castro Canizales while exiting from his vehicle had a difficult time maintaining his balance and had to use his left hand to walk-back towards the rear portion of his vehicle. While speaking to Mr. Castro Canizales at the rear portion of his vehicle, he was swaying from left to right and from front to back. Mr. Castro Canizales advised me he was coming from the Cutler Bay area in Miami, on his way to Okeechobee. During my conversation with Mr. Castro Canizales, I continued to detect odor of an alcoholic beverage emitting from his breath, along with a slurred speech.

At this time, I asked Mr. Castro Canizales if he was willing to perform Standard Field Sobriety Exercises (SFSE's), to which he complied.

SFSE's were conducted and signs of impairment was observed. Mr. Castro Canizales was lawfully arrested on scene for Driving Under the Influence. Mr. Castro Canizales was advised Implied Consent on road-side, to which he refused. Mr. Castro Canizales was the placed in the rear right portion of the patrol vehicle, without incident.

Mr. Castro Canizales' vehicle was inventoried on scene, and towed.

Mr. Castro Canizales was the transported to the Palm Beach County Jail, where he was taken into the Breath Analyzer Testing facility where he was observed for 20 minutes, where he did not ingest any solids or liquids.

After the 20 minute observation period, Mr. Castro Canizales was then again advised of his Implied Consent, to which he refused again on video.

Mr. Castro Canizales was then processed and booked into the Palm Beach County Jail, for Driving Under the Influence, with a refusal.

LEO BOND

| | | | | | |
|----------------|-------------------------------|------------------------------|-------------------------------|------------------------------|--|
| Bond Amount \$ | <input type="checkbox"/> None | <input type="checkbox"/> ROR | <input type="checkbox"/> Cash | <input type="checkbox"/> Any | <input type="checkbox"/> <input type="checkbox"/> Pre-Trial If Qualify |
| | <input type="checkbox"/> Pro | | | | <input type="checkbox"/> |

COURT APPEARANCE INFORMATION

| | | |
|--|------------------------------------|---|
| Court (COUNTY) PALM BEACH NORTH COUNTY COURTHOUSE | Court Phone 561-624-6608 | Court Date & Time 05/15/2017 08:30 AM |
| Court Address 3188 PGA BLVD., PALM BEACH GARDENS, FL 33410 | | |
| Instructions | | |

APR 10 AM 4:35

| | | | | | | | |
|---|---|------------|-----------------------------------|-------------|--------------------------------------|---------------------|---------------------------------|
| Report Date / Time 04/10/2017 01:29 AM | Agency Case/Offense Number FHPK17OFF023598 | OCA Number | Originating Agency Case Number | OBTS Number | Offender Based Transaction System | Jail Booking Number | Other Number LWRC17CAD060921 |
|---|---|------------|-----------------------------------|-------------|--------------------------------------|---------------------|---------------------------------|

ARREST INFORMATION

| | | | | |
|---|-------------------------------------|-----------------|-------------------------|---------------------|
| Arrest Date / Time 04/10/2017 01:17 AM | Residency Within state | Injured None | Extent of Injury N/A | Resist Arrest No |
| Prior Arrests No | Arrest Jurisdiction Within state | Alcohol Yes | | Drugs No |

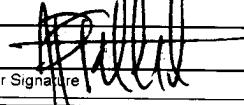
ARREST LOCATION

| | |
|----------------------|--|
| County PALM BEACH | Address SR91 (FL TURNPIKE) NB 96.5MM , UNINCORPORATED, FL |
|----------------------|--|

ARREST DELIVERED TO

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

ARRESTING OFFICER

| | | |
|-----------------------------|---------------------------|---|
| Officer Call Number 1262 | Officer Name J. TILLET | Officer Signature  |
|-----------------------------|---------------------------|---|

Subscribed and sworn to (or affirmed) before me this 10th day of April A.D. 2017 by _____ who is not personally known to me or has produced _____ as identification.

Notary Public LEO CO Commission No: _____ My Commission Expires: _____

Signature 

NOT A CERTIFIED COPY

SCANNED
APR 13 2017

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

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

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

Other Observations:

Vertical Gaze Nystagmus & Lack of convergence were observed.

WALK & TURN:

Mr. Castro-Canizales failed to follow instructions.
Started when not instructed. (Improper starting position.
1st nine steps; 9th step improper and improper turn, used arms and hands for balance.
2nd nine steps, steps 1, 4, 5, 6, 7 were improper used arms and hands for balance.
Both set of steps no counts were aloud.

ONE LEG STAND:

Mr. Castro-Canizales failed to follow instructions.
Started when not instructed.
Left foot down / Right foot raised w/ shoes on.
Counted up to 14 seconds then fell off balance. Then again up to 19 seconds out of 30.

FINGER TO NOSE:

N/A

ROMBERG/ALPHABET:

N/A

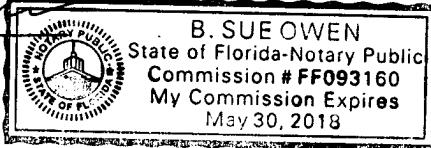
BREATH TEST RESULTS: *Refused/Refused*

STATE OF FLORIDA
COUNTY OF PALM BEACH

(Signature of Arresting/Investigative Officer)
The foregoing instrument was notarized or sworn before me this 10th day of April, 2017 by Tony T. Miller

who is personally known to me and/or produced identification. Type of identification produced _____

Notary Public, Clerk of Court, Officer (P.S.S. 117.10)



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APR 13 2017

TESTING FACILITY TASK REPORT

AGENCY: _____

SUBJECT: _____ CASE NUMBER: _____

DATE: _____ VIDEO TAPE NUMBER: _____

BEGINNING TIME: _____ ENDING TIME: _____

BREATH TESTS RESULTS: 1) _____ TIME _____ A.M./P.M. 2) _____ TIME _____ A.M./P.M.

3) _____ TIME _____ A.M./P.M. 4) _____ TIME _____ A.M./P.M.

BREATH OPERATOR: _____

MAINTENANCE TECHNICIAN: _____

TESTING OFFICER'S OBSERVATIONS

SPEECH: _____

ATTITUDE: _____

CLOTHING: _____

MEDICAL CONDITIONS: _____

MEDICATIONS: _____

OTHER: _____

COMMENTS: _____

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APR 13 2017

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.

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APR 13 2017

SUSPECT'S SIGNATURE: (X) _____

SUBJECT: _____ CASE NUMBER: _____

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: _____

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL

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APR 13 2017