



FLORIDA HIGHWAY PATROL

J# 0486932

3222

REPORT NUMBER  
FHP99ARR121287

# ARREST REPORT

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
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## 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
	Longitude W 80 10.4315

## 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
<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence		Bond Amount

## DUI ALCOHOL OR DRUGS

## PROBABLE CAUSE

On April 10th, 2017, I Trooper J. Tillet I.D. # 1262 was dispatched via the Lake Worth Regional Communication Center (LW/RCC) 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 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.

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 \$	None	<input type="checkbox"/> ROR	<input type="checkbox"/> Cash	<input type="checkbox"/> Any	<input type="checkbox"/> Pretrial If Qualify
	<input type="checkbox"/> Pro				

## 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 <b>04/10/2017 01:29 AM</b>	Agency Case/Offense Number <b>FHPK17OFF023598</b>	OCA Number <small>Originating Agency Case Number</small>	OBTS Number <small>Offender Based Transaction System</small>	Jail Booking Number	Other Number <b>LWRC17CAD060921</b>
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### ARREST INFORMATION

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

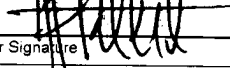
### ARREST LOCATION

County <b>PALM BEACH</b>	Address <b>SR91 (FL TURNPIKE) NB 96.5MM , UNINCORPORATED, FL</b>
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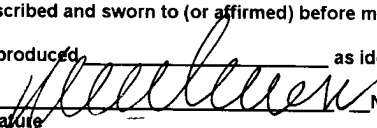
### ARREST DELIVERED TO

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

Officer Call Number <b>1262</b>	Officer Name <b>J. TILLET</b>	Officer Signature 
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Subscribed and sworn to (or affirmed) before me this 10th day of April, A.D., 2017 by \_\_\_\_\_ who is ☒ personally known to me or has produced \_\_\_\_\_ as identification.

Signature  Notary Public LEO CO Commission No: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_



NOT A CERTIFIED COPY

SCANNED  
APR 13 2017

SUBJECT: Xavier Emerson Castro - Canizales

CASE NUMBER: FHP210FF023599

## ROADSIDE TASKS

### HORIZONTAL GAZE NYSTAGMUS:

☒ LT EYE-LACK OF SMOOTH PURSUIT

☒ RT EYE-LACK OF SMOOTH PURSUIT

☒ LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX DEVIATION

☒ RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX DEVIATION

☒ LT EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

☒ RT EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

### Other Observations:

Verbal 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/Refusal

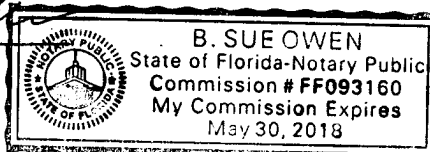
STATE OF FLORIDA  
COUNTY OF PALM BEACH

(Signature of Arresting/Investigative Officer)

The foregoing instrument was notarized or sworn before me this 10th day of April, 2017 by Tpr. Tillet

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

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



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# 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

SUBJECT: \_\_\_\_\_ CASE NUMBER: \_\_\_\_\_

## **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? 1.5 H

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