

Arrest Report

0504030

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

2663

Report Date / Time	Report Number	Case Number/CAD Number	Reporting Officer Name
12/24/2018 4:07:14AM	FHP99ARR795721	FHPL18OFF106744 / LWRC18CAD232681	Z. TODD

Originating Agency ORI	Occurrence Date Time Range	Jurisdiction	Clearance
FL0509000	12/24/2018 3:20:37 AM -		

Location of Occurrence

Location Type	Location Description
PUBLIC PLACE	ROADWAY

Street Number	Street	Apt/Lot/Bldg
	PRAIRIE RD/ HOLLY ROAD	

County	City	State	Zip
PALM BEACH	WEST PALM BEACH	FL	33406

Defendant

First Name	Middle Name	Last Name	Suffix	Date Of Birth	Age	Race	Sex
YESENIA		VALLE		8/8/1998	20	W	FEMALE

SSN	MNI #	Place of Birth	Height	Weight	Hair	Eyes
[redacted]		WEST PALM BEACCH, FL, USA	503	160	BRO	BRO

DL or ID Number	ID State	ID Type	Address Type
V400960987880	FL	E	RESIDENCE

Street Number	Street	Apt/Lot/Bldg
881	FLAMANGO CT E	

County	City	State	Zip	Phone Number	Extension
PALM BEACH	WEST PALM BEACH	FL	33406		

Location Description: RESIDENCE

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
12/24/2018 3:44:14AM	PUBLIC PLACE	ROADWAY

Street Number	Street	Apt/Lot/Bldg	County
	PRAIRIE RD/ HOLLY ROAD		PALM BEACH

City	State	Zip
WEST PALM BEACH	FL	33406

Charge(s)

Counts	Charge	General Offense Code	Bond Amount	No Bond
1	316.193.1		$ 0.00	☐

Charge Degree	Charge Level	Arrest Offense Code Description
N	MISDEMEANOR	DUI-UNLAW BLD ALCH

Charge Description: DUI ALCOHOL OR DRUGS

DEC 24 AM 5:51

Counts	Charge	General Offense Code	Bond Amount	No Bond
1	318.14.3		$ 0.00	☐

Charge Degree	Charge Level	Arrest Offense Code Description
S	MISDEMEANOR	RESIST OFFICER

Charge Description: REFUSE TO ACCEPT SIGN CITATION OR POST BOND

FILED
DEC 25 2018
SHARON R. BOCK
Clerk & Comptroller

Probable Cause

On December 24, 2018 I was on routine patrol in my marked patrol car in Palm Beach county. I responded to the scene of a traffic stop that occurred on Holly Road/ Prairie road. I was briefed by Officer Kubiack from Palm Springs PD when I arrived on scene. He stated to me that he stopped a vehicle for a speed violation that occurred around 2800 Congress ave in Palm Springs. He stated that the vehicle came to a final stop at the intersection of Holly Road and Prairie road. He said that he observed the driver to be a female and the sole occupant of the vehicle. He stated that he observed the driver to had bloodshot glassy eyes and slurred speech. He also stated that eh observed the odor of an unknown alcoholic beverage

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2018CT22799

Received WB
DEC 26 2018

emitting from her breath as she talked. I then approached the vehicle and observed the driver. She had bloodshot glassy eyes, slurred speech and the odor of an unknown alcoholic beverage emitting from her breath as she talked. I then requested that she step out of the vehicle and walk to my patrol car. As she stood in front of my car I observed that she had an orbital sway, slurred speech and the odor of an unknown alcoholic beverage was emitting from her breath as she talked. I then requested that she conduct field sobriety exercises and she refused. The adverse consequences were explained and she stated that she understood. She then agreed to conduct the exercises.

Horizontal Gaze Nystagmus

Before beginning the exercises, I checked to see if Ms. Valle was wearing glasses or contact lenses. It was determined that Ms. Valle was not wearing glasses or contacts. I then checked her eyes and observed equal tracking and equal pupil size. She was instructed to place her feet together and place her hands down at her side. She then was instructed to keep her head still and follow the stimulus with her eyes and her eyes only. She was also instructed to keep looking at the stimulus until told not to. She verbally indicated that she understood. During the exercise I observed 6 of the 6 possible clues.

- Lack of smooth pursuit, left eye
- Lack of smooth pursuit, right eye
- A distinct and sustained nystagmus at maximum deviation in the left eye
- A distinct and sustained nystagmus at maximum deviation in the right eye
- An onset of nystagmus prior to 45 degrees in the left eye
- An onset of nystagmus prior to 45 degrees in the right eye

During the exercise Ms. Valle had to be told to stay in the proper position and not to move her head during the exercise. I also observed Ms. Valle to have orbital sway and vertical nystagmus.

Walk and Turn Exercise

The area was level and free of debris. Ms. Valle indicated that she observed the yellow line on the ground. Ms. Valle was instructed to put her left foot on the line, then place her right foot on the line ahead of the left foot in a heel to toe manner. I then demonstrated this position. She was instructed not to begin untold to do so. Ms. Valle verbally indicated that she has understood all instructions up to this point. Ms. Valle was then instructed to take 9 heel to toe steps on the line when told to do so. I then demonstrated this. Ms. Valle was then instructed to turn on the ninth step and to keep the front foot on the line and to take a series of small steps with the foot on the line. I then demonstrated this. Ms. Valle was also instructed to keep her arms at her sides and to watch her feet during the exercise. Ms. Valle was also instructed to count aloud and to no stop once she begins the exercise. She was also instructed to keep her arms at her sides at all times.

Ms. Valle began the exercise too soon and had to be told to wait and to get back into the starting position multiple times. She began the exercise and stepped off the line on multiple steps. Ms. Valle showed difficulty keeping balance. She used her arms for balance and raised them higher than 6 inches. While completing the turn Ms. Valle took both feet off the line and incorrectly completed the turn. She also did not touch heel to toe on all steps. Ms. Valle took 11 steps forward and 8 steps back.

One Leg Stand Exercise

Ms. Valle was instructed to stand with her feet together and to place her arms down at her side. Ms. Valle was instructed to maintain that position until told to do so. Once told to do so, she was instructed to raise one leg approximately 6 inches off the ground and to keep both legs straight with both arms at her side. She was also instructed to look at the elevated foot and count aloud in the manner of one thousand-one, one thousand-two and so on until told to stop. Ms. Valle verbally indicated that she understood the instructions after I demonstrated to her.

Ms. Valle was told to begin and raised her right foot. During the exercise Ms. Valle displayed an orbital sway and had to use her arms multiple times to keep from losing balance. She raised her arm approximately 6-7 inches away from her body. She also did not raise her foot six inches off the ground or keep both legs straight. She raised her foot approximately 4 inches. Ms. Valle placed her foot down during the exercise multiple times and stopped the exercise as well as hopped. She did not look down at her foot during the exercise and count aloud as instructed.

Finger To Nose

Ms. Valle was instructed stand with her feet together and arms at her side and to have her index fingers pointed out. She

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was instructed t not start and stay in that position until told to do so. She stated that she understood. I then demonstrated the position. Ms. Valle was then instructed to when told to start to close both eyes and tilt her head back. When told to do so she was instructed to bring the hand I directed upward, touching the tip of your finger to the tip of her nose. I then demonstrated this. She was then instructed to after touching the tip of the nose to immediately bring her hand down to her side. She stated that she understood. I then demonstrated and she stated that she understood. She was instructed to raise her hand in the following order, left, right, left, right, and right, left.

-Left: Did not return immediately to side. Missed nose.
- Right: Missed nose. Did not return immediately to side
-Left: Missed nose. Did not return immediately to side
-Right: Missed nose. Did not return immediately to side
-Right: Missed nose. Did not return immediately to side
-Left: Missed nose. Did not return immediately to side

While conducting the exercise I observed an orbital sway and she kept opening her eyes and tilting her head forward. She was then placed under arrest for DUI and transported to the Palm Beach County jail. Once I arrived at the testing facility I conducted a 20-minute observation. During the observation she regurgitated and the observation was restarted. She then did not take anything by mouth or regurgitate. I then requested that she provide a lawful sample of her breath and she refused. Implied consent was read and she stated that she understood. She then refused again. She was then booked into the county jail.

The above incident occurred in Palm Beach County.

Jail Booking Facility

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone Number
12/24/2018 4:31:36AM	PALM BEACH	PALM BEACH COUNTY CORRECTIONS	(561) 688-4400

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

Booking Comments

Court

Court County	Court Location
PALM BEACH	200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444

Court	Court Phone	Court Appearance Date / Time	Court Fine
PALM BEACH SOUTH COUNTY COURTHOUSE	561-274-1530	1/14/2019 830 AM	

Comments

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	Officer Rank	Officer ID No
Z. TODD	TROOPER	4141

Officer Agency
FLORIDA HIGHWAY PATROL

Officer Signature

Sworn and subscribed before me, the undersigned authority
This the 24 day of December 2018
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER

Notary Public State of Florida
Paris Pound
My Commission GG 209028
Expires 03/25/2022

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Originating Agency ORI	Occurrence Date Time Range	Jurisdiction	Clearance
FL0509000	12/24/2018 3:20:37 AM -		

Approving Supervisor

Officer Name	Officer Rank	Officer ID No	Officer Agency

Officer Signature

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STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST

I, Z. TODD, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of FLORIDA HIGHWAY PATROL, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 24 day of DECEMBER, 2018, at 0344 ☐ P.M. ☒ A.M.

DRIVER YESENIA VALLE,
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# V400960987880, state of FL, was placed under lawful arrest for

the offense of 316.193(1) D.U.I. - DRIVING UNDER THE INFLUENCE (MISD... by Z. TODD and
(Name of Arresting Officer)

issued Citation # A76LKEE.

That on or about the 24 day of DECEMBER, 20 18, at 0451 ☐ P.M. ☒ A.M.

in PALM BEACH County,

I requested that the driver submit to a ☒ **breath and/or** ☐ **urine** test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test(s) would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended for refusing to submit to a breath, urine or blood test. I also informed the driver that he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood. Additionally, I informed the driver that if he or she holds a CDL, or was operating a CMV, refusal will result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.

Z. T.

Signature of Law Enforcement Officer or Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)

Notary Public State of Florida
Paris Pound
My Commission GG 200023
Expires 03/25/2022

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 24 day of DECEMBER, 20 18, by Z. TODD, who is personally known to me or who has produced _____ as identification.

Notary Public _____

The foregoing instrument was sworn and subscribed before me:

_____
Signature of Attesting Officer

Title _____

Date _____

Note: Mail or hand deliver to the designated Bureau of Administrative Reviews office, Department of Highway Safety and Motor Vehicles, with the driver's license, the appropriate copy of the UTC, and the probable cause affidavit.

HSMV-BAR1001 (REV. 10/2016)

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PALM BEACH COUNTY SHERIFF'S OFFICE
DUI TESTING FACILITY
INFORMATION SHEET

PBSO CASE # 18-159145 PBSO ZONE 1-12

AGENCY CASE # FHP18OFF106744 CRASH CASE #

TIME OF STOP/CRASH 0320 DATE 12/29/18 DAY MON

SUBJECT'S NAME YESENIA VALLE RACE W SEX F

HGT 5'03 WGT 160 DOB 08 / 08 / 1998

LOCATION HOLLY / PRARIE RD

ARRESTING OFFICER'S NAME & ID TODD 4141 AGENCY FHP-L

DIVISION: DUI

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 04:26

ARREST TIME 0344

BREATH RESULTS:

1. REFUSED
2.
3.
4.

TESTING OFFICER'S ID 24639 PBSO VIDEOTAPE # N/A

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TESTING FACILITY TASK REPORT

AGENCY: FHP

SUBJECT: VALLE, YESENIA CASE NUMBER: 18-159145

DATE: 12/24/18 VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 04:49 ENDING TIME: 04:52

BREATH TESTS RESULTS: 1) R TIME 04:51 (A.M./P.M.) 2) N/A TIME — A.M./P.M.

3) N/A TIME — A.M./P.M. 4) N/A TIME — A.M./P.M.

BREATH OPERATOR: P. POUND #24639

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

REFUSED

SPEECH: LOW

ATTITUDE: UPSET, CRYING

CLOTHING: BLACK PANTS, PINK/RED/GREEN/GOLD SWEATER/BLACK SHOES

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER: EYES GLASSY AND BLOODSHOT

COMMENTS: ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 04:26 ~~04:30~~ HRS.

A. REFUSED TO TAKE TEST.

A/O. READ I/C

A. STATED SHE UNDERSTOOD I/C AND WOULD REFUSE TEST AGAIN.

A/O. READ RIGHTS

A. STATED SHE UNDERSTOOD RIGHTS.

REFUSED

NO Q+A CONDUCTED.

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SUBJECT: VALLE, YESENIA 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 TRP Z, TODD of the FHP.

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) READ ON CAMERA

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.

SUSPECT'S SIGNATURE: (X) READ ON CAMERA

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SUBJECT: VALLE, YESNIA 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? _____

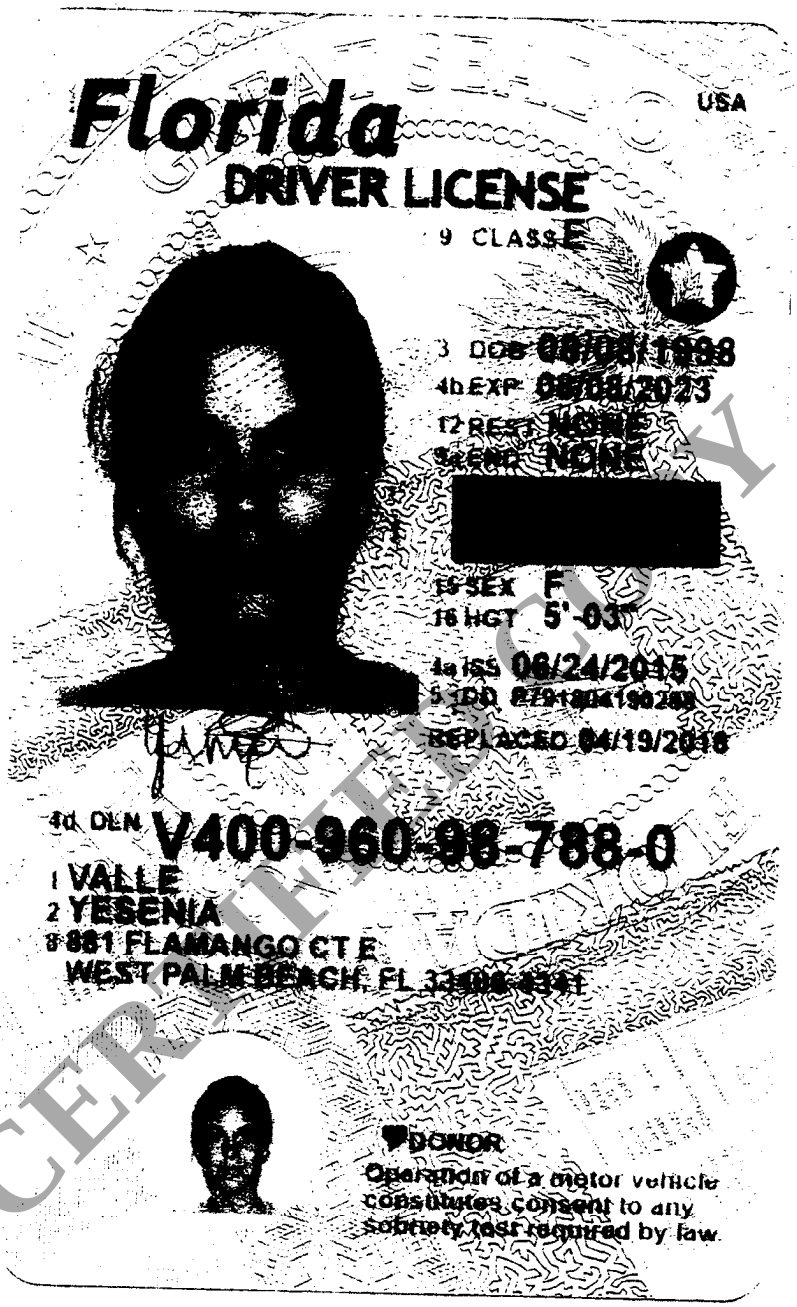
DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? _____

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: _____

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Florida
USA
DRIVER LICENSE
9 CLASS E
3 DOB 08/08/1998
4b EXP 08/08/2023
12 RESTR NONE
15 SEX F
16 HGT 5'-03"
4a ISS 06/24/2015
REPLACED 04/19/2018
4d DLN V400-960-98-788-0
1 VALLE
2 YESENIA
8 881 FLAMANGO CT E
WEST PALM BEACH, FL 33406-4341
DONOR
Operation of a motor vehicle constitutes consent to any sobriety test required by law.

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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	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	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)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2018042353	**Date:** 12/24/2018
	Specialist Name/ID: J. Beck/9007