

0489705

FLORIDA HIGHWAY PATROL

17CT13214

REPORT NUMBER
FHP99ARR119805

ARREST REPORT

Report Date / Time 07/14/2017 11:01 PM	Agency Case/Offense Number FHP17OFF056326	OCA Number	Originating Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number LWR17CAD125429
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LOCATION OF OCCURRENCE

County PALM BEACH	Address I-95 NB, BOCA RATON, FL 33486
Range of Occurrence Date/Time 07/14/2017 10:16 PM to 07/14/2017 01:00 AM	Latitude N 26 21.0498

PERSON: SUSPECT

First Name YOELVYS	Middle Name	Last Name CABRERA MANSO	Suffix	Date of Birth 10/29/1982	Age 34	Race W	Sex M	Height 508	Weight 167	Hair BRO	Eyes BRO
Master Name Index Number	Place of Birth VILLAACLARA	Nation CUBA	SSN			Driver's License or Other ID C166960823890	State FL	Class or Type			
Address 3920 S ROOSEVELT BLVD APT 211N		City KEY WEST	County			State FL	Zip Code 33040	Phone			

CHARGES

Counts 1	Charge Number 316.193.1	Charge DUI-UNLAW BLD ALCH	DR
Charge Degree	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL	<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Bond Amount \$0.00

DUI ALCOHOL OR DRUGS

Counts 1	Charge Number 316.193.4	Charge DUI-UNLAW BLD ALCH	DR
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL	<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Bond Amount \$0.00

.15 OR HIGHER OR WITH PERSON UNDER 18 1ST OFF

PROBABLE CAUSE

On the above date and time I was working in Palm Beach County. Dispatch had advised they received a call from a worried driver. The caller advised they had been following a black in color pickup truck that was swerving all over the road. The caller advised they had been following the truck since Cypress Creek in Broward County. Dispatch advised the caller stated they were northbound on Interstate 95 now passing Palmetto Park Road. Dispatch also advised the caller was still landline following the pickup. I then told dispatch that I was traveling southbound on Interstate 95 just North of Boynton Beach Blvd and that I was heading to the area. Dispatch continued to keep the caller on the line who gave us updated location on the pickup. I then advised dispatch that I had turned around at Congress Avenue and was stationary on the left shoulder that when the caller approached Congress to put their hazards on. Dispatch relayed the message and as the caller passed they put their hazards on. At that point I then entered onto the roadway and got behind the truck that match the callers description. The caller then advised dispatch that they saw me behind the correct vehicle. Once behind the vehicle I observed the pickup which was traveling in the inside center lane to start swerving over the white divided lines that divide the inside lane from the inside center lane. The pickup then almost struck the vehicles in the inside lane (See Video) at that point I activated my lights and sirens (emergency equipment) and proceeded to make a traffic stop on the pickup. The truck then began to stop in the middle of the inside lane and then slowly moved to the center lane where the pickup then stopped in the middle of the road (See Video). I then advised dispatch that I had conducted a traffic stop on the vehicle and that he had stopped in the middle of the road northbound on Interstate 95 at Linton Blvd. I then approached the vehicle from the driver's side and observed a white male in the driver seat. I also observed a young girl and young boy occupying the vehicle. As I spoke to the driver I observed him to have red/blood shot glossy eyes. When asked if everything was ok they driver began to respond as he responded I observed an odor commonly associated of that of an alcoholic beverage emitting from his breath as well as a slurred speech. I then had the driver exit his vehicle. Upon exiting I observed the driver to have a lack of balance. At that point I had the driver walk onto the left shoulder. I was riding with my recruit Trooper Cantelar #1753 who I had move the vehicle from the middle of the roadway to safely on the left shoulder. I then proceeded to ask the driver where he was coming from which he advised Key West. The driver advised he was celebrating his daughter's birthday. I then asked the driver to provide me with his license, registration, and insurance at that point the driver advised Recruit Trooper Cantelar that all of his documents where in the vehicle. I then began to ask the diver if he had anything to drink to which he replied "a shot of rum" (See video). I then again asked the driver if he had his license to which he then advised he did and he pulled his driver's license from his pocket. At that point I was able to identify the driver as Yoelvys Cabrera Manso by his Florida driver's license. I then asked the subject that due to the odor commonly associated of that of an alcoholic beverage emitting from his breath if he would perform the field sobriety exercises to which he agreed.

Before the exercises the subject was asked if he had any medical conditions that would prevent him from performing these exercise to which he replied "no". Each exercise was demonstrated by myself and by recruit Trooper Cantelar and explained to the subject before he performed and each time he was asked if he understood the instructions to which he replied "yes".

Horizontal Gaze Nystagmus(HGN): Lack of Smooth Pursuit observed

Distinct and Sustained Nystagmus at Maximum Deviation observed
Onset of Nystagmus prior to 45 degrees observed
6 clues observed

Walk and Turn: Subject could not balance during instructions (Breaks heel/toe)

Subject stopped walking
Subject does not touch heel to toe
Subject stepped off line
Subject used arms for balance
Subject made improper turn
Subject took wrong number of steps
7 Clues observed and subject took two attempts at the exercise (See Video for all clues)

One Leg Stand: Subject put foot down

Subject used arms to balance
Subject swayed while balancing
Subject was hopping
4 clues observed (See video for all clues)

2017 JUL 15 AM 8:49

Finger to Nose: Subject swayed while balancing
 Subject did not touch tip of nose
 Subject could not differentiate between left and right finger
 (See Video)

Rhomberg with Recitation: Subject swayed while balancing
 Subject could not state alphabet mixed up his letters
 (See Video)

After completing the exercises I then advised the subject as well as Dispatch at 11:00pm that he was being placed under arrest pursuant to Florida Statute 316.193 suspicion of operating a motor vehicle under the influence of alcohol and or a controlled substance. Recruit Trooper Cantelar then searched the subject and placed him in the back of my patrol vehicle. I then proceeded to speak to the driver's son (15) and his daughter (9) to make sure they were ok. The son advised they were and that they had a friend coming to pick them up. I also spoke with the children's mother advised her that her children were ok and they had a friend to pick them up. Trooper Sayih #1498 then came on scene and stayed with the children and vehicle until the friend came and pick up the children. I then advised dispatch that Tpr.Sayih was with the vehicle and that I was headed to Palm Beach County Jail. Trooper Denis#1704 was able to speak with the witness who called it in bt they advised they did not want to give a statement as they wanted to remain anonymous. Once at the jail I observed the subject for twenty minutes before entering the breathalyzer room. Once inside we asked the subject to provide us with two samples of his breath to which he agreed. At 12:15 am the subject blew a .236 and then blew a .234 at 12:18 am. The subject was then issued his DUI citation pursuant to Florida Statute 316.193 operating a motor vehicle under the influence of alcohol and or a controlled substance. The subject was also charged pursuant to Florida Statute 316.193(4) .15 Breath alcohol content or higher with person under 18 accompanied in the vehicle. Video of the traffic stop, field sobriety exercises, and transportation to the county jail are available upon request with FHP custodian.

LEO BOND

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

COURT APPEARANCE INFORMATION

Court (CRIMINAL) PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Date & Time 08/14/2017 08:30 AM
Court Address 200 WEST ATLANTIC AVE., DELRAY BEACH, FL 33444		
Instructions		

ARREST INFORMATION

Arrest Date / Time 07/14/2017 11:00 PM	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 I-95 NB, BOCA RATON, FL 33486
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ARREST DELIVERED TO

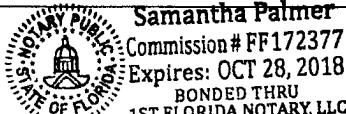
Jail / Booking Facility PALM BEACH COUNTY CORRECTIONS	Location 3228 GUN CLUB ROAD, WEST PALM BEACH, FLORIDA 33406	Phone (561) 688-4400
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ARRESTING OFFICER

Officer Call Number 1486	Officer Name FERNANDEZ, RYAN P	Officer Signature
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Subscribed and sworn to (or affirmed) before me this 15 day of JULY A.D., 2017 by Fernandez who is ✓ personally known to me or
 has produced Signature as identification.

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



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? Yes

WHERE WERE YOU GOING? Ucluelet park

WHAT STREET OR HIGHWAY WERE YOU ON? Not Known

DIRECTION OF TRAVEL? Out WHERE DID YOU START? 6pm Key west

WHAT TIME DID YOU START? 6pm WHAT TIME IS IT NOW? Does Not know

WHAT IS TODAY'S DATE? 17th WHAT DAY OF THE WEEK IS IT? Friday

WHAT COUNTY AND CITY ARE YOU IN NOW? West Rainy Beach

WHEN DID YOU LAST EAT? 4 hrs ago WHAT DID YOU EAT? Burger King

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Working

HOW MUCH DO YOU WEIGH? 180 HAVE YOU BEEN DRINKING? Yes WHAT? Rum

HOW MUCH? 2 shots WHERE? Key west WITH WHOM? alone

WHEN DID YOU HAVE YOUR FIRST DRINK? 6pm AND YOUR LAST DRINK? 6:30pm

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? one wine one beer

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? No ARE YOU UNDER THE INFLUENCE? No

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? — HOW MUCH? —

WHAT? — WHERE? — WHEN? —

WHAT LINE OF WORK ARE YOU IN? Carpenter WHEN DID YOU LAST WORK? Today 5pm

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? No WHAT? —

ARE YOU SICK OR INJURED? No WHAT'S WRONG? —

DO YOU LIMP? No DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? No

WERE YOU IN AN ACCIDENT TODAY? No

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? No WHEN? —

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? No WHO? — WHY? —

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? No WHAT? — WHEN? —

DO YOU HAVE: — EPILEPSY? No

— GLASS EYE? No

— FALSE TEETH? No

— EAR INFECTION? No

— INNER EAR TROUBLE? No

— DIABETES? No

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? No

DO YOU TAKE INSULIN? No IF SO, WHEN WAS YOUR LAST INJECTION? —

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? No WHERE? —

SCANNED

INTERVIEWER: — JUN 19 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) Read on Camera

CONSTITUTIONAL WARNINGS

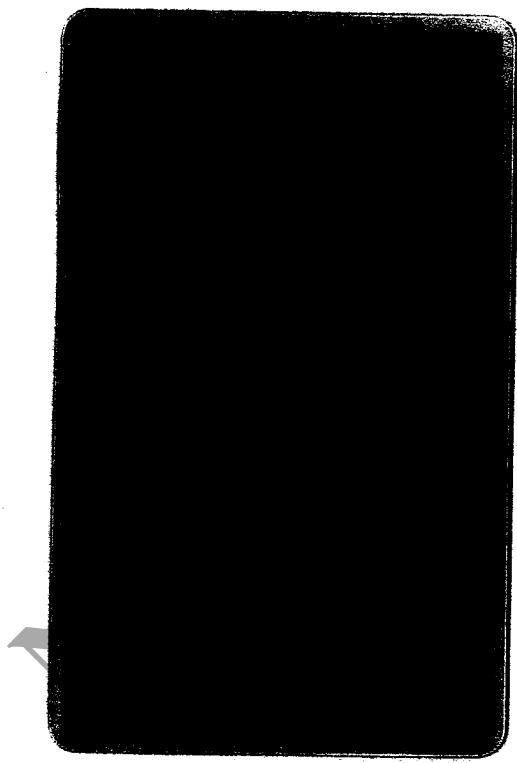
I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

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.

SCANNED

JUL 19 2017

SUSPECT'S SIGNATURE: (X) Read on Camera



UNIDENTIFIED COPY

SCANNED
JUL 19 2017

TESTING FACILITY TASK REPORT

AGENCY: FHP-L/ FERNANDEZ

SUBJECT: CABRERA MANSO, YOELVYS

CASE NUMBER: 17-102696

DATE: 07/14/2017

VIDEO DVD NUMBER: 62984

BEGINNING TIME: 0010

ENDING TIME: 0025

BREATH TESTS RESULTS: 1) .236 TIME 0015 A.M. P.M. 2) .234 TIME 0018 A.M. P.M.
3) XX TIME XX A.M. P.M. 4) XX TIME XX A.M. P.M.

BREATH OPERATOR: S. PALMER #24520

MAINTENANCE TECHNICIAN: J Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SPANISH SPEAKING

ATTITUDE: CALM, QUIET, COOPERATIVE

CLOTHING: WHITE TSHIRT, BLACK PANTS, BLACK SNEAKERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES GLASSY AND BLOODSHOT, UNSTEADY ON HIS FEET, SWAYING, ODOR OF UNKNOWN ALCOHOLIC BEVERAGE ON BREATH

COMMENTS:

ARRESTING OFFICER CONDUCTED THE 20 MINUTE OBSERVATION BEGINNING AT 2341
SUBJECT AGREED TO TAKE BREATH TEST
SUBJECT PROVIDED TWO ADEQUATE BREATH SAMPLES SUCCESSFULLY.
A/O READ RIGHTS @ 0019, SUBJECT STATED HE UNDERSTOOD HIS RIGHTS
A/O CONDUCTED Q&A, SUBJECT ANSWERED QUESTIONS.
TECH READ TEST RESULTS, SUBJECT STATED HE UNDERSTOOD RESULTS.

SCANNED
JUL 19 2017

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SCANNED
JUL 19 2017