

ARREST / NOTICE TO APPEAR

OBTS Number 5601162906

1 Arrest 2 Notice to Appear 1 Juvenile

Agency ORI Number FLO 56 HP 05 Agency Name

FLORIDA HIGHWAY PATROL

Agency Report Number K 1 0 O F F 0 6 5 4 2 1

Charge Type: 1 Felony, 2 Traffic Felony, 3 Misdemeanor, 4 Traffic Misdemeanor, 5 Ordinance, 6 Other

Agency Arrest Number K 1 0 O F F 0 6 5 4 2 1

Location of Arrest (Include Name of Business) SR 91 152 mm SB Location of Offense (Business Name, Address) SR 91 152 mm SB

Date of Arrest 11-3-10 Time of Arrest 2300 Booking Date 11-3-10 Booking Time 2300 Jail Date 11-3-10 Jail Time 2300

County ID Number, Other Local Number, FDLE Number, DOC Number, FBI Number

Name (Last, First, Middle) Cassidy, David Alias

Race W-White, Sex M, Date of Birth or Age 041250, Height 508, Weight 145, Eye Color Hazel, Hair Color Brown, Complexion Fair, Build Thin

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)

Local Address (Street, Apt. Number), (City), (State), (Zip), Phone, Residence Type

Permanent Address (Street, Apt. Number), (City), (State), (Zip), Phone, Address Source

Business Address (Name, Street), (City), (State), (Zip), Phone, Occupation Actor

Driver's License State / Number, Social Security Number, INS Number, Place of Birth New York, Citizenship USA

Co-Defendant Name (Last, First, Middle), Race, Sex, Date of Birth or Age

Co-Defendant Name (Last, First, Middle), Race, Sex, Date of Birth or Age

Activity: S. Sell, B. Buy, P. Possess, R. Smuggle, D. Deliver, E. Use, K. Dispense/Distribute, M. Manufacture/Produce/Cultivate, Z. Other, Type: N. N/A, A. Amphetamine, B. Barbiturate, C. Cocaine, E. Heroin, H. Hallucinogen, M. Marijuana, O. Opium/Derv., P. Paraphernalia/Equipment, S. Synthetic, U. Unknown, Z. Other

Charge Description: Driving Under the Influence, Counts: 1, Statute Violation Number: 316.193, Violation of Section (ORD)

Activity, Drug Type, Amount/Unit, State Attorney Number, Court Number

PC, Capias, AC, BW, FW, PW, Juv. PU, Citation, Date Issued, Whl. Att. #, Domestic Viol. Inj., Order of Arrest

Charge Description, Counts, Statute Violation Number, Violation of Section (ORD)

Activity, Drug Type, Amount/Unit, State Attorney Number, Court Number

PC, Capias, AC, BW, FW, PW, Juv. PU, Citation, Date Issued, Whl. Att. #, Domestic Viol. Inj., Order of Arrest

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law:

On the 3 day of November 20 10 at 6:10 P.M. (Specifically include facts constituting cause for arrest.)

On the above date and time I was on patrol on SR 91. I was traveling south as I approached a white Mercedes traveling in the outside lane. I observed the vehicle travel off the roadway onto the paved shoulder rumble strip. The vehicle then traveled back into the outside lane. As we approached the 152 exit the vehicle was traveling partially in the outside lane and the exit ramp. The vehicle then came back into the outside lane. After passing the exit ramp the vehicle drove onto the shoulder rumble strip for a second time. The vehicle then again corrected and crossed the center line briefly. As the vehicle continued south we came up to the southbound entrance ramp. The vehicle made a lane change into the southbound merge lane in front a small red vehicle that had already merged into the outside lane. The red vehicle had to abruptly brake to avoid a collision. The white vehicle continued southbound in the outside lane. The vehicle put on the right turn signal and the partially drove off onto the paved shoulder. I conducted a traffic stop on the vehicle at the 152 mm. I approached the vehicle on the passenger side of the vehicle. I made contact with the driver and identified the sole occupant by his Florida driver license.

P.C. Exists for Charge(s), Judge's Signature, Date

Mandatory Appearance in Court, Location (Court, Room Number, Address), Time, Month, Day, Year, Time, A.M. P.M.

I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.

Signature of Defendant / Juvenile and Parent or Custodian

Miranda Warning, Hold for Other Agency, Verified By, Name, Date, Bond: Charge #, Bond: Charge #

Adults Only, Hold for First Appearance, Do Not Bond Out, Reesort, Bond Type, 3. Surety, 5. Cert., 1. ROR, 4. Bail / Bond, d. Other, Type, Type

I swear or affirm the above and reverse and attached statements are true and correct, Sworn to and subscribed before me, the undersigned authority this 3 day

Returnable Court Date, Returnable Court Time, Release Date, Release Time, A.M. P.M., A.M. P.M.

Officer's / Complainant's Signature, Name / Title of Person Authorized to Administer Oath, Releasing Officer, Page, Page

TR. ADAM JOHNSON #1116, of Nov 20 10

D/S Krause #670

NARRATIVE CONTINUATION

1. Offense 2. Arrest 2 Juvenile 1. Original 2. Supplement 1

FLORIDA HIGHWAY PATROL

Agency ORI Number  
FLO 5 6 H P 0 5

Agency Name

Agency Report Number  
K 1 0 O F F 0 6 5 4 2 1

Original Date Reported  
1 1 0 3 1 0

Case Reference  
DUI Arrest

Upon identifying the driver I explained why I had stopped him. Upon explaining to the defendant why I had stopped him the defendant appeared to be some what confused. While the defendant was looking for his registration and proof of insurance he was very apologetic for having to be stopped. The defendant appeared to be nervous and was fumbling the with the papers in the glove box. I thought I could smell a slight odor of an unknown alcoholic beverage come from the defendants mouth area while he was talking to me. The defendant stated that he was on prescription medications. The defendant stated that he had a glass of wine around lunch time and a Hydrocodone at approximately 3:30 pm.

I had the defendant exit the vehicle and come back towards my vehicle. As the defendant exited the vehicle he was unsteady on his feet. While I was talking to the defendant he was swaying while standing. The defendant was still very apologetic. I had instructed the defendant to stand on the grass shoulder and not in between the my patrol car and his car. I had to repeatedly remind the defendant not to go between the two cars on numerous occasions.

Tpr. Maliszewski came to the scene to assist. Upon Tpr. Maliszewski I explained why I had stopped the defendant and my observations roadside. Tpr. Maliszewski conducted field sobriety exercises while I observed.

The first exercise was the Horizontal Gaze Nystagmus. The defendant failed to follow directions that were explained to him and was unable to complete the task requested. The next exercise was the walk and turn. The defendant raised his arms to gain balance and failed to count out loud as directed. While walking the defendant failed to walk heel to toe as he was directed on the way up and again on the way back. On the one leg stand the defendant put his foot down after counting to two and four then changed right leg to the left leg. The defendant was unsteady as he was performing the exercise. Tpr. Maliszewski will be supplying an incident report with his observations.

After the Field Sobriety Exercises it was determined that the defendant was impaired. The defendant was placed under arrest for driving under the influence and read Implied Consent for a breath test. At which time the defendant stated that he would provide a breath sample.

Once the defendant was placed under arrest a vehicle inventory was conducted on the vehicle. While conducting an inventory of the vehicle a bottle of Labrot Graham Woodford Reserve Kentucky Bourbon 700 mil. was approximately half empty was located in the right back seat floorboard of the vehicle with access by the defendant. The bottle had a cork style top on it with the seal broken.

I started my 20 minute observation period at 8:01 pm. The breath test was given at approximately 8:30 pm. At the conclusion of the breath test showed that the defendant blew a .139 and .141. The defendant was charged with DUI, Fail to Maintain a Single Lane, Open Container and delivered to St. Lucie County Jail. The defendant's vehicle was towed by Tri-County Towing of Ft. Pierce. The defendant was given a copy of the tow receipt.

NARRATIVE CONTINUATION

Report Contains		Related Report Number(s)					
Officer(s) Reporting	ID. Number(s)	Troop	Date				
Tpr. Adam Johnson	1116	K - Ft. Pierce	11/3/10				
Officer Reviewing (If Applicable)	Routed To	Referred To	Assigned To	By	Date		
Case Status	Clearance Type	A-Adult	Date Cleared	Arrest Number	Number Arrested		
Closed	1. Arrest 2. Exceptional 3. Unbonded	J-Juvenile	A 1 1 0 3 1 0		1		
Exception Type	2. Arrest on Primary	3. Death of Offender	5. Prosecution Declined	OBTS Number	Page	Page	



COMPLAINT

6333-SSL 7

WHEN PRESENTED TO THE VIOLATOR, THE FOLLOWING AMOUNT WAS ENTERED.

FLORIDA UNIFORM TRAFFIC CITATION

Form containing citation details: COUNTY OF ST. LUCIE, FLORIDA HIGHWAY PATROL, COMPLAINT (RETAINED BY COURT), DATE WED 11 03 2010 06:10, NAME DAVID CASSIDY, CITY FT LAUDERDALE, FL, DRIVER LICENSE 2008, MERZ, 4D, WHI, 2011, etc.

PAY A CIVIL PENALTY IN THE AMOUNT OF \$ \_\_\_\_\_
CASE NO \_\_\_\_\_ DOCKET NO \_\_\_\_\_ PAGE NO \_\_\_\_\_
DATE COURT ACTION AND OTHER ORDERS

BAIL FIXED AT \$ \_\_\_\_\_ OR CASH DEPOSIT OF \$ \_\_\_\_\_

SIGNATURE OF PERSON GIVING BAIL \_\_\_\_\_

SIGNATURE OF PERSON TAKING BAIL \_\_\_\_\_

FINE IN THE AMOUNT OF \$ \_\_\_\_\_ RECEIVED AS REQUIRED BY COURT SCHEDULE

SIGNATURE OF CLERK \_\_\_\_\_

CONTINUANCE TO \_\_\_\_\_ REASON \_\_\_\_\_

CONTINUANCE TO \_\_\_\_\_ REASON \_\_\_\_\_

BOND ESTREATED \_\_\_\_\_

WARRANT ISSUED \_\_\_\_\_

VIOLATOR FAILED TO APPEAR-DRIVER LICENSE SUSPENDED

VIOLATOR ARRAIGNED ON \_\_\_\_\_ (DATE)

PLEA: \_\_\_\_\_

FINDING: \_\_\_\_\_

ADJUDICATION: \_\_\_\_\_

SENTENCE: FINE \_\_\_\_\_ COST \_\_\_\_\_

JAILED \_\_\_\_\_ DAYS

DRIVER IMPROVEMENT SCHOOL \_\_\_\_\_

OTHER \_\_\_\_\_

DRIVER LICENSE SUSPENDED OR REVOKED FOR \_\_\_\_\_ DAYS

RECOMMEND DRIVER LICENSE SUSPENSION FOR \_\_\_\_\_ DAYS

RECOMMEND RE-TEST \_\_\_\_\_

SIGNATURE OF JUDGE \_\_\_\_\_

TESTIMONY - JUDGE'S NOTES (OR OTHER COURT ORDERS):

APPEAL BOND OF \$ \_\_\_\_\_

VIOLATOR'S FINGERPRINT WHEN APPLICABLE

- UNLAWFUL SPEED MPH SPEED APPLICABLE \_\_\_\_\_ MPH
CARELESS DRIVING
VIOLATION OF TRAFFIC CONTROL DEVICE
FAILURE TO STOP AT A TRAFFIC SIGNAL
IMPROPER LANE CHANGE OR COURSE
NO PROOF OF INSURANCE
VIOLATION OF RIGHT-OF-WAY
IMPROPER PASSING
CHILD RESTRAINT
SAFETY BELT VIOLATION
IMPROPER OR UNSAFE EQUIPMENT
EXPIRED TAG <= SIX (6) MONTHS
EXPIRED TAG > SIX (6) MONTHS
DRIVING UNDER THE INFLUENCE

OTHER VIOLATIONS OR COMMENTS PERTAINING TO OFFENSE
POSSESSION OF OPEN CONTAINER OF ALCOHOL IN MOTOR VEHICLE (DRIVER CITED)

Form with violation details: STATE STATUTE 316.1936(2)(a), CIVIL PENALTY IS \$ 168.00

COURT INFORMATION

ARREST DELIVERED TO \_\_\_\_\_ DATE 11/3/2010
I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED IN THIS CITATION. WILLFUL REFUSAL TO ACCEPT AND SIGN THE CITATION MAY RESULT IN ARREST. I UNDERSTAND MY SIGNATURE IS NOT AN ADMISSION OF GUILT OR WAIVER OF RIGHTS IF YOU NEED REASONABLE FACILITY ACCOMMODATIONS TO COMPLY WITH THIS CITATION, CONTACT THE CLERK OF THE COURT.

TPR A.S. JOHNSON 2351 K
BADGE NO 2351 ID NO K TROOP / UNIT

CERTIFY THIS CITATION WAS DELIVERED TO THE PERSON CITED ABOVE
HSMV 75901 (REV. 09/10)



COMPLAINT

6332-SSL 6

FLORIDA UNIFORM TRAFFIC CITATION

Form containing citation details: COUNTY OF ST. LUCIE, AGENCY FLORIDA HIGHWAY PATROL, COMPLAINT (RETAINED BY COURT), DATE WED 11 03 2010 06:10, NAME DAVID CASSIDY, DRIVER LICENSE 2017, VEHICLE 2008 MERZ 4D, OFFENSE DID UNLAWFULLY COMMIT THE FOLLOWING OFFENSE.

WHEN PRESENTED TO THE VIOLATOR, THE FOLLOWING AMOUNT WAS ENTERED.

PAY A CIVIL PENALTY IN THE AMOUNT OF \$

CASE NO DOCKET NO PAGE NO

DATE COURT ACTION AND OTHER ORDERS

BAIL FIXED AT \$ OR CASH DEPOSIT OF \$

SIGNATURE OF PERSON GIVING BAIL

SIGNATURE OF PERSON TAKING BAIL

FINE IN THE AMOUNT OF \$ RECEIVED AS REQUIRED BY COURT SCHEDULE

SIGNATURE OF CLERK

CONTINUANCE TO REASON

CONTINUANCE TO REASON

BOND ESTREATED

WARRANT ISSUED

VIOLATOR FAILED TO APPEAR-DRIVER LICENSE SUSPENDED

VIOLATOR ARRAIGNED ON (DATE)

PLEA:

FINDING:

ADJUDICATION:

SENTENCE: FINE COST

JAILED DAYS

DRIVER IMPROVEMENT SCHOOL

OTHER

DRIVER LICENSE SUSPENDED OR REVOKED FOR DAYS

RECOMMEND DRIVER LICENSE SUSPENSION FOR DAYS

RECOMMEND RE-TEST

SIGNATURE OF JUDGE

TESTIMONY - JUDGE'S NOTES (OR OTHER COURT ORDERS):

APPEAL BOND OF \$

VIOLATOR'S FINGERPRINT WHEN APPLICABLE

- UNLAWFUL SPEED MPH SPEED APPLICABLE MPH
CARELESS DRIVING
VIOLATION OF TRAFFIC CONTROL DEVICE
FAILURE TO STOP AT A TRAFFIC SIGNAL
IMPROPER LANE CHANGE OR COURSE
NO PROOF OF INSURANCE
VIOLATION OF RIGHT-OF-WAY
IMPROPER PASSING
CHILD RESTRAINT
SAFETY BELT VIOLATION
IMPROPER OR UNSAFE EQUIPMENT
EXPIRED TAG SIX (6) MONTHS
EXPIRED TAG SIX (6) MONTHS
DRIVING UNDER THE INFLUENCE
EXPIRED DRIVER LICENSE SIX (6) MONTHS
NO VALID DRIVER LICENSE
DRIVING WHILE LICENSE SUSPENDED OR REVOKED

OTHER VIOLATIONS OR COMMENTS PERTAINING TO OFFENSE
FAIL TO DRIVE IN SINGLE LANE

Form containing violation details: VIOLATION OF STATE STATUTE 316.089(1), CRASH YES, PROPERTY DAMAGE YES, INJURY TO ANOTHER NO, CIVIL PENALTY IS \$ 168.00

COURT INFORMATION

ARREST DELIVERED TO DATE 11/3/2010

I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED IN THIS CITATION.

SIGNATURE OF VIOLATOR (SIGNATURE IS REQUIRED IF INFRACTION REQUIRES AN APPEARANCE IN COURT)

TPR A.S. JOHNSON 2351 K

RANK - SIGNATURE OF OFFICER BADGE NO. ID NO. TROOP / UNIT

CERTIFY THIS CITATION WAS DELIVERED TO THE PERSON CITED ABOVE



FLORIDA DUI UNIFORM TRAFFIC CITATION

0812-XBW CHECK DIGIT 7

COMPLAINT

Form containing personal information: COUNTY OF ST. LUCIE, FLORIDA HIGHWAY PATROL, DAVID CASSIDY, 03/11/2010, 6:10 PM, MERZ, 04/12/1950, 2017, 2011, SR 91 152 MM SB

DID UNLAWFULLY COMMIT THE OFFENSE OF DRIVING UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES, CHEMICAL OR CONTROLLED SUBSTANCES; DID DRIVE, OR WAS IN ACTUAL PHYSICAL CONTROL OF A VEHICLE, WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE/CHEMICAL SUBSTANCE/CONTROLLED SUBSTANCE TO THE EXTENT NORMAL FACULTIES WERE IMPAIRED, OR WITH A BLOOD OR BREATH ALCOHOL LEVEL OF .08 OR ABOVE OF .141

Form with checkboxes: STATE STATUTE, AGGRESSIVE DRIVER, CRASH, DAMAGE TO OTHER PROPERTY, INJURY TO ANOTHER, SERIOUS BODILY INJURY TO ANOTHER, FATAL

THIS IS A CRIMINAL VIOLATION. COURT APPEARANCE REQUIRED, AS INDICATED BELOW. 12/02/2010 9:00 AM 0812-XBW CHECK DIGIT 7. ST. LUCIE COUNTY COURT, 201 SOUTH INDIAN RIVER DRIVE FT. PIERCE, FLORIDA 34950

APPROX. DELIVERED TO ST. LUCIE COUNTY JAIL DATE 11/03/2010. I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED IN THIS CITATION. WILLFUL REFUSAL TO ACCEPT AND SIGN THE CITATION MAY RESULT IN ARREST.

EFFECTIVE IMMEDIATELY, YOUR DRIVING PRIVILEGE IS SUSPENDED/DISQUALIFIED FOR: [X] DRIVING WITH AN UNLAWFUL BLOOD OR BREATH ALCOHOL LEVEL. THIS SUSPENSION IS FOR A PERIOD OF SIX MONTHS IF THIS IS THE FIRST VIOLATION OR ONE YEAR IF PREVIOUSLY SUSPENDED FOR DRIVING WITH AN UNLAWFUL BLOOD OR BREATH ALCOHOL LEVEL.

LICENSE SURRENDERED? [X] YES [ ] NO REASON: UNLESS INELIGIBLE, THIS CITATION SHALL SERVE AS A TEMPORARY DRIVER LICENSE AND WILL EXPIRE AT MIDNIGHT ON 11/13/2010 (THE 10TH DAY FOLLOWING THE DATE OF SUSPENSION).

AT THE BUREAU OF ADMINISTRATIVE REVIEWS OFFICE, 3220 SOUTH FEDERAL HIGHWAY, SUITE B, FORT PIERCE 34982-8105, YOU MAY REQUEST, ON OR BEFORE 11/13/2010 (WITHIN 10 DAYS AFTER THE DATE OF SUSPENSION), A REVIEW OF SUSPENSION BY THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES. SEE REVERSE SIDE.

TPR A.S. JOHNSON 2351 K. RANK - SIGNATURE OF OFFICER BADGE NO ID NO TROOP UNIT

CASE NO \_\_\_\_\_ DOCKET NO \_\_\_\_\_ PAGE NO \_\_\_\_\_

Table with 2 columns: DATE, COURT ACTION AND OTHER ORDERS. Rows include: BAIL FIXED AT \$ \_\_\_\_\_ OR CASH DEPOSIT OF \$ \_\_\_\_\_, FINE IN THE AMOUNT OF \$ \_\_\_\_\_ RECEIVED AS REQUIRED BY COURT SCHEDULE, VIOLATOR FAILED TO APPEAR-DRIVER LICENSE SUSPENDED, VIOLATOR ARRAIGNED ON \_\_\_\_\_ (DATE) PLEA: \_\_\_\_\_, ADJUDICATION: \_\_\_\_\_, SENTENCE: FINE \_\_\_\_\_ COST \_\_\_\_\_ JAILED \_\_\_\_\_ DAYS, DRIVER IMPROVEMENT SCHOOL \_\_\_\_\_, DRIVER LICENSE SUSPENDED OR REVOKED FOR \_\_\_\_\_ DAYS, RECOMMEND DRIVER LICENSE SUSPENSION FOR \_\_\_\_\_ DAYS, RECOMMEND RE-TEST \_\_\_\_\_, TESTIMONY - JUDGE'S NOTES (OR OTHER COURT ORDERS):

Handwritten signature of officer A.S. Johnson



FLORIDA DUI UNIFORM TRAFFIC CITATION

0812-XBW CHECK DIGIT 7

Information Regarding Review Hearing

FLORIDA HIGHWAY PATROL SUMMONS (VIOLATOR'S COPY)
COUNTY OF ST. LUCIE
CITY (IF APPLICABLE)
AGENCY
IN THE COURT DESIGNATED BELOW THE UNDERSIGNED CERTIFIES THAT HE/SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT ON
DAY OF WEEK: Wed MONTH: 11 DAY: 03 YEAR: 2010 TIME: 6:10 PM
NAME (PRINT FIRST LAST): DAVID CASSIDY
STATE: FL
TELEPHONE NUMBER: DATE OF BIRTH: 04 12 1950 SEX: W HAIR: M EYES: 508
DRIVER LICENSE NUMBER: 2008 STATE: FL CLASS: E COLL LICENSE: Y (M) YR LICENSE EXP: 2017
IF COMMERCIAL MTR VEH "X" HERE
IF PLACARDED HAZARDOUS MATERIAL "X" HERE
IF COMPANION CITATION(S) "X" HERE
UPON A PUBLIC STREET OR HIGHWAY OR OTHER LOCATION, NAMELY: SR 91 152 MM SB

FINAL ORDER

This will serve as notice of final order of license suspension/disqualification effective on the date it was issued to you. You may request a formal or informal review of the suspension/disqualification. If you want the department to conduct a review of your suspension/disqualification, you must request such review in the location indicated on the reverse side. Your request must be submitted in writing within ten days following the date of the issuance of the notice of suspension/disqualification, and include a copy of this notice. When requesting a review, you must include a non-refundable filing fee of \$25 made payable to CHSNV.

INFORMAL REVIEW

The informal review shall consist solely of an examination of the materials submitted by you and the law enforcement officer or correctional officer.

FORMAL REVIEW

The formal review allows you to be heard and present witnesses in regard to the suspension/disqualification.

DRIVING WITH AN UNLAWFUL BLOOD OR BREATH ALCOHOL LEVEL (.08 OR ABOVE)

- 1. Whether the arresting law enforcement officer had probable cause to believe that the person was driving or in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages or controlled substances (DUI)
2. Whether the person had an unlawful blood or breath alcohol level (.08 or above).

REFUSAL TO SUBMIT TO A BREATH, BLOOD OR URINE TEST

- 1. Same as number 1 above.
2. Whether the person refused to submit to any such test after being requested to do so by a law enforcement officer or correctional officer.
3. Whether the person was told that if he or she refused to submit to such test his or her privilege to operate a motor vehicle would be suspended.

IN CASE OF A DISQUALIFICATION THE FOLLOWING ISSUES WILL BE CONSIDERED:

DRIVING WITH AN UNLAWFUL BLOOD OR BREATH ALCOHOL LEVEL (.08 OR ABOVE)

- 1. Whether the arresting law enforcement officer had probable cause to believe that the person was driving or in actual physical control of a commercial motor vehicle, or any motor vehicle if the driver holds a commercial driver's license, in this state while he or she had any alcohol, chemical substances, or controlled substances in his or her body.
2. Whether the person had an unlawful blood-alcohol level or breath-alcohol level of 0.08 or higher.

REFUSAL TO SUBMIT TO A BREATH, BLOOD OR URINE TEST

- 1. Same as number one above.
2. Whether the person refused to submit to any such test after being requested to do so by a law enforcement officer or correctional officer.
3. Whether the person was told that if he or she refused to submit to any such test, his or her privilege to operate a commercial motor vehicle would be disqualified.

FAILURE TO REQUEST A REVIEW WITHIN THE 10 DAY PERIOD SHALL RESULT IN THE WAIVER OF YOUR RIGHT TO A REVIEW OF THE SUSPENSION / DISQUALIFICATION

Location of Administrative Reviews Hearing Offices

- 1. Clearwater 33782 4585 140th Avenue North, Suite 1002
2. Daytona Beach 32114-4863 995 Orange Avenue
3. Fort Myers 33901 4048 Evans Avenue, Suite 305
4. Fort Pierce 34982-8105 3220 South Federal Highway, Suite B
5. Gainesville 32609-2861 2815 N.W. 13th St., Suite 302
6. Jacksonville 32210-3597 7438 Wilson Blvd.
7. Lantana 33462-1516 1299 West Lantana Road
8. Lauderdale Lakes 33311 3708 West Oakland Park Blvd
9. Miami 33135-1422 2515 West Flagler Street
10. Melbourne 32901-7121 2325 S. Babcock Street, Suite B
11. Panama City 32401-2230 The Lincoln Center 237 W. 15th Street
12. Pensacola 32504-6331 7282 Plantation Road, Suite 406
13. Tallahassee, FL 32399-0500 2900 Apalachee Pkwy Rm A-115, MS 94
14. Tampa 33610-4478 2814 East Hillsborough Ave.
15. Orlando 32810-4221 4101 Clarcona-Ocoee Road, Suite Number 152
16. Winter Springs 32708 290 East State Road 434

DID UNLAWFULLY COMMIT THE OFFENSE OF DRIVING UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES, CHEMICAL OR CONTROLLED SUBSTANCES; DID DRIVE, OR WAS IN ACTUAL PHYSICAL CONTROL OF A VEHICLE, WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE/CHEMICAL SUBSTANCE/CONTROLLED SUBSTANCE TO THE EXTENT NORMAL FACILITIES WERE IMPAIRED, OR WITH A BLOOD OR BREATH ALCOHOL LEVEL OF .08 OR ABOVE OF .141

COMMENTS PERTAINING TO OFFENSE (Only one offense each column)

STATE STATUTE [X] AGGRESSIVE DRIVER [ ] SECTION 316.193 SUB-SECTION

CRASH DAMAGE TO OTHER PROPERTY INJURY TO ANOTHER SERIOUS BODILY INJURY TO ANOTHER FATAL
[ ] YES [X] NO [ ] YES \$ 0 [X] NO [ ] YES [X] NO [ ] YES [X] NO [ ] YES [X] NO

THIS IS A CRIMINAL VIOLATION. COURT APPEARANCE REQUIRED, AS INDICATED BELOW
12/02/2010 9:00 AM 0812-XBW CHECK DIGIT 7

COURT DATE TIME COURT AND LOCATION

ST. LUCIE COUNTY COURT
201 SOUTH INDIAN RIVER DRIVE FT. PIERCE, FLORIDA 34950

ARREST DELIVERED TO ST. LUCIE COUNTY JAIL DATE 11/03/2010

I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED IN THIS CITATION. I WILL NOT REFUSE TO ACCEPT AND SIGN THE CITATION MAY RESULT IN ARREST. I UNDERSTAND MY SIGNATURE IS NOT AN ADMISSION OF GUILT OR WAIVER OF RIGHTS. IF YOU NEED REASONABLE FACILITY ACCOMMODATIONS TO COMPLY WITH THIS CITATION, CONTACT THE CLERK OF THE COURT.

SIGNATURE OF VIOLATOR

RESPECTIVE IMMEDIATELY, YOUR DRIVING PRIVILEGES IS SUSPENDED/DISQUALIFIED FOR
[X] DRIVING WITH AN UNLAWFUL BLOOD OR BREATH ALCOHOL LEVEL THIS SUSPENSION IS FOR A PERIOD OF SIX MONTHS IF THIS IS THE FIRST VIOLATION OR ONE YEAR IF PREVIOUSLY SUSPENDED FOR DRIVING WITH AN UNLAWFUL BLOOD OR BREATH ALCOHOL LEVEL. IF YOU HOLD A CDL OR YOU ARE OPERATING A CMV, YOUR COMMERCIAL DRIVER LICENSE/PRIVILEGE WILL ALSO BE DISQUALIFIED FOR ONE YEAR FOR THE FIRST OFFENSE OR PERMANENTLY DISQUALIFIED IF YOU HAVE BEEN PREVIOUSLY DISQUALIFIED UNDER SECTION 322.84, F. S.

[ ] REFUSAL TO SUBMIT TO LAWFUL BREATH, BLOOD OR URINE TEST SECTION 322.2615, F. S. THIS SUSPENSION IS FOR A PERIOD OF ONE YEAR IF THIS IS A FIRST REFUSAL OR 18 MONTHS IF PREVIOUSLY SUSPENDED FOR THIS OFFENSE. IF YOU HOLD A CDL OR YOU ARE OPERATING A CMV, YOUR COMMERCIAL DRIVER LICENSE/PRIVILEGE WILL ALSO BE DISQUALIFIED FOR A PERIOD OF ONE YEAR FOR A FIRST REFUSAL OR PERMANENTLY DISQUALIFIED IF PREVIOUSLY DISQUALIFIED UNDER SECTION 322.84, F. S.

LICENSE SURRENDERED? [X] YES [ ] NO REASON

ELIGIBLE FOR PERMIT? [X] YES [ ] NO REASON

UNLESS INELIGIBLE, THIS CITATION SHALL SERVE AS A TEMPORARY DRIVER LICENSE AND WILL EXPIRE AT MIDNIGHT ON 11/13/2010 (THE 10TH DAY FOLLOWING THE DATE OF SUSPENSION).

AT THE BUREAU OF ADMINISTRATIVE REVIEWS OFFICE, 3220 SOUTH FEDERAL HIGHWAY, SUITE B, FORT PIERCE 34982-8105, YOU MAY REQUEST, ON OR BEFORE 11/13/2010 (WITHIN 10 DAYS AFTER THE DATE OF SUSPENSION), A REVIEW OF SUSPENSION BY THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES. SEE REVERSE SIDE.

TPR A.S. JOHNSON 2351 K
RANK - SIGNATURE OF OFFICER BADGE NO ID NO TROOP UNIT

FLORIDA DEPARTMENT OF LAW ENFORCEMENT  
ALCOHOL TESTING PROGRAM  
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000  
Instrument Registered To: ST LUCIE COUNTY SO  
Instrument Serial Number: 80-000794 Software: 8100.27  
Date of Test: 11/03/2010

Date of Last Agency Inspection: 10/27/2010  
Observation Period Began: 20:01  
Subject's Name: DAVID CASSIDY

DOB: 04/12/1950 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:	Test	g/210L	Time
	Diagnostics Check	OK	20:32
	Air Blank	0.000	20:32
	Control Test	0.083	20:33
	Air Blank	0.000	20:33
	Subject Sample #1	0.139	20:34
	Air Blank	0.000	20:35
	Air Blank	0.000	20:36
	Subject Sample #2	0.141	20:37
	Air Blank	0.000	20:37
	Control Test	0.082	20:38
	Air Blank	0.000	20:38
	Diagnostics Check	OK	20:38

Cylinder Lot: 685214  
Exp: 10/28/2011


State of Florida, County of St. Lucie County

Personally appeared before me the undersigned authority, who ( ) is personally known to me or ( ) produced \_\_\_\_\_ as identification, and who after being placed under oath, states:

I ADAM S. JOHNSON, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator:  Date: 11-3-10  
Signature

Sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_,

 Signature of Notary Public-State of Florida  
James Krause #670 Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

# FLORIDA HIGHWAY PATROL D.U.I. CASE REPORT



I SWEAR / AFFIRM THE ABOVE AND REVERSE SIDE AND ATTACHED STATEMENTS ARE TRUE AND CORRECT:

LAW ENFORCEMENT OFFICER / COMPLAINTANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 3 DAY  
OF November, 2010

NAME / Title of Person Authorized to Administer Oath.

(Law Enforcement Officer Signature)  
Section 117.10 Florida Statutes

<b>DEFENDANT:</b>	<b>David Cassidy</b> DOB: <b>4/12/1950</b>		
<b>ARRESTING OFFICER:</b>	<b>Tpr. Adam Johnson</b>		
<b>CASE NUMBER:</b>	<b>FHPK10OFF065421</b>		
<b>DATE:</b>	<b>11/3/10</b>	<b>TIME:</b>	<b>6:10</b> <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM

Original (Officer's Copy)     
  State Attorney's Copy     
  B.A.R. Copy





# STANDARDIZED CHECK LIST/ HEALTH / AND OBSERVATION FORM



**CHECK LIST**

**BREATH**

**URINE or BLOOD**

- DUI Case Report Cover Page
- Standardized Check List, Health & Observation Form
- Field Sobriety Exercises Form
- Implied Consent Warning
- Refusal to Submit to Breath, Urine, or Blood. (HSMV 780547)
- Intoxilyzer Results .139 & .141 / \_\_\_\_\_
- Breath Test Result Affidavit (FDLE/ATP Form 14)
- Advice of Rights Form
- Affidavit For Investigative Costs
- Witness Statements
- Arrest / Probable Cause Affidavit
- Crash Report (if Applicable)
- Traffic Citations
- Inventory and Vehicle Storage Receipt

- DUI Case Report Cover Page
- Standardized Check List, Health & Observation Form
- Field Sobriety Exercises Form
- Implied Consent
- Refusal to Submit to Breath, Urine, or Blood. (HSMV 780547)
- Breath Test Result Affidavit (FDLE/ATP Form 14)
- Advice of Right Form
- Affidavit For Investigative Costs
- Witness Statements
- Arrest / Probable Cause Affidavit
- Urine Kit
- Blood Kit (Exp. Date) \_\_\_\_\_ / \_\_\_\_\_

- Evidence / Property Receipt
- FDLE Toxicology Request Form
- FDLE Analysis Request Form
- Blood Withdrawal Request Form
- Crash Report (if Applicable)
- Traffic Citations
- Inventory and Vehicle Storage Receipt

**HEALTH**

Are you sick or injured?  Yes If "Yes," what is wrong? \_\_\_\_\_  No

Are you epileptic?  Yes Do you take Dilantin?  Yes  No Are you taking medication?  No  Yes If "Yes," what? \_\_\_\_\_ Defendant stated he had taken Hydrocodone

Last dose? 3:30 pm Do you have any physical defects?  Yes  No If "Yes," what? \_\_\_\_\_ Do you have a glass eye?  Yes  No

Are you wearing hard contacts?  Yes  No Are you currently being treated by a doctor or dentist?  Yes  No If "Yes," who?, & for what? \_\_\_\_\_

**PSYCHOPHYSICAL EVALUATIONS**

Odor of Breath (Alcoholic Bev.):  None  Distinct  Open Container  Other, Specify: \_\_\_\_\_

Condition of Eyes:  Normal  Bloodshot  Watery  Glassy  Dilated  Constricted

Speech:  Clear  Mumbling  Slurred  Stuttering  Incoherent  Accent  Dry Mouth

Condition of Face:  Normal  Flushed  Pale  Sweating

Dexterity:  Normal  Clumsy  Fumbled  Unsure  Needs Assist.

Clothing:  Clean  Orderly  Soiled  Disarranged  Torn

Unusual Actions:  None  Hiccapping  Vomiting  Incontinence Urine/Feces

Attitude:  Polite  Cooperative  Profane  Belligerent  Emotional  Crying  Cocky  Combative  Argumentative  Indifferent  Laughing  Mood Swings

Exiting Vehicle:  Normal  Slow  Swaying  Unsteady  Falling  Needs Assist.

Walking to Roadside:  Normal  Slow  Stumbling  Staggering  Falling  Needs Assist.

Standing:  Normal  Leaning  Swaying  Staggering  Falling  Leaning Against Vehicle

Location:  Roadside  BAT  Parking Lot  Sidewalk  Driveway  Other: \_\_\_\_\_

Lighting:  Day  Night  Dusk  Dawn  Street Light  Vehicle Lights  Other: \_\_\_\_\_

Surface:  Dry  Paved  Dirt  Level  Hard  Marked Line  Other: \_\_\_\_\_

Video:  Yes  Intoxilyzer Room  BAT  In Car  Other: \_\_\_\_\_  
 No  REFUSED TO PERFORM FIELD SOBRIETY EXERCISES  Tape #-

The officer may wish to use discretion when administering the ONE LEG STAND and WALK AND TURN to persons over 65 years of age, 50 pounds or more overweight or who have physical impairments which affect their ability to balance. Individuals wearing heels more than two inches high should be given the opportunity to remove the shoes. (Administer alternate tests if the subject meets these criteria.)

**Case Number** FHPK10OFF065421



# FIELD SOBRIETY EXERCISES



I AM NOW REQUESTING THAT YOU PERFORM SEVERAL EXERCISES TO HELP DETERMINE IF YOU ARE CAPABLE OF DRIVING. THERE ARE SEVERAL TASKS THAT I WILL EXPLAIN AND DEMONSTRATE FOR YOU.

DO YOU HAVE ANY PHYSICAL DEFECTS?  YES  NO IF YES, WHAT TYPE OF DEFECTS? (LIST):

## HORIZONTAL GAZE NYSTAGMUS

I AM GOING TO CHECK YOUR EYES. (PLEASE REMOVE YOUR GLASSES). PLEASE KEEP YOUR HEAD STILL AND FOLLOW THIS OBJECT WITH YOUR EYES ONLY. DO NOT MOVE YOUR HEAD.

DO YOU UNDERSTAND?  YES  NO

MINIMUM DECISION 4 CLUES.

### LEFT EYE:

### RIGHT EYE:

ARE YOU COLOR BLIND?  YES  NO

- LACK OF SMOOTH PURSUIT. (1 CLUE)
- MAXIMUM DEVIATION (1 CLUE)
- ONSET BEFORE 45 DEGREES. (1 CLUE)

- LACK OF SMOOTH PURSUIT. (1 CLUE)
- MAXIMUM DEVIATION (1 CLUE)
- ONSET BEFORE 45 DEGREES. (1 CLUE)

VERTICAL NYSTAGMUS? (NOT A DECISION CLUE)  YES  NO

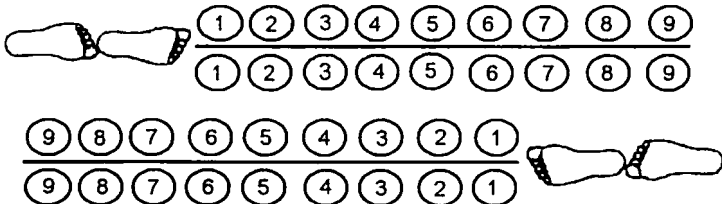
## WALK AND TURN

PUT YOUR LEFT FOOT ON THE LINE AND THEN YOUR RIGHT FOOT IN FRONT OF IT WITH YOUR RIGHT HEEL TOUCHING YOUR LEFT TOE. KEEP YOUR HANDS AT YOUR SIDE, (DEMONSTRATE). DO NOT WALK UNTIL I TELL YOU TO. WHEN I TELL YOU TO BEGIN, TAKE 9 HEEL-TO-TOE STEPS, (DEMONSTRATE). WHEN YOU TURN, KEEP YOUR FRONT FOOT ON THE LINE AND TURN TAKING A SERIES OF SMALL STEPS WITH THE OTHER FOOT, (DEMONSTRATE). KEEP YOUR ARMS AT YOUR SIDES AT ALL TIMES, WATCH YOUR FEET, AND COUNT EACH STEP OUT LOUD. DO NOT STOP UNTIL YOU HAVE COMPLETED THE EXERCISE.

DO YOU UNDERSTAND?  YES  NO.

YOU MAY BEGIN. MINIMUM DECISION 2 CLUES.

- CANT KEEP BALANCE WHILE LISTENING TO INSTRUCTIONS (1 CLUE)
- STARTS BEFORE INSTRUCTIONS ARE FINISHED. (1 CLUE)
- STOPS WALKING TO STEADY. (1 CLUE)
- DOES NOT TOUCH HEEL- TO-TOE. (1 CLUE)
- LOSES BALANCE WHILE WALKING (STEPS OFF THE LINE). (1 CLUE)
- USES ARMS FOR BALANCE (RAISES ARMS OVER SIX INCHES). (1 CLUE)
- LOSES BALANCE WHILE TURNING, TURNS INCORRECTLY. (1 CLUE)
- INCORRECT NUMBER OF STEPS (1 CLUE)
- CANNOT DO EXERCISE (STEPS OFF LINE THREE OR MORE TIMES). (9 CLUES)



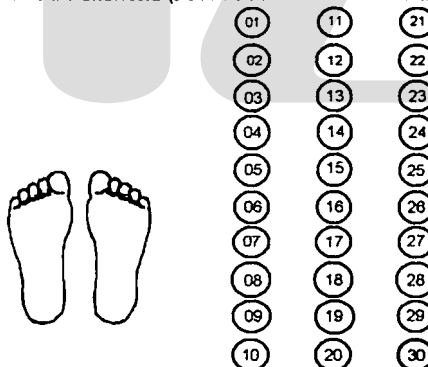
## ONE-LEG STAND.

STAND WITH YOUR HEELS TOGETHER AND YOUR ARMS AT YOUR SIDE, (DEMONSTRATE). DO NOT BEGIN THE TEST UNTIL I TELL YOU TO DO SO. WHEN I TELL YOU TO, I WANT YOU TO RAISE ONE LEG ABOUT SIX INCHES OFF THE GROUND. HOLD THAT POSITION AND COUNT OUT LOUD 1001, 1002, 1003, UP TO 1030 AND LOOK DOWN AT YOUR RAISED FOOT. SHOULD YOU HAVE TO PUT YOUR FOOT DOWN AT ANY TIME RAISE IT BACK UP AND CONTINUE COUNTING WHERE YOU LEFT OFF.

DO YOU UNDERSTAND?  YES  NO

YOU MAY BEGIN. MINIMUM DECISION 2 CLUES.

- SWAYS WHILE BALANCING. (1 CLUE)
- USES ARMS TO BALANCE (RAISES ARMS OVER SIX INCHES). (1 CLUE)
- HOPPING. (1 CLUE)
- PUTS FOOT DOWN. (1 CLUE)
- CANNOT DO EXERCISE (PUTS FOOT DOWN THREE TIMES OR MORE). (5 CLUES)



ADDITIONAL COMMENTS:

ADDITIONAL COMMENTS:

Narrative:



# IMPLIED CONSENT WARNING

## IMPLIED CONSENT FOR D.U.I. IN A MOTOR VEHICLE



AFTER THE DEFENDANT HAS BEEN LAWFULLY ARRESTED, (EXCEPT IN THE CASE OF A TRAFFIC CRASH AND BLOOD CASE) READ THE FOLLOWING TO HIM/HER: Note: Read only the paragraph applicable to the type of test you are requesting.

(BREATH TEST)  I am now requesting that you submit to a lawful test of your BREATH for the purpose of determining its alcohol content.

(URINE TEST)  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.

(BLOOD TEST)  I am now requesting that you submit to a lawful test of your BLOOD for the purpose of determining 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 Tpr. Adam Johnson of the Florida Highway Patrol.

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 YEAR, FOR THE FIRST REFUSAL, OR 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.

BE CERTAIN THAT THE DEFENDANT UNDERSTANDS THE STATEMENTS. REMEMBER, IN ORDER TO UPHOLD THE SUSPENSION YOU MUST PROVE: (1) YOU HAD PROBABLE CAUSE TO BELIEVE THE DEFENDANT WAS DRIVING OR WAS IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE OR CONTROLLED SUBSTANCES; (2) THE DEFENDANT WAS LAWFULLY ARRESTED FOR A DUI OFFENSE; AND THE DEFENDANT REFUSED TO SUBMIT TO THE TEST, AFTER THE DEFENDANT WAS WARNED AND UNDERSTOOD, THAT HIS / HER DRIVING PRIVILEGE WOULD BE SUSPENDED FOR 1 YEAR OR 18 MONTHS IF HE / SHE REFUSED TO SUBMIT TO THE TEST.

## IMPLIED CONSENT WARNING COMMERCIAL MOTOR VEHICLE

IF THE DRIVER IS AN OPERATOR OF A COMMERCIAL MOTOR VEHICLE, READ THE FOLLOWING TO HIM:

(BREATH TEST)  I AM NOW REQUESTING THAT YOU SUBMIT TO AN APPROVED TEST OF YOUR BREATH FOR THE PURPOSE OF DETERMINING THE ALCOHOLIC CONTENT OF YOUR BREATH

(URINE TEST)  I AM NOW REQUESTING THAT YOU SUBMIT TO AN APPROVED TEST OF YOUR URINE FOR THE PURPOSE OF DETERMINING THE PRESENCE OF ANY CONTROLLED SUBSTANCE.

(BLOOD TEST)  I AM NOW REQUESTING THAT YOU SUBMIT TO AN APPROVED TEST OF YOUR BLOOD FOR THE PURPOSE OF DETERMINING ITS ALCOHOLIC CONTENT OR THE PRESENCE OF ANY CONTROLLED SUBSTANCE.

IF YOU REFUSE TO TAKE THIS TEST YOUR PRIVILEGE OF OPERATING A COMMERCIAL MOTOR VEHICLE WILL BE DISQUALIFIED FOR A PERIOD OF ONE YEAR OR, IN THE CASE OF A SECOND REFUSAL, YOUR PRIVILEGE OF OPERATING A COMMERCIAL MOTOR VEHICLE WILL BE DISQUALIFIED PERMANENTLY YOUR REFUSAL TO SUBMIT TO THIS TEST CAN BE USED AGAINST YOU IN COURT.

BE CERTAIN THAT THE DRIVER UNDERSTANDS THE STATEMENTS. REMEMBER, IN ORDER TO UPHOLD THE SUSPENSION YOU MUST PROVE: (1) YOU HAD PROBABLE CAUSE TO BELIEVE THE DEFENDANT WAS DRIVING OR IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ANY ALCOHOLIC BEVERAGES OR CHEMICAL OR CONTROLLED SUBSTANCES; (2) THE DEFENDANT REFUSED TO SUBMIT TO THE TEST. - AND (3) THE DEFENDANT WAS WARNED, AND UNDERSTOOD, THAT HIS / HER PRIVILEGE TO OPERATE A COMMERCIAL MOTOR VEHICLE WOULD BE DISQUALIFIED FOR A PERIOD OF 1 YEAR, OR, IN THE CASE OF SECOND REFUSAL, PERMANENTLY IF HE/ SHE REFUSED TO SUBMIT TO THE TEST

DO YOU UNDERSTAND THE LEGAL DUTY AND PENALTY FOR REFUSING TO TAKE THE TEST?  YES

WILL YOU TAKE THE TEST?  YES  NO

DO YOU STILL REFUSE TO SUBMIT, KNOWING THAT YOUR DRIVING PRIVILEGE WILL BE SUSPENDED

FOR A PERIOD OF AT LEAST ONE YEAR?  YES  NO

Implied Consent on Video?  YES  NO

Case Number FHPK10OFF065421