



OFFICE OF THE STATE ATTORNEY
SIXTH JUDICIAL CIRCUIT OF FLORIDA
PASCO AND PINELLAS COUNTIES

BERNIE MCCABE
State Attorney

July 12, 2005

Re: PUBLIC RECORDS REQUEST - Case No.: CTC04-646179XASP

Bernie McCabe, State Attorney, as custodian of the records, has asked me to respond to your public record request dated and received by our office on June 21, 2005, for a copy of the video of the incident and any documents available as public record in the above-referenced file. The video tape in our file is blank. A copy was introduced into evidence in this case and is available from the clerk of court.

CTC 04646179XASP

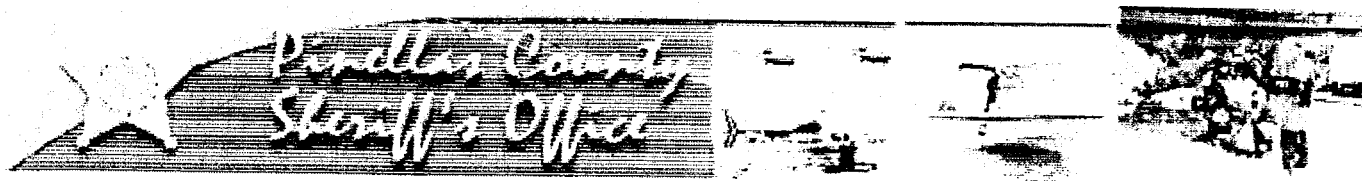
Enclosed are copies of the public records of our file which you requested. We rely on the following exemptions applicable to public records: Sec. 119.07(6)(aa), 119.0721(1), and 943.053, Fla. Stats. Also enclosed is an invoice for fees for copying as specified in Ch. 119, Fla. Stats., of fifteen cents per page for single-sided records and twenty cents per page for two-sided records, plus postage. Please make your check payable to the State of Florida for the amount of the invoice.

*TRAFFIC
492 ST.
464-2000
EVIDENCE
843-7780
7560*

Sincerely yours,
BERNIE MCCABE, State Attorney

C. Marie King
C. Marie King
Assistant State Attorney

gcp
enc.



Search Details

USER : SAOPICS

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Adult Inmate



Use as a Target Image to Photopack or Media

Address

Last Name	HAMEL	SSN	
First Name	JOHN	Gender	Male
Middle Name	ROBERT	Race	White
Date of Birth	Apr 30, 1959	Agency ID	
Rec. Last Modified	Feb 20, 2004 22:35:42	Operator ID	ericeiii
Height	5'07"	Weight	155 lbs
Eye Color	Hazel	Hair Color	Gray
Home Phone		Work Phone	
Fax		Email	
Recent Record	Yes	Record Number	51012685
Docket Number	064595	Inmate ID	79474549
State ID		SO Number	
Case Number		Moniker	
Alias Last Name		Alias First Name	
Alias Middle Name		Emer. Cont. Person	
Emer. Cont. Address		Emer. Cont. Phone	
School		Hair Length	Collar
Hair Style	Wavy	Facial Hair	None
Teeth	Common	Complexion	Medium
Occupation		Employer	
STATUTE1		STATUTE2	
STATUTE3		STATUTE4	
STATUTE5		Place Of Birth	Illinois
Comments			

[RESULTS]

[SEARCH]

Urine Sample Refused

F.S.T. SCENE DESCRIPTION

=====

The Field Sobriety Tests were administered in the police station.

OFFICER ACTIONS/OBSERVATIONS

=====

I was on my way in to work for 6:00pm check on. I was driving my own vehicle on Gandy Blvd in Tampa when I saw a gray Toyota Camry in the curb lane next to me. I noted the driver kept accelerating toward the car in front of him then stopping short. Traffic was heavy and the driver did this repeatedly while next to me. The driver was eating fried chicken and was throwing chicken bones out through his open driver side window. Just east of Manhattan Ave in Tampa, the driver swerved sharply in front of me almost making contact with my right front fender. I gave the driver extra room watched as he continued to accelerate toward the cars in front of him then step on his brakes hard causing his vehicle to dip down each time. The driver continued this driving practice until I lost sight of him near Westshore Blvd.

I found myself behind the vehicle again at Gandy Blvd and 9 St in St. Petersburg. I watched as the driver continued the same dangerous driving practice in front of me. Traffic was still heavy. It appeared the driver was now finished with his chicken as no bones were coming out of the window. The driver did not appear to be occupied by anything else. I stayed behind the vehicle as the driver continued to drive dangerously on Gandy Blvd. He almost struck the rear of a maroon mini van in front of him just west of 9 St. I suspected the driver may be impaired. I contacted Ofc. S. Newell via cell phone and informed him of what I was observing. Ofc. Newell was in his unmarked police cruiser on his way into the police station to check on as well. Since the suspect driver and I were now southbound on the interstate, I had Ofc. Newell wait at 38 Ave No to intercept us. The driver continued to drive dangerously in the same manner. He almost struck a vehicle as he merged into the right lane from the Gandy Blvd on ramp. The driver stayed in the right lane and continued to hit his brakes hard as he came close to vehicles in front of him.

Ofc. Newell activated his in-car video system as he attempted to intercept us on the interstate. As it happened, there were two gray Toyotas on the interstate ahead of me. Ofc. Newell at first stopped the other gray Toyota but caught back up to us at 5 Ave. Apparently the driver of the other Toyota saw the same driving patterns I was observing because he was pointing Ofc. Newell in the direction of the correct vehicle. As Ofc. Newell caught up to us, the driver almost struck a vehicle in front of him. This incident was caught on Ofc. Newell's video camera. This driving action was representative of the dangerous driving I witnessed since first seeing the vehicle in South Tampa.

Ofc. Newell initiated a traffic stop at my request. The vehicle pulled over in the shoulder on a bridge. Ofc. Newell and I approached the driver. I immediately saw he had a blank, dazed and uncomprehending expression. The driver was identified as John Hamel by his Florida drivers license. I asked

Hamel to step out of the vehicle to speak with me further. Hamel did not respond. I opened the door and asked him to step out. I noted he was unsteady on his feet as he walked with me to the far side of the shoulder. Hamel said he was coming from home and was headed to his brother's house in Bradenton. He said his mother died a couple days earlier and he was distraught.

As Hamel spoke, I noted his speech was slurred and mumbled. His expression was blank, dazed and uncomprehending. Hamel swayed when he stood and staggered when he walked. I administered the horizontal gaze nystagmus test to Hamel who had difficulty following my instructions. I did not observe any clues to impairment in H.G.N. however Hamel swayed significantly during the test. Hamel said he had not had anything alcoholic to drink and I did not suspect he was under the influence of alcoholic beverages. He said he was taking several medications including lithium and nurotin. I had Hamel do a modified one leg stand test and he performed poorly. Hamel could not stay still. I was concerned about his safety as well as ours. I explained to Hamel that I was going to request him to perform field sobriety tests however our current location would not be conducive for the tests. I asked him ride with Ofc. Newell to the police station where we could safely continue the investigation. He agreed. Ofc. C. Markland stayed with Hamel's vehicle while I conducted the investigation.

Ofc. Newell drove Hamel in the cruiser to the police station and I met them there. I walked Hamel into the basement to the D.U.I. area where I continued my investigation. During the health questions, Hamel was telling me his health was only fair because of all the medications he was on. He continued by saying, "My driving has gotten worse lately, lack of coordination, etc." I administered the F.S.T.s. Hamel had difficulty maintaining the starting position for the walk and turn test and ultimately refused to take that test. He said he could not do the test because he has no balance. After explaining to Hamel the implications of refusing the F.S.T.s, he agreed to continue with the tests. Hamel performed poorly on the other three F.S.T.s.

I placed Hamel under arrest for D.U.I. based on my overall observations to that point and the totality of the circumstances. I walked Hamel around the corner to the breath testing center where Ofc. Newell administered the breath tests procedures. Hamel submitted two valid breath samples confirming he had no alcohol in his system. Ofc. Newell requested Hamel submit a urine sample. Hamel refused and said, "What if something comes up in my urine that should not be there?" After Implied Consent, Hamel still refused to submit a urine sample. He said he was concerned about his practice and could not take that chance. He said he should not be driving anyway. During the interview questions, Hamel refused to answer the one question about illegal drug use. Ofc. Newell later asked Hamel directly about what was in his system. Hamel said he would rather not say. *

I completed the arrest paperwork and citation for D.U.I. I explained to Hamel about the temporary driving permit, the court date and how and when to contact the Clearwater Driver Improvement Office for an administrative review should one be desired. Hamel began to cry when I described his driving to him. He said, "I know I almost hit a few cars. I could have killed someone." *
I turned Hamel over to the prisoner transport van to be taken to the Pinellas County Jail for booking. Hamel asked me to contact his wife to come get his

vehicle. I was unable to get ahold of her in a timely manner. Hamel requested that I have his vehicle towed at his request. It was towed by Tri-J towing. I later entered the video tape into evidence.

END OF REPORT

MEMORANDUM

To: Pat Siracusa
From: Michael Boyle
Date: August 20, 2004
Re: Change of Charge: DUI to RD
State v. **JOHN HAMEL** 04646179XASP
Next Court Date: 9/7/04 - PT

DRIVING/SOI: Officer Robbie Arkovich was on his way to work from Tampa when he saw the Def.'s vehicle driving poorly. Arkovich observed the Def. all the way into St. Pete and was so concerned about the way the Def. was driving that he called to have an officer stop him.

FSTS: Yes **Video:** Yes
HGN: 0 FtoN:2
WNT:refused ABC:2
OLS: 4 OTHER:

BREATH/BLOOD/URINE: .000/.000 Refused Urine.

ADMISSIONS: Taking Lithium, Neurontin, Norvosk. When asked about taking the urine test the Def. asked questions about what would happen if something showed up that "wasn't supposed to be there"? Def. ultimately refused urine because he said he had to protect his practice.

ARO INPUT: Officer Arkovich had strong feelings that this case might not be RD material. He feels that Def. was impaired by drugs, and he believes based on the impressions the Def. gave him, that it was cocaine. Cocaine would be consistent with the recorded driving pattern.

OTHER/PROBLEMS:

PRIORS: 86-DUI (GA)

RECOMMENDATION: NO RD. The Def. looks really odd on video and after speaking to Arkovich, this case isnt an RD. Arkovich seems to think Def. was on Cocaine.

8/20/04 - called Def's Attorney & Informed him of NO RD.
ME

ST. PETERS POLICE DEPARTMENT

D.U.I. OBSERVATION REPORT

Investigating Officer: R. A. [unclear] Witnessing Officer: C. [unclear] Offense #: 11077
 Date: 2/20/04 Day: FRI Time of Stop: 1753 Time of Arrest: 1825 Location: IR 75-591N
 Video #: 6104-57 Video Operator: [unclear] In-Car Video #: 2443 BTT Operator: [unclear]

Suspect: (L,F,M): Hamel, John Robert Sex: M Race: W DOB 4/30/59 Ht: 5'8 Wt: 156
 Hair: Gray Eyes: Blue Facial: - Glasses/Contacts: - POB: IL SS#: -
 Clothing: Plaid Button down, Tan pants Scars, Tattoo's, etc: -
 Address: 3419 Empedrado St Tampa 33629 Phone: 813 837-2926 Suite
 Work/Title: Attorney Phone: 813-832-9975 Weather Cond's: Clear, 60s
 DL#: H540-476-59-150-0 State/Type: FL/E Exp: 04 Vehicle VIN #: -
 Year: 01 Make: Tyche Model: Comet Style: 4DR Color: Gray Tag: B44AKG State: FL Exp: 04

Health

Are You Sick or Injured? sick If "Yes," What Is Wrong? bipolar - problem dealing with emotions Are You Diabetic? no Do You Take Insulin? -
 Are You Epileptic? no Do You Take Dilantin? - Do You Have A Glass Eye? no Are You Wearing Hard Contacts? -
 Are You Taking Any Medications? yes If "Yes," What? Lithium, Percutin, Mavonek (DL), cholesterol med, prozac, tylenol Last Dose? -
 Are You Under The Care of a Doctor or Dentist? yes If "Yes," Who? Dr. [unclear] Any Physical Defects? yes
 If "Yes," What? Bad back, bad neck - accident sept 02 herniated disk General Health: Good Fair Poor
Given fact I'm on so many med

Observations and Evaluations

Speech	Attitude	Expression	Motor Control	Clothing	Eyes	DL/Registration	Odor
<input checked="" type="checkbox"/> Slurred	<input type="checkbox"/> Excited	<input type="checkbox"/> Dazed	<input type="checkbox"/> Swaying	<input type="checkbox"/> Mussed	<input type="checkbox"/> Dilated	<input type="checkbox"/> Thumbs Past	<input type="checkbox"/> Strong
<input type="checkbox"/> Mumbled	<input type="checkbox"/> Combative	<input type="checkbox"/> Blank	<input type="checkbox"/> Stumbling	<input type="checkbox"/> Torn	<input type="checkbox"/> Contracted	<input type="checkbox"/> Presents Other In Error	<input type="checkbox"/> Moderate
<input type="checkbox"/> Thick-Tongued	<input type="checkbox"/> Cocky	<input type="checkbox"/> Face Flushed	<input checked="" type="checkbox"/> Staggering	<input type="checkbox"/> Dirty	<input type="checkbox"/> Watery	<input type="checkbox"/> DWLS/R	<input type="checkbox"/> Faint
<input type="checkbox"/> Soft	<input checked="" type="checkbox"/> Cooperative	<input type="checkbox"/> Face Pale	<input type="checkbox"/> Leans for Support	<input type="checkbox"/> Urinated	<input type="checkbox"/> Bloodshot	<input type="checkbox"/> No DL	<input type="checkbox"/> None
<input type="checkbox"/> Loud	<input type="checkbox"/> Hilarious	<input type="checkbox"/> Normal	<input type="checkbox"/> Disoriented	<input type="checkbox"/> Vomited	<input type="checkbox"/> Normal	<input type="checkbox"/> No Registration	
<input type="checkbox"/> Fast	<input type="checkbox"/> Polite	<input type="checkbox"/> Uncomprehending	<input type="checkbox"/> Fumbling	<input type="checkbox"/> Disorderly	<input type="checkbox"/> Glassy	<input type="checkbox"/> Valid	
<input type="checkbox"/> Slow	<input type="checkbox"/> Indifferent	<input type="checkbox"/> Sweating	<input type="checkbox"/> Clumsy	<input type="checkbox"/> Clean			

my driving has gotten worse lately, lack of coordination etc

Standardized Field Sobriety Tests

<h4>Horizontal Gaze Nystagmus</h4> <p>Rt Lt</p> <p><input type="checkbox"/> Lack of Smooth Pursuit</p> <p><input type="checkbox"/> Distinct Nystagmus at Max Deviation</p> <p><input type="checkbox"/> Onset of Nystagmus Prior to 45°</p> <p>Total Score <u>0</u> (Decision Point: 4 Points)</p> <p>Vertical Nystagmus? Yes No Sways? <u>Yes</u> No</p>	<h4>Walk and Turn <i>Failed</i></h4> <p><input type="checkbox"/> Loss of Balance During Instructions</p> <p><input type="checkbox"/> Starts Before Instructions Are Done</p> <p><input type="checkbox"/> Stops While Walking</p> <p><input type="checkbox"/> Does Not Touch Heel-To-Toe</p> <p><input type="checkbox"/> Steps Off Line</p> <p><input type="checkbox"/> Uses Arms For Balance (6 Inches or More)</p> <p><input type="checkbox"/> Loss of Balance While Turning/Incorrect Turn</p> <p><input type="checkbox"/> Incorrect Number of Steps</p> <p><input type="checkbox"/> Steps Off line 3 or more times, (Can't do test) 8 pts</p> <p style="text-align: center;">Out 1 2 3 4 5 6 7 8 9</p> <p style="text-align: center;">Back 1 2 3 4 5 6 7 8 9</p> <p>Total Score _____ (Decision Point: 2)</p>
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<h4>One Leg Stand</h4> <p><input checked="" type="checkbox"/> Sways While Balancing</p> <p><input checked="" type="checkbox"/> Uses Arms For Balance (6 Inches or More)</p> <p><input type="checkbox"/> Hopping</p> <p><input type="checkbox"/> Puts Foot Down <u>11 steps over 11 switches feet</u></p> <p><input checked="" type="checkbox"/> Touches foot down 3 or more times or otherwise cannot do test (4 points)</p> <p>Total Score <u>4</u> (Decision Point: 2)</p>	<h4>Rhombert Alphabet (Alternative Test)</h4> <p><input type="checkbox"/> Does Not Keep Eyes Closed</p> <p><input type="checkbox"/> Sways more than 2 inches in any direction <u>Forward/Back</u></p> <p><input type="checkbox"/> Uses Arms For Balance - Raising 6 inches or more from sides</p> <p><input checked="" type="checkbox"/> Recites Alphabet/ Numbers incorrectly <u>L O M O P Q R S T U V W X Y Z</u></p> <p><input type="checkbox"/> Can't Perform Test</p> <p style="text-align: center;">A B C D E F G H I J K L M N O P Q R S T U V W X Y Z</p> <p style="text-align: center;">100 99 98 97 96 95 94 93 92 91 90 89 88 87 86 85 84 83 82 81 80 79 78 77 76 75</p> <p>Total Score <u>2</u> (Decision Point: 2 Points)</p>
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Finger to Nose (Alternate Test)






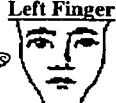
Doesn't Keep Eyes Closed

Uses Wrong Hand

Does Not Return Arm To Side

Index Does Not Touch Nose/Uses Finger Other Than Index

Can't Perform Test

Left Finger	Right Finger	Left Finger	Right Finger	Right Finger	Left Finger
					
Eyes Misses Pad	Eyes Misses Pad	Eyes Misses Pad	Eyes Misses Pad	Eyes Misses Pad	Eyes Misses Pad

Total Score 3 (Decision Point: 2 Point)

Video Introduction

Today is _____ the _____ day of _____. The location is Station.
I am Officer _____ of the St. Petersburg Police Department. The person performing the Field Sobriety Tests is _____ The time is 6:13 AM-PM
The purpose of the Field Sobriety Test is to obtain objective criteria in order to properly evaluate to what degree, if any, the driver of a motor vehicle is under the influence of an alcoholic beverage and/or controlled substances. Do you have any injuries or physical defects at this time?

Notes/Actions/Observations

Station 609

mother died, going to Brothers house in Bradenton
officer Plei - started crying when I told him he would not have made it to Bradenton - I know, I almost
bandy - almost hit me, chicken bones out window

Interview - refused to answer 5 legal drags question. Asked directly about time taken about what in system
what if there is something there and someone else there
STATE OF FLORIDA IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

Advising Officer: _____ Time: _____

Blood Test: I am now requesting that you submit to a lawful test of your blood for the purpose of determining the alcohol content and the presence of chemical or controlled substances.
WILL YOU TAKE THE TEST: YES NO

Note: Read the following only if the subject does not comply with your request.

If you fail to submit to the test, 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.

DO YOU STILL REFUSE TO TAKE THIS TEST KNOWING YOUR DRIVING PRIVILEGE WILL BE SUSPENDED FOR A PERIOD OF AT LEAST ONE YEAR? YES NO

Field Sobriety Test Instructions

Horizontal Gaze Nystagmus

1. I am going to check your eyes. (Please remove your glasses).
2. Put your feet together, hands at your side. Keep your head still and follow stimulus with your eyes only.
3. Keep looking at the stimulus until told the test is over.
4. Do not move your head.
5. Do you understand? (Must receive affirmative verbal response.)

Walk and Turn

1. Put your left foot on the line.
2. Put your right foot in front of it, with your right heel touching your left toe.
3. Keep your hands at your sides. (Demonstrate)
4. Remain in this position and do not do anything until I tell you to.
5. Do you understand? (Must receive affirmative verbal response)
6. When I tell you to, take nine(9) heel-to-toe steps down the line. (Demonstrate)
7. At the end of the ninth step, keep your front foot on the line. With your back foot turn around by taking a series of small steps until you're facing the opposite direction. (Demonstrate)
8. Take nine(9) more steps back down the line.
9. Keep your arms at your sides.
10. Watch your feet and count each step out loud.
11. Do not stop until you have completed the test.
12. Do you understand? (Must receive affirmative verbal response)

One Leg Stand

1. Stand with your feet together and arms down at your sides. (Demonstrate)
2. Do not do anything else until I tell you to begin.
3. When I tell you to, raise one leg approximately six(6) inches off of the ground, with your foot pointed in front of you and leg straight. (Demonstrate)
4. Hold this position, watch your foot and count out loud 1001, 1002, 1003 etc until I tell you to stop. (Time for 30 seconds)
5. Do you understand? (Must receive affirmative verbal response)

Finger-To-Nose

1. Stand with your feet together, with your arms down to your sides.
2. Make a fist and extend your index finger.
3. Do not begin until I tell you to.
4. Do you understand? (Must receive affirmative verbal response)
5. When I tell you, touch the tip of your nose with the tip of your index finger. Then, return the hand to the original position. (Demonstrate)
6. I will tell you which hand to use.
7. Your eyes will be closed and your head will be tilted back. (Demonstrate)
8. Do you understand?
(DO THIS SIX (6) TIMES USING THE SEQUENCE - L,R,L,R,R,L)

Rhomberg Alphabet-Balance

Inquire as to the level of education the suspect has and if he/she feels they can recite the English alphabet. If not, can they count backwards from 100 to 75. If they cannot perform either of these, use the Balance Test. (See below)

1. Stand with you feet together, arms down at your sides, head tilted back and your eyes closed. (Demonstrate)
2. Do not perform anything until I tell you to begin.
3. Once in this position, recite the English alphabet from A to Z (or count from 100 to 75) in a slow, non-rhythmic manner.
4. I do not want you to rhyme it or sing it. (Demonstrate)
5. Do you understand? (Must receive affirmative verbal response)

For the Balance Test:

1. Same as above.
2. Same as above.
3. Once in this position, when I say "begin," estimate 30 seconds to yourself.
4. When you think 30 seconds have passed, open your eyes, tilt your head forward and tell me to stop.
5. Do you understand? (Must receive affirmative verbal response)
(Time them. If they do not stop by 90 seconds, stop the test.)

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

ST. PETERSBURG POLICE DEPARTMENT ALCOHOL INFLUENCE REPORT FORM

Offense Number: 2004-11077 Time First Observed: 1808 - T9 bridge north
 Name: John R Hamel Date of Birth: 04-30-59
 Race: W Sex: M Intoxilyzer Operator: Ofc Scott Newell
 Do You Have False Teeth? No If "Yes," Were Teeth Removed? N/A Time Removed? N/A

Observations

Clothing Conditions	<input type="checkbox"/> Disorderly <input type="checkbox"/> Soiled <input type="checkbox"/> Mussed <input type="checkbox"/> Disarranged
Breath	Odor of Alcoholic Beverage: <input type="checkbox"/> Strong <input type="checkbox"/> Moderate <input type="checkbox"/> Faint <input checked="" type="checkbox"/> None
Attitude	<input type="checkbox"/> Excited <input type="checkbox"/> Hilarious <input checked="" type="checkbox"/> Talkative <input type="checkbox"/> Carefree <input type="checkbox"/> Sleepy <input type="checkbox"/> Profanity <input type="checkbox"/> Combative <input type="checkbox"/> Indifferent <input type="checkbox"/> Insulting <input type="checkbox"/> Cocky <input checked="" type="checkbox"/> Cooperative <input checked="" type="checkbox"/> Polite
Unusual Actions	<input type="checkbox"/> Hiccoughing <input type="checkbox"/> Belching <input type="checkbox"/> Vomiting <input type="checkbox"/> Fighting <input type="checkbox"/> Crying <input type="checkbox"/> Laughing
Speech	<input type="checkbox"/> Not Understandable <input checked="" type="checkbox"/> Mumbled <input checked="" type="checkbox"/> Slurred <input type="checkbox"/> Mush Mouthed <input type="checkbox"/> Confused <input type="checkbox"/> Thick Tongued <input type="checkbox"/> Stuttered <input type="checkbox"/> Accent <input type="checkbox"/> Fair <input type="checkbox"/> Good <input type="checkbox"/> Slow
Eyes	<input type="checkbox"/> Dilated <input type="checkbox"/> Contracted <input type="checkbox"/> Watery <input type="checkbox"/> Bloodshot <input type="checkbox"/> Normal
Level of Impairment	<input type="checkbox"/> Extreme <input type="checkbox"/> Obvious <input type="checkbox"/> Slight <input type="checkbox"/> None
Ability To Drive	<input checked="" type="checkbox"/> Unfit <input type="checkbox"/> Fit
Ability To Follow Instructions	<input type="checkbox"/> Poor <input checked="" type="checkbox"/> Fair <input type="checkbox"/> Good

STATE OF FLORIDA IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

Advising Officer: Scott Newell Time: 1830

Note: Read and circle the statement applicable to the type of test you are requesting.

Breath Test: I am now requesting that you take this breath test for the purpose of determining the alcoholic content of your blood.
AND/OR

Urine Test: I am now requesting that you take the urine test for the purpose of detecting the presence of chemical or controlled substances.
AND/OR

Blood Test: I am now requesting that you submit to a lawful test of your blood for the purpose of determining the alcohol content and the presence of chemical or controlled substances.

WILL YOU TAKE THE TEST ? YES NO

Note: Read only if the subject does not comply with your request.

what happens if I refuse

If you fail to submit to the test, 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.

DO YOU STILL REFUSE TO TAKE THIS TEST KNOWING YOUR DRIVING PRIVILEGE WILL BE SUSPENDED FOR A PERIOD OF AT LEAST ONE YEAR ? YES NO

*I understand my DL will be suspended
 I understand my refusal can be used
 Statements against me in a criminal trial*

*unable to sit still, constantly squirming
 what if something comes up in my urine that shouldn't be there,
 I don't need to drive for a year anyways*

Miranda Warning

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning if you wish one.
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

6. Do you understand each of the rights I've explained to you? Yes

7. Would you like to answer the questions listed on this form? Yes

Rights Advised By: Scott Newell

Time: 1842

Interview

Were you operating a vehicle? Yes Where were you going? Bradenton Bch What direction were you traveling? South

What street or highway were you on? I-275 Where did you start driving from? Tampa (home)

What time? 5:30 PM What time is it now? 6:45 Today's date? 20th Feb Day of week? Friday

What city are you in now? St Petersburg FL 2004

Actual Time, Date and Day: 1843 Time 2.2004 Date Friday Day

When did you last eat? Today What did you eat? eating chicken on the way over

What were you doing the last three hours? shopping w/ wife + grieving mother's death

Have you been drinking? No What? N/A How much? N/A

Where? N/A Started? N/A AM/PM Stopped? N/A AM/PM

Do you feel you under the influence of an alcoholic beverage now? No

What is your occupation? Attorney - Family Law When did you last work? Tuesday

Do you have any physical defects? Yes If so, what? bipolar disorder, high BP, hyper thyroid

Are you ill? Yes If so, what's wrong? emotional problems not sleeping

Do you limp? Yes Have you been injured lately? No If so, what's wrong? N/A

Were you involved in an accident today? No Did you get a bump on the head? No

Have you had any alcoholic beverages since the accident? N/A If so, what? N/A

Where? N/A How Much? N/A When? N/A

Have you seen a doctor or dentist recently? Yes If so, who? Dr. Kent Correll When? 3 weeks ago

What for? general office visit

Are you taking tranquilizers, pills or medicines of any kind? lithium, Neurontin, norvasc, norvisak,

If so, what kind? see below

Last dose? today at 11:30 AM Do you have Epilepsy? No

Do you have Diabetes? No If so, do you take Insulin? N/A If so, last dose? N/A

Have you had any injections of any other drugs recently? No If so, what? N/A

What for? N/A Last dose? N/A

Have you taken any illegal drugs within the last 24 hours? → If so, what? Not going to answer the quest

When did you last sleep? night of the 17th How much sleep did you have? Sell 7-8 hours

Are you wearing false teeth? No Do you have a glass eye? No

Additional Statements/Observations

enlarged prostate, high cholesterol, herniated disc L-5, S-1
bulging disc 3C-4

LLYXEL (Thyroid), Flomax,

No warning labels
Feeling aided by the medicines

LAW ENFORCEMENT OFFICER OATH FORM

Before me this day personally appeared R. Arkovich,
(printed name)

who attests to the truth of the statements included in this offense report as being a
summary of the facts of the case as known by him/her as a result of his/her investigation
of offense report # 2004-11077 and attached arrest affidavit.

Affiant (Signature) 

Sworn to and subscribed before me this 20 day of February 2004

Off. Scott Newell
NOTARY PUBLIC OR LAW ENFORCEMENT OFFICER
PER FLORIDA STATUTE 117.10