

21 CT 002375 AX MB
0521364

3720

Arrest Report

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

Report Date / Time 2/11/2021 10:54 AM	Report Number FHP99ARR835150	Case Number/Cad Number FHPL21OFF008506 / LWRC21CAD024029	Reporting Officer Name K. OPORTO
Originating Agency ORI	Occur Date Time Range 02/11/2021 05:55:00 - 02/11/2021 08:40:00	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description INTERSTATE 95 (STATE ROAD 9)			
Street Number	Street INTERSTATE 95 (STATE ROAD 9)	Apt/Lot/Bldg	City BOYNTON BEACH	State FL	Zip Code 33435

Defendant

First Name JENNI LEE	Middle Name	Last Name SWEENEY	Suffix	Race WHITE	Sex FEMALE	Height 5'03"	Weight 150	Hair BLO	Eyes BLU
MNI #	SSN	Date of Birth 05/20/1982	Age 38	ID Type D	Drivers License or other ID S95803957355825	State NJ	OCA / Agency ID		
Place of Birth:									
Address * RESIDENCE / 22348 CALIBRE CT 213, BOCA RATON, FL 33433 /									

Arrest

Arrest Date/Time 2/11/2021 8:39:37 AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description INTERSTATE 95 (STATE ROAD 9)				
Street Number	Street INTERSTATE 95	Apt/Lot/Bldg	County PALM BEACH	City BOYNTON BEACH	State FL	Zip Code

Charge : S

Counts 1	Charge 316.193.3c1	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree F	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI AND DAMAGE PROPERTY			SCANNED FEB 13 2021
Is Arrestee Juvenile?			No
Type of Arrest			On-View Arrest (apprehension without a warrant or previous incident report)

Bond Set by Court

Bond Amount	<input type="checkbox"/> No Bond
Bond Type(s)	

Probable Cause

On 02/12/2021 I responded to a report of a vehicle crash that had allegedly occurred in the area of the

Report Date / Time 2/11/2021 10:54 AM	Report Number FHP99ARR835150	Case Number/Cad Number FHPL21OFF008506 / LWRC21CAD024029	Reporting Officer Name K. OPORTO
Originating Agency ORI	Occur Date Time Range 02/11/2021 05:55:00 - 02/11/2021 08:40:00	Jurisdiction	Clearance

Interstate 95 southbound just south of Woolbright Road. Tpr Warren Harty was the first unit to arrive on scene. Once I arrived on scene, I took over the crash investigation. I spoke to one of the drivers on the left shoulder, who was identified by the registered owner of the vehicle and confirmed by her New Jersey driver's license as Jenni L Sweeney (NJ DL: S95803957355825). Ms. Sweeney was driving a blue Hyundai Sonata with an attached Florida tag of QIRC67. I observed damage to the front and rear of the blue Hyundai Sonata. Ms. Sweeney stated that she was driving in the far-right lane and didn't know what happen. I spoke to the other involved driver on the left shoulder and identified him by his Florida driver's license as Jonatan Pinto (FL DL: P530420841370). Mr. Pinto was driving a silver Toyota C-HR with an attached Florida tag of LPDD07. The silver Toyota C-HR had damage to the front end. When I asked Mr. Pinto what happen, he pointed at Ms. Sweeney's vehicle and said the Hyundai Sonata came across the road in front of me and I ran into the back of her. Mr. Pinto would be able to be a wheel witness and place Ms. Sweeney behind the wheel of the blue Hyundai Sonata. As I spoke to Ms. Sweeney, I smelled the slight odor of an unknown alcoholic beverage coming from her even though I was wearing a mask. She seemed to have slurred speech at times and trouble comprehending what just occurred. Ms. Sweeney also had trouble completing simple task like providing her drivers license and explaining what happen. Ms. Sweeney became angry and began insulting the fire fighters on scene. At that time I detained Ms. Sweeney and placed her in the back of my patrol car. I then moved to the right shoulder of Interstate 95 to speak with the other two parties involved in the crash. I spoke to one of the drivers on the right shoulder, who was identified by a Mexican identification card as Axel Osiris Delraza Olea. Mr. Olea was driving the 2003 red Ford Expedition with an attached Florida tag of INDN33. Mr. Olea had a coworker meet him at the crash scene to translate what happen. The translator informed me that Mr. Olea said he was traveling in the center lane when the blue Hyundai Sonata hit him on the back side. He explained that the impact of the collision sent him spinning toward the right shoulder and into the 2001 red Hyundai Accent. Next, I spoke to the Kelly Ann Murphy the passenger of the 2001 red Hyundai Accent with a Florida tag attached of 545PRH. Ms. Murphy explained to me they were driving slow in the right lane when all of the sudden the red Ford Expedition hit their car on the back-right side. The driver of the red Hyundai Accent who I identified as Stephen Gordon by his FL driver's license (FL DL# G635796660540). At the completion of my crash investigation I informed Ms. Sweeney that the crash investigation had ended and I was beginning a criminal investigation for DUI or driving under the influence. I read her, her Miranda Rights from a Florida Highway Patrol Miranda warning printout. She stated that she understood her rights. I began questioning Ms. Sweeney, I asked her if she owns a blue Hyundai Sonata. She replied yes. I asked her if she was involved in a crash in that vehicle. She said yes. I asked her if anyone else has driven her Hyundai Sonata today. She said no. I asked her if she was driving the Hyundai Sonata. She said yes. I asked if she was willing to perform standardized field sobriety exercises and she agreed to perform them. The results of the exercises are summarized below. Prior to the administration of the exercises I asked if she had any medical conditions or injuries that could prevent her from performing the task. She stated she has Scoliosis and her back hurts but shed give them a try. (Note: The summary below is not intended to be a verbatim account of all the events that took place during the administration of the standardized field sobriety exercises. Video footage and audio of the exercises is available upon request.) Each exercise was explained and demonstrated prior to the subject attempting to perform the exercise.

Report Date / Time 2/11/2021 10:54 AM	Report Number FHP99ARR835150	Case Number/Cad Number FHPL21OFF008506+ LWRC21CAD024029	Reporting Officer Name K. OPORTO
Originating Agency ORI	Occur Date Time Range 02/11/2021 05:55:00 - 02/11/2021 08:40:00	Jurisdiction	Clearance

Horizontal Gaze Nystagmus Exercise (black ink pen was used as a contrasting stimulus)

- I checked for resting nystagmus which was not observed in either eye
- I checked for equal pupil size and equal tracking; Both pupils were equal in size and both eyes tracked the stimulus equally.
- I observed a lack of smooth pursuit in both eyes
- I observed horizontal gaze nystagmus at maximum deviation in both eyes
- I did observe horizontal gaze nystagmus prior to 45 degrees in both eyes
- I did not observe vertical gaze nystagmus in either eye

Walk and Turn Exercise (A white parking spot line was used)

- Stepped off the line
- Did not walk heel to toe on multiple steps

One Leg Stand Exercise

- Swayed

Based upon the performance of the above exercises and the totality of the circumstances I determined that there was probable cause to believe that Jenni Lee Sweeney committed the offense of driving under the influence by being in actual physical control/operating a motor vehicle while under the influence of alcoholic beverages, any chemical substance per Florida State Statute 877.111, or any controlled substance per Chapter 893, while their normal faculties were impaired. Ms. Sweeney was placed under arrest for the above offense and handcuffed behind her back at a notated time of 08:39am. A female Delray Beach Police Officer came on scene and searched Ms. Sweeney. The blue Hyundai Sonata was towed from the scene by a rotational wrecker. I read implied consent to Ms. Sweeney from my state issue Implied Consent card. She refused to provide a sample of her breath or blood at approximately 8:45am. Ms. Sweeney was transported to JFK Medical Hospital to check for injuries. Ms. Sweeney was medically cleared from JFK Medical Hospital. I then took her to Palm Beach County Jail where she was booked without incident. She was issued a DUI citation along with a Uniform Citation for improper lane change. All the above events occurred in Palm Beach County.

Jail Booking Facility

Booking Date/Time 2/11/2021 11:47 AM	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone (561) 688-4400
Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406		Booking Number	
Booking Comments			

Report Date / Time 2/11/2021 10:54 AM	Report Number FHP99ARR835150	Case Number/Cad Number FHPL21OFF008506 / LWRC21CAD024029	Reporting Officer Name K. OPORTO
Originating Agency ORI	Occur Date Time Range 02/11/2021 05:55:00 - 02/11/2021 08:40:00	Jurisdiction	Clearance

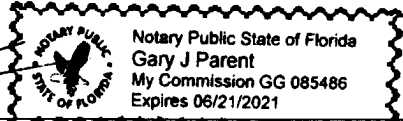
Court

Court County PALM BEACH	Court Location 205 NORTH DIXIE HIGHWAY WEST PALM BEACH, FL 33401		
Court MAIN COURTHOUSE	Court Phone 561-355-2996	Court Appearance Date / Time 03/23/2021 8:30AM	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
K. OPORTO TPR 4805	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPLILWRCCIPALM BEACHBROW LN TO SR804

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 K. OPORTO	Office Rank TPR	Officer ID No 4805	Sworn and subscribed before me, the undersigned authority This the <u>11</u> day of <u>FEBRUARY</u> , <u>2021</u>
Officer Agency FLORIDA HIGHWAY PATROL	DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT		
Officer Signature <i>KO</i>			

No Bill / Petition
 Issue Warrant
 Prosecution Approved

Signature of Assistant State Attorney

Date

NOT A CERTIFIED COPY

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

I, Trooper Kyle Oporto, 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)

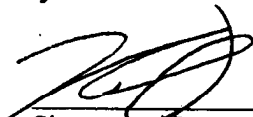
or affirm that on or about the 11th day of February, 20 21, at 8:39 am P.M. A.M.

DRIVER Jenni Lee Sweeney
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# S95803957355825, state of New Jersey, was placed under lawful arrest for
the offense of DUI by Trooper Kyle Oporto and
issued Citation # A770CZE
(Name of Arresting Officer)

That on or about the 11th day of February, 20 21, at 8:56 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.



Signature of Law Enforcement Officer or
Correctional Officer

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



The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

The foregoing instrument was sworn and subscribed before

Title _____

me this 11 day of FEBRUARY, 20 21,

Date _____

by KR OPORTO,

who is personally known to me or who has produced

known as identification

Notary Public _____

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.



Palm Beach County Sheriff's Office – Arrests Only

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

REVIEW COMPLETED BY

Booking Number: 2021003566	Date: 02/12/2021
	Specialist Name/ID: T Howard/7185