

Arrest Affidavit

Court Case #

Use separate forms for each defendant and for multiple offenses occurring at different time, date or location
Copy To: Clerk of Court / State Attorney / Jail / Arresting Agency / Defendants

Juvenile
 Warrant

Cabrera	Jose	Miguel			04/18/1983	27		Male
Last Name	First Name	Middle Name	Aliases (A.K.A)	Phone Number	Date of Birth	Age	SSN	Gender
Boca Raton			FL			FL	Venezuela	
Permanent Address			City	State	Zip	Drivers License #	State	Citizenship
Hispanic	Brown	Brown	6'03	235		Detroit Tigers MLB		
Race	Hair Color	Eye Color	Height	Weight	Distinguishing Marks	Occupation / Employer / School		

0111001771		310	St. Lucie County Sheriff's Office	FL0560000	No
Agency Case #	Officer	Officer Id #	Agency	Agency ORI #	Domestic Related

02/16/2011	2252	30000 Okeechobee Road	Fort Pierce	FL	34981	Probable Cause
Offense Date	Offense Time	Offense Street Address	Offense City	State	Zip	Charge Status
02/16/2011	2314	30000 Okeechobee Road	Fort Pierce	FL	34981	County
Arrest Date	Arrest Time	Arrest Street Address	Arrest City	State	Zip	Residence Type

Warrant(s) #	Yes	REF	Unknown	No	
	Alcohol Influence	BAL	Drug Influence	Weapon(s) Seized	Weapon(s) Type

Statute #	Statute Subsection & Definition	Counts	Type	Activity
316.193	1-5499-M-N-N-TRAFFIC OFFENSE DUI ALCOHOL OR DRUGS	1	Misdemeanor	Committed
843.02	-4801-M-F-N-RESIST OFFICER OBSTRUCT WO VIOLENCE	2	Misdemeanor	Committed

Party Type	Name	Address	City	State	Zip	Phone #

21822	301165828			Henri Silver		
Inmate Id	OBTS #	FDLE #	FBI #	Booking Officer	Bondsman / Surety Name	Bond Amount

On 02/16/2011 at approximately 2259 hours I responded to the 300000 block of Okeechobee Road in reference to D/S [redacted] out with a possible impaired driver.

As I was headed towards him he advised that he needed emergency radio traffic and at 2308 hours he along with other deputies advised that they had the driver detained.

Upon my arrival I observed the defendant handcuffed and being held onto by D/S [redacted]. He walked him towards my patrol vehicle and advised the defendant to get into my patrol vehicle multiple times and the defendant kept stating "Do you know who I am, you don't know anything about my problems" D/S Stickney again asked him to sit in my patrol vehicle and he still did not comply. D/S Muller advised me that he was in handcuffs due to him failing to follow his orders and that he kept running out in the road with his hands up. I then asked the defendant to get into my patrol vehicle and he stated "F---k you" do you know who I am, I asked him several times to sit in my patrol vehicle and he failed to comply with my orders. I then lifted his left hand to gain pain compliance and he then pushed off the vehicle into me. I then delivered 3-4 knee spikes into his left thigh muscle and the defendant fell into the vehicle. I then shut the door and made contact with D/S [redacted] who advised me that he observed the vehicle on the side of the road smoking from the engine compartment. He made contact with the driver who was later identified by his valid Florida DL as Jose Miguel Cabrera, while speaking with him he detected a strong odor of an alcoholic beverage coming from his breath when he spoke, his eyes were bloodshot and watery and his speech was centered and heavily slurred. He then advised me that he asked Jose who was with him and he stated "I am going to f---ing kill him" D/S [redacted] did not see anyone else in the vehicle or in the area. D/S [redacted] then advised me that he observed Jose pick up a bottle of James Buchanan's Scotch whisky and start drinking it. He then advised me that he asked for his ID and Jose handed him a passport and Jose got out of the car and starting walking into the

roadway putting his hands up. D/S [REDACTED] then advised me that he ordered Jose multiple times to get out of the roadway and after a few times he complied but would wander out to the road again. He also advised me that he instructed Jose to put his hands behind his back several times and at times he would but he would then put them down and head towards the roadway.

Sports Towing responded to the scene and towed Jose's vehicle to their lot for safekeeping.

I transported Jose to the St. Lucie County Jail, while traveling to the jail a strong odor of an alcoholic beverage emanated within my vehicle that was not there prior to Jose being put inside.

At the St Lucie County Jail I had D/S [REDACTED] read Jose implied consent from my pretext card. Jose refused to submit to a lawful test of his breath.

I issued Jose Miguel Cabrera Florida DUI citation 3093-XEF for being in actual physical control of a motor vehicle while his normal faculties were impaired. The keys to the vehicle were located in the ignition. I issued him Florida citation 1848-GNU for open container of alcohol in motor vehicle, driver cited.

ST. LUCIE COUNTY SHERIFF'S OFFICE

D.U.I CASE REPORT



COUNTY OF ST. LUCIE

DEPUTY: P L ~~XXXXXXXXXX~~

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

[Signature]
LAW ENFORCEMENT OFFICER / COMPLAINANT SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS 17 DAY
OF February, 2011

NAME / Title of Person Authorized to Administer Oath:
[Signature]

(Law Enforcement Officer Signature)
Section 117.10 Florida Statutes

DEFENDANT:	Jose Miguel Cabrera	DOB: 04/18/1983
ARRESTING OFFICER:	P L XXXXXXXXXX	
CASE NUMBER:	1-11-001771	
DATE:	02/16/2011	TIME: 10:52 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM

State Attorney's Copy
 Drivers License Bureau



ST. LUCIE COUNTY SHERIFFS OFFICE ALCOHOL INFLUENCE REPORT



Case # 1-11-001771 Defendant Jose Miguel Cabrera
 Date 02/16/2011 Time 2252 Location 30000 Okreechobee Road
 Arresting Deputy/Officer P. [REDACTED] Agency SLSO
 Intoxilyzer Operator N/A Location: Jail BAT Other
 Arrest Time 2314 Implied Consent Time 0015 Miranda Time N/A
 Video/DVD YES Citation # 3093-XEF Crash NO

Part One-Driving Observations (Check all that apply)

- Turning with wide radius
- Straddling center line or lane marker
- Appearing to be drunk
- Almost striking object or vehicle
- Weaving
- Drifting on other than designated roadway
- Swerving
- Slow speed (less than 10 MPH below limit)
- Stopping in traffic lane (without cause)
- Following too closely
- Other: Actual Physical Control
- Drifting
- Tires on center line or lane marker
- Braking erratically
- Driving into opposing or crossing traffic
- Signaling inconsistent with driving actions
- Slow response to traffic signals
- Stopping inappropriately
- Turning abruptly or illegally
- Accelerating or decelerating rapidly
- Other: _____
- Other: _____

Part Two-Psychophysical Evaluation

PSYCHOPHYSICAL EVALUATIONS

Odor of Breath (Alcoholic Bvg.): None Masked Slight Moderate Strong

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 Odor

Unusual Actions: None Hiccoughing 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: _____

[Signature]



FIELD SOBRIETY EXERCISES

HORIZONTAL GAZE NYSTAGMUS

- | | |
|---|---|
| <input type="checkbox"/> LACK OF SMOOTH PURSUIT (1 CLUE) | <input type="checkbox"/> LACK OF SMOOTH PURSUIT (1 CLUE) |
| <input type="checkbox"/> ONSET BEFORE 45 DEGREES (1 CLUE) | <input type="checkbox"/> ONSET BEFORE 45 DEGREES (1 CLUE) |
| <input type="checkbox"/> Maximum Deviation (1 CLUE) | <input type="checkbox"/> Maximum Deviation (1 CLUE) |

FINGER TO NOSE

- Does not keep eyes closed
- Does not point forward prior to touching nose
- Misses tip of nose with index finger
- Uses wrong hand
- Forgets to remove finger
- Unable to perform

HEAD TILT (RHOMBERG)

- Does not keep eyes closed
- Sways
- Uses arms for balance
- Unable to perform

WALK AND TURN

- Cannot balance during instructions
- Starts before being instructions are complete
- Stops walking to steady self
- Does not touch heel to toe.
- Loses balance while walking (Steps off line).
- Uses arms for balance (Raises arm over 6 inches).
- Loses balance while turning (Turns incorrectly).
- Incorrect number of steps
- Unable to perform (STEPS OFF LINE THREE OR MORE TIMES).

ONE LEG STAND

- Sways while balancing
- Uses arms for balancing
- Hopping
- Puts foot down
- Unable to perform

Subject refused to perform all or part of the exercises

TESTING

Instrument: Intoxilyzer 8000 Instrument Number: 08-000794 08-000792 Other: _____

Breath test results: TEST #1 _____ G/210L TEST #2 _____ G/210L TEST #3 _____ G/210L

Deficient sample reading: Test #1 Test #2 Test #3

Blood sample taken Urine sample taken 2nd/3rd test refused Subject malingered on test Requested private test

Defendant Refused

Arresting Deputy Signature

Intoxilyzer Operator Signature

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

I, D/S [REDACTED] a duly certified Law Enforcement Officer or Correctional
(Person reading Implied Consent Warning)

Officer, am a member of St. Lucie County Sheriff's Office, and I do swear

or affirm that on or about the 16th day of February, 2011, at 11:14 P.M. A.M.
(Circle One)

NAME Jose Miguel Cabrera
(Type or Print) FIRST MIDDLE OR MAIDEN LAST

DL # [REDACTED] state of Florida, was placed under lawful arrest for
the offense of Driving Under the Influence by D/S [REDACTED] and
issued Citation # 3093-XEF
(Name of Arresting Officer)

That on or about the 17th day of February, 2011, at 12:15 P.M. A.M.
(Circle One)

in St. Lucie County, (PLEASE CHECK THE BOX OR BOXES THAT APPLY) I did request said
person to submit to a breath, urine, or blood test to determine the content of alcohol in his or her blood or the presence of
chemical or controlled substances therein. I did inform said person that any refusal to submit to such test or test would result in the suspension of his or
her privilege to operate a motor vehicle for a period of one(1) year for a first refusal, or for a period of eighteen (18) months if the driving privilege of
such person had been suspended previously for refusing to submit to such a test or tests. I did inform said person that he or she commits a misdemeanor, if
said person refuses to submit to a lawful test as requested above, and his or her driving privilege has been previously suspended for a prior refusal to
submit to a lawful test of his or her breath, urine, or blood. In cases involving a Commercial Motor Vehicle, I did inform the driver that this refusal will
result in the disqualification of the driver's Commercial Drivers License/privilege for a period of one (1) year in the case of a first refusal and permanently
if he or she was previously been disqualified as a result of a refusal to submit to such test.

[Signature]
Signature of Law Enforcement Officer or
Correctional Officer

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

[Signature]
The foregoing instrument was sworn and subscribed before me:

[Signature]
Signature of Arresting Officer

(AFFIX SEAL)

Title Deputy Sheriff

The foregoing instrument was sworn and subscribed before
me this 17th day of February, 2011,

Date 02/17/2011

by [Signature]
who is personally known to me or who has produced

N/A as identification.

Notary Public [Signature]

Note: Mail or hand deliver to the designated Bureau of Administrative Review office, Department of Highway Safety and Motor Vehicles, with the
drivers license, the appropriate copy of the UTC, and the probable cause affidavit. If no DUI arrest is made, attach HSMV 78005 (Notice of
Commercial Driver's License/Privilege Disqualification).