



# Arrest Report

FLORIDA HIGHWAY PATROL  
875 SR 16, ST. AUGUSTINE, FL 32084

2019 CT 000483

Report Date / Time 6/7/2019 2:01:01AM	Report Number FHP99ARR791158	Case Number/CAD Number FHPG19OFF019019 / JRCC19CAD055518	Reporting Officer Name M. A. LIMA
Originating Agency ORI FL0189000	Occurrence Date Time Range 6/7/2019 12:50:53 AM -	Jurisdiction	Clearance

### Location of Occurrence

Location Type RESIDENCE	Location Description INTERSTATE 95 SOUTHBOUND MILE MARKER 287		
Street Number I-95 SB MM 287	Apt/Lot/Bldg		
County FLAGLER	City PALM COAST	State FL	Zip 32137

### Defendant

First Name DANIEL	Middle Name OSVALDO	Last Name PRIOTTI	Suffix	Date Of Birth 7/13/1977	Age	Race WHITE	Sex MALE
SSN [REDACTED]	MNI #	Place of Birth ALBANY, NY, USA	Height 511	Weight 185	Hair BLD	Eyes BLU	
DL or ID Number P630174772530	ID State FL	ID Type E	Address Type RESIDENCE				
Street Number 1	Street CHESNEY CT	Apt/Lot/Bldg					
County FLAGLER	City PALM COAST	State FL	Zip 32137	Phone Number 386-931-0008	Extension		
Location Description RESIDENCE							

### Arrest

Arrest Date/Time 6/7/2019 1:29:01AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description INTERSTATE 95
Street Number I-95 SB MM 287	Apt/Lot/Bldg	County FLAGLER
City PALM COAST	State FL	Zip 32137

### Charge(s)

Counts 1	Charge 316.193.1	General Offense Code	Bond Amount <del>\$ 0.00</del> \$1,000	<input type="checkbox"/> No Bond
Charge Degree N	Charge Level MISDEMEANOR	Arrest Offense Code Description DUI-UNLAW BLD ALCH		
Charge Description DUI ALCOHOL OR DRUGS				

### Probable Cause

I, Trooper Michael A. Lima, certifies and swears that there is probable cause to believe that the above-named defendant, on the 7th day of June, 2019 at approximately 12:57 AM on Interstate 95 Northbound near Mile Marker 287 within St. Johns County, Florida, violated the law and did then and there:

WAS IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE, BEARING FLORIDA TAG #DZDT48, UPON A FLORIDA PUBLIC ROADWAY, WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE, TO THE EXTENT HIS NORMAL FACULTIES WERE IMPAIRED.

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On the aforementioned date and time, Trooper D. Harper and I were conducting traffic enforcement on Interstate 95 (I-95). While enforcing the speed limit for the southbound traffic (a speed limit zone of 70 MPH), Trooper Harper observed a vehicle traveling at a high rate of speed and stated he visually estimated the vehicle to be traveling at 100 MPH. Trooper Harper confirmed the vehicle's speed at 99 MPH at 654 Feet in the inside lane utilizing his Stalker LIDAR Laser (S/N: #LA001794). Trooper Harper and I then left our stationary positions and began to overtake/catch up to the vehicle. We caught up to the vehicle at the 286 Mile Marker. Trooper Harper and I had our emergency lights and sirens on in our marked patrol vehicle as we began to pull over the vehicle for the speed violation. The vehicle did not immediately pull over. It took approximately two miles for the vehicle to pull over. Once the vehicle began to yield to our emergency lights and sirens, the vehicle slowly pulled over to the right shoulder. Trooper Harper was the first to make initial contact with the occupants on the passenger side.

While Trooper Harper made contact with the occupants in the vehicle, he signaled me with a hand motion for me to come forward. I then approached the passenger side window with Trooper Harper and he asked if I could detect the odor of alcohol. I was able to detect the odor of alcohol coming from inside the vehicle. While on the passenger side, I observed the driver to have glossy bloodshot eyes, and slurred speech. Trooper Harper asked that I remain at the passenger side to collect the registration and insurance from the driver. The driver was only able to provide me the registration for the vehicle.

After walking back to Trooper Harper's patrol vehicle, I informed him that I did detect the odor of alcohol coming from the vehicle. I then stated to Trooper Harper that I would be going towards the driver side to determine whether or not the odor was coming from the driver. When I approached the driver's side of the vehicle, I made contact with the driver, Daniel Osvaldo Priotti (DOB: 07/13/1977), the defendant. While speaking with the defendant, I detected a strong odor of alcohol emitting from his breath. The odor became more prominent as the defendant spoke. I also confirmed that the defendant had glossy/bloodshot eyes.

Based upon my observations, I then asked requested the defendant exit the vehicle. It should be noted that the defendant is bound to a wheelchair and utilizes hand controls to control the speed and braking of his vehicle. Once the defendant exited the vehicle in his wheelchair, I then read the defendant his Miranda Rights via my department issued card. The defendant chose to waive his rights and he wished to speak with me. The defendant admitted to consuming alcohol and admitted to drinking "two or three Tequila Sunrises" at 9:00 PM or 9:30 PM.

I then asked the defendant if I could check his eyes. I observed all six clues of nystagmus in his eyes. I then asked the defendant if he would submit to a series of field sobriety exercises to which he agreed. Since the defendant was unable to conduct any walking exercises or exercises which required him to stand, I requested the defendant submit to the modified Romberg exercise and the finger to nose exercise. The defendant stated that he could not perform the finger to nose exercise due to him not being able to balance properly since he was paralyzed from the chest down. I explained to the defendant that I would have to make a decision in regards to his impairment based upon what I have seen and detected already. The defendant understood and still refused to attempt this exercise. The defendant only performed the modified Romberg exercise and the lack of convergence exercise. The defendant displayed signs of impairment (See In-Car Video from Trooper Harper and my dash cam.)

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After completing the field sobriety exercises, I then asked the defendant on a scale of one to ten with one being completely sober and ten being fall down drunk where the defendant rated himself at. The defendant stated to me that he rated himself a "4." Based upon my observations, training, and experience, I then placed the defendant under arrest for driving under the influence. It should be noted that due to the defendant being bound to a wheelchair I placed him in the front seat of my patrol vehicle and was able to accommodate him.

While on the roadside scene, I asked the defendant to provide a lawful breath sample for the purpose of determining the alcohol content in his breath. The defendant stated that his lawyer told him not to submit to this test. As such I read the defendant the implied consent warning and the defendant still refused to provide a lawful breath sample. While transporting the defendant to the Flagler County Jail, he expressed to me multiple times that he needed to relieve himself. The defendant was turned over to the jail staff without incident.

This incident occurred in Flagler County, Florida

#### Jail Booking Facility



Booking Date/Time 6/7/2019 2:30:30AM	Booking County FLAGLER	Booking Facility FLAGLER COUNTY JAIL	Booking Facility Phone Number (386) 437-4116
Booking Facility Location 1002 JUSTICE LANE BUNNELL, FLORIDA 32110			Booking Number
Booking Comments			

#### Court

Court County FLAGLER	Court Location 1769 E. MOODY BLVD., BLDG 1 BUNNELL, FL 32110		
Court FLAGLER COUNTY COURT	Court Phone (386) 313-4353	Court Appearance Date / Time	Court Fine
Comments			

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 M. A. LIMA	Officer Rank TROOPER	Officer ID No 4409	Sworn and subscribed before me, the undersigned authority This the <u>7</u> day of <u>June</u> , <u>19</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency FLORIDA HIGHWAY PATROL	Officer Signature 		
			

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**Approving Supervisor**

Officer Name	Officer Rank	Officer ID No	Officer Agency
Officer Signature			