

7th Judicial Circuit 707 Charging Affidavit - FLAGLER

Arrest # _____

Blk # _____

14-1033

Page #1 of 4

H-702CY

<input checked="" type="checkbox"/> ARREST				<input type="checkbox"/> NOTICE TO APPEAR				<input type="checkbox"/> AFFIDAVIT				<input type="checkbox"/> C C				<input checked="" type="checkbox"/> ADULT				<input type="checkbox"/> JUVENILE																											
(ORI) FL		0	1	8	0	0	0	Flagler County Sheriff's Office												Court Case Number																											
FCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>																OBTS#				UCR				Date Arrested				Time of Arrest																			
ADDRESS OF ARREST																6 Birchwood PL PALM COAST Florida 32137				Arrested By				Gamarra Frank				ID Number				590															
DEFENDANT																Name (L.F.M.)				Stano Joseph				A.K.A.				Sex				Male				Race				White							
DOB				1958				Age				55				Driver's Lic ID No				333 0				State				Florida				Year Expires				2021				SSN							
Height				5 9				Weight				175				Hair				Black				Eyes				Brown				POB (City, St, Country)								Statement Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>							
Scars, Marks, Tattoos																Business & Occupation																Citizenship Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>															
Tobacco				Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				Sexual Predator				Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				English				Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				Deaf/Mute				Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>																			
Address - Main/Permanent								(STREET APT NUMBER)								(CITY)				(STATE)				ZIP CODE				RESIDENCE PHONE																			
Address - Local								(STREET APT NUMBER)								(CITY)				(STATE)				ZIP CODE				RESIDENCE PHONE																			
22 Birchwood								PL								Palm Coast				Florida				32137				5421																			
Address - Other (Employer's home)								(STREET APT NUMBER)								(CITY)				(STATE)				ZIP CODE				BUS/SCHOOL PHONE																			

CHARGES																DOMESTIC VIOLENCE				YES <input type="checkbox"/>				Mittiment				Atthdwt(s) <input checked="" type="checkbox"/>				Statement(s) <input type="checkbox"/>				NTASchedule <input type="checkbox"/>				Report <input type="checkbox"/>				Traffic Infractio(n)s <input type="checkbox"/>				EUI <input type="checkbox"/>				Total Charges				1			
#1	Charge				DUI				FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/>				FS ORD				Citation No				6004 XFB 3				Bond				500 00																														
#2	Charge								FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>				FS ORD				Citation No								Bond																																		
#3	Charge								FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>				FS ORD				Citation No								Bond																																		
CO-DEFENDANT																Co-Def #1 Arrested				Y <input type="checkbox"/> N <input type="checkbox"/> Fel <input type="checkbox"/> Misd <input type="checkbox"/> Tra <input type="checkbox"/> Ord <input type="checkbox"/> NTA <input type="checkbox"/>				Co-Def #2 Arrested				Y <input type="checkbox"/> N <input type="checkbox"/> Fel <input type="checkbox"/> Misd <input type="checkbox"/> Tra <input type="checkbox"/> Ord <input type="checkbox"/> NTA <input type="checkbox"/>																															
#1 NAME(L.F.M.)								Race				Sex				DOB				Age																																							
#2 NAME(L.F.M.)								Race				Sex				DOB				Age																																							

NARRATIVE The undersigned certifies and swears that there is a probable cause to believe the above names defendant on the 13th day of May 2014 at approximately 19 30 A M X PM at 6 Birchwood PL within Flagler County violated the law and did then and there Operate a motor vehicle while under the influence of alcohol, and refuse to submit to a lawful test of his breath Details are as follows

On Tuesday May 13 2014, at approximately 1900 hours I, Deputy Gamarra responded to the area of Belle Terre Parkway and Palm Coast Parkway in reference to a reckless driver

The Communications Division advised that they received a call stating that a Mercury Grand Marquis with a Supervisor Approved **Byrne Kevin**

NOTICE TO APPEAR						MANDATORY APPEARANCE <input type="checkbox"/>						YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY <input type="checkbox"/>						FINE AND COSTS AMOUNT					
I AGREE TO APPEAR IN COURT HEREIN TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE INDICATED I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED OR PAY THE LISTED FINE I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST WILL BE ISSUED																							
SIGNATURE OF DEFENDANT						DATE						RELATIONSHIP TO JUVENILE						CITATION No					
Sworn to and subscribed before me the undersigned This <u>13</u> day of <u>May</u> <u>2014</u> Name <u>[Signature]</u>						I swear affirm the above statements are true and true						OFFICER / COMPLAINT'S SIGNATURE <u>[Signature]</u>						Rt Thumb					
Notary Public <input type="checkbox"/> Law Enforcement or Correction Officer <input type="checkbox"/> Person other than witness <input type="checkbox"/> Production/Identification <input type="checkbox"/> <u>[Signature]</u>						NAME (PRINTED) <u>F Gamarra</u>						ID NUMBER <u>590</u>						Inmate Number & Facility					

OFFICIAL USE ONLY

707 - COURT COPY

Narrative 707-B Supplement

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number

Page # 2 of 4

Defendant Name Siano Joseph		Agency Case Number 2014 00043269	
CHARGES		DOMESTIC VIOLENCE? YES <input type="checkbox"/> Attachments Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>	Total Charges
#	Charge	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD Citation No Bond
#	Charge	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD Citation No Bond
#	Charge	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD Citation No Bond

Florida License plate of CUSK57 was swerving all over the road and almost crashed into other vehicles on Belle Terre Parkway The caller advised that the driver was a male white in his 50's with dark hair The caller further stated that he/she believed that the driver was intoxicated The Communications Division advised that the license plate is registered to a green Mercury with a residential address of 22 Birchwood Place in Palm Coast

I then began to canvass the area of Birchwood Drive for the above described vehicle I observed the vehicle driving in a south east direction on Birchwood Drive at around the 100 block of Birchwood Drive The vehicle I observed is the same vehicle described by the Communications Division, (FL Tag CUSK57) I then began to observe the vehicle's driving pattern I observed the vehicle swerving from the right side of the roadway to the left side of the roadway, traveling in the portion of the road intended for vehicles traveling in the opposite direction I observed the vehicle do this at least three separate times As the vehicle swerved from the right side of the roadway to the left side of the roadway for the third time the vehicle came close to striking two dogs that were being walked by an elderly white female traveling on the left edge of the roadway Due to dangerous pattern of driving observed I conducted a traffic stop on the vehicle, coming to a complete rest in front of 6 Birchwood Place

I then approached the driver who had opened his driver s side door The driver was identified as Joseph Siano by his Florida Driver's License Number S500 480 58 333 0 Upon approaching Mr Siano I could detect a strong odor coming from his breath that is consistent with the odor of an alcoholic beverage Mr Siano s eyes were glassy and bloodshot his speech was slightly slurred From my training and experience I recognized the above listed indicators observed by Mr Siano as being indicators of being under the influence of alcohol I asked Mr Siano where he had been driving from and he stated that he was at his friend's house I asked Mr Siano if he had been consuming any alcoholic beverages to which he stated he had not Mr Siano then stated 'don't do this to me I asked Mr Siano what he meant by his comment Mr Siano stated "I know a lot of people at the precinct' (Mr Siano was referring to knowing a lot of people at the Flagler County Sheriff s Office Palm Coast Precient) I asked Mr Siano to remain in the vehicle while I conducted a driver's license and warrant check Mr Siano exited the vehicle and began smoking a cigarette once I entered my patrol vehicle A check of Mr Siano's driver s license showed that his driver's license was restricted to business purposes only I then exited my patrol vehicle and asked Mr Siano to step toward the rear of his vehicle and put his cigarette out for officer

Sworn to and subscribed before me the undersigned this <u>18</u> day of <u>May</u> 2014	I swear/affirm the above statements are correct and true	Right thumb
Name <u>[Signature]</u>	<u>[Signature]</u> OFFICER'S/COMPLAINANT'S SIGNATURE	
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	NAME(PRINTED) <u>F. Banarra</u>	ID NUMBER <u>590</u>
Type of Identification		

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			Citation No
			Bond
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			Bond
#	Charge	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD
			Citation No
			Bond

safety Mr Siano stumbled and displayed poor balance while walking, using the vehicle to hold him up on one occasion I then asked Mr Siano if he had been consuming any alcoholic beverages to which he stated he had not Mr Siano again stated "don't do this to me I asked Mr Siano if he would be willing to participate in completing Standardized Field Sobriety Task Mr Siano stated that he would

I then began administrating the Standardized Field Sobriety Task from a department issued booklet The first task explained to Mr Siano was the Horizontal Gaze Nystagmus Mr Siano acknowledged that he understood the directions Before beginning Mr Siano came out of the starting position and again stated "don t do this to me" and stated I know a lot of people" I asked Mr Siano what he meant Mr Siano stated "I know Joe Bourke" and "I know Joe Barilo, my kids went to school with him I asked Mr Siano what those deputies had to do with the current investigation Mr Siano stated "please I live right down the block, don t do this to me I then asked Mr Siano to stand in the starting position Mr Siano did and the task was begun I introduced the stimulus to Mr Siano, (a black pen), and asked Mr Siano to acknowledge the stimulus by touching it with his index finger which he did During the task Mr Siano moved his head at least three times to follow the stimulus when instructed to only follow the stimulus with his eyes lacked smooth pursuit and had Nystagmus at maximum deviation in both eyes

The next task performed was the Walk and Turn While getting into the starting position Mr Siano had trouble keeping his balance Once in the starting position Mr Siano was unsteady and stumbled out of the starting position twice Mr Siano then got out of the starting position and stated "why are you doing this to me Mr Siano then stated "I bet you can't do this I then performed the task for Mr Siano and made sure that he understood what I had asked him to do During the first 9 steps forward Mr Siano missed heal to toe steps on step 3 and step 6, (was unable to walk heal to toe and was unsteady) During the returning 9 steps Mr Siano missed heal to toe steps during steps 6, 7, 8 and 9, using his arms for balance during the majority of the task

The next task performed was the One Leg Stand Mr Siano did not follow the given directions by bending his leg and stepping down with his foot between count 1001, 1002 1003 1004 1005 I then stopped the task

The next task performed was the Finger to Nose I explained the instructions to Mr Siano and he stated that he understood As part of the instruction Mr Siano was instructed as such After touching your nose

Sworn to and subscribed before me the undersigned this <u>13</u> day of <u>MAY</u> 2014	I swear/affirm the above statements are correct and true	Right thumb
Name <u>[Signature]</u>	<u>[Signature]</u>	
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/>	OFFICER S/COMI LAINANT'S SIGNATURE	
Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	NAME(PRINTED) <u>F Ramirez</u>	ID NUMBER <u>550</u>
Type of Identification		

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#	Charge	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD

immediately bring your hand down to your side" Mr Siano was read the sequence "left right left, right right left" Mr Siano failed to lower his hand after touching his nose instead waiting for me to give him the next command before lowering his hand I explained this to Mr Siano again but he continued to conduct the task in the same manner

The next task performed was the Rhomberg with Recitation with Number Count I gave Mr Siano the instructions and he stated that he understood I asked Mr Siano if he knew his numbers between 1 and 100 I asked Mr Siano to count backwards from 45 to 15 Mr Siano began the task and continued past 15 Mr Siano s final numbers were 5 4, 2" and then he stopped Not only did Mr Siano not follow directions but he failed to mention 3 in between the numbers 4 and 2

Based on Mr Siano's performance during Standardized Field Sobriety Task he was arrested for suspicion of Driving Under the Influence

While transporting Mr Siano to the Flagler County Inmate Facility he made various comments about the incident The comments are as follows we have illegal aliens, hope your proud of yourself don t you have anything better to do' so u really get off doing this to me, doing this to people like me "this is a waste of time why don t u go after some real criminals I'm too dangerous for you right" and finally ' I know people at the Precient to which I replied 'what do you mean" and Mr Siano stated you'll see when I get there

Once arriving at the Flagler County Inmate Facility Mr Siano refused to submit to a lawful test of his breath after being read implied consent by Deputy Descarte Mr Siano was then issued a DUI Citation, Citation No 6004 XFB 3 for DUI Refusal to Submit to Lawful Breath Test F S S 322 2615

Based on the driving pattern observed, Mr Siano's statements, failure to follow directions, performance during Standardized Field Sobriety Task, and physical observations such as the odor emanating from his breath, glassy eyes and blood shot eyes, and slurred speech, Mr Siano was arrested for Driving under the influence of alcoholic beverages F S S 316 193(1)

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Name _____ Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	OFFICER S/COMPLAINANT'S SIGNATURE	
Type of Identification _____	NAME(PRINTED) <u>F Camaric</u>	ID NUMBER <u>550</u>

707-B - COURT COPY

STATE VS

NAME (L F M)

SIANO, Joseph

DOB

[Redacted] 5/14

FIRST APPEARANCE DATE

5/14/2014

The defendant was advised of his/her rights and furnished a copy of the complaint
Defendant () requested and was appointed a Public Defender after being found indigent
Defendant () not indigent, has or will retain _____ as counsel
The Court has examined the sworn complaint and finds _____

CHARGE	DUI					
Probable Cause Found						
PC Undet - 72 hours						
PC Undet - 96 hours						
Insufficient PC						
BOND SET AT						
ROR						
PTR						
OTHER						

ASA

Clark

PD

Pontington

Plea

Sentence

Notes

on P2 for DUI
W/ma 2-4-14

CONDITIONS OF RELEASE

Type of Supervision

- () Supervised Release
- () Electronic Monitoring - May request defendant to pay for use of monitoring equipment

Special Conditions

- () NO contact with alleged victim(s), witness(es), & co-defendant(s)
- () NO violent contact with alleged victim(s)
- () Do NOT consume illegal drugs
- () Do NOT consume alcohol
- () Submit to urinalysis tests for illegal drugs and/or alcohol
- () Substance abuse assessment
- () Participate in appropriate substance abuse treatment

[Handwritten Signature]

Judge Signature