



Arrest Report

FLORIDA HIGHWAY PATROL
10041 DANIELS PKWY, FT. MYERS, FL 33913

23CT2108

Report Date / Time 7/11/2023 04:13 AM	Report Number FHP99ARR853539	Case Number/Cad Number FHP23ON0360197 / RCC23IN0539889	Reporting Officer Name SILVA, JUAN III
Originating Agency ORI FL0119000	Occur Date Time Range 07/10/2023 23:59:54 -	Jurisdiction <i>Collier County</i>	
OBTS Number <i>1102115646</i>	Other Number <i>BKG # 23-5312</i>	Clearance	

Location of Occurrence

County COLLIER	Location Type PUBLIC PLACE	Location Description MM90			
Street Number	Street I-75NB	Apt/Lot/Bldg	City NAPLES	State FL	Zip Code 34117

Defendant

First Name LUZ	Middle Name MARGARITA CECILIA	Last Name GARCIA GUZMAN	Suffix	Race HISPANIC	Sex FEMALE	Height 507	Weight 507	Hair	Eyes
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MNI #	SSN	Date of Birth 04/15/1977	Age 46	ID Type E	Drivers License or other ID G622533776350	State FL	OCA / Agency ID 232002
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Place of Birth:

Address

* RESIDENCE / 801 BRICKELL KEY BLVD APT 1509 , MAIMI, FL 33131 /

NOTICIAS SIN

Arrest

Arrest Date/Time 7/11/2023 1:15:52 AM	Arrest Type PLACE	Arrest Location Description I-75 NB / MM107
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Street Number	Street I-75NB	Apt/Lot/Bldg	County COLLIER	City NAPLES	State FL	Zip Code 34117
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Charge : S

Counts 1	Charge 316.193.1a	Bond Amount \$1000.00	<input type="checkbox"/> No Bond
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Charge Degree S	Charge Level MISDEMEANOR
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General Offense Code	Arrest Offense Code DUI-UNLAW BLD ALCH
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Charge Description
DUI INFLUENCE OF ALCOHOL OR DRUGS

Administrative Code - Description
-

ORIGINAL

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Bond Set by Officer

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

Probable Cause

On July 11, 2022, at approximately 0001 hours, I, Trooper Silva, of the Florida Highway Patrol was on routine patrol at mile marker 108 median of I-75 in Collier County. Fort Myers Regional Communications Center, (FMRCC), stated that a Road Ranger is behind an unknown vehicle driving across all lanes and is possibly a drunk driver. The unknown vehicle was traveling northbound near Mile marker 93 (Alligator Alley). FMRCC advised to be on the lookout (B.O.L.O.) for the unknown BMW SUV driving across all lanes of travel. Road Ranger advised that he was traveling behind the unknown BMW and giving updates periodically to FMRCC. I (Trooper Silva) began to drive to mile marker 105 median and wait for the said vehicle to pass my location so I can observe the vehicle's driving patterns. The Road Ranger advised dispatch that he will have his sign illuminating, so I can see him behind the said vehicle.

I was able to locate the road ranger and the unknown BMW SUV at mile marker 105 median, ahead of the Road Ranger. I then caught up to the said vehicle and observed its driving pattern. The Black BMW drove from the left lane to the right lane with its right turn signal on. The BMW was in the right lane making sharp correction maneuvers within the lane, which provided me probable cause to stop the vehicle due to its driving patterns. I then conducted a traffic stop on the Black BMW X5 SUV bearing FL tag 83AVRD at 002 hours. I conducted a passenger-side approach and asked the driver for her driver's license. The driver was later known as H/F, Luz Margarita Cecilia Garcia Guzman (DOB 04/15/1977). While speaking with Luz, she appeared to be frantic and concerned for her child who was at an IMG soccer camp. Luz stated that her son broke his arm and needed surgery. Luz stated that her son needed immediate surgery and was on the way to the hospital from Miami. Luz holds a valid driver's license through FCIC/NCIC.

I observed Luz in the driver's seat, with one white coffee mug and water bottle in the cup holder. I asked Luz if she had been drinking and if so how much. Luz stated that she was at her residence in Brickle, Miami eating dinner with her brother and friend when she received a phone call about her son injuring his hand and immediately left her residence to the hospital. Luz stated that she had three small cups of wine before leaving her residence. I asked, Luz if I could see inside the white coffee mug, which she handed to me. I saw two raspberries and a liquid in the coffee mug, which smelled like alcohol (wine). I then proceeded to ask Luz if she was drinking the wine from the coffee mug she stated "No, she wasn't". Luz stated that the wine in the coffee mug was from earlier that night at her residence. Luz later stated that her brother and friend all shared a bottle of wine earlier and nothing more.

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I then asked Luz to step outside the vehicle so I could conduct a thorough investigation of my traffic stop. The indicators of impairment: the strong odor of alcoholic beverages, glossy red eyes and unsteady walking pattern. I asked Luz if she would perform field sobriety exercises. Luz stated that she would. I then conducted the SFSE's 0045 hours.

During the following exercises performed by Luz, it was asked if all instructions were understood, to which Luz advised she understood all instructions given for each exercise. Also, both the "Walk & Turn" and the "One Leg Stand" exercises were shown to Luz as an example before performing. It was disclosed by Luz that no physical issues were preventing her to perform the exercises.

The first exercise was the One Leg Stand. The defendant was instructed to stand with both feet together, to have her hands by her side while also keeping them there, and to raise one foot off the ground approximately six inches while keeping her leg elevated throughout the exercise. I asked the defendant to count out loud in a specific manner "one thousand, two thousand, three thousand" and so on, while maintaining her balance. I attempted to time the defendant for 30 seconds while she performed this exercise. Luz stated that she understood my instructions. Luz could not maintain her balance and put her foot down multiple times.

The second Exercise was the Finger to nose. The defendant was instructed to stand with both feet together, arms and hands to her side, as I demonstrated. I asked Luz not to begin the exercise until I ask her to. I also advised Luz as she begins the exercise to look up (tilted head) and as I call out her right or left hand to touch her nose with her index finger and bring her arm back down to her side. Luz advised she understood all instructions given for this exercise. Luz did not have any issues touching her nose with the proper index fingers.

The third exercise was the Nystagmus exercise. I had Luz stand in front of my patrol car on the smooth surface of the shoulder. I utilized the camera in my patrol car to record my investigation. I instructed Luz to stand with her feet together and keep her hands down by her side. I advised Luz that she was to remain in that position during the instructional phase as well as the performing phase. Luz was then given instructions to follow the tip of my pen with her eyes and her eyes only and that she should not move her head from the front-facing position. I asked Luz if she wore glasses, or contacts or has any medical issues with her eyes, to which she responded, "She had eye surgery approximately two years ago but has no eye issues". I then examined Luz's eyes. Luz lacked smooth pursuit in both eyes. Luz had distinct and sustained Nystagmus at maximum deviation in both eyes. Luz had distinct and sustained Nystagmus at maximum deviation in both eyes. Luz had the onset of Nystagmus before 45 degrees in both eyes. Luz did not have vertical Nystagmus. Luz also failed to keep her eyes on the tip of the pen during the exercise.

The fourth exercise was the Walk & Turn. I explained and demonstrated the walk-and-turn exercise to Luz. I used the smooth level straight orange painted line on the right shoulder to conduct the exercise. I instructed the defendant to put her left foot on the orange line. I then asked her to put her right foot

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directly in front of her left foot in a manner that her stance would be heel to toe, with her hands directly on her side. Luz stated that she understood the directions before performing the exercise. Luz was unsteady as she walked, not walking heel to toe, and stepped off the orange line during the exercise.

Note: A A towing arrived on scene to tow the said vehicle. While inventorying the vehicle I noticed a bottle of wine in the back floor board. Pictures were taken and will be submitted into evidence at a later time.

Based on my training and experience, along with the evidence I observed, I placed Luz under arrest for DUI F.S.S. 316.193(1a) at 0115 hours. Luz was handcuffed, double-locked, and placed in the back seat of my patrol car (FHP0360). I asked Luz if she would provide a breath sample at the jail. Luz said she would provide a breath sample at the Naples Jail Facility. I transported Luz to the Collier County Jail and arrived at approximately 0151 hours. Two Correction Deputies escorted Luz to the booking area to obtain a breath sample. Corrections Deputy Guadalupe Estrada ID # 3942 conducted the intoxilyzer twenty-minute observation and preformed the Alcohol test. The breath tests Luz provided yielded samples of #1: 0.178 g/210L and #2: 0.167 g/210L. This concluded my involvement with Luz. All the events in this narrative occurred in Collier County, Florida in the performance of my duties as a State Trooper with the Florida Highway Patrol.

Charges: DUI (F.S.S. 316.193(1a))

I have nothing further.

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Jail Booking Facility

Booking Date/Time 7/11/2023 01:51 AM	Booking County COLLIER	Booking Facility COLLIER COUNTY JAIL	Booking Facility Phone (239) 793-9350
Booking Facility Location 3301 TAMIAMI TRAIL EAST, BLDG J NAPLES, FLORIDA 34112			Booking Number
Booking Comments			

Court

Court County COLLIER	Court Location 3315 TAMIAMI TRAIL EAST SUITE 102 NAPLES, FLORIDA 34112	Court Phone	Court Apperance Date / Time	Court Fine
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Arrest Report

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COLLIER COUNTY COURT	(239) 252-2646		
Comments WWW.COLLIERCLERK.COM			

Person:

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
MNI #	SSN	Date of Birth	Age	ID Type	Drivers License or other ID	State	OCA / Agency ID		
Place of Birth:									
Address									

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
SILVA, JUAN III TPR 5050	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHP\FMRCC\COLLIER\COUNTY WIDE

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 SILVA, JUAN III	Officer Rank TPR	Officer ID No 5050	Sworn and subscribed before me, the undersigned authority This the <u>11</u> day of <u>July</u> , <u>2023</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature <i>Juan Silva</i>			<i>[Signature]</i> 4522

No Bill / Petition
 Issue Warrant
 Prosecution Approved

Signature of Assistant State Attorney _____ Date _____

PART I

SHERIFF'S OFFICE
COLLIER COUNTY
NAPLES, FLORIDA



CLERKS CASE NO. **23CT2108**

REPORT NUMBER

Agency ORI Number: FL 0110000

DEPT. OF CORR. NO.	BOOKING NO. 23-5312	ARRESTING AGENCY FL0119000	A # 232002	ADULT / JUV ADULT
FDLE NO.		OBTS NO. 1102115646		PIN: 1827448

LASTNAME, FIRSTNAME MIDDLE GARCIAGUZMAN, LUZ				DATE OF BIRTH 04-15-1977	AGE 46	
SEX FEMALE	RACE WHITE	ETHNICITY HISPANIC OR LATINO				
AKA #1 (LASTNAME, FIRSTNAME MIDDLE)				AKA #1 DOB		
AKA #2 (LASTNAME, FIRSTNAME MIDDLE)				AKA #2 DOB		
SOCIAL SECURITY NO. [REDACTED]		DRIVER'S LICENSE NO. G622533776350		DL STATE	DL EXPIRE	
HEIGHT 508	WEIGHT 150	HAIR BLONDE	HAIR STYLE		FACIAL HAIR	
EYES GREEN	GLASSES	SKIN	BUILD THIN/SLENDER			
ADDRESS 801 BRICKELL KEY BL Unit 1509						
CITY MIAMI	STATE FL	ZIP 33131	RES. PHONE			
CITY OF BIRTH	STATE OR COUNTRY OF BIRTH DOMINICAN REPUBLIC			ALIEN/IMMIGRATION #		
IMMIGRATION STATUS			CITIZENSHIP			
SCARS / MARKS / TATTOOS						
RESIDENCE STATUS	RESIDENCE TYPE	JUVENILE DISPOSITION	MARITAL STATUS			
EMPLOYER	OCCUPATION XX					
EMPLOYER ADDRESS						
CITY	STATE	ZIP	EMP. PHONE			
NEXT OF KIN / GUARDIAN				RELATIONSHIP		
NEXT OF KIN / GUARDIAN ADDRESS						
CITY	STATE	ZIP	PHONE			
IN CUSTODY (Y/N) Y	BOOKING DATE/TIME 07-11-2023 02:12:09	BOOKING OFFICER / ID ESTALA, GUADALUPE / 3942		NCIC Y	FCIC Y	LOCAL Y

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RELEASE DATE/TIME	BONDING DEPUTY / OFFICER	BOND AMOUNT	BOND TYPE (SURETY, CASH)
RELEASED TO (Name of Bondsman / Depositor)		CASH BOND NO.	ADDRESS
HOLD (Y/N) N	HOLD FOR	ARRAIGNMENT (Felony)	ARRAIGNMENT (Misdemeanor) 08-02-2023 08:30:00
ARREST DATE/TIME 07-11-2023 01:15:52	ARREST OFFICER / ID SILVA, JUAN / F5050	CRIME DATE 07-10-2023	

Car Camera Footage Available: NO

ORIGINAL

FILED 07/12/23 10:09 Collier Co