

WARRANT TYPE: ARREST WARRANT
AWPS#: 16000414
COURT CASE NUMBER:

CASE TYPE: FELONY
REFILE INDICATOR:
DIVISION:

TO ALL AND SINGULAR SHERIFFS OF THE STATE OF FLORIDA, GREETINGS:
YOU ARE HEREBY COMMANDED TO IMMEDIATELY ARREST THE DEFENDANT AND BRING HIM OR
HER BEFORE ME, A JUDGE IN THE 11TH JUDICIAL CIRCUIT OF FLORIDA, TO BE DEALT
WITH ACCORDING TO LAW:

DEFENDANT'S NAME: AGUILERA
LAST

MARILYN
FIRST

M
MIDDLE

TTL

AKA(S):

STR/APT/CITY/ST/ZIP: 5700 SW 127TH AVE / 1418 / MIAMI / FL/ 331831474
DOB: 09/30/1964 RACE: W SEX: F HEIGHT: WEIGHT: 130 HAIR: EYES:
SOC SEC #: CIN #: SID #: FBI #:
SCARS, MARKS, TATTOOS: IDS #: 3064377
DRIVERS LICENSE #: STATE: FL
VEH TAG #: 4662GN STATE: FL MAKE: GMC MODEL: ENV YEAR: 3 COLOR: SILVE
COMMENTS:

PROBATION:

BEFORE ME PERSONALLY CAME SLIMAK, MARK H (AFFIANT) WHO, BEING DULY
SWORN, STATES THAT THE DEFENDANT ** AGUILERA, MARILYN M **, DID COMMIT THE
ACTS STATED IN THE ATTACHED STATEMENT OF FACTS. BASED UPON THIS SWORN STATEMENT
OF FACTS, I FIND PROBABLE CAUSE THAT ** AGUILERA, MARILYN M ** DID COMMIT
THE CRIME(S) OF:
F 3 316.193(3)(ABC)2 DUI/SERIOUS BODILY INJURY TO ANOTHER

IN DADE COUNTY, FLORIDA, CONTRARY TO FLORIDA STATUTES AND AGAINST THE PEACE AND
DIGNITY OF THE STATE OF FLORIDA.
POLICE CASE #: PD160426157183 AGENCY: MIAMI DADE POLICE
ASSISTANT STATE ATTORNEY: ADAMS, LAURA UNIT: 068

EXTRADITE INFORMATION

EXTRADITION CODE: 1 - FELONY - FULL EXTRADITION UNLESS OTHERWISE NOTED IN MIS FIEL
EXTRADITION MAY BE CONFIRMED WITH THE METRO-DADE POLICE DEPARTMENT, DADE COUNTY
** IN ANY EVENT, DEFENDANT WILL BE ARRESTED IF FOUND IN THE STATE OF FLORIDA **

SWORN TO BY AFFIANT, SLIMAK, MARK H
SO ORDERED THIS 17th DAY OF May, 2016.

COURT ID 030-099 4512

\$15,000.00
House Arrest + GPS

JUDGE IN THE 11TH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY FLA
() FIRST APPEARANCE JUDGE MAY NOT MODIFY CONDITION OF RELEASE
(RULE 3.131(D)(1)(D))

() TO ANSWER UNTO THE STATE OF FLORIDA ON AN INFORMATION OR INDICTMENT
FILED AGAINST HIM OR HER BY THE STATE ATTORNEY FOR THE CHARGE(S) OF:
() UPON ORDER OF A JUDGE IN THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA FOR
FAILURE TO APPEAR IN COURT TO ANSWER THE PENDING CHARGE(S) FOR THE
CHARGE(S) OF:

HARVEY RUVIN, CLERK OF THE COURT

BY

DEPUTY CLERK

DATE

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA



STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

STATEMENT OF FACTS IN SUPPORT OF AN ARREST WARRANT

Before me, Alberto Lilián, a Judge of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, personally appeared Officer Mark Slimak, Badge #4512, of the Miami-Dade Police Department, who being by me first duly sworn, deposes and says that he has probable cause to arrest Marilyn Aguilera, W/F, DOB: 9/30/1964, hereinafter referred to as "the Subject," for one (1) count of Driving Under the Influence ("DUI") Causing Serious Bodily Injury in violation of Florida Statute 316.193(3)(c)(2). Affiant's reasons for the belief that he has probable cause to effectuate such arrest are as follows:

Your Affiant is Officer Mark Slimak of the Miami-Dade Police Department, Uniform Patrol, South District. Your Affiant has been a police officer for twenty-four (24) years and a DUI investigator for approximately eighteen (18) years. Your Affiant has received over well over 500 hours of training in DUI investigations and has investigated approximately 100 DUI-related vehicle crashes.

On April 26, 2016, your Affiant was requested to respond to the scene of a motor vehicle crash involving critical injuries that had occurred in the vicinity of S.W. 24th Street (also known as Coral Way) and 117th Avenue in Miami, Miami-Dade County

  Affiant's initials
Judge's initials

Florida. The Miami-Dade Police Department case number assigned to that crash investigation was PD160426157183. Your Affiant did respond to that location, and was asked to assist with the investigation. In that capacity, Your Affiant learned the following information:

At approximately 6:26 p.m. on Tuesday, April 26, 2016, the Subject was driving 2003 Silver GMC Envoy Sport Utility Vehicle at a high rate of speed northbound on S.W. 117th Avenue in the vicinity of Coral Way. The Subject lost control of the vehicle, and it struck the median on S.W. 117th Avenue and was redirected onto the east shoulder of S.W. 117th Avenue. The Subject's vehicle then continued in a northeast direction and struck a chain link fence that was enclosing a baseball field where children were playing. The Subject's vehicle then went through the fence, and struck two pedestrians that were watching their children play in the ongoing baseball game. The pedestrians who were struck were Javier Perez, ("Victim #1") and Elias Espinoza, ("Victim #2"). The impact of the crash was so severe that Victim #1 became trapped under the Subject's vehicle. Both Victims were transported to Kendall Regional Hospital Trauma Center by Miami Dade Fire Rescue personnel. Although it was initially believed that Victim #1 would not survive the injuries sustained in this collision, fortunately, did so; however, the injuries to his lower body were so severe, that his legs had to be amputated.



Officers who arrived on the scene of this collision noticed that the Subject appeared to be unsteady, confused, and that she smelled strongly of an alcoholic beverage. Consequently, Your Affiant was requested to respond to the scene to conduct a DUI investigation. During the course of that portion of this investigation, Your Affiant noticed that the Subject was wearing a long dress and flat-heeled sandals. She had a strong odor of an alcoholic beverage on her breath. During the time Your Affiant was with the Subject, she exhibited mood swings which ranged from being cooperative and polite to being insulting and using profanity. Her face was flushed, and she both laughed and cried in Your Affiant's presence. Your Affiant noted her speech to be mumbled,

slurred and mush-mouthed, as well as raspy. However, she exhibited no signs of injury, nor did she complain of any pain or trauma to her body.

The Subject was asked to submit to routine roadside tests, or exercises, which are designed to gauge whether a person's normal faculties are impaired. The Subject agreed to do so. Your Affiant observed the Subject as these exercises were conducted. Your Affiant noted that the Subject swayed during the Romberg Balance test; lost her balance during the Walk and Turn test, started that test before she was told to do so, stopped walking or paused to regain her balance; didn't touch her heel to toe as instructed to do; stepped off the line at least once; raised her arms to maintain her balance; and did not turn correctly. Additionally, during the One Leg Stand test, the Subject could not even do the test because she could not maintain her balance.

The Subject was also asked to perform the Finger to Nose test, and during that test, she missed the tip of her nose with the tip of her index finger, did not use the hand which she was asked to use, and did not remove her finger from her nose as directed. Finally, on the Horizontal Gaze Nystagmus ("HGN") test, she could not smoothly follow a moving object with her eyes; she had distinct nystagmus at maximum deviation, and an early onset of nystagmus, prior to forty-five (45) degrees, in both eyes. Based upon Your Affiant's years of training and experience in conducting this type of DUI investigation, Your Affiant came to the conclusion based upon all these observations, including the Subject's driving pattern that took her from the roadway onto a fenced baseball field where children were playing, that the Subject's normal faculties appeared to have impaired by an alcoholic beverage(s).



Your Affiant then asked the Subject if she would be willing to give consent for her blood to be drawn for testing to determine her blood alcohol (ethanol) content. The

 Affiant's initials
 Judge's initials

Subject agreed to do so by way of a written consent form at 7:35 p.m. The Subject's blood was drawn by a Miami-Dade Fire Rescue Paramedic for the first time at 7:40 p.m., and for a second time over an hour later. Your Affiant sealed the blood alcohol test kits which were used for this purpose, and impounded them at the Miami-Dade Police Department Property Bureau. Your Affiant made arrangements for the blood samples to be transported to the University of Miami Forensic Toxicology Laboratory for blood alcohol testing. On May 9, 2016, Dr. Lisa Reidy, a forensic toxicologist, reported that the blood alcohol testing, which was conducted in accordance with the Florida Department of Law Enforcement requirements, revealed that the first blood sample which was drawn at 7:40 p.m. had an ethanol level of .227 grams per 100 milliliters of blood (over 3 times the legal limit of .08 grams of ethanol per 100 milliliters of blood). The second blood sample, taken over an hour later, was .201 grams of ethanol per 100 milliliters of blood.

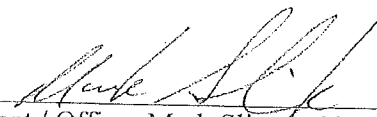
Finally, Your Affiant would note that during the time between the first and second blood draws, the Subject was placed, unhandcuffed, in the back of a marked patrol car. During that time, the Subject [REDACTED] She made no inquiries about the people she hit with the vehicle. Also, during that time, the Subject made a spontaneous statement in which [REDACTED] [REDACTED] [REDACTED] it was determined that her cell phone was not even in her vehicle; it was at her residence with her son (who answered the phone). [REDACTED] [REDACTED] an inventory search of the vehicle, prior to it being towed away, revealed no cell phones inside it.

Your Affiant would note, however, that during the routine inventory search prior to towing the vehicle, there was a large, open can of beer on the floorboard of the front passenger's seat, next to the Subject's purse. The carpet which covered the floorboard

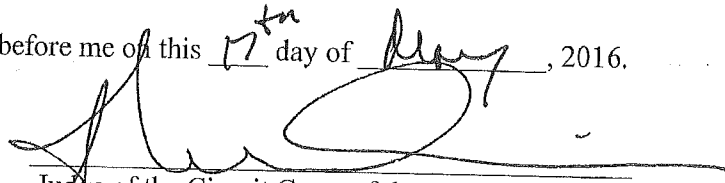
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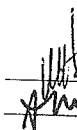

was soaked with beer. A Traffic Homicide Detective asked the Subject if she would like to give a statement about this crash, but she invoked her Miranda rights. The Subject was transported to her home by Officer M. Bianchi, who also assisted with this investigation, pending the results of the toxicology testing. Officer Bianchi advised Your Affiant that when he dropped the Subject off at her home, the interior of his marked police car reeked of alcohol, long after the Subject left the vehicle.

WHEREFORE, for the foregoing reasons, Your Affiant requests a warrant for the arrest of Marilyn Aguilera for the charge of DUI Causing Serious Injury, based on the probable cause herein shown.


Affiant / Officer Mark Slimak, 30-4512

SWORN TO AND SUBSCRIBED before me on this 17th day of May, 2016.


Judge of the Circuit Court of the
Eleventh Judicial Circuit of Florida

 Affiant's initials
 Judge's initials