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Arrest Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
8535 NORTHLAKE BLVD
WEST PALM BEACH, FL.

Report Date / Time 4/10/2022 10:32 PM	Report Number C-0293AB	Case Number/Cad Number FWC22ON0029087 / FWCS22IN0014212	Reporting Officer Name SPIRITO, GEORGE
Originating Agency ORI FL0508000	Occur Date Time Range 04/10/2022 20:48:01 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

Location of Occurrence

County PALM BEACH	Location Type OTHER	Location Description INLET JUPITER			
Street Number	Street OCEAN DR	Apt/Lot/Bldg FWC	City JUPITER	State FL	Zip Code 33477

Defendant

First Name BRANDON	Middle Name	Last Name SUSICH	Suffix	Race WHITE	Sex MALE	Height 6'04"	Weight 212	Hair BROWN	Eyes BROWN
MNI #	SSN [REDACTED]	Date of Birth 10/08/1982	Age 39	ID Type	Drivers License or other ID S220060823680	State FL	OCA / Agency ID		
Place of Birth:		PA US							
Address * RESIDENCE / 729 GREENBRIAR DR , LAKE PARK, FL 33403 /									

Arrest

Arrest Date/Time 4/10/2022 9:10:00 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description JUPITER INLET				
Street Number	Street OCEAN DR	Apt/Lot/Bldg FWC	County PALM BEACH	City JUPITER	State FL	Zip Code 33477

Charge :

Counts	Charge	Bond Amount	☐ No Bond
Charge Degree	Charge Level		
General Offense Code	Arrest Offense Code		
Charge Description			

Charge : STATE STATUTE

Counts 1	Charge 327.35(1)(b)	Bond Amount \$0.00	☐ No Bond
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR		
General Offense Code	Arrest Offense Code DUI-UNLAW BLD ALCH		

Arrest Report

Barillo

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Report Date / Time 4/10/2022 10:32 PM	Report Number C-0293AB	Case Number/Cad Number FWC22ON0029087 / FWCS22IN0014212	Reporting Officer Name SPIRITO, GEORGE
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Charge Description
OPERATING A VESSEL WITH AN UNLAWFUL BLOOD ALCOHOL LEVEL OF .08 OR HIGHER

Bond Set by Officer

☐ Bond Amount ☐ No Bond
--

Bond Type(s)

Probable Cause

I. What: BUI

II. When: April 10, 2022

III. Where: Jupiter Inlet

IV. Who:

Name: Brandon Susich
729 Greenbriar Dr
Lake Park, FL 33403
DOB: 10/08/1982
FL DL: S220060823680

V. Details of BUI

A. Initial call

On September 10, 2022, at approximately 9:10 PM I Officer Spirito of the Florida Fish and Wildlife Conservation Commission (FWC) along with Officer Trawinski, Officer Defeo and Officer Riggs all of FWC were patrolling the Jupiter Inlet in a marked patrol vessel. We observed a center console vessel, later identified as FL4245FP, traveling south on the Intracoastal Waterway (ICW). The vessel was observed with no white 360 light. A stop of the vessel was conducted in the area of the Jupiter Inlet.

B. Initial interactions with Susich.

On my first interaction with Susich, as I was tying our vessel to his, I observed an odor of an unknown alcoholic beverage emanating from his person conversation distance. When I asked Susich for his license and registration, he had trouble understanding my commands and gave me the wrong paperwork. I asked Susich for his vessel safety gear, and I had to keep repeating myself as to what I was asking him to see. As he moved about his vessel, he was uneasy on his feet and he attempted to keep both hands held onto objects to keep his balance. It was a clear night with limited wind or waves.

C. SFST's

Pre-Task Question-

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During my pre task questions Susich stated he had left knee problems and a astigmatism in his left eye. Susich had divided attention and I had to keep asking him to look at me and pay attention.

Horizontal Gaze Nystagmus-

I read Susich the instructions and I demonstrated the task. I had to reiterate instructions several times due to him moving his head, closing his eyes, and stopping the test on his own. Susich did not wear contact lenses but stated he had a astigmatism in his left eye. His eyes were glassy and blood shot and he had pinpoint pupils. During the task he had lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation in both eyes and onset to nystagmus prior to 45 degrees in both eyes.

Total clues:6

Finger to Nose-

After reading the instructions and demonstrating the task I asked Susich to tilt his head back to begin. I had to reiterate instructions several times due to him not listening. Susich missed the tip of his nose and did not make contact with his fingertip. He also hesitated and never brought his hands all the way back to the starting position. He stopped with his finger on his nose and had to be told to bring his hand down.

Total Clues:11

Palm Pat-

After reading Susich the instructions and demonstrating the task, I told Ross to begin when he was ready. When I was reading the instructions, he kept trying to start the task and wanted to practice. He was unable to follow instructions, rolled hands, double pat, did not increase speed and stopped before being told.

Total Clues: 7

Hand Coordination-

After reading Susich the instructions and demonstrating the task I told Susich to begin when he was ready. I had to read the instructions several times as Susich was unable to follow instructions. He kept trying to attempt parts of the test and making fun of the test. He kept starting at the wrong time, had improper count, ended away from his chest and was unable to listen and follow instructions.

Total Clues: 5

D. Arrest

Based on the failed tasks and observations as well as Susich being the operator of a vessel, Susich was placed under arrest for boating under the influence. He was handcuffed, the handcuffs were double locked, he was searched, and he was transported to Palm beach County Jail at Gun Club without incident.

E. Breath Sample

While at Palm Beach County Jail Susich provided 2 breath samples (0.095) 2256 hours (0.110) 2259 hours

F. Charges

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Susich was charged with the following:
327.35(1)(b) Boating under the influence of alcohol 0.08 or higher

Warnings were issued for the following:
327.50(2) navigation lights not present or operational, 360 white
328.48(4) no registration onboard
328.48(5) failure to remove old decal
328.48(5) no current decal

Jail Booking Facility

Booking Date/Time 4/10/2022 10:42 PM	Booking County PALM BEACH	Booking Facility MAIN DETENTION CENTER	Booking Facility Phone (561) 996-1699
Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406-3001			Booking Number
Booking Comments			

Court

Court County	Court Location		
Court	Court Phone	Court Appearance Date / Time	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
SPIRITO, GEORGE OFFICER WP368	REPORTING OFFICER	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCSISO REGION AIPALM BEACH

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 SPIRITO, GEORGE Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION	Office Rank OFFICER	Officer ID No WP368	Sworn and subscribed before me, the undersigned authority This the _____ day of _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Signature			

☐ No Bill / Petition	☐ Issue Warrant	☐ Prosecution Approved	Signature of Assistant State Attorney	Date
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PALM BEACH COUNTY SHERIFF'S OFFICE
DUI TESTING FACILITY
INFORMATION SHEET

PBSO CASE # 22-055624 PBSO ZONE 3-13

AGENCY CASE # FWC 22 ON 00290f7 CRASH CASE # _____

TIME OF STOP/CRASH 2048 DATE 4/10/22 DAY Sunday

SUBJECT'S NAME Brandon Susich RACE W SEX M

HGT 604 WGT 212 DOB 10/8/1992

LOCATION Jupiter Inlet

ARRESTING OFFICER'S NAME & ID SPINATO 7366 AGENCY FWC

DIVISION: LE SOUTH A

NOTIFIED BY COMMO _____

ARRIVAL AT FACILITY 22:26

Arrest Time 9:10 pm

BREATH RESULTS: BUI

1. .095

2. .110

3. NIA

4. NIA

TESTING OFFICER'S ID Bell 8656

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TESTING FACILITY TASK REPORT

AGENCY: FWC / BUI

SUBJECT: SUSICH, BRANDON

CASE NUMBER: 22-055624

DATE: Apr 10, 2022

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 2252

ENDING TIME: 2303

BREATH TESTS RESULTS: 1) .095 TIME 2256 A.M. ☐ P.M. ☒ 2) .110 TIME 2259 A.M. ☐ P.M. ☒
3) XX TIME XX A.M. ☐ P.M. ☐ 4) XX TIME XX A.M. ☐ P.M. ☐

BREATH OPERATOR: JOSHUA J BELL #8656

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: COOPERATIVE

CLOTHING: BLUE JACKET, GREY SHORTS, GRAY FLIP FLOPS

MEDICAL CONDITIONS: BRONCHITIS, ASTHMA

MEDICATIONS: INHALER

OTHER:

EYES: BLOODSHOT, GLASSY
ODOR OF UNKNOWN ALCOHOLIC BEVERAGE COMING FROM BREATH

COMMENTS:

A/O ARRIVED AT DUI TESTING FACILITY AND BEGAN THE 20 MINUTE OBSERVATION AT 2226 HOURS

SUBJECT STATED HE WOULD TAKE BREATH TEST

TECH READ BREATH TEST RESULTS
SUBJECT ACKNOWLEDGED HE UNDERSTOOD BREATH TEST RESULTS

A/O READ RIGHTS
SUBJECT ACKNOWLEDGED HE UNDERSTOOD HIS RIGHTS

SUBJECT DECLINED TO ANSWER Q AND A

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT**

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006029 Software: 8100.27
Date of Test: 04/10/2022

Date of Last Agency Inspection: 03/25/2022
Observation Period Began: 22:26
Subject's Name: BRANDON SUSICH

DOB: 10/08/1982 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:	Test	g/210L	Time
	Diagnostics Check	OK	22:55
	Air Blank	0.000	22:55
	Control Test	0.081	22:55
	Air Blank	0.000	22:56
	Subject Sample #1	0.095	22:56
	Air Blank	0.000	22:57
	Air Blank	0.000	22:59
	Subject Sample #2	0.110	22:59
	Air Blank	0.000	23:00
	Control Test	0.081	23:00
	Air Blank	0.000	23:01
	Diagnostics Check	OK	23:01

Cylinder Lot: 19021080A2
Exp: 09/05/2023

State of Florida, County of Palm Beach

Personally appeared before me the undersigned authority, who (☒) is personally known to me or (☐) produced _____ as identification, and who after being placed under oath, states:

I JOSHUA J BELL, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: _____

Signature

Date: 04/10/22

Sworn to (or affirmed) before me this 10 day of April, 2022

Signature of Notary Public-State of Florida

Ofc. G. Spirito #P366
Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

SUBJECT: Susan, Brandon

CASE NUMBER: _____

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING.

I am now requesting that you submit to a lawful test of your BREATH for the purpose of determining its alcohol content.

OR

I am now requesting that you submit to a lawful test of your URINE for the purpose of detecting the presence of chemical or controlled substances.

OR

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting its alcohol content and the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am _____ of the _____.

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test of your breath, urine or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

SUBJECT'S SIGNATURE: (X) _____

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

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SUSPECT'S SIGNATURE: (X) _____

Read on camera

SUBJECT: Sullivan, Brian CASE NUMBER: _____

QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

WERE YOU OPERATING A ~~MOTOR VEHICLE~~ ^{vessel} AT THE TIME OF THE STOP/ACCIDENT? _____

WHERE WERE YOU GOING? _____

WHAT ~~STREET OR HIGHWAY~~ ^{waterway} WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

WHAT IS TODAY'S DATE? _____ WHAT DAY OF THE WEEK IS IT? _____

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? _____

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? _____

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? _____ WHAT? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? _____ AND YOUR LAST DRINK? _____

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? _____ ARE YOU UNDER THE INFLUENCE? _____

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? _____ HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? _____ WHEN DID YOU LAST WORK? _____

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? _____ WHAT? _____

ARE YOU SICK OR INJURED? _____ WHAT'S WRONG? _____

DO YOU LIMP? _____ DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? _____

WERE YOU IN AN ACCIDENT TODAY? _____

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? _____ WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____ WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

DO YOU HAVE:

EPILEPSY?	_____
GLASS EYE?	_____
FALSE TEETH?	_____
EAR INFECTION?	_____
INNER EAR TROUBLE?	_____
DIABETES?	_____

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? _____

DO YOU TAKE INSULIN? _____ IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? _____ WHERE? _____

INTERVIEWER: OFL Spillio #P366

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL

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**PALM BEACH COUNTY
SHERIFF'S OFFICE**
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	☒	(iii) 119.0714(1)(i)-(j), 2(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2022009372

Date: 04/11/2022

Specialist Name/ID: T Howard/7185