

0519649

XIR
COMM 8954 #2984



Arrest Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
1300 MARCINSKI ROAD
JUPITER, FL. 33477

Report Date / Time 11/15/2020 07:32 PM	Report Number C-1137AB	Case Number/Cad Number FWCS20OFF019233 / FWCS20CAD036203	Reporting Officer Name BRODBECK, JAMES J
Originating Agency ORI FL0488000	Occur Date Time Range 11/15/2020 16:38:01 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description BRIDGE BLUE HERON BLVD ICW			
Street Number E BLUE HERON BLVD	Street	Apt/Lot/Bldg FWC	City WEST PALM BEACH	State FL	Zip Code 33404

Defendant

First Name DANIEL	Middle Name JOSEPH	Last Name KANE	Suffix	Race WHITE	Sex MALE	Height 5'11"	Weight 200	Hair RED	Eyes BLUE
MNI #	SSN	Date of Birth 02/22/1988	Age 32	Place of Birth MISSION VIEJO CA USA	Drivers License or other ID K500170880620	State FL	ID Type E		
Address * RESIDENCE / 6060 SW 13TH ST, PLANTATION, FL 33317 / 786-643-7103									

Arrest

Arrest Date/Time 11/15/2020 4:45:01 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description				
Street Number E BLUE HERON BLVD	Street	Apt/Lot/Bldg FWC	County PALM BEACH	City WEST PALM BEACH	State FL	Zip Code 33404

Charge : STATE STATUTE

Counts 1	Charge 327.35(1)(a)	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED			

Bond Set by Officer

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

Probable Cause

I. WHAT:	Boating Under the Influence
II. WHEN:	Sunday, November 15, 2020 approximately 1630 hours
III. WHERE:	Palm Beach County, Blue Heron Bridge ICW
IV. WHO:	DANIEL J. KANE DOB 2/22/1988

Arrest Report

Accident 7027
NOV 17 2020

COPY

NOV 16 AM 9:22

Report Date / Time 11/15/2020 07:32 PM	Report Number C-1137AB	Case Number/Cad Number FWCS20OFF019233 / FWCS20CAD038203	Reporting Officer Name BRODBECK, JAMES J
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Florida DL K500170880620

V. Other information Relating to BUI

White 2006 Triumph center console, North Carolina Registration NC2791DM

VI. DETAILS OF BUI

A. Phase 1 – Initial Observation of vessel in operation

On Sunday, November 15, 2020 at approximately 1630 hours, I, Officer James Brodbeck of the Florida Fish and Wildlife Conservation Commission, along with Lt. K. Kirkland, was on marked vessel patrol near the Blue Heron Bridge, Palm Beach County. I observed a PWC in violation of the Slow Speed zone at the bridge. A vessel stop was initiated to address the violation. A vessel associated with the PWC, a white in color Triumph center console bearing North Carolina registration NC2791DM, came over to the vessel stop due to the operator of the vessel, later identified as DANIEL J KANE, also owned the PWC and had its registration.

B. Phase 2 – Personal Contact with operator of vessel

I made contact with the operator of the vessel, identified by Florida Driver's License as KANE, and immediately detected the strong odor of an unknown alcoholic beverage emitting from his breath. His eyes were bloodshot and his speech was slurred. KANE was slow to respond to questions. I asked KANE if he had consumed any alcohol during the day and he admitted to consuming 3 seltzer beers. Based on the indicators of impairment observed, I asked KANE to board my patrol vessel to conduct Seated Field Sobriety Tasks, and he agreed to do so.

C. Phase 3- Pre-arrest screening and Observations of Driver/Operator

HORIZONTAL GAZE NYSTAGMUS (HGN): During HGN, KANE displayed a lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation in both eyes, and an onset of nystagmus prior to 45 degrees in both eyes. KANE did not display vertical nystagmus.

FINGER TO NOSE (FTN): During FTN, Performance Stage:

On the first Left, KANE missed the tip of his nose.
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 On the second Left, KANE made contact with the pad of the finger.
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 On the third Right, KANE made contact with the pad of the finger.
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 Additionally, during the task, KANE brought his head forward more than 1 inch.

PALM PAT (PP): During PP, Performance Stage, KANE had several chopped pats and double pats. Also during the task KANE stopped counting out loud and did not speed up as instructed.

HAND COORDINATION (HC): During Hand Coordination, KANE did not complete Task 2, 3, or 4. I gave KANE 3 explanations and demonstrations of the task, as well as ample time to complete the task, however he was

SCANNED
10/17/2020

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unable to do so.

Arrest of Operator

At 1645 hours, I placed KANE under arrest for suspicion of BUI. While walking to the patrol vehicle at Rybovich Marina, I observed that KANE was unsteady on his feet and had difficulty walking in a straight line. At the Palm Beach County Jail, Main Detention Center, KANE provided breath samples at 1843 hours (2 hours after arrest) of 0.064 and 0.063 g/210 L of breath. Post Miranda, KANE stated he had taken Tramadol. A urine sample was collected at 1855 hours. Final charges will be pending urinalysis by FDLE.

I charged KANE with the following

F.S. 327.35(1)(a) – BUI operating a vessel with normal faculties impaired

D. Disposition of Operator and vessel

KANE was transported to the Palm Beach County Jail, Main Detention Center, arriving at 1815 hours. The vessel was turned over to the wife of KANE, ASHLEY FLORENO (FL DL F465004836640), at his request.

Jail Bookin Facility

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone Number
0.0000	PALM BEACH	MAIN DETENTION CENTER	(561) 996-1699

Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406-3001	Booking Number
Booking Comments	

Court

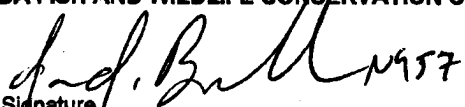

Court County	Court Location		
PALM BEACH	3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court	Court Phone	Court Appearance Date / Time	Court Fine
PALM BEACH COUNTY COURT AT GUN CLUB	(561) 688-4640	12/16/2020 1:30 PM	
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
BRODBECK, JAMES J OFFICER WN957	REPORTING OFFICER	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCSISO REGION AIPALM BEACH

Report Date / Time 11/15/2020 07:32 PM	Report Number C-1137AB	Case Number/Cad Number FWCS20OFF019233 / FWCS20CAD036203	Reporting Officer Name BRODBECK, JAMES J
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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 BRODBECK, JAMES J	Office Rank OFFICER	Officer ID No WN957	Sworn and subscribed before me, the undersigned authority This the <u>15</u> day of <u>NOVEMBER</u> , <u>2020</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			
Officer Signature			

<input type="radio"/> No Bill / Petition <input type="radio"/> Issue Warrant <input type="radio"/> Prosecution Approved	Signature of Assistant State Attorney _____	Date _____
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NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: FWC (BUI)
SUBJECT: KANE, DANIEL JOSEPH
CASE NUMBER: 20127266
DATE: 11/15/2020
VIDEO DVD NUMBER: N/A
BEGINNING TIME: 1835
ENDING TIME: 1852

BREATH TESTS RESULTS: 1) .064 TIME 1840 A.M. P.M. 2) .063 TIME 1843 A.M. P.M.
3) TIME A.M. P.M. 4) TIME A.M. P.M.

BREATH OPERATOR: S. Owen #3184

MAINTENANCE TECHNICAN: J. Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH:

ATTITUDE: POLITE, CO-OPERATIVE

CLOTHING: BLACK SHORTS, GREY TOP

MEDICAL CONDITIONS: NONE

MEDICATIONS: TRAMADOL AROUND 7 AM FOR BACK PAIN

OTHER:

POLITE, CO-OPERATIVE

COMMENTS:

A/O AND DEFENDANT ARRIVED AT 1815 HOURS. A/O REQUESTED BREATH TEST, DEFENDANT AGREED. NO PROBLEM WITH TEST. DEFENDANT BLEW .064 AND .063. A/O HAD READ I/C ON SCENE SO DEFENDANT AGREED TO GIVE URINE. A/O READ C/W, DEFENDANT UNDERSTOOD RIGHTS. AND ANSWERED Q & A. HAD THREE BEERS ON BEACH. URINE WAS DRAWN AT 1855 HRS.

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: 80-006240 Software: 8100.27
Date of Test: 11/15/2020

Date of Last Agency Inspection: 11/13/2020
Observation Period Began: 18:15
Subject's Name: DANIEL J KANE

DOB: 02/22/1988 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	18:38
	Air Blank	0.000	18:39
	Control Test	0.080	18:39
	Air Blank	0.000	18:40
	Subject Sample #1	0.064	18:40
	Air Blank	0.000	18:41
	Air Blank	0.000	18:43
	Subject Sample #2	0.063	18:43
	Air Blank	0.000	18:44
	Control Test	0.080	18:44
	Air Blank	0.000	18:45
	Diagnostics Check	OK	18:45

Cylinder Lot: 14020080A1
Exp: 07/05/2022

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 SUE OWEN, 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: 11/15/2020
Signature

Sworn to (or affirmed) before me this 15th day of November 2020
[Signature] J. BRODBECK
Signature of Notary Public-State of Florida 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.



**FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT**



**FLORIDA BUI/DUI
IMPLIED CONSENT WARNING**

DEFENDANT'S NAME: Kane, Daniel Joseph CASE NO.: FWCS200FF019233

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

You are under arrest for operating a vessel or vehicle while under the influence of alcoholic beverages or chemical or controlled substance.

- I am now requesting that you submit to a lawful test of your **BREATH** for the purpose of determining its alcohol content. Will you submit to a **BREATH** test?
- 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. Will you submit to a **URINE** test?
- I am now requesting that you submit to a lawful test of your **BLOOD** for the purpose of determining its alcohol content and the presence of chemical or controlled substances. Will you submit to a **BLOOD** test?

IF THE SUBJECT REFUSES TO SUBMIT TO TESTING, READ ONE OF THE FOLLOWING:

I am JAMES BRODBECK of the PWC
(Officer's Name) (Agency)

VESSEL

If you fail to submit to the test I have requested of you, it will result in a civil penalty of \$500.00. Additionally, if you refuse to submit to the test I have requested of you and have previously been fined for 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.

Will you submit to the test? YES NO

VEHICLE

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 privileges have been previously suspended for 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.

Will you submit to the test? YES NO

11/15/2020 1835
DATE TIME
JAMES BRODBECK 1957 [Signature]
OFFICER'S NAME (PRINTED) DEFENDANT'S SIGNATURE
[Signature]
OFFICER'S SIGNATURE

QUESTIONS AND ANSWERS

IF YOU HAVE ANY MORE QUESTIONS WITH THESE RIGHTS IN MIND, YOU MAY ASK THEM AT ANY TIME AS LONG AS YOU LIVE.

WHAT TIME DID YOU ARRIVE AT THE TIME OF THE STOP? 11:30 PM

WHAT TIME DID YOU START? 11:45 PM

WHAT TIME IS IT NOW? 12:00 AM

WHAT DAY OF THE WEEK IS IT? WEDNESDAY

WHERE DID YOU GO? TO THE STORE

WHAT DID YOU DO? BUYED SOME CIGARETTES

HAVE YOU BEEN DRIVING FOR THE LAST THREE HOURS? NO

HAVE YOU BEEN DRIVING? NO

HOW DID YOU FEEL? OK

HOW DID YOU FEEL? OK

HOW DID YOU FEEL? OK

HOW DID YOU FEEL? OK

HOW DID YOU FEEL? OK

HOW DID YOU FEEL? OK

HOW DID YOU FEEL? OK

HOW DID YOU FEEL? OK

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INFORMED CONSENT FOR DUI IN A MOTOR VEHICLE

THE FOLLOWING INFORMATION IS APPLICABLE TO THE TEST OR TEST YOU ARE BEING ASKED TO TAKE:

1. You are being asked to provide a sample of your BREATH for the purpose of determining the presence of alcohol in your system.

OR

2. You are being asked to provide a sample of your URINE for the purpose of determining the presence of alcohol in your system.

OR

3. You are requesting that you submit a sample of your BLOOD for the purpose of determining the presence of alcohol in your system.

THE SUBJECT OF THIS SUBJECT DOES NOT COME WITH ANY RESERVE

of the

of this breath test is that it is a non-invasive test and does not require the insertion of any needles or tubes into your body. The test is administered by a trained officer and the results are available immediately. The test is a reliable and accurate method of determining the presence of alcohol in your system.

SUBJECT'S SIGNATURE

CONSTITUTIONAL WARNINGS

YOU HAVE THE RIGHT TO STOP AT ANY TIME. IF YOU STOP, YOU WILL NOT BE PUNISHED FOR THIS.

IF YOU ARE STOPPED, YOU WILL NOT BE PUNISHED FOR THIS.

IF YOU ARE STOPPED, YOU WILL NOT BE PUNISHED FOR THIS.

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[Handwritten Signature]



Palm Beach County Sheriff's Office – Arrests Only

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

REVIEW COMPLETED BY

Booking Number: 2020026909	Date: 11/16/2020
	Specialist Name/ID: AM/31562



Incident Summary Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
1300 MARCINSKI ROAD
JUPITER, FL. 33477

Report Date / Time 11/15/2020 7:32:45 PM	Report Number ISR027339 (01)	Report Case/CAD Number FWCS20OFF019233 / FWCS20CAD036203	Reporting Officer Rank / ID OFFICER / WN957	Reporting Officer Name BRODBECK, JAMES J
Originating Agency ORI FL0508000	Reported to Agency Date	Occur Date Range 11/15/2020 16:38:01 -	Jurisdiction State Waters	Status: Clearance: CLEARED BY ARREST
Offense Description S1B BUI - BOAT				

LOCATION(S)

County PALM BEACH	Location Type INCIDENT LOCATION	Location Description BRIDGE BLUE HERON BLVD ICW						
Street Number	Street E BLUE HERON BLVD	Apt/Lot/Bldg FWC	City WEST PALM BEACH	State FL	Zip Code 33404	Phone Number	Ext.	

INVESTIGATION

Was body camera used?	Yes
-----------------------	------------

Person: DEFENDANT

First Name DANIEL	Middle Name JOSEPH	Last Name KANE	Suffix	Race WHITE	Sex MALE	Height 5'11"	Weight 200	Hair RED	Eyes BLUE
MNI # FWC15MNI067243	SSN [REDACTED]	Date of Birth 02/22/1988	Age 32	Place of Birth MISSION VIEJO, CA, USA		Drivers License or other ID K500170880620	State FL	ID Type E	

Addresses • RESIDENCE / 6060 SW 13TH ST, PLANTATION, FL 33317 / 786-643-7103

Charge: STATE STATUTE

Counts 1	Charge 327.35(1)(a)	Arrest Offense Code Description DUI-UNLAW BLD ALCH
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code
Charge Description OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED		
UCR Code / UCR Description		

Vessel: USED IN CRIME

Year 2006	Make TRiumph	Type OPEN MOTORBOAT	Color WHITE	Hull Material OTHER		
Vessel Name	State NC	Registration Number NC2791DM	Tag Expiration 11/30/2023	Vessel HIN TRBJ0276C707	Vessel Doc Number	
Owner Type OTHER	Vessel Value (\$)	Length 21	Fuel Type GAS	Propulsion Propeller	Number of Engines / Type 1 / OUTBOARD	Total HP

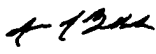
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Vessel Owner	Vessel Released To Person	Vessel Released By Officer
--------------	---------------------------	----------------------------

Property: EVIDENCE

Biological Type URINE	Quantity 1	Quantity Type SAMPLES(S)	
Description URINE SAMPLE			
Owner Type PERSON	Property Owner DANIEL JOSEPH KANE (DEFENDANT)	Property Released To Person	Property Released By Officer

Narrative: PROBABLE CAUSE

Narrative Date/Time 11/15/2020 8:08:34 PM	Narrative Synopsis		
Reporting Officer BRODBECK, JAMES J	Officer Rank OFFICER	Officer ID No WN957	Officer Org/Unit FWCSISO REGION AIPALM BEACH
Officer Signature 	Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION		

I. **WHAT:** Boating Under the Influence

II. **WHEN:** Sunday, November 15, 2020 approximately 1630 hours

III. **WHERE:** Palm Beach County, Blue Heron Bridge ICW

IV. **WHO:** DANIEL J. KANE DOB 2/22/1988

Florida DL K500170880620

V. **Other information Relating to BUI**

White 2006 Triumph center console, North Carolina Registration NC2791DM

VI. **DETAILS OF BUI**

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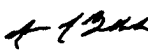
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Narrative: SUPPLEMENTAL

Narrative Date/Time 11/20/2020 10:22:20 AM		Narrative Synopsis		
Reporting Officer BRODBECK, JAMES J	Officer Rank OFFICER	Officer ID No WN957	Officer Org/Unit FWCSISO REGION AIPALM BEACH	
Officer Signature 	Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			

- I. **WHAT:** Boating Under the Influence
- II. **WHEN:** Sunday, November 15, 2020 approximately 1630 hours
- III. **WHERE:** Palm Beach County, Blue Heron Bridge ICW
- IV. **WHO:** DANIEL J. KANE DOB 2/22/1988

Florida DL K500170880620

V. Other information Relating to BUI

White 2006 Triumph center console, North Carolina Registration NC2791DM

VI. DETAILS OF BUI

A. Phase 1 - Initial Observation of vessel in operation

On Sunday, November 15, 2020 at approximately 1630 hours, I, Officer James Brodbeck of the Florida Fish and Wildlife Conservation Commission, along with Lt. C. Kirkland, was on marked vessel patrol near the Blue Heron Bridge, Palm Beach County. I observed a PWC in violation of the Slow Speed zone at the bridge. A vessel stop was initiated to address the violation. A vessel associated with the PWC, a white in color Triumph center console bearing North Carolina registration NC2791DM, came over to the vessel stop due to the operator of the vessel, later identified as DANIEL J KANE, owned the PWC and had its registration on board the second vessel.

B. Phase 2 - Personal Contact with operator of vessel

SHARON R BOCK, CLERK
 2020 DEC -3 AM 8:49
 PALM BEACH COUNTY, FLORIDA
 COUNTY CRIMINAL

Report Date / Time 11/15/2020 7:32:45 PM	Report Number ISR027339 (01)	Report Case/CAD Number FWCS20OFF019233 / FWCS20CAD036203	Reporting Officer Rank / ID OFFICER / WN957	Reporting Officer Name BRODBECK, JAMES J
Originating Agency ORI FL0508000	Reported to Agency Date	Occur Date Range 11/15/2020 16:38:01 -	Jurisdiction State Waters	Status: Clearance: CLEARED BY ARREST
Offense Description S1B BUI - BOAT				

I made contact with the operator of the vessel, identified by Florida Driver's License as KANE, and immediately detected the strong odor of an unknown alcoholic beverage emitting from his breath. His eyes were bloodshot and his speech was slurred. KANE was slow to respond to questions. KANE's pupils were constricted. While checking the vessel for life jackets, I informed KANE that he had produced a sufficient quantity, however he kept pulling life jackets out of a hatch in the bow of the vessel. I asked KANE if he had consumed any alcohol during the day and he admitted to consuming 3 seltzer beers. Based on the indicators of impairment observed, I asked KANE to board my patrol vessel to conduct Seated Field Sobriety Tasks, and he agreed to do so.

C. Phase 3- Pre-arrest screening and Observations of Driver/Operator
HORIZONTAL GAZE NYSTAGMUS (HGN): During HGN, KANE displayed a lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation in both eyes, and an onset of nystagmus prior to 45 degrees in both eyes. KANE did not display vertical nystagmus.

FINGER TO NOSE (FTN): During FTN, Performance Stage:
On the first Left, KANE missed the tip of his nose, making contact with the upper lip.
On the first Right, KANE missed the tip of his nose, making contact with the upper lip.
On the second Left, KANE made contact with the pad of the finger.
On the second Right, KANE made contact with the pad of the finger.
On the third Right, KANE made contact with the pad of the finger.
On the third Left, KANE made contact with the pad of the finger.
Additionally, during the task, KANE brought his head forward more than 1 inch.

PALM PAT (PP): During PP, Performance Stage, KANE had several chopped pats and double pats. Also during the task KANE stopped counting out loud and did not speed up as instructed.

HAND COORDINATION (HC): During Hand Coordination, KANE did not complete Task 2, 3, or 4. I gave KANE 3 explanations and demonstrations of the task, as well as ample time to complete the task, however he was unable to do so.

Arrest of Operator

At 1645 hours, I placed KANE under arrest for suspicion of BUI. While walking to the patrol vehicle at Rybovich Marina, I observed that KANE was unsteady on his feet and had difficulty walking in a straight line. At the Palm Beach County Jail, Main Detention Center, KANE provided breath samples at 1843 hours (2 hours after arrest) of 0.064 and 0.063 g/210 L of breath. Post Miranda, KANE stated he had taken Tramadol the previous night as well as that day.

Per the National Institute of Health, U.S. National Library of Medicine:

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Drinking alcohol, taking prescription or nonprescription medications that contain alcohol, or using street drugs during your treatment with tramadol increases the risk that you will experience these serious, life-threatening side effects (unusual dizziness, lightheadedness, extreme sleepiness, slowed or difficult breathing, or unresponsiveness). Do not drink alcohol, take prescription or nonprescription medications that contain alcohol, or use street drugs during your treatment.

A urine sample was collected at 1855 hours. Final charges will be pending urinalysis by FDLE (may take up to 6 months).

I charged KANE with the following:

F.S. 327.35(1)(a) - BUI operating a vessel with normal faculties impaired


D. Disposition of Operator and vessel

KANE was transported to the Palm Beach County Jail, Main Detention Center, arriving at 1815 hours. The vessel was turned over to the wife of KANE, ASHLEY FLORENO (FL DL F465004836640), at his request. FLORENO did not show any signs of impairment.

****BWC Video available****

Officer: Approving Supervisor (Supplement 01)

Officer Name C. KIRKLAND	Officer Rank LIEUTENANT	Officer ID No WN012	Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
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Approval Date / Time 11/23/2020 10:44:28 PM	Officer Signature 
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Sup #	Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
01	BRODBECK, JAMES J OFFICER WN957	REPORTING OFFICER	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCS\SO REGION A PALM BEACH
01	C. KIRKLAND LIEUTENANT WN012	APPROVING SUPERVISOR	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCS\SO REGION A PALM BEACH

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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 narratives associated with this report:

Officer: Reporting Officer (Supplement01)

Officer Name BRODBECK, JAMES J	Office Rank OFFICER	Officer ID No WN957	Sworn and subscribed before me, the undersigned authority This the _____ day of _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			
Officer Signature 			

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