

Arrest Report

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

Report Date / Time 4/24/2022 05:49 PM	Report Number C-2625AB	Case Number/Cad Number FWC22ON0033576 / FWCS22IN0018074	Reporting Officer Name KYLE PATTERSON
Originating Agency ORI FL0508000	Occur Date Time Range 04/24/2022 17:15:19 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description LAKE BOCA RATON			
Street Number 399	Street S SPANISH TRL	Apt/Lot/Bldg FWC	City BOCA RATON	State FL	Zip Code 33432

Defendant

First Name GREGORY	Middle Name SCOTT	Last Name ATZ	Suffix	Race WHITE	Sex MALE	Height 509	Weight 180	Hair Brown	Eyes Blue
MNI #	SSN	Date of Birth 12/23/1977	Age 44	ID Type E	Drivers License or other ID A320297774830	State FL	OCA / Agency ID		
Place of Birth: NJ Burlington, New Jersey									
Address Lake Worth									
* RESIDENCE / 1030 SOUTH N STREET , FL 33460 /									

Arrest

Arrest Date/Time 4/24/2022 5:18:10 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description				
Street Number 399	Street S SPANISH TRL	Apt/Lot/Bldg FWC	County PALM BEACH	City BOCA RATON	State FL	Zip Code 33432

Charge : STATE STATUTE

Counts 1	Charge 327.35(1)(a)	Bond Amount \$0.00	☐ No Bond
Charge Degree SECOND DEGREE		Charge Level MISDEMEANOR	
General Offense Code		Arrest Offense Code DUI-UNLAW BLD ALCH	
Charge Description OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED			

Bond Set by Officer

Bond Amount	☐ No Bond
Bond Type(s)	

Probable Cause

On April 24, 2022, I, Investigator Kyle Patterson was on water patrol in Lake Boca in Palm Beach County. I

Arrest Report

[Handwritten signature]

SCANNED

APR 25 2022

Page 1 of 4

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initiated a stop on a vessel with three people on board. The subject wearing the blue shirt later identified as Gregory Atz was identified as the operator of the vessel. During the vessel stop Atz was not able to provide a whistle but was able to provide other safety equipment. During the vessel stop I could smell the odor of an alcoholic beverage coming from Atz. Atz had Modelo and Titos on the vessel. The vessel had multiple empty Modelos on the floor of the vessel. Atz had slurred speech and was not stable on the vessel.

I asked Atz to come aboard my vessel and he complied. I ask Atz if he had been drinking and he told me no. I advised him that I believed him to be under the influence of alcohol and ask him a second time and he admitted to drinking 1 or 2 beers. I ask him to perform field sobriety task, he complied and the results of the task were as follows:

The first task was the Horizontal Gaze Nystagmus
 Lack of smooth pursuit in both eyes
 Distinct and Sustained Nystagmus at Max Deviation in both eyes
 Onset of Nystagmus prior to 45 degrees in both eyes
 Vertical Nystagmus was present

The second task was the Finger to Nose
 Started at wrong time
 Did not close eyes
 Did not tilt head
 Opened eyes during the task
 Moved head during task
 1st left - not fingertip and missed tip of the nose
 1st right - Hesitated, not fingertip and missed tip of the nose
 2nd left - no clues
 2nd right - not fingertip
 3rd right - not fingertip
 3rd left - not fingertip

The third task was the Palm Pat
 Did not count as instructed
 Rolled hands
 Double pat
 Chopped pat
 Did not increase speed

The fourth task was the hand coordination
 Unable to follow instructions
 Started at the wrong time
 first task - Improper touch

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second task - did not perform
third task - improper touch and did not return left fist to chest

At 1516 hrs, I advised Atz that he was under arrest for boating under the influence. I turned over the vessel to Officer Dillon Hudson. We then transported Atz to Spanish River boat ramp. At the boat ramp I read Atz implied consent and asked Atz to submit to a sample of his breath. Atz refused and refused to sign the implied consent form.

I turned Atz over to Boca PD for transport to the jail.

My state issued body camera was on during this encounter.

End of report

Jail Booking Facility

Booking Date/Time 4/24/2022 05:55 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 PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court PALM BEACH COUNTY COURT AT GUN CLUB	Court Phone	Court Appearance Date / Time	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
KYLE PATTERSON SENIOR INV WN042	REPORTING OFFICER	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCSISO REGION AIST LUCIE

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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 KYLE PATTERSON	Office Rank SENIOR INV	Officer ID No WN042	Sworn and subscribed before me, the undersigned authority This the <u>24th</u> day of <u>April</u> , <u>2022</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT LT <u>CF NS79</u>
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION  Officer Signature			

☐ No Bill / Petition	☐ Issue Warrant	☐ Prosecution Approved	Signature of Assistant State Attorney	Date
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BOATING AND RESOURCE WARNING
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

W1248090



COUNTY OF
PALM BEACH (50)

CITY OF (IF APPLICABLE)
BOCA RATON (32)

DAY OF WEEK
SUNDAY

MONTH
APRIL

DAY YEAR TIME OF DAY
24 2022 06:26 PM

RECIPIENT

NAME (FIRST MIDDLE LAST)
GREGORY SCOTT ATZ
STREET
1030 SOUTH N STREET
CITY

LAKE WORTH BEACH

STATE ZIP CODE
FL 33460
TELEPHONE NUMBER DATE OF BIRTH & AGE RACE SEX HEIGHT
12/23/1977 44 W M 509

DRIVER LICENSE OR OTHER I.D. NUMBER
A320297774630
STATE TYPE OF I.D.
FL E

EXPIRES
12/23/2028

VESSEL

VESSEL REGNO STATE EXPIRES ON YEAR MAKE
FL6278RB FL 12/23/2022 2016 SPORTSMAN BOATS INC

VEHICLE

VEHICLE TAG STATE EXPIRES ON YEAR MAKE

LOCATION

367 S SPANISH TRL

N 26 20.8742

W 80 4.6022

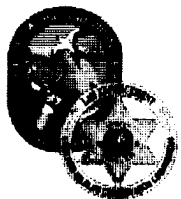
BOATING WARNINGS

Sound Producing Device: No Whistle

RANK / SIGNATURE AND IDENTITY OF OFFICER
SENIOR INV KYLE PATTERSON
COPY TYPE
RECIPIENT

Don't let a bad decision ruin a good day.
ORG / UNIT I.D. NUMBER
FWCS\ISO REGION AIST LUC WN042

NOT A CERTIFIED COPY



FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

FLORIDA BUI/DUI
IMPLIED CONSENT WARNING

DEFENDANT'S NAME: Gregory Scott Atz

CASE NO.: FWC22ON0033576

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

I am Kyle Patterson of the Florida Fish and Wildlife
(Officer's Name) (Agency)

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.
- ☐ 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.
- ☐ 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.

☒ **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

4/24/2022

DATE

5:45 Hrs

TIME

REFUSED TO SIGN

DEFENDANT'S SIGNATURE

Kyle Patterson

OFFICER'S NAME (PRINTED)

[Signature] NO42
OFFICER'S SIGNATURE

Field Sobriety Task Performance Report

Subject Name Atz

Start time

PRE-TASK QUESTIONS (select)

Do you have any physical defects or disabilities? ☐ Y ☒ N
 Do you have any defects with your eyes? ☐ Y ☒ N
 Are you sick or injured? ☐ Y ☒ N
 Are you under the care of a doctor or dentist? ☐ Y ☒ N
 Are you taking any medication or drugs? ☐ Y ☒ N

Notes:

GENERAL INSTRUCTIONS:

Please sit straight at the front edge of your seat. Put your arms down at your sides. Place your feet shoulder-width apart so you are comfortable and stable. Are you stable? (Response) Do not move your feet until the tasks are over. Stay in this position and do not do anything else until I tell you to do so. Do you understand? (Response)

HORIZONTAL GAZE NYSTAGMUS

Have the subject remove their eyeglasses, if worn.

Are you wearing contact lenses? ☐ Yes ☒ No

I am going to check your eyes. Hold your head still and follow the stimulus with your eyes only. Do you understand? (Response)

Elevate the stimulus about 12-15" from the subject's nose. Check for equal pupil size, resting nystagmus and equal tracking.

Clues

	Left	Right
Lack of smooth pursuit	☒	☒
Distinct & sustained nystagmus at max. deviation	☒	☒
Onset of nystagmus prior to 45-degrees	☒	☒

Total Clues

6

Vertical nystagmus: Yes ☒ No ☐

Evaluation Criteria: 4 or more clues

FINGER TO NOSE

• Make a fist with both hands, extend your index fingers and turn your palms forward. Remain in this position while I explain the task. (Demonstrate) Do you understand? (Response)

• When I say begin, tilt your head back to about a 45° angle and close your eyes. (Demonstrate)

• When I tell you to, touch the tip of your nose with the tip of your index finger and immediately return it to your side. (Demonstrate and explain the fingertip, pad and side of fingers and demonstrate touching tip of the nose)

• When I say right, you must touch your right index finger to your nose; when I say left, you must touch your left index finger to your nose. Do you understand? (Response)

• Begin. (After head tilt...) Left...Right...Left...Right...Right...Left (After performance...) Open your eyes and straighten your head.

Instruction Stage	Performance Stage		Left	Right	Left	Right	Right	Left	
Unable to follow instructions	☐ Did not close eyes	☒ Wrong hand	☐	☒	☐	☒	☐	☐	Wrong hand
	☐ Did not tilt head	☒ Wrong finger	☐	☒	☐	☒	☐	☐	Wrong finger
Started at wrong time	☒ Opened eyes during task	☒ Hesitated	☐	☒	☐	☒	☐	☐	Hesitated
		☒ Searched	☐	☒	☐	☒	☐	☐	Searched
	☒ Moved head during task (1" +)	☒ Not fingertip	☒	☒	☐	☒	☒	☒	Not fingertip
		☒ Missed nose	☒	☒	☐	☒	☐	☐	Missed nose
		☒ Did not bring down	☒	☐	☐	☐	☐	☐	Did not bring down

Total Clues

13

Evaluation Criteria: 9 or more clues

PALM PAT

• Place your hands palm to palm with one hand up and one hand down, like this. (Demonstrate) Remain in this position while I explain the task. Do you understand? (Response)

• When I tell you to begin, turn the top hand over and count out loud "one," then turn the hand back over and count out loud "two," counting only when the hands make contact, like this. (Demonstrate at least two sets)

• Repeat this, speed up as you go, and do not stop until told. Make sure to keep your hands and fingers parallel during each pat, like this. (Demonstrate)

• Do you understand? (Response) Begin. (If necessary, tell to speed up)

Instruction Stage

Unable to follow instructions ☐

Started at wrong time ☐

Performance Stage

Did not count as instructed ☒

Rolled hands ☒

Double pat ☒

Chopped pat ☒

Other improper pat (document) ☐

Did not increase speed ☒

Rotated hands ☐

Stopped before told ☐

Total Clues

5

Evaluation Criteria: 2 or more clues

HAND COORDINATION

• Make fists with both hands, place your left fist at the center of your chest and your right fist against your left fist, like this. (Demonstrate)

• Remain in this position while I explain the tasks. Do you understand? (Response)

• When I say begin, you must perform four tasks.

• The first task is to count out loud from one to four while you move your fists in a step-like fashion, making contact between your fists at each step. (Demonstrate while counting out loud 1, 2, 3, 4)

• The second task is to memorize the position of your fists after you have counted to four, clap your hands three times and return your fists to the memorized position. (Demonstrate)

• The third task is to move your fists in a step-like fashion in reverse order; counting out loud from five to eight and returning your left fist to your chest. (Demonstrate while counting out loud 5, 6, 7, 8)

• The fourth task is to open your hands with palms down and place them in your lap. (Demonstrate)

• Do you understand? (Response) Begin.

Instruction Stage

Unable to follow instructions ☒

Started at wrong time ☒

Performance Stage

Task 1 - Forward Steps

Improper count ☐

Improper touch ☒

Did not perform ☐

Task 2 - Hand Clapping

Improper count ☐

Improper touch ☐

Improper return ☐

Did not perform ☒

Task 3 - Return Steps

Improper count ☐

Improper touch ☒

Did not return left fist to chest ☒

Did not perform ☐

Task 4 - End Position

Improper position ☐

Did not perform ☐

Total Clues

5

Evaluation Criteria: 3 or more clues

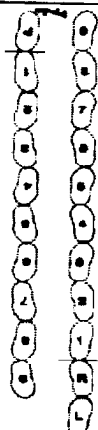
Field Sobriety Task Performance Report

Subject Name

Page 2

WALK AND TURN

- Place your left foot on the line with your right foot in front of the left foot, with the heel of the right foot touching the toe of the left. (Demonstrate)
- Place your arms at your sides. Maintain this position until I have completed the instructions. Do not start to walk until I tell you to do so. Do you understand? (Response)
- When I tell you to begin, take nine heel-to-toe steps, turn and take nine heel-to-toe steps back. (Demonstrate 3 heel-to-toe steps)
- When you turn, keep the front foot on the line and turn by taking a series of small steps with the other foot, like this. (Demonstrate)
- While you are walking, keep your arms at your sides, watch your feet at all times and count your steps out loud. Once you start walking, do not stop until you have completed the task. Do you understand? (Response)
- Begin.



Instruction Stage

Loses balance during instructions ☐

Starts before told ☐

Performance Stage

Stops while walking ☐

Does not touch heel-to-toe (1/2"+) ☐

Steps off line ☐

Uses arms to balance (6"+) ☐

Improper turn ☐

Wrong number of steps ☐

Total Clues

Cannot perform task (explain) ☐

Evaluation Criteria: 2 or more clues

Clues

Sways while balancing ☐

Uses arms to balance (6"+) ☐

Hopping ☐

Puts foot down ☐

Total Clues

Cannot perform task (explain) ☐

Evaluation Criteria: 2 or more clues

ONE LEG STAND

- Stand with your feet together and your arms at your sides, like this. (Demonstrate)
- Do not start until I tell you to. Do you understand? (Response)
- When I tell you to start, raise one leg, either leg, approximately six inches off the ground, keeping your raised foot parallel to the ground. (Demonstrate)
- You must keep both legs straight, arms at your sides. While holding that position, count out loud in the following manner: one thousand and one, one thousand and two, one thousand and three, and so on until told to stop.
- Keep your arms at your sides at all times and keep watching the raised foot. Do you understand? (Response)
- Begin. (30 seconds)

Phase I: Vessel in Motion – Document initial observations to describe vessel maneuvers or operator/occupant behaviors that may be associated with alcohol/drug influence prior to the stop. If no Phase I observations are made, describe initial contact.

Phase II: Personal Contact – Document observations made during face-to-face contact with the operator.

Operator Actions

- ☐ Cannot find registration/wallet
- ☐ Tries to conceal something
- ☐ Produces wrong documents
- ☐ Fumbles items
- ☐ Excessive movement
- ☐ Forgets to respond to request
- ☐ Incorrect answers
- ☐ Problem using fingertips
- ☐ Avoids eye contact
- ☐ Ignores questions
- ☐ Lights cigarette or eats/chews
- ☐ Angry/abusive language
- ☒ Admits to drinking
- ☐ Difficulty with safety equip.
- ☐ Unusual statements

Breath

- Alcoholic beverage:
 - ☒ Strong
 - ☐ Moderate
 - ☐ None
 - ☐ Marijuana
 - ☐ Breath mint/cover odor

Face

- ☐ Pale
- ☐ Flushed
- ☐ Sweating
- ☐ Sunburned
- ☐ Normal

Eyes

- ☐ Bloodshot
- ☐ Watery
- ☐ Glassy
- ☐ Dilated pupils
- ☐ Constricted pupils
- ☐ Droopy eyelids
- ☐ Normal

Unusual Actions

- ☐ Hiccupping
- ☐ Belching
- ☐ Vomiting
- ☐ Gagging/dry heaves
- ☐ Fighting
- ☐ Laughing
- ☐ Crying

Attitude

- ☐ Jovial
- ☐ Talkative
- ☐ Cooperative
- ☐ Indifferent
- ☐ Sleepy
- ☐ Profanity
- ☐ Combative
- ☐ Belligerent
- ☐ Insulting

Clothing

(describe)
blue shirt

Balance

- ☐ Normal
- ☐ Falling
- ☐ Supports against object
- ☐ Staggering
- ☐ Wide stance
- ☐ Swaying
- ☐ Sits down
- ☒ Unsteady
- ☐ Needs assistance

Notes:

Phase III – Pre-Arrest Screening – Document any other observations made during field sobriety evaluation to describe finding of probable cause to place subject under arrest for operating while impaired.

Officer: K Patterson

Agency: FWC

Case #: FWC22ON0033576

Date: 4/24/22

Location: Lake Boca

Subject Name: Gregory Atz

D/O/B: 12/23/1977

Height:

Weight:

Eyes:

Hair:

Gender: Male

Time of arrest: 1516

hours

Evidentiary breath test results:

and

completed @

hrs.

REFUSED ☒



**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:	

REVIEW COMPLETED BY

Booking Number: 2022010762

Date: 4/25/2022

Specialist Name/ID: Pinkneya/7796