

21mm 3029 AMB

J# 0522927

P# 2665



## Arrest Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION  
3200 NE 151 STREET  
MIAMI FL 33181

Report Date / Time 4/25/2021 09:27 PM	Report Number C-0272AB	Case Number/Cad Number FWCS21OFF011281 / FWCS21CAD020584	Reporting Officer Name POPE, CODY
Originating Agency ORI FLO488000	Occur Date Time Range 04/25/2021 19:07:49 -	Jurisdiction	Clearance

## Location of Occurrence

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

## Defendant

First Name JONATHAN	Middle Name	Last Name SABIA	Suffix	Race WHITE	Sex MALE	Height 6'00"	Weight 180	Hair BROWN	Eyes BROWN
MNI # FWC21MNI001929	SSN	Date of Birth 01/30/1988	Age 33	ID Type E	Drivers License or other ID S100420880300	State FL	OCA / Agency ID		
Place of Birth:	BUFFALO NY US								
Address * RESIDENCE / 11205 MISTY RIDGE WAY , BOCA RATON, FL 33473 / 561-376-9188									

## Arrest

Arrest Date/Time 4/25/2021 7:22:00 AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description LAKE BOCA				
Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
		FWC	PALM BEACH	BOCA RATON	FL	

## Charge : STATE STATUTE

Counts 1	Charge 327.35(1)(a)	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree SECOND 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

On Sunday, April 25th, 2021, at approximately 1915 hours, I Officer Cody Pope with the Florida Fish and Wildlife Conservation Commission, was on state water patrol in Palm Beach County near the South West side of Lake Boca when I observed a twin engine center console vessel plowing in a Slow Speed Minimum wake Manatee Zone.

Arrest Report

Op I H. D. Neal 7206

SCANNED  
APR 27 2021Reporting Boca Inlet  
OFFICER: MALTEA #811

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Originating Agency ORI <b>FL0488000</b>	Occur Date Time Range <b>04/25/2021 19:07:49 -</b>	Jurisdiction	Clearance

I approached the Florida registered vessel.

FL 7933PA  
2009  
26' SLP Vessel

The operator of the vessel was registered owner and identified by a photo on his Florida Drivers Licenses (S100-420-88-030-0) Mr. Jonathan Sabia.

I identified myself as State Law Enforcement and told Mr. Sabia I was going to conduct a vessel safety inspection. I immediately noticed that Mr. Sabia had drowsy blood shot eyes. There was also an odor of an unknown alcoholic beverage emitting from his person. I asked Mr. Sabia to show me a PFD on board for everyone, sound producing device, type 4 throw able floatation device, flares and fire extinguishers. Mr. Sabia was able to provide me with the correct amount of PFD's but could not provide me with a type four throw able device or fire extinguishers. Mr. Sabia searched his vessels aimlessly, checking the same compartments more than once and asking me to repeat and inform him on which safety gear I was requesting again.

At the end of the inspection, I asked Mr. Sabia if he could board my patrol vessel to preform some task to make sure he was safe to continue operating his vessel. Mr. Sabia stated he could and begin to climb aboard my vessel. I had to hold him upright so he would not fall into the water while he kept repeating "I'm Good, I'm Good".

Through pre-task questioning I found that he was not sick or injured, he is under the care of a doctor or dentist, not on any medication or drugs, did not have any physical defects or disabilities, did not have any defects with his eyes, and was not wearing contacts.

I read the instructions for the Horizontal Gaze Nystagmus (HGN) task and administered the task with the following observations:

- \*No resting nystagmus, equal pupil size, equal tracking of both eyes.
- \*Lack of smooth pursuit in the left eye (1) and in the right eye (2).
- \*Distinct and sustained nystagmus at maximum deviation in the left eye (3) and in the right eye (4).
- \*Onset of nystagmus prior to 45 degrees in the left eye (5) and in the right eye (6).
- \*Onset of nystagmus at approximately 35 degrees.
- \*Vertical nystagmus not present.

I observed a total of 6 clues on the HGN task. Mr. Sabia failed to keep his head still while preforming the task. Performance with 4 or more clues indicate impairment beyond the legal limit.

I placed Mr. Sabia in the starting position for the Finger to Nose (FTN) task, explained and demonstrated the task and administered the task in order of "left, right, left, right, right, left" with the following observations:

- \*Unable to follow instructions (1) for not remaining in the starting position.
- \*Started at the wrong time before being told.(2)
- \*Did not close eyes.(2)
- \*Did not tilt head.(3)
- \*Opened eyes during task.

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\*Moved head during task 1" +.(4)

\*First Left: searched (5) not fingertip (6) missed tip of nose (7).

\*First Right: not finger tip (8).

\*Second Left: not fingertip (9). Missed tip of nose (10).

\*Second Right: Not finger tip (11). Missed tip of nose (12).

\*Third Right: Not finger tip (13).

\*Third Left: not fingertip (14).

I observed a total of 14 clues to FTN task. Performance with 9 or more clues indicates impairment beyond the legal limit.

I placed Mr. Sabia in the starting position for the Palm Pat (PP) task, explained and demonstrated the task and administered the task with the following observations:

\*Unable to follow instructions for not remaining in the starting position

\*Started at the wrong time before being told.

\*Did not count as instructed.

\*Rolled hands. (1)

\*Chopped pat (2).

\*Other improper pat.

\*Did not increase speed (3).

I observed a total of 3 clues on the PP task. Performance with 2 or more clues indicates impairment beyond the legal limit.

I placed Mr. Sabia in the starting position for the Hand Coordination (HC) task, explained, demonstrated the task three times and administered the task with the following observations:

\*Unable to follow instructions for not remaining in the starting position. (1)

\*Started at the wrong time before being told.

\*Task 1: Improper touch (1).

\*Task 2: Improper count (2). Improper touch (3). Improper return (4).

\*Task 3: Improper count (5). Improper touch (6). Did not return left fist to chest (7).

\*Task 4: Improper position (8).

I observed a total of 8 clues on the HC task. Performance with 3 or more clues indicates impairment beyond the legal limit.

Mr. Sabia was placed under arrest for boating with normal faculties impaired. Mr. Sabia was transported by patrol vessel to Silver Palm Boat Ramp where he refused to provide a sample of his breath to determine his alcohol content. Mr. Sabia was then transported to Palm Beach Central Jail by Boca Raton PD.

Copies of Mr. Sabia's citations were left with the jail staff.

BWC is available upon request.

Nothing further.

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Booking Date/Time <b>4/25/2021 09:42 PM</b>	Booking County <b>PALM BEACH</b>	Booking Facility <b>MAIN DETENTION CENTER</b>	Booking Facility Phone <b>(561) 996-1699</b>
Booking Facility Location <b>3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406-3001</b>			Booking Number
Booking Comments			



#### Court

Court County <b>PALM BEACH</b>	Court Location <b>3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406</b>		
Court <b>PALM BEACH COUNTY COURT AT GUN CLUB</b>	Court Phone	Court Appearance Date / Time <b>05/26/2021 1:30 PM</b>	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
<b>POPE, CODY</b> <b>OFFICER</b> <b>WP288</b>	<b>PRIMARY /</b> <b>REPORTING OFFICER</b>	<b>FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION</b> <b>FWCSISO REGION BIDADE</b>

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 <b>POPE, CODY</b>	Office Rank <b>OFFICER</b>	Officer ID No <b>WP288</b>	Sworn and subscribed before me, the undersigned authority This the <u>25</u> day of <u>APRIL</u> , <u>2021</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT  
Officer Agency <b>FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION</b>			
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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**STATE OF FLORIDA  
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION  
DIVISION OF LAW ENFORCEMENT**



**REFUSAL TO SUBMIT TO BREATH, URINE OR BLOOD TESTING**

In the County Court of the 15th Palm Beach Judicial  
Circuit in and for Palm Beach County, Florida

STATE OF FLORIDA  
(PLAINTIFF)

Uniform Boating Citation No.

V671851

Jonathan Sabia  
DEFENDANT

**AFFIDAVIT**

I, Cody Pope P288, a law enforcement officer, who having been duly sworn, certify and state the following:

1. That on Sunday, April 25th, 2021 at 8:00 ☐ AM ☒ PM probable

cause existed to arrest the above named Defendant for a violation of section 327.35, Florida Statutes, as set forth in the attached narrative which is incorporated by references as if set forth fully herein.

2. That on that date and that time:

☒ The Defendant was under lawful arrest for an offense committed while the Defendant was operating a vessel while under the influence of alcoholic beverages, chemical substances, or controlled substances, and the Defendant was requested to submit to a ☒ breath test, ☐ urine test, or ☐ both a breath and a urine test;

or  
☐ The Defendant had appeared for treatment at a hospital, clinic, or other medical facility, the administration of a breath or urine test was impractical or impossible, and the Defendant was requested to submit to a blood test.

3. The Defendant was advised of both the penalties for a failure to submit to the blood, breath or urine test and the procedure for requesting a hearing.

4. The Defendant refused to submit to the ☐ blood, ☒ breath, or ☐ urine test(s).

**FURTHER AFFIANT SAYETH NOT.**

Cody Pope P288  
Officer's Signature ID No

FWC  
Law Enforcement Agency

8535 North Lake Blvd

Mailing Address

West Palm Beach FL 33412  
City State Zip Code

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 25 DAY

OF April, 2021

[Signature] Notary Public or Attesting Officer

☐ Personally known to me

☒ Produced Work  
as Identification

**Distribution:**

Original	File with the Clerk of the County Court - Attach a probable cause narrative and a copy of the Uniform Boating Citation
2 <sup>nd</sup> White	File with the Clerk of the County Court - (Disposition and Abstract of Court Record)
Blue	Mail to: FWC - Law Enforcement Records Section, 620 South Meridian Street, Tallahassee, FL 32399-1600
Yellow	Violator Copy
Pink	Retained by Office/Agency