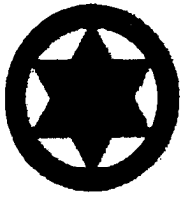


J-0514270

P-831
20MM833 MB



Arrest Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
1937 BANANA GROVE ROAD
MOORE HAVEN, FL.

Report Date / Time 1/25/2020 11:38 PM 2338 JB	Report Number C-8950AA	Case Number/Cad Number FWSA20OFF000947 / FWSA20CAD001775	Reporting Officer Name BRODBECK, JAMES J
Originating Agency ORI FL0488008	Occur Date Time Range 01/25/2020 21:17:12 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description INLET BOYNTON
Street Number S OCEAN BLVD	Apt/Lot/Bldg FWC	City LAKE WORTH
State FI	Zip Code 33462	

Defendant

First Name MICHAEL	Middle Name WILLIAM	Last Name RUHLANDER	Suffix	Race WHITE	Sex MALE	Height 6'05"	Weight 210	Hair BLACK	Eyes GREEN
MNI #	SSN	Date of Birth 10/06/1963	Age 56	Place of Birth BALTIMORE MD USA	Drivers License or other ID R453559633660	State FL	ID Type E	Address * RESIDENCE / 503 S 11TH STREET , LANTANA, FL 33462 /	

Arrest

Arrest Date/Time 1/25/2020 9:42-12 PM 232 JB	Arrest Location Type ICW NORTH OF BOYNTON INLET	Arrest Location Description
Street Number S OCEAN BLVD	Apt/Lot/Bldg FWC	County PALM BEACH
City LAKE WORTH	State FI	Zip Code 33462

Charge : STATE STATUTE

Counts 1	Charge 327.35(1) a) JB	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 of Alcohol
 II. WHEN: Saturday, January 25, 2020 approximately 2115 hours
 III. WHERE: Boynton Inlet, Palm Beach County
 IV. WHO: Michael W. Ruhlander 10/06/1963
 503 S. 11th St., Lantana, FL 33462

Arrest Report

Page 1 of 3

Dunn 69/10

FILED
 JAN 26 2020
 CIRCUIT & COUNTY COURTS
 (CRIMINAL DIV.)

Report Date / Time 1/25/2020 11:38 PM	Report Number C-8950AA	Case Number/Cad Number FWSA20OFF000947 / FWSA20CAD001775	Reporting Officer Name BRODBECK, JAMES J
Originating Agency ORI FL0488000	Occur Date Time Range 01/25/2020 21:17:12 -	Jurisdiction	Clearance

V. Other information Relating to BUI
2018 White 28 Mako, twin Mercury outboards, FL 9909 RT

VI. DETAILS OF DUI/BUI

A. Phase 1 – Initial Observation of vehicle/vessel in operation

On Saturday, January 25, 2020 at approximately 2115 hours, I, Officer James Brodbeck of the Florida Fish and Wildlife Conservation Commission (FWC), was on marked vessel patrol near Boynton Inlet in the Intracoastal Waterway (ICW). Also on board was FWC Officer M. Luna. While northbound at slow speed, while displaying proper navigation lights and on the east side of the marked channel, I observed a northbound vessel behind us operating at a high rate of speed. The vessel traveled outside the marked channel to the east to pass on my starboard side, against standard navigational rules. I activated my vessel emergency lights to initiate a vessel stop to address the violation.

B. Phase 2 – Personal Contact with driver/operator of vehicle/vessel

Upon contacting the operator of the vessel, identified by Florida Driver's License as MICHAEL W RUHLANDER, I detected the strong odor of an unknown alcoholic beverage emitting from his breath. I observed that his speech was slurred and that his eyes were bloodshot and glassy. Based on my observations, I asked RUHLANDER if he would complete Standardized Field Sobriety Tasks (Seated Battery) and he agreed.

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

HGN: During Horizontal Gaze Nystagmus, RUHLANDER 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.

FTN: During Finger to Nose, Instruction Stage, RUHLANDER did not remain in the demonstrated position. RUHLANDER began the task before being told to do so. During the Performance Stage, on the first left, RUHLANDER made contact with the underside of his nose using the pad of the finger. On the first right, RUHLANDER made contact with his upper lip (moustache) with the pad of the finger. On the second right, RUHLANDER made contact with the tip of the nose with the middle of his finger. On the third right, RUHLANDER made contact with the pad of his finger. On the third left, RUHLANDER made contact with the pad of his finger.

PP: During Palm Pat, Instruction Stage, RUHLANDER began the task before being told to do so. During the performance stage, RUHLANDER was counting before the hands made contact as instructed and opened and closed his hands like a book once he was instructed to speed up.

HC: During Hand Coordination, Instruction Stage, RUHLANDER began the task before being told to do so. During the Performance Stage, Task 1, RUHLANDER had improper touches by dragging his fists against each other. During Task 2, RUHLANDER brought his fists back together with his right fist closest to his chest. During Task 3, RUHLANDER counted 5 without moving his fists (improper count). RUHLANDER did not bring his left fist back to his chest before proceeding to Task 4.

Report Date / Time 1/25/2020 11:38 PM	Report Number C-8950AA	Case Number/Cad Number FWSA20OFF000947 / FWSA20CAD001775	Reporting Officer Name BRODBECK, JAMES J
Originating Agency ORI FL0488000	Occur Date Time Range 01/25/2020 21:17:12 -	Jurisdiction	Clearance

D. Arrest of Driver/Operator

At 2142 hours, I placed RUHLANDER under arrest for suspicion of BUI. RUHLANDER was charged with the following violations:

F.S. 327.35 – BUI Normal Faculties Impaired

F.S. 327.35215 – Refusal to Provide Lawful Sample of Breath, Urine, or Blood

E. Disposition of Driver and vehicle/vessel

RUHLANDER was transported by vessel and vehicle to the Palm Beach County Jail, Main Detention Center, arriving at 2255 Hours. At the Breath Alcohol Testing Center, RUHLANDER refused to provide a breath sample after being read Implied Consent. The vessel was turned over to BRADLEY N COMPANY, identified by Florida Driver's License, at the request of RUHLANDER. The vessel was safely brought to the Lantana boat ramp.

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 (561) 688-4640	Court Appearance Date / Time 02/26/2020 1:30 PM	Court Fine
Comments			

Officer Name Rank / ID # BRODBECK, JAMES J OFFICER WN957	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWSAISO REGION A/PALM 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 BRODBECK, JAMES J	Office Rank OFFICER	Officer ID No WN957	Sworn and subscribed before me, the undersigned authority This the <u>26</u> day of <u>JANUARY</u> <u>2020</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			<i>[Signature]</i> p228
Officer Signature <i>[Signature]</i> WN957			

**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 Judicial Circuit in and
for PALM BEACH

STATE OF FLORIDA
(PLANTIFF)
V.
RUHLANDER, MICHAEL WILLIA
DEFENDANT

Uniform Boating Citaion Number
V649918

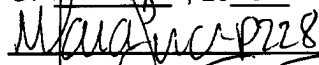
AFFIDAVIT

I, BRODBECK, JAMES J, a law enforcement officer, who having been duly sworn, certify and state the following:

1. That on Sunday, January 26, 2020 at 12:13 am 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 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, 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.

 WN957
Officer's Signature ID Number
Florida Fish and Wildlife Conservation Commission

SWORN TO AND SUBSCRIBED BEFORE ME THIS <u>26</u> DAY OF <u>January</u> , 20 <u>20</u> <u></u> Notary Public or <u>Attesting Officer</u> <input checked="" type="checkbox"/> Personally known to me <input type="checkbox"/> Produced _____ as Identification

**ABSTRACT OF COURT RECORD AND
REPORT OF DISPOSITION**

MUST BE REPORTED WITHIN 10 DAYS AFTER FINAL ADJUDICATION TO:
FWC LAW ENFORCEMENT RECORDS SECTION
620 S. MERIDIAN STREET
TALLAHASSEE, FL 32399-1600

I. ACTION BY COUNTY COURT CLERK, NO HEARING:

Paid Civil penalty of \$500.00 DATE RECEIVED

30 days has elapsed without receipt of the \$500 Civil Penalty or a request for a hearing before a County Court Judge. The Civil Penalty is sustained and the defendant's vessel operating privilege is suspended by operation of law pending payment of the \$500 Civil Penalty.

II. ACTION BY COUNTY COURT WHERE HEARING IS ELECTED:

The \$500.00 Civil Penalty was:

Sustained

Dismissed

III. COURT INFORMATION:

County: _____ City: _____

Presiding Judge: _____

IV. BOAT OPERATING PRIVILEGE ACTION:

Suspended Pending Payment of \$500.00 Civil Penalty

Reinstated upon payment in full of \$500.00 Civil Penalty – DATE RECEIVED

Not Affected - Civil Penalty Dismissed

V. THE DATE BELOW MUST BE ENTERED ON ALL DISPOSITIONS:

Final Adjudication or Action on _____ by County Clerk
DATE

Submitted on _____ to FWC/DLE Records Section
DATE

By: _____
SIGNATURE OF PERSON SUBMITTING REPORT TITLE



**PALM BEACH COUNTY SHERIFF'S OFFICE
DUI TESTING FACILITY
INFORMATION SHEET**

PBSO CASE # 20-030479 PBSO ZONE 6-32

AGENCY CASE # FWSA260FF000947 CRASH CASE # _____

TIME OF STOP/CRASH 2:17 DATE 1/25/20 DAY SATURDAY

SUBJECT'S NAME MICHAEL W. KUHLENDER RACE W SEX M

HGT 6'5" WGT 210 DOB 10/06/1963

LOCATION 1CW NORTH OF BOYNTON INLET

ARRESTING OFFICER'S NAME & ID J. BRODBECK N957 AGENCY FWC

DIVISION: SRA

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 2255

BREATH RESULTS:

Arrest Time 2142

1. REFUSED
2. _____
3. _____
4. _____

TESTING OFFICER'S ID 24639

NOT A CERTIFIED COPY

SUBJECT: ROTHMUND, MICHAEL W 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 ^{VEHICLE} ~~MOTOR VEHICLE~~ AT THE TIME OF THE STOP/ACCIDENT? _____

WHERE WERE YOU GOING? _____

WHAT ^{STREET OR} ~~STREET OR~~ HIGHWAY 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: _____

SUBJECT: BULLINGER, MICHAEL W 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.

SUSPECT'S SIGNATURE: (X) READ ON CAMERA



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	<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"/>	782.04 (FS)	Other: Witness	
	<input type="checkbox"/>	415.107 (1)	Other: In order to protect the rights of the individual or other persons responsible for the welfare of a vulnerable adult, all records concerning reports of abuse, neglect, or exploitation of the vulnerable adult.	

REVIEW COMPLETED BY

Booking Number: 2020002819	Date: 1/26/2020
	Specialist Name/ID: M. Tooks #8557

COURT RECORD

Case No.: _____ Hearing Docket No.: _____ Page No.: _____

DATE	<u>Court Action and Other Orders</u>
	<input type="checkbox"/> Payment of \$500.00 received; or <input type="checkbox"/> Hearing requested
	Continuance to: _____ Reason: _____ _____
	Continuance to: _____ Reason: _____ _____
	Other: _____
	\$500.00 civil penalty is: Sustained <input type="checkbox"/> Dismissed <input type="checkbox"/>

JUDGEMENT and ORDER

After hearing the evidence presented in this manner and duly considering the same, the court finds that the Defendant, _____, did unlawfully refuse to submit to chemical testing of his/her blood, breath, or urine, in violation of section 327.35215, Florida Statutes. The \$500.00 civil penalty is sustained.

IT IS, THEREFORE, the Judgment and Order of this Court that you, the Defendant, pay a civil penalty of \$500.00 within _____ days and that you refrain from operating any vessel upon the waters of this state until the \$500.00 civil penalty is paid in full.

DONE, ADJUDGED, and ORDERED in open Court at _____
Florida, this _____ day of _____, 20____, A.D.

Judge: _____

Testimony, Judge's Notes, or other Court Orders: _____

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

FLORIDA BUVDUI
IMPLIED CONSENT WARNING

DEFENDANT'S NAME RUHLANDER, MICHAEL WILLIAM CASE NO: FWSA200FF000947

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 substances.

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 BRODBECK, JAMES J of the Florida Fish and Wildlife Conservation Commission
OFFICER'S NAME

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

1/25/2020
DATE

2317
TIME

[Signature]
DEFENDANT'S SIGNATURE

JAMES BRODBECK
OFFICER'S NAME (PRINTED)

[Signature] 1957
OFFICER'S SIGNATURE