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Arrest Report

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

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
9/25/2022 04:53 PM	C-5026AB	FWC22ON0084811 / FWCS22IN0041940	MORGAN, DAVID

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0508000	09/25/2022 15:37:04 -	

OBTS Number	Other Number	Clearance

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	PUBLIC PLACE	ICW S OF BLUE HERON BRIDGE

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
	ICW S OF BLUE HERON BRIDGE	FWC	RIVIERA BEACH	FL	

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
JAMES	RAPHAEL	SAINT MARIE		WHITE	MALE	6'02"	195	BROWN	BLUE

MNI #	SSN	Date of Birth	Age	ID Type	Drivers License or other ID	State	OCA / Agency ID
	[redacted]	07/17/1989	33	E	S535456892570	FL	

Place of Birth:	LANSING MI USA

Address
* RESIDENCE / 217 VIA D ESTE APT 1809 , DELRAY BEACH, FL 33445 /

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
9/25/2022 15:53:06	PUBLIC PLACE	ICW S OF BLUE HERON BRIDGE

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
	ICW S OF BLUE HERON BRIDGE	FWC	PALM BEACH	RIVIERA BEACH	FL	

Charge : STATE STATUTE

Counts	Charge	Bond Amount	
1	327.35(1)(c)	$0.00	☐ No Bond

SEP 25 PM 7:12

Charge Degree	Charge Level
SECOND DEGREE	MISDEMEANOR

General Offense Code	Arrest Offense Code
PRINCIPAL	DUI-UNLAW BLD ALCH

Charge Description
OPERATING A VESSEL ~~WHILE NORMAL FACULTIES IMPAIRED~~ BAC .08 or above

Administrative Code - Description
-

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H.G. Mm SAO

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Bond Set by Officer

Bond Amount	☐ No Bond

Bond Type(s)

Probable Cause

On 09/25/2022 at approximately 1537 hours I, Officer David Morgan of Florida Fish and Wildlife Conservation Commission (FWC), and Officer Austin Gilmore with FWC were on water-based patrol around Peanut Island located in Palm Beach County inside of Palm Beach inlet. We observed a vessel operating northbound inside the IntraCoastal Waterway (ICW) on the north side of Peanut Island. We initiated a vessel stop to conduct a vessel safety inspection.

Upon contact with the vessel operator, later identified as James Raphael Saint Marie, FL DL# S535456892570 DOB 07/17/1989, I noticed that Saint Marie had a slight odor of alcohol on his breath with slurred words when he talked during the stop. Saint Marie also had glassy, red eyes with slightly droopy eyelids. Saint Marie also had slow coordination when asked to retrieve safety equipment on the vessel. I explained to Saint Marie the reason for the stop was to make sure the vessel had the proper safety equipment. I asked for PFDs for people onboard, 8 people onboard, and Saint Marie provided more than 8 even after counting 8 people onboard. I asked Saint Marie where he was heading, and he stated he was going back to Boca Raton. The vessel Saint Marie was operating was heading northbound in the opposite direction of Boca Raton.

I asked Saint Marie if he would perform Seated Standardized Field Sobriety Tasks (SFSTs) to determine if he was impaired. Saint Marie consented to perform Standardized Field Sobriety Tasks (SFSTs). I had Saint Marie board my vessel to begin Seated SFSTs.

I administrated the Horizontal Gaze Nystagmus (HGN), Finger to Nose, Palm Pat, and Hand Coordination tasks in that standardized order.

During the HGN task Saint Marie showed clues in both eyes. Lack of smooth pursuit, distinct and sustained nystagmus at max deviation and onset of nystagmus prior to 45-degree. Saint Marie also showed vertical nystagmus. Saint Marie had 6 clues for the task. 4 or more clues indicate impairment.

The next task Saint Marie performed was the Finger to Nose. I started by reading the instructions for the task. When told to begin performing the task he had to be reminded to tilt his head back and close his eyes. I re-read the instructions so Saint Marie could understand the task. He confirmed he did. On the first left he missed the tip of his nose (underneath tip of nose). On the first right did not use his fingertip (pad of his index finger) and missed tip of nose (underneath tip of nose). On the second left he did not use his fingertip (pad of his index finger) and missed tip of nose (underneath tip of nose). On the second right he did not use his fingertip (pad of his index finger) and missed tip of nose (underneath tip of nose). On third right did not use his fingertip (pad of his index finger. On the third left he used did not use his fingertip (pad of his index finger) and missed the tip of his nose

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(side of tip of nose). Saint Marie had 11 clues for this task. 9 or more clues indicate impairment.

The third task I conducted was the Palm Pat. I explained the task instructions and demonstrated the exercise. Saint Marie was unable to follow instructions by remaining in the instructed position while the task was explained. I told Saint Marie to begin the task after reading the instructions to him. During the performance of the task Saint Marie showed clues of rolled his top hand when turning over, rotated his top hand so it did not remain parallel, other improper pat by touching side of palms together during rotation and did not increase speed until told to do so. In total Saint Marie demonstrated 5 total clues on Palm Pat. 2 or more clues would indicate impairment.

The fourth task I conducted was the Hand Coordination. I explained the task instructions and demonstrated the exercise. I told Saint Marie to begin after explaining the instructions. On the 1st task (Forward Steps) Saint Marie performed with improper count (did not count 1-4 during step motion) and improper touch (did not make step motion for every count). On the 2nd task (Hand Clapping) Saint Marie did not perform the task (skipped hand clap completely). On the 3rd task (Return steps) Saint Marie performed with improper count (did not count 5-8 during the return step motion, counted 1-4 again) and improper touch (touched the top of his fist during the steps back towards his chest). On the 4th task (End position) he ended in the correct position. In total Saint Marie demonstrated 6 clues on Hand Coordination. 3 or more clues would indicate impairment.

At the conclusion of the SFSTs, Saint Marie was arrested for operating a vessel under the influence with normal faculties impaired at 1553 hours.

I transported Saint Marie to Palm Beach County Main Jail at 1640 hours in my patrol vehicle. At the jail, Saint Marie provided breath samples at 1709 and 1712 hours, respectively. Saint Marie's samples were .171 g/210 L and .157 g/210L, respectively. Saint Marie answered questions, post-Miranda.

Saint Marie was issued the following citations:

Citation 1: V763060
327.50(1)(a): No fire extinguisher

Citation 2: V763061
328.48(4): No current/valid certificate of registration on board

Citation 2: V763062
327.35(1)(c): Operating a vessel with an unlawful breath alcohol level of .08 or higher

Saint Marie, due to both a breath-alcohol level of 0.15 or higher and was accompanied in the vessel by a person

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under the age of 18 years, shall upon conviction, be in violation of:

F.S 327.35(4) --- Any person who is convicted of a violation of subsection (1) and who has a blood-alcohol level or breath-alcohol level of 0.15 or higher, or any person who is convicted of a violation of subsection (1) and who at the time of the offense was accompanied in the vessel by a person under the age of 18 years, shall be punished:

(a) By a fine of:

1. Not less than $1,000 or more than $2,000 for a first conviction.
2. Not less than $2,000 or more than $4,000 for a second conviction.
3. Not less than $4,000 for a third or subsequent conviction.

(b) By imprisonment for:

1. Not more than 9 months for a first conviction.
2. Not more than 12 months for a second conviction

All above events were captured on agency issued body worn camera and uploaded to the agency server.

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Jail Booking Facility

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

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

Booking Comments

Court

Court County	Court Location
PALM BEACH	3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406

Court	Court Phone	Court Appereance Date / Time	Court Fine
PALM BEACH COUNTY COURT AT GUN CLUB	(561) 355-2996	11/10/2022 0830AM	

Comments

Officer Name / Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
MORGAN, DAVID OFFICER WP224	REPORTING OFFICER	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCS\SO REGION A\PALM BEACH

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
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OBTS Number	Other Number	Clearance

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	Office Rank	Officer ID No
MORGAN, DAVID	OFFICER	WP224

Officer Agency

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Officer Signature WP224

Sworn and subscribed before me, the undersigned authority

This the 25th day of September, 2022

DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

P506

○ 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 # 22-112700 PBSO ZONE 3-13

AGENCY CASE # FWC220N@04811 CRASH CASE #

TIME OF STOP/CRASH 1537hrs DATE 9/25/22 DAY SUNDAY

SUBJECT'S NAME James R Saint Marie RACE W SEX M

HGT 6'2" WGT 195lbs DOB 7/17/1989

LOCATION Intra Coastal Waterway (ICW), South of Blue Heron Bridge

ARRESTING OFFICER'S NAME & ID Todd Morgan #224 AGENCY FWC

DIVISION: LE

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 1640

Arrest Time 1553hrs

BREATH RESULTS:

1. .171
2. .157
3. N/A
4. N/A

TESTING OFFICER'S ID 24639

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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: 80-006240 Software: 8100.27
Date of Test: 09/25/2022

Date of Last Agency Inspection: 09/16/2022
Observation Period Began: 16:41
Subject's Name: JAMES R SAINT MARIE DOB: 07/17/1989 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	17:07
Air Blank	0.000	17:07
Control Test	0.081	17:08
Air Blank	0.000	17:08
Subject Sample #1	0.171	17:09
Air Blank	0.000	17:10
Air Blank	0.000	17:11
Subject Sample #2	0.157	17:12
Air Blank	0.000	17:12
Control Test	0.080	17:13
Air Blank	0.000	17:13
Diagnostics Check	OK	17:13

Cylinder Lot: 08622080A1
Exp: 06/05/2024

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 PARIS D POUND, 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: _____ Date: 09/25/22
Signature

Sworn to (or affirmed) before me this 25 day of September, 2022

_____ P224 _____ OFC. D. MORGAN
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.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007

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TESTING FACILITY TASK REPORT

AGENCY: FFWC

SUBJECT: SAINT MARIE, JAMES R

CASE NUMBER: 22-112700

DATE: Sep 25, 2022

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 17:04

ENDING TIME: 17:19

BREATH TESTS RESULTS: 1) .171 TIME 17:09 A.M.☐ P.M.☒ 2) .157 TIME 12:12 A.M.☐ P.M.☒

3) N/A TIME N/A A.M.☐ P.M.☐ 4) N/A TIME N/A A.M.☐ P.M.☐

BREATH OPERATOR: P.POUND #24639

MAINTENANCE TECHNICAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: PRONOUNCED

ATTITUDE: CALM, QUIET

CLOTHING: BLUE / ORANGE / WHITE SHORTS , GRAY T- SHIRT , NO SHOES

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

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COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 16:41 HRS.

SUBJECT: AGREED TO TAKE TEST

A/O: READ RIGHTS

SUBJECT: STATED HE UNDERSTOOD RIGHTS

TECH: READ TEST RESULTS

SUBJECT: STATED HE UNDERSTOOD TEST RESULTS

A/O: CONDUCTED Q&A

SUBJECT: ANSWER QUESTIONS

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

IMPLIED CONSENT WARNING FOR BREATH (BUI)

DEFENDANT'S NAME: James R Saint Marie CASE NO: FWC22ON00848111

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

Will you take the test? YES ☒ NO ☐

NOTE: *READ THE BELOW ONLY IF THE ANSWER TO THE ABOVE IS "NO." If the answer to the above is "YES," move to and complete the signatures section of this document.*

If you refuse to submit to the test I have requested of you, it will result in a civil penalty of $500. Additionally, if you refuse to submit to the test I have requested of you and you have been previously fined under section 327.35215, Florida Statutes, or if your driving privilege has been previously suspended for refusal to submit to a lawful test of your breath, urine, or blood you will be committing a misdemeanor, in addition to any other penalties which can be imposed by law. Refusal to submit to the test I have requested is admissible into evidence in any criminal proceeding.

In ADDITION to the above, read this statement ONLY if the person is under the age of 21:

Furthermore, if you refuse to submit to this test, you will be required to complete 50 hours of community service and your privilege to operate a vessel will be suspended until the community service is performed.

Do you understand what I have just read to you? YES ☐ NO ☐
Do you still refuse to submit to this test? YES ☐ NO ☐

SIGNATURES

Date read: 9/25/22 Time read: 1705 hrs Location read: Main Jail Booking

OFFICER'S NAME (printed): T. D. Morgan

OFFICER'S SIGNATURE: [signature] P224

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FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT
OPERATOR APPRAISAL & INTERVIEW

DEFENDANT'S NAME: James R Saint Marie CASE NO. FWC2005084611

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. If you consent to answer questions now, without a lawyer present, you will still have the right to stop answering at anytime.

1. Do you understand each of these rights? ☒ YES ☐ NO
2. With these rights in mind, do you wish to talk to us now? ☒ YES ☐ NO

Defendant's Signature: In custody

Were you operating a vehicle/vessel? YES	Where were you going? Peanut to Delray
Was the vehicle/vessel in good condition? If No, → Yes	What is wrong with it? N/A
What road/waterway were you on? ICW	Where were you coming from? Peanut Island
What time did you leave there? 1530 hrs	Without looking at a watch or clock, what time is it now? 1630 Actual Time: 1715 hrs
What is today's date? Sept 25th Actual Date: 9/25	What day of the week is it? Sunday Actual Day: Sunday

When did you last eat? 0600 hrs	What did you eat? OATMEAL	Where did you last eat? House
What have you been drinking? 5 Seltzers	How much have you been drinking? 6	Where have you been drinking? Peanut Island
Who were you drinking with and were they drinking? Friends, Peanut Island, Yes they		What time did you start drinking? 1000 hrs
What time did you stop drinking? 1400 hrs	Do you feel the effects of alcohol (or drugs)? NO	Do you feel that you are impaired? Slightly
Were you involved in an accident today? No	When did you last sleep? Last night	How much sleep did you get? 10+ hrs

Are you currently under the care of a doctor or dentist? For what?
Yes, routine care

Have you used any type of drugs recently, prescription, non-prescription or otherwise?
No

If so, what kind of drug did you take? What was your last dose and when?
N/A

Do you think you should have been operating a vehicle/vessel? Yes	If yes, Why? Felt could operate to Delray Beach

Interviewing Officer's Signature — Interviewing Officer's Name (Printed): David Morgan

FWCDLE 108E (11/05)

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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: 2022025189	**Date:** 9/26/2022
	Specialist Name/ID: M. Tooks #8557