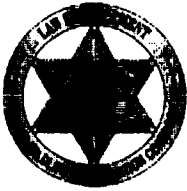


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Arrest Report

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

Report Date / Time 7/3/2022 05:58 PM	Report Number C-8246AA	Case Number/Cad Number FWC22ON0058020 / FWCS22IN0027486	Reporting Officer Name MORGAN, DAVID
Originating Agency ORI FL0508000	Occur Date Time Range 07/03/2022 17:29:28 -	Jurisdiction	
OBTs Number	Other Number	Clearance	

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description S OF BLUE HERON BRIDGE	
Street Number	Street N PEANUT ISLAND	Apt/Lot/Bldg FWC	City RIVIERA BEACH
		State FL	Zip Code

Defendant

First Name JOHN	Middle Name PETER	Last Name KERN	Suffix JR	Race WHITE	Sex MALE	Height 6'03"	Weight 170	Hair BLONDE	Eyes UNKNO WN
MNI #	SSN	Date of Birth 05/31/2002	Age 20	ID Type E	Drivers License or other ID K650475021910	State FL	OCA / Agency ID		
Place of Birth:		NORTH PALM BEACH FL USA							
Address * RESIDENCE / 12021 OSCEOLA ROAD , NORTH PALM BEACH, FL 33408 /									

Arrest

Arrest Date/Time 7/3/2022 17:27:16	Arrest Location Type PUBLIC PLACE	Arrest Location Description S OF BLUE HERON BRIDGE	
Street Number	Street N PEANUT ISLAND	Apt/Lot/Bldg	County PALM BEACH
		City RIVIERA BEACH	State FL
		Zip Code	

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 PRINCIPAL	Arrest Offense Code DUI-UNLAW BLD ALCH		
Charge Description OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED		JUL 3 PM 9:36	
Administrative Code - Description			

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Bond Set by Officer

☐ Bond Amount ☐ No Bond
Bond Type(s)

Probable Cause

On 7/3/2022 at approximately 1715 hours I, Officer David Morgan of Florida Fish and Wildlife Conservation Commission (FWC), and United States Coast Guard station Lake Worth were on water-based patrol around Peanut Island located in Palm Beach County inside of Palm Beach inlet. We observed a vessel operating on the displaying Florida dealer registration while using the vessel recreational. This is improper use of dealer registration. We initiated a vessel stop to address the violation.

Upon contact with the vessel operator, later identified as John Peter Kern Jr, FL DL# K65047502191 DOB 05/31/2002, I noticed that Kern had a slight odor of alcohol on his breath and glassy eyes. I explained to Kern the reason for the stop. When asked if he had consumed any alcohol today, due to the fact he was showing clues of impairment while under the legal age (21) of alcohol consumption, Kern replied he had consumed some alcoholic drinks.

I asked Kern if he would perform Seated Standardized Field Sobriety Tasks (SFSTs) to determine if he was impaired. Kern consented to perform Standardized Field Sobriety Tasks (SFSTs). I had Kern board the USCG 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 Kern showed clues in both eyes. Lack of smooth pursuit as well as distinct and sustained nystagmus at max. Kern had 4 clues for the task. 4 or more clues indicate impairment.

The next task Kern performed was the Finger to Nose. I started by reading the instructions for the task. When told to begin performing the task and after he tilted his head back and closed his eyes, Kern started performing Finger to Nose without being told which hand to use. During the performance of the task, Kern had to be told to keep his eyes closed. On the first left, he did not use his fingertip (used pad of his index finger) and did not bring his hand down. On the first right, he searched his nose for the tip of his nose, did not use his fingertip (used pad of his index finger) did not bring his hand down after touching his nose. On the second left he did not bring his hand down after touching his nose. On the second right he searched, did not use his fingertip (used pad of his index finger), missed the tip of his nose (side of nose) and did not bring his hand down after touching his nose. On third right did not use his fingertip (used pad of his index finger) and did not bring his hand down after touching his nose. On the third left he used did not use his fingertip (used pad of his index finger) and missed the tip of his nose (side of nose). Kern had 17 clues for this task. 9 or more clues indicate impairment.

Report Date / Time 7/3/2022 05:58 PM	Report Number C-8246AA	Case Number/Cad Number FWC22ON0058020 / FWCS22IN0027486	Reporting Officer Name MORGAN, DAVID
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The third task I conducted was the Palm Pat. I explained the task instructions and demonstrated the exercise. I told Kern to begin the task after reading the instructions to him. During the performance of the task Kern showed clues of not increase speed until told to do so and had improper pat by not keeping rotated hand parallel to the bottom hand. In total Kern demonstrated 2 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 Kern to begin after explaining the instructions. On the 1st task (Forward Steps) Kern performed with improper touch. On the 2nd task (Hand Clapping) Kern performed with improper count. On the 3rd task (Return steps) Kern performed with improper touch. On the 4th task (End position) he performed correctly. In total Kern demonstrated 3 clues on Hand Coordination. 3 or more clues would indicate impairment.

At the conclusion of the SFSTs, Kern was arrested for operating a vessel under the influence with normal faculties impaired at 1727 hours.

I transported Kern to Palm Beach County Main Jail at 1814 hours in my patrol vehicle. At the jail, Kern refused to provide a breath sample to determine his alcohol level. Kern was read the refusal of implied consent as well as the under 21 section of for refusal of breath sample. Kern acknowledge he understood what was read to him and again refused at 1842 hours. Kern refused post-Miranda questions.

Kern was issued the following citations:

Citation 1: V663743

(Misd.) 327.35(1)(a): Operating a vessel while normal faculties impaired

Citation 2: V663744

(Misd.) 328.52: Improper use of dealer registration

Citation 3: V663745

(Infraction) 327.355(1): Refusal to provide breath sample (Under the age of 21)

A person convicted of a violation of subsection (1) shall be ordered by the court to:

- (a) Participate in public service or a community work project for a minimum of 50 hours;
- (b) Refrain from operating any vessel until the 50 hours of public service or community work has been performed; and
- (c) Enroll in, attend, and successfully complete, at his or her own expense, a classroom or online boating safety course that meets minimum standards established by commission rule

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Citation 4: V663746
(Infraction) 327.35215: Refusal to submit to blood/breath/urine to pursuant to FS 327.352

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

Jail Booking Facility

Booking Date/Time	Booking County PALM BEACH	Booking Facility MAIN DETENTION CENTER	Booking Facility Phone (561) 996-1899
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 561-355-2996	Court Appearance Date / Time 08/04/2022 0830	Court Fine
Comments			

Officer Name Rank / ID # MORGAN, DAVID OFFICER WP224	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCSISO 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 probable cause associated with this report:

Reporting Officer

Officer Name MORGAN, DAVID	Office Rank OFFICER	Officer ID No WP224	Sworn and subscribed before me, the undersigned authority This the _____ day of _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			
Officer Signature			

☐ No Bill / Petition	☐ Issue Warrant	☐ Prosecution Approved	Signature of Assistant State Attorney	Date
--	-------------------------------------	--	---------------------------------------	------



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 Judicial
Circuit in and for Pinellas County, Florida

STATE OF FLORIDA
(PLAINTIFF)

Uniform Boating Citation No.

V663746

John P KERN SR
DEFENDANT

AFFIDAVIT

I, David Morgan, a law enforcement officer, who having been duly sworn, certify and state the following:

1. That on Sunday, July 3rd, 2022 at 5:27 ☐ 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 reference 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.

Officer's Signature

ID No

Law Enforcement Agency

Mailing Address

City

State

Zip Code

SWORN TO AND SUBSCRIBED
BEFORE ME THIS _____ DAY
OF _____, 20____

Notary Public or Attesting Officer

- ☐ Personally known to me
☐ Produced _____
as Identification



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

PBSO CASE # 22-083968 PBSO ZONE 3-21

AGENCY CASE # FWC22ON0058030 CRASH CASE # _____

TIME OF STOP/CRASH 1715 hrs DATE 7/3/22 DAY Sunday

SUBJECT'S NAME John P Kern Jr RACE W SEX M

HGT 6' 3" WGT 170 lbs DOB 5/31/02

LOCATION North Peanut Island, South of Blue Heron

ARRESTING OFFICER'S NAME & ID Tand Morgan P224 AGENCY FWC

DIVISION: LE

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 1814

Arrest Time 1727

BREATH RESULTS:

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

TESTING OFFICER'S ID 6212



FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

IMPLIED CONSENT WARNING FOR BREATH (BUI)

DEFENDANT'S NAME: Shawn P KERN JR CASE NO: FWC220N 0058020

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: 7/3/22 Time read: 1840 Location read: BAT Mkt. Sa. I

OFFICER'S NAME (printed): David Morgan

OFFICER'S SIGNATURE: [Signature] 224

1840

TESTING FACILITY TASK REPORT

AGENCY: FWC OFC. MORGAN #P224 BUI

SUBJECT: KERN JR., JOHN P.

CASE NUMBER: 22-083968

DATE: 07-03-22

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 18:40 HRS

ENDING TIME: 18:44 HRS

BREATH TESTS REFUSED
1) [] TIME [] A.M. ☐ P.M. ☒ 2) [] TIME [] A.M. ☐ P.M. ☐
3) [] TIME [] A.M. ☐ P.M. ☐ 4) [] TIME [] A.M. ☐ P.M. ☐

BREATH OPERATOR: S.O'NEAL #6212

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: []

ATTITUDE: CALM, COOPERATIVE, POLITE

CLOTHING: SHIRT- NONE SHORTS- MULTI. COLORED SWIM SHORTS NO SHOES

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: RED, GLASSY

FACE: RED

COMMENTS:

20 MIN. OBSERVATION DONE BY A/O MORGAN #P224
A/O REQUESTED THE BREATH TEST.
D REFUSED THE BREATH REQUEST.
A/O READ THE IMPLIED CONSENT FOR BUI.
D UNDERSTOOD THE I/C.
D STILL REFUSED AFTER THE I/C WAS READ TO HIM.
C/W READ ON CAMERA TO THE D.
D REFUSED Q&A.



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



DEFENDANT'S NAME:

John P KERN JR

CASE NO.

FWC22049058020

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?		Where were you going?
Was the vehicle/vessel in good condition? If No, <u> </u> →		What is wrong with it?
What road/waterway were you on?		Where were you coming from?
What time did you leave there?		Without looking at a watch or clock, what time is it now? Actual Time:
What is today's date? Actual Date:		What day of the week is it? Actual Day:
When did you last eat?	What did you eat?	Where did you last eat?
What have you been drinking?	How much have you been drinking?	Where have you been drinking?
Who were you drinking with and were they drinking?		What time did you start drinking?
What time did you stop drinking?	Do you feel the effects of alcohol (or drugs)?	Do you feel that you are impaired?
Were you involved in an accident today?	When did you last sleep?	How much sleep did you get?
Are you currently under the care of a doctor or dentist? For what?		
Have you used any type of drugs recently, prescription, non-prescription or otherwise?		
If so, what kind of drug did you take? What was your last dose and when?		
Do you think you should have been operating a vehicle/vessel?		If yes, Why?

[Signature]
Interviewing Officer's Signature

[Signature] P224
Interviewing Officer's Name (Printed)



**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: 2022017002	Date: 07/04/2022
	Specialist Name/ID: C. Smith/39657