

J-0393803 50.2022 MM-005795-AMB

P-1470

**Arrest Report**

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

Report Date / Time 7/16/2022 11:38 PM	Report Number C-8248AA	Case Number/Cad Number FWC22ON0062549 / FWCS22IN0029867	Reporting Officer Name MORGAN, DAVID
Originating Agency ORI FL0508000	Occur Date Time Range 07/16/2022 21:19:32 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description ISLAND ICW PEANUT ISLAND SOUTH			
Street Number	Street E S PEANUT ISLAND	Apt/Lot/Bldg FWC	City RIVIERA BEACH INC	State FL	Zip Code

Defendant

First Name REYNIER	Middle Name JESUS	Last Name BRITO GONZALEZ	Suffix	Race WHITE	Sex MALE	Height 5'05"	Weight 185	Hair BROWN	Eyes BROWN
MNI #	SSN	Date of Birth 09/24/1984	Age 37	ID Type A	Drivers License or other ID B632730843440	State FL	OCA / Agency ID		
Place of Birth: CUBA									
Address * RESIDENCE / 5125 VERMONT AVE , LAKE WORTH, FL 33461 / 561-351-6752									

Arrest

Arrest Date/Time 7/16/2022 21:35:32	Arrest Location Type PUBLIC PLACE	Arrest Location Description S PEANUT ISLAND				
Street Number	Street S PEANUT ISLAND	Apt/Lot/Bldg	County PALM BEACH	City RIVIERA BEACH	State FL	Zip Code

Charge : STATE STATUTE

Counts 1	Charge 327.35(1)(c)	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 WITH AN UNLAWFUL BREATH ALCOHOL LEVEL OF .08 OR HIGHER			
Administrative Code - Description -			

Borillo * 18342

2022 JUL 17 AM 8:20
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FILED
CLERK OF DISTRICT COURT
CLERK OF DISTRICT COURT

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Bond Set by Officer

☒ Bond Amount	☐ No Bond
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Bond Type(s)

Probable Cause

On 7/16/2022 at approximately 2115 hours I, Officer David Morgan of Florida Fish and Wildlife Conservation Commission (FWC), was on water-based patrol around Peanut Island located in Palm Beach County inside of Palm Beach inlet. I observed a vessel towing another vessel southbound inside the IntraCoastal Waterway (ICW) on the south side of Peanut Island. The vessel that was towing, FL 3519 PY, had many occupants onboard and seem to have some trouble towing the other vessel. I initiated a vessel stop to make sure they were ok and conduct a safety check on the vessel.

Upon contact with the vessel operator, later identified Reynier Jesus Brito Gonzalez, FL DL# B632730843440 DOB 09/24/1984, I noticed that Brito Gonzalez had a strong odor of alcohol on his breath with slurred words when he talked during the stop. Brito Gonzalez also had bloodshot, glassy eyes. I conducted a boating safety check and found a child had the improper size personal floatation device (PFD) being worn. I explained to Brito Gonzalez my concerns and clues I was observing from him.

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

I, as well as family members onboard, translated into Spanish for Brito Gonzalez during the tasks instruction when needed.

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

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

The next task Brito Gonzalez performed was the Finger to Nose. I started by reading the instructions for the task. Parts of the instructions were read in Spanish so Brito Gonzalez could understand. 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 Brito Gonzalez could understand the task. He confirmed he did. During the performance of the task Brito Gonzalez opened his eyes and did not tilt his head. On the first left he searched, did not use his fingertip (pad of his index finger), missed the tip of his nose (side) and did not bring his hand down. On the first right he did not use his fingertip (pad of his index finger), missed the tip of his nose (side) and did not bring his hand down. On the second left he

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did not use his fingertip (pad of his index finger) and did not bring his hand down. On the second right he did not use his fingertip (pad of his index finger), missed the tip of his nose (side) and did not bring his hand down. On third right he used the wrong hand, did not use his fingertip (pad of his index finger), missed the tip of his nose (side) and did not bring his hand down. On the third left he hesitated, did not use his fingertip (pad of his index finger), missed the tip of his nose (side) and did not bring his hand down. Brito Gonzalez had 22 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. I told Brito Gonzalez to begin the task after reading the instructions to him. During the performance of the task Brito Gonzalez showed clues of not counting as instructed (did not count at all), rolled his top hand when turning over, double patted his hands, rotated his top hand so it did not remain parallel and did not increase speed. In total Brito Gonzalez 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. Brito Gonzalez was unable to follow instructions by remaining in the instructed position during the explanation of the task and started at the wrong time. I told Brito Gonzalez to begin after explaining the instructions. On the 1st task (Forward Steps) Brito Gonzalez performed correctly. On the 2nd task (Hand Clapping) Brito Gonzalez did not perform the task (skipped hand clap completely). On the 3rd task (Return steps) Brito Gonzalez performed with improper count (did not count 5-8 during the return step motion). On the 4th task (End position) he did not perform, remaining with his fist to his chest until told to lower his hands. In total Brito Gonzalez demonstrated 5 clues on Hand Coordination. 3 or more clues would indicate impairment.

At the conclusion of the SFSTs, Brito Gonzalez was arrested for operating a vessel under the influence at 2135 hours.

I transported Brito Gonzalez to Palm Beach County Main Jail at 2222 hours in my patrol vehicle. At the jail, Brito Gonzalez provided breath samples at 2256 and 2300 hours, respectively. Brito Gonzalez's samples were .184 g/210 L and .189 g/210L, respectively. Brito Gonzalez answered questions, post-Miranda.

Bruto Gonzalez was issued the following citation:

Citation 1: V685194

327.50(1)(a): PFD- Not proper size for intended wearer (Recreational)

Citation 2: V685195

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

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

Jail Booking Facility

Booking Date/Time	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 561-355-2996	Court Appearance Date / Time 08/18/2022 0830 HRS	Court Fine
Comments			

Officer Name
Rank / ID #

Involvement On Report /
Reporting Role

Officer Agency
Org/Unit

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MORGAN, DAVID OFFICER	WP224	REPORTING OFFICER	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCSISO REGION AIPALM 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 <u>17th</u> day of <u>July</u> , <u>2022</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			
Officer Signature  WP224			

☐ No Bill / Petition	☐ Issue Warrant	☐ Prosecution Approved	Signature of Assistant State Attorney	Date
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TESTING FACILITY TASK REPORT

AGENCY: FWC (BUI)

SUBJECT: BRITO GONZALEZ, REYNIER JESUS

DATE: Jul 16, 2022

BEGINNING TIME: 2250

CASE NUMBER: 22-088659

VIDEO DVD NUMBER: N/A

ENDING TIME: 2312

BREATH TESTS RESULTS: 1) .184 TIME 2256 A.M. ☐ P.M. ☒ 2) .189 TIME 2300 A.M. ☐ P.M. ☒
3) XX TIME XX A.M. ☐ P.M. ☐ 4) XX TIME XX A.M. ☐ P.M. ☐

BREATH OPERATOR: JOSHUA J BELL #8656

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED, BROKEN ENGLISH

ATTITUDE: TALKATIVE, COOPERATIVE

CLOTHING: NO SHIRT, BLACK SHORTS, NO SHOES

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: BLOODSHOT, GLASSY
SUBJECT STATED HE ONLY DRANK 3 OR 4 BEERS Q AND A
ODOR OF UNKNOWN ALCOHOLIC BEVERAGE COMING FROM BREATH

COMMENTS:

A/O ARRIVED AT DUI TESTING FACILITY AND BEGAN THE 20 MINUTE OBSERVATION AT 2225 HOURS

SUBJECT STATED HE WOULD TAKE BREATH TEST

BREATH TEST COMPLETED

SUBJECT READ RIGHTS FROM SPANISH CARD
SUBJECT STATED HE UNDERSTOOD HIS RIGHTS

TECH READ BREATH TEST RESULTS AND EXPLAINED
SUBJECT ACKNOWLEDGED HE UNDERSTOOD BREATH TEST RESULTS

A/O CONDUCTED Q AND A
SUBJECT ANSWERED Q AND A

A/O DID SOME INTERPRETATION WHEN NEEDED



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

PBSO CASE # 22-088659 PBSO ZONE 3-13

AGENCY CASE # FWC 220N0062549 CRASH CASE # _____

TIME OF STOP/CRASH 2119 hrs DATE 7/16/22 DAY SATURDAY

SUBJECT'S NAME Reynier Jesus Berto GONZALEZ RACE W SEX M

HGT 5'03 WGT 185 DOB 9/24/84

LOCATION South Peanut Island, Southbound Intracoastal Waterway (ICW)

ARRESTING OFFICER'S NAME & ID David Morgan AGENCY FWC

DIVISION: LE

NOTIFIED BY COMMO _____

ARRIVAL AT FACILITY 2225

BREATH RESULTS:

Arrest Time 2135

1. .184
2. .189
3. N/A
4. N/A

TESTING OFFICER'S ID 8656

**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: 80-006478 Software: 8100.27
Date of Test: 07/16/2022

Date of Last Agency Inspection: 07/15/2022

Observation Period Began: 22:25

Subject's Name: REYNIER J BRITO GONZALEZ

DOB: 09/24/1984 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	22:53
	Air Blank	0.000	22:54
	Control Test	0.079	22:54
	Air Blank	0.000	22:54
	Subject Sample #1	0.184	22:56
	Air Blank	0.000	22:57
	Air Blank	0.000	22:59
	Subject Sample #2	0.189	23:00
	Air Blank	0.000	23:01
	Control Test	0.077	23:02
	Air Blank	0.000	23:02
	Diagnostics Check	OK	23:02

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 JOSHUA J BELL, 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: _____

Signature

Date: 07/16/2022

Sworn to (or affirmed) before me this 16 day of July, 2022

Signature of [Signature] Notary Public-State of Florida

Printed Name of Notary Public-State of Florida OFC. D. Morgan #P224

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.



FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

IMPLIED CONSENT WARNING FOR BREATH (BUI)

DEFENDANT'S NAME: REYNIER J BRITO GONZALEZ CASE NO: FWC22 ON 0062549

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: 01/16/22 Time read: 2252 Location read: MAIN ST BAT

OFFICER'S NAME (printed):

David Morgan

OFFICER'S SIGNATURE:

[Signature] P224



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



DEFENDANT'S NAME: REYNIER J BRITO-GONZALEZ CASE NO. FWC 220N 0462549

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: JO GUSTAV

Were you operating a vehicle/vessel? <u>YES</u>		Where were you going? <u>Palm Beach Lakes</u>
Was the vehicle/vessel in good condition? If No, <u>YES, NEW</u>		What is wrong with it?
What road/waterway were you on? <u>Peanut Island</u>		Where were you coming from? <u>Peanut Island</u>
What time did you leave there? <u>2300</u>		Without looking at a watch or clock, what time is it now? <u>N= SE IX</u> Actual Time: <u>082306 hrs</u>
What is today's date? <u>SATURDAY</u> Actual Date: <u>7/16/00</u>		What day of the week is it? <u>SATURDAY</u> Actual Day: <u>Saturday</u>
When did you last eat? <u>2000</u>	What did you eat? <u>RICE, BEANS, PELLER, FISH.</u>	Where did you last eat? <u>Home</u>
What have you been drinking? <u>Beer Light</u>	How much have you been drinking? <u>3-4</u>	Where have you been drinking? <u>In the boat</u>
Who were you drinking with and were they drinking? <u>Wife, Family, (5 kids)</u>		What time did you start drinking? <u>1400</u>
What time did you stop drinking? <u>1800</u>	Do you feel the effects of alcohol (or drugs)? <u>No</u>	Do you feel that you are impaired? <u>No</u>
Were you involved in an accident today? <u>No</u>	When did you last sleep? <u>Last Night</u>	How much sleep did you get? <u>14 hrs</u>
Are you currently under the care of a doctor or dentist? For what? <u>No</u>		
Have you used any type of drugs recently, prescription, non-prescription or otherwise? <u>No</u>		
If so, what kind of drug did you take? What was your last dose and when? <u>N/A</u>		
Do you think you should have been operating a vehicle/vessel? <u>Yes</u>		If yes, Why? <u>YES BECAUSE ITS MY JOB</u>

Interviewing Officer's 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: 2022018335	Date: 7/17/2022
	Specialist Name/ID: Chantel Daniels/30347