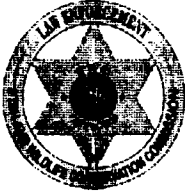


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NR

PT#1273



Arrest Report

23mm 3419SB

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
5110 GANDY BLVD
TAMPA FL 33611

Report Date / Time 4/30/2023 03:20 PM	Report Number C-1624AB	Case Number/Cad Number FWC23ON0037836 / FWCS23IN0020861	Reporting Officer Name HOPPE, AUSTIN
Originating Agency ORI FL0508000	Occur Date Time Range 04/30/2023 14:21:29 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description LAKE BOCA RATON	
Street Number LAKE BOCA	Street LAKE BOCA	Apt/Lot/Bldg FWC	City BOCA RATON
State FL	Zip Code 33432		

Defendant

First Name ANTHONY	Middle Name ALBERT	Last Name GERARD	Suffix	Race WHITE	Sex MALE	Height 5'10"	Weight 180	Hair BLACK	Eyes HAZEL
MNI #	SSN [REDACTED]	Date of Birth 12/06/2001	Age 21	ID Type E	Drivers License or other ID G663001014460	State FL	OCA / Agency ID		
Place of Birth: MANHATTAN NY USA									
Address * RESIDENCE / 700 LAKE DR , , FL 33431 / 561-400-9086									

Arrest

Arrest Date/Time 4/30/2023 2:33:47 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description LAKE BOCA	
Street Number LAKE BOCA	Street LAKE BOCA	Apt/Lot/Bldg FWC	County PALM BEACH
City BOCA RATON	State FL	Zip Code 33432	

Charge : STATE STATUTE

Counts 1	Charge 327.35(1)(a)	Bond Amount \$0.00	☐ No Bond
Charge Degree SECOND DEGREE	Charge Level MISDEMEANOR	OR	
General Offense Code	Arrest Offense Code DUI-UNLAW BLD ALCH		
Charge Description OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED			
Administrative Code - Description			

Bond Set by Officer

Bond Amount	☐ No Bond	FILED PDC - GUN CLUB '23 MAY 1 AM 7:09
Bond Type(s)		

Arrest Report

NO DETAINER
D/S HACK 2680

Report Date / Time 4/30/2023 03:20 PM	Report Number C-1624AB	Case Number/Cad Number FWC23ON0037836 / FWCS23IN0020661	Reporting Officer Name HOPPE, AUSTIN
Originating Agency ORI FL0508000	Occur Date Time Range 04/30/2023 14:21:29 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

Probable Cause

Phase 1 vessel in motion/ personal contact with defendant:

On April 30th, 2023 at approximately 1430 hours, I officer Hoppe with the Florida Fish and Wildlife Conservation Commission, was on routien water patrol near Silver springs when I observed a Personal water-craft (PWC) operating on state waters without proper registration numbers on the starboard side. I initiated a vessel stop with my emergency lights and sirens. I had the operator pull along side my vessel to advise him of his violation. As I was talking with Mr. Gerard, I noticed a strong odor of a alcoholic beverage coming from his persons. I had Mr. Gerard show me his registration, fire extinguisher, and horn or whistle. I asked Mr. Gerard how much alcohol he had to drink. Mr. Gerard advised that he only had a drink and a half. I asked Mr. Gerard if he would mind performing a few tasks so I could make sure he was alright to operate his vessel. Mr. Gerard agreed to perform the tasks.

Phase 3 Pre-Arrest screening (Seated Field Sobriety Tasks, SFSTs):

The seated field sobriety tasks performed were validated by Southern California Research Institute (SCRI) in conjunction with the United States Coast Guard (USCG) and the National Association of State Boating Law Administrator (NASBLA). All tasks performed were done from a seated position and consisted of the horizontal gaze nystagmus (HGN), finger to nose, palm pat, and hand coordination. All of the instructions for the SFSTs performed by (Mr. Gerard) were read verbatim from the Seated Battery of SFSTs.

The first task I requested of Mr. Gerard was the Horizontal Gaze Nystagmus. After reading the instructions I asked him if he understood the instructions. He answered, "Yes." During the task, he displayed the following clues of impairment:

- 1.) Lack of smooth pursuit in both eyes
- 2.) Distinct and sustained nystagmus at maximum deviation in both eyes.

- Mr. Gerard did not keep his head still causing me to repeat the instructions to keep his head still three times.

- Mr. Gerard began trying to beat my stimulus with his eyes, instead of following it, causing me to repeat my instructions to follow the stimulus with his eyes only.

Mr. Gerard displayed four clues in a task with a evaluation criteria of four or more.

The second task I requested of Mr. Gerard was the Finger to Nose. After reading the instructions, demonstrating the tasks, and specifically defining the tip of the finger, and the tip of the nose, I asked Mr. Gerard if he understood the instructions. he answered, "Yes." During the task Mr. Gerard displayed the following clues of impairment:

- started wrong time
- opened eyes during tasks
- Moved head during tasks (1")
- Left

Report Date / Time 4/30/2023 03:20 PM	Report Number C-1624AB	Case Number/Cad Number FWC23ON0037836 / FWCS23IN0020661	Reporting Officer Name HOPPE, AUSTIN
Originating Agency ORI FL0508000	Occur Date Time Range 04/30/2023 14:21:29 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

- not fingertip missed tip of nose
- right
- did not bring hand down
- left
- did not bring down
- right
- missed tip of nose
- Left
- missed tip of nose

Mr. Gerard displayed nine clues in a task with an evaluation criteria of nine or more.

The third task I requested of Mr. Gerard was the Palm Pat. After reading the instructions and demonstrating the tasks, I asked him if she understood the instructions. He replied, "Yes." During the task, he displayed the following clues of impairment:

- Did not count as instructed
- Did not increase speed

Mr. Gerard displayed two clues in a task with an evaluation criteria of two or more

The fourth task I requested of Mr. Gerard was Hand Coordination. The Hand Coordination task is made up of four sub tasks. After reading the instructions and demonstrating all four sub tasks involved, I asked Mr. Gerard if he understood all the instructions. Mr. Gerard began asking questions, trying to talk to his father, and attempting to complete specific tasks during the instructional phase. I informed him again that he needed to remain in the starting position until I told him to begin, and that I could reread the instructions for him. I asked Mr. Gerard if he understood the instructions. He answered, "Yes." During the task, he displayed the following clues of impairment.

- Unable to follow instructions
- started at the wrong time
- improper touch on task 3 (return steps)

Once Mr. Gerard finished field sobriety, I advised Mr. Gerard that due to my observations of impairment, I was placing him under arrest for boating under the influence.

The vessel was turned over to his father at their dock

Mr. Gerard was taken back to Spanish river where he was given the chance to give a breath sample. At 1501 hours, Mr. Gerard refused to provide a sample of his breath.

I charged Mr. Gerard with 327.35(1)(a)
I also charged him with 327.35215(1)

Jail Booking Facility

Arrest Report

Page 3 of 4

Report Date / Time 4/30/2023 03:20 PM	Report Number C-1624AB	Case Number/Cad Number FWC23ON0037836 / FWCS23IN0020661	Reporting Officer Name HOPPE, AUSTIN
Originating Agency ORI FL0508000	Occur Date Time Range 04/30/2023 14:21:29 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

Booking Date/Time 4/30/2023 03:34 PM	Booking County PALM BEACH	Booking Facility MAIN DETENTION CENTER	Booking Facility Phone (561) 996-1699
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Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406-3001	Booking Number
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Booking Comments

Court

Court County PALM BEACH	Court Location 200 W. ATLANTIC AVE. DELRAY BEACH, FLORIDA 33444
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Court PALM BEACH COUNTY, SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1400	Court Appearance Date / Time 06/01/2023 0830	Court Fine
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Comments

Officer Name Rank / ID # HOPPE, AUSTIN OFFICER WP337	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCCISW REGION/PINELLAS
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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 HOPPE, AUSTIN	Office Rank OFFICER	Officer ID No WP337	Sworn and subscribed before me, the undersigned authority This the <u>30th</u> day of <u>April</u> , <u>2023</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			
Officer Signature 			 <u>11887</u>

☐ No Bill / Petition	☐ Issue Warrant	☐ 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 Judicial
Circuit in and for Palm Beach County, Florida

STATE OF FLORIDA
(PLAINTIFF)

Uniform Boating Citation No.
V766310/V766311

v.

Anthony A Gerard
DEFENDANT

AFFIDAVIT

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

1. That on Sunday, April 30, 2023 at 2:33 ☐ 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.

Austin Hoppe P337
Officer's Signature ID No

FWC
Law Enforcement Agency

1300 Marcinska Rd
Mailing Address

Jupiter FL 33477
City State Zip Code

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 30th DAY
OF APRIL, 2023
[Signature]
Notary Public or Attesting Officer

☒ Personally known to me
☐ Produced as Identification

COURT RECORD

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

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

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
OPERATOR APPRAISAL & INTERVIEW



DEFENDANT'S NAME: Anthony Gerard CASE NO. FWC23ON0037836

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 ^{EC}
 2. With these rights in mind, do you wish to talk to us now? ☐ YES ☒ NO Refused
- 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?

Elin Cor N887
Interviewing Officer's Signature

Elisha Cernuto N887
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: 2023011220	Date: 5/1/2023
	Specialist Name/ID: R.Castro/40259