

24MM4479 MB

Arrest Report

0549633

1269



FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
8535 NORTHLAKE BLVD
WEST PALM BEACH, FL.

Report Date / Time 5/25/2024 04:18 PM	Report Number C-7609AB	Case Number/Cad Number FWC24ON0043685 / FWCS24IN0022028	Reporting Officer Name SPIRITO, GEORGE
Originating Agency ORI FL0508000	Occur Date Time Range 05/25/2024 14:38:22 -	Jurisdiction	
OBTS Number		Other Number	Clearance

Location of Occurrence

County PALM BEACH	Location Type OTHER	Location Description JUPITER NARROWS	
Street Number	Street JUPITER INLET	Apt/Lot/Bldg	City JUPITER
		State FL	Zip Code 33469

Defendant

First Name BENJAMIN	Middle Name ANTHONY	Last Name SAVICK	Suffix	Race WHITE	Sex MALE	Height 6'00"	Weight 160	Hair BROWN	Eyes BLUE
MNI #	SSN	Date of Birth 03/04/1999	Age 25	ID Type C	Drivers License or other ID S120085067167	State MD	OCA / Agency ID		
Place of Birth:		BALTIMORE MD USA							
Address * RESIDENCE / 211 OSPREY CIRCLE , HYPOLUXO, FL 33462 /									

Arrest

Arrest Date/Time 5/25/2024 3:00:10 PM	Arrest Location Type OTHER	Arrest Location Description ICW JUPITER INLET		
Street Number	Street ICW Jupiter Inlet	Apt/Lot/Bldg	County Palm Beach	City Jupiter
		State FL	Zip Code 33469	

Charge : STATE STATUTE

Counts 1	Charge 327.35(1)(a)	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree SECOND DEGREE	Charge Level MISDEMEANOR	120	
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	<input type="checkbox"/> No Bond
Bond Type(s)	

FILED PBC - GUN CLUB
24 MAY 26 AM 7:59

MAY 25 PM 07:05

Handwritten signature/initials

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Probable Cause

- I. WHAT: Boating Under the Influence of Alcohol
- II. WHEN: 05/25/2024 14:38
- III. WHERE: Palm Beach County FL, ICW and Jupiter Inlet
- IV. WHO: Benjamin Anthony Savick 211 Osprey Circle Hypoloxo FL 33463

V. Other information Relating to DUI/BUI
Vessel Description. FL 4026 RW

VI. DETAILS OF DUI/BUI

On May 25, 2024, I Officer George Spirito along with Officer Casey Schroer and Allision Delaney all of the Florida Fish and Wildlife Conservation Commission (FWC) were on marked vessel patrol near the Jupiter Inlet on the intracoastal waterway (ICW). We observed a vessel (FL 4026 RW) traveling south from Cato's Bridge on the ICW. We effected a stop of the vessel for purposes of a boating safety inspection. I encountered the operator later identified as Benjamin Savick MD DL# S120085067167. Savick had glassy and bloodshot eyes and I could smell the odor of an alcoholic beverage emanating from the vessel. Inside the vessel was a trash bag full of empty alcoholic beverage containers and many open containers about the vessel. I asked Savick for his license, registration, and his vessels safety gear. He had some trouble while gathering these items, he held the registration in his hand and then put it away and then proceeded to look for it. I had to tell him where it was and that he just had it in his hand. The same thing happened with the sound producing device as part of his safety gear, the sound producing device was the last thing he needed to complete his safety inspection. I asked him several times for his sound producing device and explained that it could be a bell, horn, or whistle. While looking, he held a whistle in his hand then put it away. He kept looking before I directed him back to the whistle he had just held. Based on my interactions and observations of Savick I asked him to board my vessel to check his sobriety.

SFST's

I read Savick his general instructions and pre task question without issue. He told me that he had one beer at his house before he left for the day when asked. His eyes were glassy and bloodshot and he had the odor of an alcoholic beverage emanating from his person.

Horizontal gaze nystagmus

Savick had lack of smooth pursuit in both eyes and distinct and sustained nystagmus at maximum deviation in both eyes. He also had questionable onset to nystagmus prior to 45 degrees in both eyes, these were not marked because they were faint.

Total Clues: 4 Total clues needed: 4.

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Finger to Nose

Savick missed the tip of his nose and did not use his fingertip on 4 attempts, he also had to be told to bring his hand down on all attempts. This is even though I kept telling him to bring his hand down on his own.

Total Clues: 14 Total Cluse needed: 9.

Palm Pat

Savick had to be told to increase his speed and he rolled his hands.

Total Clues:2 Total Clues needed: 2.

Hand Coordination

Savick started at the wrong time, did not count as instructed while clapping and stopped the task at the wrong time and in the wrong position.

Total Clues:4 Total Clues needed: 3.

Arrest and transport.

Based on my interaction and observations of Savick, as well as the performed tasks I placed him under arrest for Boating under the influence of alcohol. He was handcuffed and the handcuffs were double locked. He was transported by vessel to Dubois Park and then transported in my marked patrol vehicle to Palm Beach jail at Gun Club.

At the jail Savick was read his implied consent and agreed to provide a breath sample. The reading were (0.040 and 0.041). This test was performed approximately 2.5 hours after my initial interaction began with Savick and should account for metabolization.

Savick was booked without incident.

Savick was charged with:

327.35(1)(a) Operating a vessel with normal faculties impaired.

Jail Booking Facility

Booking Date/Time 5/25/2024 04:25 PM	Booking County PALM BEACH	Booking Facility MAIN DETENTION CENTER	Booking Facility Phone (561) 996-1699
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OBTS Number	Other Number	Clearance	

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

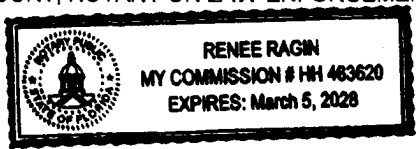
Court

<table border="1"> <tr> <td>Court County PALM BEACH</td> <td>Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406</td> </tr> </table>	Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406	Court Phone	Court Appearance Date / Time 06/20/2024 08:30AM	Court Fine
Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406				
Comments					

Officer Name Rank / ID # SPIRITO, GEORGE OFFICER	WP366	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCS ISO 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 SPIRITO, GEORGE	Office Rank OFFICER	Officer ID No WP366	Sworn and subscribed before me, the undersigned authority This the <u>25th</u> day of <u>May</u> , <u>2024</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			
Officer Signature			

<input type="radio"/> No Bill / Petition	<input type="radio"/> Issue Warrant	<input type="radio"/> 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 # 24-065876 PBSO ZONE 3-11

AGENCY CASE # FWC24ON0043685 CRASH CASE # _____

TIME OF STOP/CRASH 14:38 DATE 05/25/2024 DAY Saturday

SUBJECT'S NAME Savick Benjamin Anthony
LAST FIRST MID

DOB 03/04/1999 HGT 6'00 WGT 160 RACE W SEX M

LOCATION ICW and Inlet

ARRESTING OFFICER'S NAME & ID Ofc. George Spirito P366 FWC
AGENCY

NOTIFIED BY COMMO Y

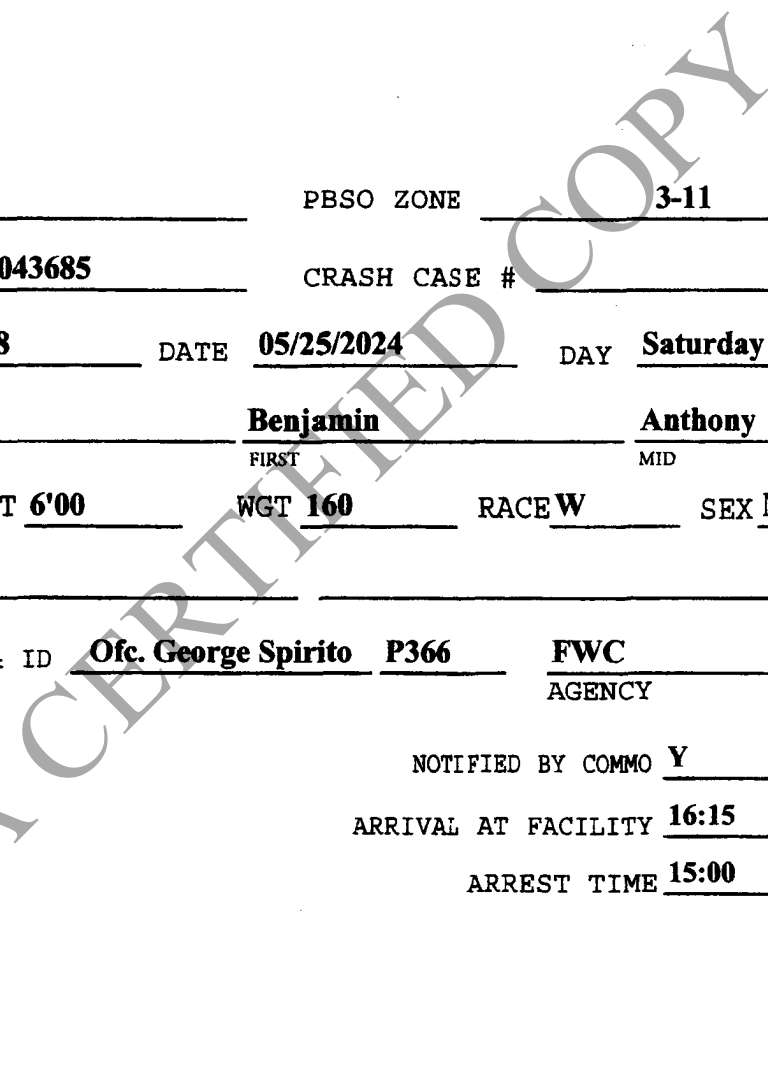
BREATH RESULTS:

ARRIVAL AT FACILITY 16:15

- 1) .040
- 2) .041
- 3) _____
- 4) _____

ARREST TIME 15:00

Renee Ragin #16877
 BAT TECH. OFFICER NAME & ID





FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

IMPLIED CONSENT WARNING FOR BREATH (BUI)

DEFENDANT'S NAME: Benjamin Savich CASE NO: FWC 24010043085

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 previously been fined 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
- will take test

SIGNATURES

Date read: 5/25/24 Time read: 1:45 Location read: Palm Beach Jail Gun Club
OFFICER'S NAME (printed): George Spirito
OFFICER'S SIGNATURE: *[Signature]* 7344



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



DEFENDANT'S NAME: Benjamin Savick CASE NO. FWC 246N0043685

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: _____

Were you operating a vehicle/vessel?		Where were you going?
Was the vehicle/vessel in good condition? If No, →		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

George Sparto PS64
Interviewing Officer's Name (Printed)

TESTING FACILITY TASK REPORT

AGENCY: FWC /BUI

SUBJECT: Savick, Benjamin A.

CASE NUMBER: 24-065876

DATE: May 25, 2024

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 16:43

ENDING TIME: 16:56

BREATH TESTS RESULTS: 1) .040 TIME 16:50 A.M. P.M. 2) .041 TIME 16:53 A.M. P.M.
3) N/A TIME A.M. P.M. 4) N/A TIME A.M. P.M.

BREATH OPERATOR: R. Ragin #16877

MAINTENANCE TECHNICIAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Calm, cooperative

CLOTHING: Red shorts, blue t-shirt, brown flip-flops

MEDICAL CONDITIONS: None

MEDICATIONS: None

OTHER:

Eyes are glassy & bloodshot

COMMENTS:

Arrived at center A/O started 20 minute observation period at 16:15 hrs.

Subject agreed to perform breath test but wants the understandings before.

A/O read BUI I/C and explained BUI I/C.

Subject stated he understood BUI I/C.

Subject agreed to take test.

A/O read rights.

Subject stated he understood rights.

A/O attempted Q&A and subject refused.

Tech read breath test results.

Subject stated he understood breath test results.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT**

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CSO
Instrument Serial Number: 80-006238 Software: 8100.27
Date of Test: 05/25/2024

Date of Last Agency Inspection: 05/17/2024
Observation Period Began: 16:15
Subject's Name: BENJAMIN A SAVICK

DOB: 03/04/1999 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	16:48
	Air Blank	0.000	16:49
	Control Test	0.088	16:49
	Air Blank	0.000	16:50
	Subject Sample #1	0.040	16:50
	Air Blank	0.000	16:51
	Air Blank	0.000	16:52
	Subject Sample #2	0.041	16:53
	Air Blank	0.000	16:53
	Control Test	0.078	16:54
	Air Blank	0.000	16:54
	Diagnostics Check	OK	16:54

Cylinder Lot: J6723080A5
Exp: 04/05/2025

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 RENÉE M. RAGIN, 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: 05/25/24
Signature

Sworn to (or affirmed) before me this 25 day of May, 2024
[Signature] Ofe. G. Spirito #P366
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.



Palm Beach County Sheriff's Office
 Florida State Statute Exemption Sheet

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel	
	<input type="checkbox"/>	119.071(2)(e)	Confession	
Public Info. Exemptions	<input type="checkbox"/>	FL Const. Art. I, s. 16(b)(5)	Marsy's Law – victim information shall be redacted. The term "victim" also includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim. The term "victim" does not include the accused (ref. page 99 of the CRTM for additional information)	
	<input type="checkbox"/>	119.071(2)(j)	Home/employment telephone number, home/employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery or domestic violence	
	<input type="checkbox"/>	119.0712(2)	Personal information contained in a motor vehicle record	
	<input type="checkbox"/>	316.650(11)	Driver information contained in a uniform traffic citation	
	<input type="checkbox"/>	119.071(4)(d)2.a.	Home addresses, telephone numbers, dates of birth, and photographs of active/former LE personnel, spouses, and children	
Florida Rules of Judicial Administration 2.420	<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"/>	(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"/>			
Other	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			

REVIEW COMPLETED BY

Booking Number: 2024014210	Date: 5/26/2024
	Specialist Name/ID#: MTools #8557