



Arrest Report

FLORIDA HIGHWAY PATROL
P.O. BOX 540007, GREENACRES, FL 33454

24CT3733

Report Date / Time 2/29/2024 01:05 AM	Report Number FHP99ARR878412	Case Number/Cad Number FHP24ON0102589 / RCC24IN0156786	Reporting Officer Name DESUYO, AISON
Originating Agency ORI FL0509000	Occur Date Time Range 02/28/2024 23:48:50 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description INTERSTATE 95			
Street Number	Street I-95 SB XRAMP BLOCKING	Apt/Lot/Bldg	City WEST PALM BEACH	State FL	Zip Code 33405

Defendant

First Name BRETT	Middle Name HUNTER	Last Name PORTIER	Suffix	Race WHITE	Sex MALE	Height 600	Weight 260	Hair BLO	Eyes BLU
MNI #	SSN	Date of Birth 12/15/1978	Age 45	ID Type U	Drivers License or other ID P636068784550	State FL	OCA / Agency ID		
Place of Birth: NEW YORK CITY NY U.S.									
Address * RESIDENCE / 2640 LAKE SHORE DRIVE APT 509 , WEST PALM BEACH , FL 33404 /									

Arrest

Arrest Date/Time 2/29/2024 12:39:00 AM	Arrest Location Type RESIDENCE	Arrest Location Description INTERSTATE 95				
Street Number	Street I-95 SB XRAMP BLOCKING	Apt/Lot/Bldg	County PALM BEACH	City WEST PALM BEACH	State FL	Zip Code 33405

Charge :

Counts 1	Charge 316.193.4	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree S	Charge Level MISDEMEANOR		
General Offense Code	Arrest Offense Code DUI-UNLAW BLD ALCH		
Charge Description 0.15 OR HIGHER OR W PERSON UNDER 18 IN VEHICLE			
Administrative Code - Description -			
Is Arrestee Juvenile?			No
Type of Arrest			On-View Arrest (apprehension without a warrant or previous incident report)

FILED PDC - CIVIL CLU1-
24 MAR 1 AM 3:41

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Charge :

Counts 1	Charge 948.06	<i>DUI Cause serious bodily injury interstate case #12/16083 NY</i>	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree N		Charge Level		
General Offense Code		Arrest Offense Code PROB VIOLATION		
Charge Description 0				
Administrative Code - Description -				
Is Arrestee Juvenile?			No	
Type of Arrest			On-View Arrest (apprehension without a warrant or previous incident report)	

Charge :

Counts 1	Charge 322.03.1		Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree S		Charge Level MISDEMEANOR		
General Offense Code		Arrest Offense Code MOVING TRAFFIC VIOL		
Charge Description OPERATE MOTOR VEHICLE WO VALID LICENSE				
Administrative Code - Description -				
Is Arrestee Juvenile?			No	
Type of Arrest			On-View Arrest (apprehension without a warrant or previous incident report)	

Bond Set by Court

Bond Amount	<input type="checkbox"/> No Bond
Bond Type(s)	

Probable Cause

On February 28th, 2024 at approximately 11:48 P.M. I (Trooper Aison Desuyo ID#5157) was dispatched by the Lake Worth Regional Communication Center (LWRCC) to a traffic crash at southbound Interstate 95 north of State Road 80 (Southern Blvd).

After arriving at the scene, I determined there was no traffic crash, however, there was a black Dodge Ram 1500 pickup truck bearing a Florida tag number of QRHQ64 blocking the inside lane of the exit

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MAR 01 2024

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ramp to State Road 80. The West Palm Beach Fire Department was already on scene with the vehicle when I arrived. Ms. Nicole McInnis (West Palm Beach Firefighter) provided me with a sworn witness statement stating the following: "Rescue 4 pulled next to a black Dodge truck and approached a male, unresponsive in the Driver's seat of the vehicle. The vehicle was still in drive, with the keys in the ignition and his foot still on the brake pedal. After several verbal attempts the male opened his eyes. The vehicle was placed in park and the keys were place on the dash."

I made contact with the driver (who was later identified by his Florida Identification Card P636068784550 as Mr. Brett Hunter Portier DOB 12/15/1978). Mr. Portier was still seated in the driver's seat when I arrived on scene. Upon speaking with Mr. Portier, I noticed his eyes were glassy and watery. As I spoke with Mr. Portier, I observed his speech was slurred as he was mumbling and there was an odor of an unknown alcoholic beverage emitting from his breath. I then asked Mr. Portier where he was coming from. Due to Mr. Portier's speech being slurred, I had to ask Mr. Portier to repeat his response multiple times. He stated he was coming from West Palm Beach. I asked him where he was going. He stated home. I asked Mr. Portier if he had any alcoholic beverages tonight. He stated no. It should be noted that while speaking with Mr. Portier, he kept repeating the reason he was stopped blocking the exit ramp was because he lost his wife and his child in the same day. I then asked Mr. Portier if he would be willing to perform Standardized Field Sobriety Exercises. He stated no. I advised Mr. Portier of his Taylor Warning. Mr. Portier still refused.

Based on my investigation, I believed the defendant's normal faculties were impaired and he was placed under arrest for DUI at 12:39 A.M. on February 29th, 2024. He was then placed into an FHP marked patrol. The defendant was then transported to the Palm Beach County Breath Alcohol Testing (BAT) facility. At the BAT facility, a 20-minute observation period was conducted by me where he did not ingest anything by mouth or regurgitate (mouth was confirmed to be empty prior to beginning of the observation period). Mr. Portier was then asked to provide a breath sample to determine the alcohol content. Mr. Portier stated yes. Mr. Portier's first breath sample was 0.218. Mr. Portier's second breath sample was 0.227. Mr. Portier was then booked into the Palm Beach County Jail and charged with the following without further incident:

F.S.S 316.193(2)(b)(2) – D.U.I 3rd Offense in 10 years or more

F.S.S. 948.06 – Violation of Probation

F.S.S. 322.03(1) – No DL Never Had One

All the above events occurred within Palm Beach County, State of Florida.

Jail Booking Facility

Booking Date/Time 2/29/2024 03:30 AM	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone (561) 688-4400
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Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406	Booking Number
Booking Comments	

Court

Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court CRIMINAL JUSTICE COMPLEX	Court Phone 561-355-2994	Court Appearance Date / Time 04/03/2024 0830	Court Fine
Comments			

Officer Name Rank / ID # DESUYO, AISON TPR	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA HIGHWAY PATROL FHPLILWRCCIPALM BEACHBROW LN TO SR804
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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 DESUYO, AISON	Office Rank TPR	Officer ID No 5157	Sworn and subscribed before me, the undersigned authority This the _____ day of _____, _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature <i>Aison Desuyo</i>			

<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 # 24-038922 PBSO ZONE 1-24

AGENCY CASE # FHP240N0102589 CRASH CASE # _____

TIME OF STOP/CRASH 11:48 P.M. DATE 02/28/24 DAY Wednesday

SUBJECT'S NAME Brett Portier RACE W SEX M

HGT 600 WGT 260 DOB 12/15/78

LOCATION I-95 southbound north of southern Blvd

ARRESTING OFFICER'S NAME & ID TPR. Aison Desuyo #5153 AGENCY FHP-L

DIVISION: _____

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 01:56

Arrest Time 12:39

BREATH RESULTS:

1. .218
2. .227
3. NIA
4. NIA

TESTING OFFICER'S ID 41017

NOT A CERTIFIED COPY

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: 80-006029 Software: 8100.27
Date of Test: 02/29/2024

Date of Last Agency Inspection: 02/16/2024
Observation Period Began: 01:56
Subject's Name: BRETT PORTIER

DOB: 12/15/1978 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	02:30
	Air Blank	0.000	02:31
	Control Test	0.080	02:31
	Air Blank	0.000	02:32
	Subject Sample #1	0.218	02:33
	Air Blank	0.000	02:34
	Air Blank	0.000	02:35
	Subject Sample #2	0.227	02:36
	Air Blank	0.000	02:37
	Control Test	0.079	02:37
	Air Blank	0.000	02:38
	Diagnostics Check	OK	02:38

Cylinder Lot: 06723080A5
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 THOMASINA E MILLER, 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: 02/29/24
Signature

Sworn to (or affirmed) before me this 29 day of February, 2024
[Signature] TOP. A. Desuye
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.

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: PORTIER, BRETT

CASE NUMBER: 24-038922

DATE: Feb 29, 2024

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 02:26

ENDING TIME: 02:39

BREATH TESTS RESULTS: 1) .218 TIME 02:33 A.M. P.M. 2) .227 TIME 02:36 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: T. MILLER #41017

MAINTENANCE TECHNICIAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLOW

ATTITUDE: CALM

CLOTHING: BLACK SHIRT, GRAY JEANS, GRAY SNEAKERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: GLASSY

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 01:56 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: ATTEMPTED QUESTIONS.

SUBJECT: REFUSED QUESTIONS.

SUBJECT: _____

CASE NUMBER: _____

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING.

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

OR

I am now requesting that you submit to a lawful test of your **URINE** for the purpose of determining the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am _____ of the _____

If you refuse to take the test I have requested of you, your driving privilege will be suspended for a period of one (1) year for a FIRST REFUSAL, or eighteen (18) months if your driving privilege has been PREVIOUSLY SUSPENDED, or if you have been PREVIOUSLY FINED under s. 327.35215, for refusing to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to take the test I have requested of you, and if your driving privilege has been previously suspended, or if you have been previously fined under s. 327.35215, for a 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.

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

NOTE: IF THE SUBJECT POSSESSES A COMMERCIAL DRIVER'S LICENSE (CDL), READ THE FOLLOWING.

If you are a Commercial Driver License (CDL) holder or were driving a Commercial Motor Vehicle (CMV), your refusal to submit to testing will result in the loss of your commercial driving privilege for a period of one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from holding a CDL or operating a CMV.

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

SUBJECTS SIGNATURE: (X) _____

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.

~~Any statement you make and will be used against you in a court of law.~~

SUSPECT'S SIGNATURE: (X) _____

WHITE: STATE ATTY.

YELLOW: DHSMV

PINK: CENTRAL RECORDS

GOLD: JAIL

SUBJECT _____

CASE NUMBER: _____

QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

WERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? _____

WHERE WERE YOU GOING? _____

WHAT STREET OR HIGHWAY WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

WHAT IS TODAY'S DATE? _____ WHAT DAY OF THE WEEK IS IT? _____

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? _____

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? _____

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? _____ WHAT? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? _____ AND YOUR LAST DRINK? _____

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? _____ ARE YOU UNDER THE INFLUENCE? _____

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? _____ HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? _____ WHEN DID YOU LAST WORK? _____

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? _____ WHAT? _____

ARE YOU SICK OR INJURED? _____ WHAT'S WRONG? _____

DO YOU LIMP? _____ DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? _____

WERE YOU IN AN ACCIDENT TODAY? _____

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? _____ WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____ WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

DO YOU HAVE:

- EPILEPSY? _____
- GLASS EYE? _____
- FALSE TEETH? _____
- EAR INFECTION? _____
- INNER EAR TROUBLE? _____
- DIABETES? _____

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? _____

DO YOU TAKE INSULIN? _____ IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? _____ WHERE? _____

INTERVIEWER: _____



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: 2024005530	Date: 3/1/2024
	Specialist Name/ID#: T.HOWARD/7185