

05351409  
NR

# 3464



**Arrest Report**

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

Report Date / Time 4/2/2023 04:43 PM	Report Number C-0246AB	Case Number/Cad Number FWC23ON0028464 / FWCS23IN0016102	Reporting Officer Name REA, MICHAEL
Originating Agency ORI FL0508000	Occur Date Time Range 04/02/2023 15:19:40 - 04/02/2023 17:30:00	Jurisdiction	
OBTS Number	Other Number	Clearance	

**Location of Occurrence**

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

**Defendant**

First Name DANIAL	Middle Name JAMES	Last Name KENYON	Suffix	Race WHITE	Sex MALE	Height 510	Weight	Hair	Eyes
MNI #	SSN	Date of Birth 12/21/1991	Age 31	ID Type E	Drivers License or other ID K550170914610	State FL	OCA / Agency ID		
Place of Birth:									
Address * RESIDENCE / 10658 BOCA ENTRADA BLVD , BOCA RATON, FL 33428 /									

**Arrest**

Arrest Date/Time 4/2/2023 3:30:29 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description PEANUT ISLAND ICW	
Street Number	Street	Apt/Lot/Bldg	City PALM BEACH
		County RIVIERA BEACH	State FL
		City RIVIERA BEACH	Zip Code

**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		
General Offense Code	Arrest Offense Code DUI-UNLAW BLD ALCH		
Charge Description OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED		APR 2 2023 4:36	
Administrative Code - Description			

FILED PBC - GUN CLUB  
28 APR 8 AM 7:32

Report Date / Time 4/2/2023 04:43 PM	Report Number C-0246AB	Case Number/Cad Number FWC23ON0028464 / FWCS23IN0016102	Reporting Officer Name REA, MICHAEL
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OBTS Number	Other Number	Clearance	

**Bond Set by Officer**

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

**Probable Cause**

On April 2nd, 2023 I officer Michael Rea of the Florida Fish and Wildlife Conservation Commission observed a Jet Ski operating fast in a slow speed zone on the north side of Peanut island in Riviera Beach. We conducted a vessel stop on the Jet Ski and the operator was DANIAL K JAMES (K550170914610).

While waiting for DANIAL to make his way over to the boat on the jet ski, we noticed that he was tilting over and having a difficult time reaching us. once along side of our vessel, a strong scent of alcohol was present and his eyes were blood shot and glassy.

DANIAL was asked to perform SFST's and he agreed. During Horizontal Gaze Nystagmus signs of nystagmus were noted. During Finger to nose DANIAL missed his nose as well as touching with the wrong part of his finger. During the Palm Pat DANIAL rolled his hands and patted improperly. During Hand Coordination DANIAL did not properly count or do as instructed.

Based on my observations as well as these tasks, DANIAL was arrested for Operating a vessel while normal faculties were impaired.

**Jail Booking Facility**

▶ Booking Date/Time 4/2/2023 05:30 PM	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	Court Fine
Comments			

Officer Name Rank / ID # REA, MICHAEL OFFICER	WP290	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCS\ISO REGION AIPALM BEACH
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Report Date / Time 4/2/2023 04:43 PM	Report Number C-0246AB	Case Number/Cad Number FWC23ON0028464 / FWCS23IN0016102	Reporting Officer Name REA, MICHAEL
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OBTS Number	Other Number	Clearance	

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 REA, MICHAEL	Office Rank OFFICER	Officer ID No WP290	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			

<input type="radio"/> No Bill / Petition	<input type="radio"/> Issue Warrant	<input type="radio"/> Prosecution Approved	_____	_____
			Signature of Assistant State Attorney	Date

NOT A CERTIFIED COPY

# TESTING FACILITY TASK REPORT

AGENCY: FWC

SUBJECT: KENYON, DANIAL J

CASE NUMBER: 23-053006

DATE: Apr 2, 2023

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 17:02

ENDING TIME: 17:13

BREATH TESTS RESULTS: 1) .167 TIME 17:07 A.M.  P.M.  2) .176 TIME 17:10 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: P.POUND #24639

MAINTENANCE TECHNICAN: J. KARLECKE# 6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: LOW

ATTITUDE: CALM, QUIET

CLOTHING: GRAY SHORTS, NO SHIRT, NO SHOES

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

## COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 16:33 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 Q&A

SUBJECT: REFUSED QUESTIONS



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

PBSO CASE # 23-053006 PBSO ZONE 3-13

AGENCY CASE # FWC230N0028464 CRASH CASE # \_\_\_\_\_

TIME OF STOP/CRASH 1519hrs DATE 4/2/23 DAY Sunday

SUBJECT'S NAME Kenyon Daniel James RACE W SEX M  
LAST FIRST MID

HGT 5'10" WGT 215 DOB 12/21/1991

LOCATION Peanut Island Intracoastal Waterway

ARRESTING OFFICER'S NAME & ID Michael Rea P290 AGENCY FWC

DIVISION: \_\_\_\_\_

NOTIFIED BY COMMO y

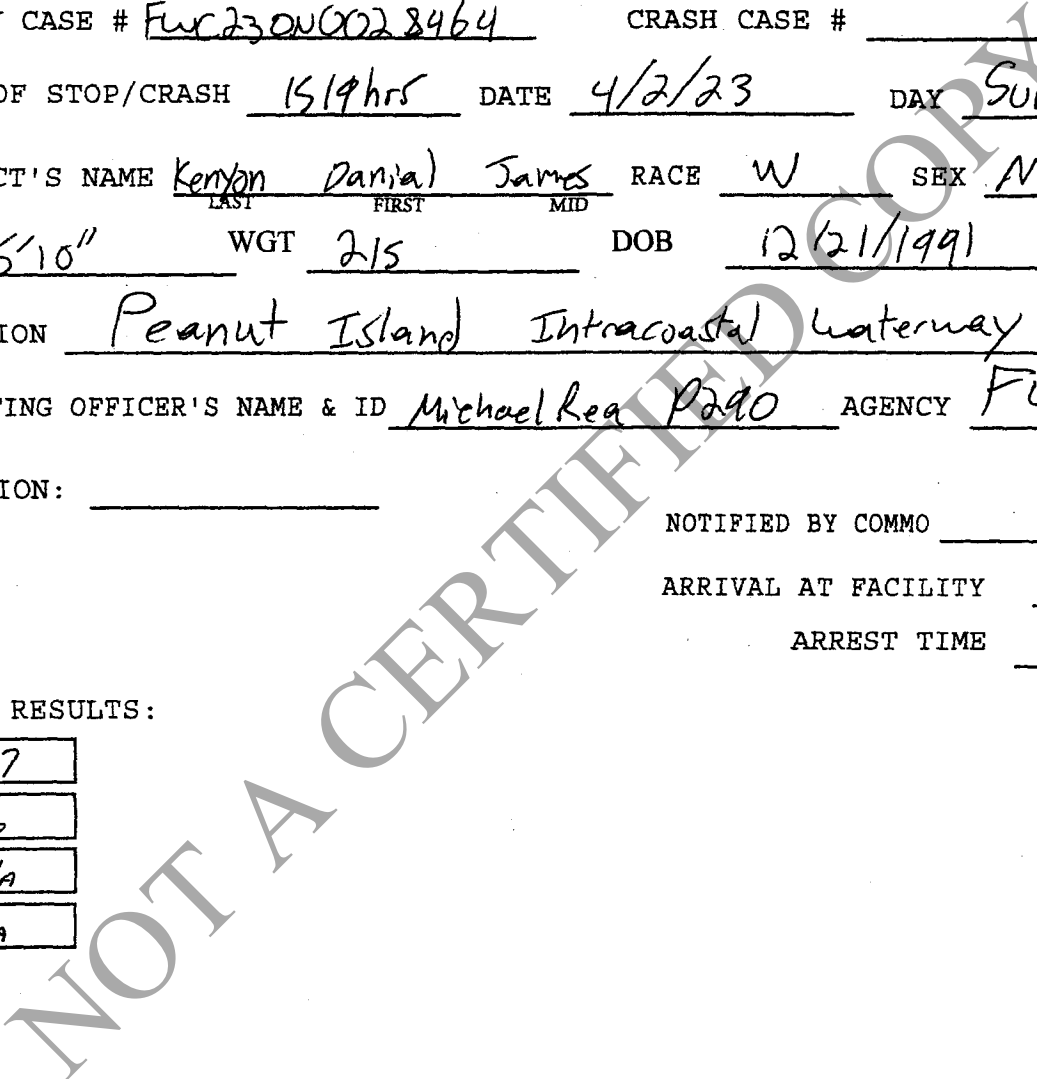
ARRIVAL AT FACILITY 1633hrs

ARREST TIME 15:40hrs

**BREATH RESULTS:**

- 1) .167
- 2) .176
- 3) N/A
- 4) N/A

TESTING OFFICER'S ID 24639 PBSO VIDEOTAPE # N/A



# TESTING FACILITY TASK REPORT

AGENCY: FWC

SUBJECT: KENYON, DANIAL J

CASE NUMBER: 23-053006

DATE: Apr 2, 2023

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 17:02

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BREATH TESTS RESULTS: 1) .167 TIME 17:07 A.M.  P.M.  2) .176 TIME 17:10 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: P.POUND #24639

MAINTENANCE TECHNICIAN: J. KARLECKE# 6467

## TESTING OFFICER'S OBSERVATIONS

SPEECH: LOW

ATTITUDE: CALM, QUIET

CLOTHING: GRAY SHORTS, NO SHIRT, NO SHOES

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

## COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 16:33 HRS.

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TECH: READ TEST RESULTS

SUBJECT: STATED HE UNDERSTOOD TEST RESULTS

A/O: ATTEMPTED Q&A

SUBJECT: REFUSED QUESTIONS

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: 80-006240 Software: 8100.27  
Date of Test: 04/02/2023

Date of Last Agency Inspection: 03/10/2023  
Observation Period Began: 16:33  
Subject's Name: DANIAL J KENYON

DOB: 12/21/1991 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	17:05
	Air Blank	0.000	17:05
	Control Test	0.080	17:06
	Air Blank	0.000	17:06
	Subject Sample #1	0.167	17:07
	Air Blank	0.000	17:08
	Air Blank	0.000	17:09
	Subject Sample #2	0.176	17:10
	Air Blank	0.000	17:11
	Control Test	0.079	17:11
	Air Blank	0.000	17:11
	Diagnostics Check	OK	17:12

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 PARIS D POUND, 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: 04/02/23

Sworn to (or affirmed) before me this 2<sup>nd</sup> day of APRIL, 2023

Signature of Notary Public-State of Florida

OFc. M. REA  
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.

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.
7. Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: (X) \_\_\_\_\_

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: \_\_\_\_\_



FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

FLORIDA BUI/DUI
IMPLIED CONSENT WARNING

DEFENDANT'S NAME: Daniel J Kenyon CASE NO.: FAC230N0028464

READ ONLY THE SECTION APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING

I am Michael Rea of the FWC (Officer's Name) (Agency)

You are under arrest for operating a vessel or vehicle while under the influence of alcoholic beverages or chemical or controlled substance.

- I am now requesting that you submit to a lawful test of your BREATH for the purpose of determining its alcohol content.
I am now requesting that you submit to a lawful test of your URINE for the purpose of detecting the presence of chemical or controlled substances.
I am now requesting that you submit to a lawful test of your BLOOD for the purpose of determining its alcohol content and the presence of chemical or controlled substances.

VESSEL

If you fail to submit to the test I have requested of you, it will result in a civil penalty of \$500.00. Additionally, if you refuse to submit to the test I have requested of you and have previously been fined for refusal to submit to a lawful test of your breath, urine, or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

Will you submit to the test? [X] YES [ ] NO

VEHICLE

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privileges have been previously suspended for refusal to submit to a lawful test of your breath, urine, or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

Will you submit to the test? [X] YES [ ] NO

4/2/20 DATE TIME 12:00 in-custody DEFENDANT'S SIGNATURE
OFFICER'S NAME (PRINTED) OFFICER'S SIGNATURE



# Incident Summary Report

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

Report Date / Time <b>4/2/2023 4:43:49 PM</b>	Report Number <b>ISR110438 (01)</b>	Report Case/CAD Number <b>FWC23ON0028464 / FWCS23IN0016102</b>	Reporting Officer Rank / ID <b>OFFICER / WP290</b>	Reporting Officer Name <b>REA, MICHAEL</b>
Originating Agency ORI <b>FL0508000</b>	Reported to Agency Date	Occur Date Range <b>04/02/2023 15:19:40 - 04/02/2023 17:30:00</b>	Jurisdiction <b>State Waters</b>	Status: Clearance: <b>CLEARED BY ARREST</b>
Offense Description <b>S1B BUI - BOAT</b>				

## LOCATION(S)

County <b>PALM BEACH</b>	Location Type <b>INCIDENT LOCATION</b>	Location Description <b>ISLAND ICW PEANUT ISLAND EAST</b>							
Street Number	Street	Apt/Lot/Bldg <b>FWC</b>	City <b>RIVIERA BEACH</b>	State <b>FL</b>	Zip Code	Phone Number	Ext.		

## INVESTIGATION

Was body camera used?	<b>Yes</b>
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## Person: DEFENDANT

First Name <b>DANIAL</b>	Middle Name <b>JAMES</b>	Last Name <b>KENYON</b>	Suffix	Race <b>WHITE</b>	Sex <b>MALE</b>	Height <b>510</b>	Weight	Hair	Eyes
MNI #	SSN	Date of Birth <b>12/21/1991</b>	Age <b>31</b>	ID Type <b>E</b>	Drivers License or other ID <b>K550170914610</b>	State <b>FL</b>	OCA / Agency ID		
Place of Birth: , ,									
Addresses • RESIDENCE / 10658 BOCA ENTRADA BLVD, BOCA RATON, FL 33428 /									

## Business: VICTIM

Business Name <b>FLORIDA FISH AND WILDLIFE CONS</b>	MBI # <b>FWC19MBI000838</b>	Phone Number 1	Ext 1	Phone Number 2	Ext 2	
County <b>LEON</b>	Street Number <b>620</b>	Address <b>S MERIDIAN ST</b>	Apt/Lot/Bldg	City <b>TALLAHASSEE</b>	State <b>FL</b>	Zip Code <b>32399</b>
Other Information						

## Charge: STATE STATUTE

Counts <b>1</b>	Charge <b>327.35(1)(c)</b>	Arrest Offense Code Description <b>DUI-UNLAW BLD ALCH</b>
Charge Degree <b>SECOND DEGREE</b>	Charge Level <b>MISDEMEANOR</b>	General Offense Code
Charge Description <b>OPERATING A VESSEL WITH AN UNLAWFUL BREATH ALCOHOL LEVEL OF .08 OR HIGHER</b>		


Report Date / Time <b>4/2/2023 4:43:49 PM</b>	Report Number <b>ISR110438 (01)</b>	Report Case/CAD Number <b>FWC23ON0028464 / FWCS23IN0016102</b>	Reporting Officer Rank / ID <b>OFFICER / WP290</b>	Reporting Officer Name <b>REA, MICHAEL</b>
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UCR Code / UCR Description

**Vessel: SUBJECT VESSEL**

Year <b>2017</b>	Make <b>YAMAHA MOTOR CORP USA</b>	Type <b>PERSONAL WATERCRAFT</b>	Color <b>WHITE</b>	Hull Material <b>OTHER</b>		
Vessel Name	State <b>FL</b>	Registration Number <b>FL4604RL</b>	Tag Expiration <b>05/21/2023</b>	Vessel HIN <b>YAMA3221E717</b>	Vessel Doc Number	
Owner Type <b>NOT APPLICABLE</b>	Vessel Value (\$)	Length <b>10</b>	Fuel Type <b>GAS</b>	Propulsion <b>Water Jet</b>	Number of Engines / Type <b>/</b>	Total HP
Vessel Owner	Vessel Released To Person		Vessel Released By Officer			

**Narrative: PROBABLE CAUSE**

Narrative Date/Time <b>4/6/2023 6:16:19 PM</b>	Narrative Synopsis <b>ARREST REPORT</b>		
Reporting Officer <b>REA, MICHAEL</b>	Officer Rank <b>OFFICER</b>	Officer ID No <b>WP290</b>	Officer Org/Unit <b>FWCSISO REGION AIPALM BEACH</b>
Officer Signature 	Officer Agency <b>FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION</b>		

On April 2nd, 2023 I officer Michael Rea of the Florida Fish and Wildlife Conservation Commission observed a Jet Ski operating fast in a slow speed zone on the north side of Peanut island in Riviera Beach. We conducted a vessel stop on the Jet Ski and the operator was DANIAL K JAMES (K550170914610).


While waiting for DANIAL to make his way over to the boat on the jet ski, we noticed that he was tilting over and having a difficult time reaching us. once along side of our vessel, a strong scent of alcohol was present and his eyes were blood shot and glassy.

DANIAL was asked to perform SFST's and he agreed. During Horizontal Gaze Nystagmus signs of nystagmus were noted. During Finger to nose DANIAL missed his nose as well as touching with the wrong part of his finger. During the Palm Pat DANIAL rolled his hands and patted improperly. During Hand Coordination DANIAL did not properly count or do as instructed.

Based on my observations as well as these tasks, DANIAL was arrested for Operating a vessel while normal faculties were impaired.

**Narrative: INITIAL**

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Offense Description <b>S1B BUI - BOAT</b>				

Narrative Date/Time 4/6/2023 6:17:23 PM		Narrative Synopsis INITIAL		
Reporting Officer REA, MICHAEL	Officer Rank OFFICER	Officer ID No WP290	Officer Org/Unit FWCSISO REGION A/PALM BEACH	
Officer Signature 	Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			

**Who:**  
Danial James Kenyon, DOB 12/21/1991, FLDL:K550170914610, 10658 BOCA ENTRADA BLVD BOCA RATON FL 33428

**What:**  
Operating a vessel with normal faculties impaired

**When:**  
Sunday, April 2nd, 2023, at 1519 hrs.

**Where:**  
Peanut Island ICW located in Palm Beach County, Florida

**Other Information Related to BUI:**  
The vessel was a 2017 Yamaha Jet Ski (PWC), FL4604RL .

**Weather Conditions:**  
The weather was clear with a light incoming tide and light winds. The waterway had heavy boat traffic due to the Floatopia event.

**Phase 1: Vessel in motion**

On 2/2/2023 at approximately 1519 hours I, Officer Michael Rea, Lieutenant K. Kleis and Ofc. D. Morgan of the Florida Fish and Wildlife Conservation Commission (FWC), were on water-based patrol around Peanut Island located in Palm Beach County inside of Palm Beach inlet. We observed a Jet Ski (PWC) operating at faster than the posted Slow speed. Danial was also having problems keeping his balance on the Jet ski, leaning to one side. We initiated a vessel stop to address the violation.

Report Date / Time <b>4/2/2023 4:43:49 PM</b>	Report Number <b>ISR110438 (01)</b>	Report Case/CAD Number <b>FWC23ON0028464 / FWCS23IN0016102</b>	Reporting Officer Rank / ID <b>OFFICER / WP290</b>	Reporting Officer Name <b>REA, MICHAEL</b>
Originating Agency ORI <b>FL0508000</b>	Reported to Agency Date	Occur Date Range <b>04/02/2023 15:19:40 - 04/02/2023 17:30:00</b>	Jurisdiction <b>State Waters</b>	Status: Clearance: <b>CLEARED BY ARREST</b>
Offense Description <b>S1B BUI - BOAT</b>				

## Phase 2: Personal Contact with Operator

Upon contact with the PWC operator, later identified as Danial James Kenyon (DL# K550170914610), I noticed that Kenyon had an odor of alcohol emitting from him and glassy, blood shot eyes. Kenyon was explained the reason for the stop. While speaking with Kenyon, Officer Morgan and I noticed his speech was slow and he was speaking very quietly.

We asked Kenyon if he would perform Seated Standardized Field Sobriety Tasks (SFSTs) to determine if he was impaired. Kenyon consented to perform Standardized Field Sobriety Tasks (SFSTs). Ofc. Morgan had Kenyon board my vessel and I began 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 Kenyon showed clues in both eyes. Lack of smooth pursuit, distinct and sustained nystagmus at max deviation and onset of nystagmus prior to 45-degree. Kenyon had 6 clues for the task. 4 or more clues indicate impairment.

The next task Kenyon performed was the Finger to Nose. I started by reading the instructions for the task. On the first left he did not use his fingertip (pad of his index finger). On the first right did not use his fingertip (pad of his index finger) and missed the tip of his nose (side of nose). On the second left he did not use his fingertip (pad of his index finger). On the second right he searched, did not use his fingertip (pad of his index finger) and missed the tip of his nose (side of nose). On third right did not use his fingertip (pad of his index finger). On the third left he used did not use his fingertip (pad of his index finger) and missed the tip of his nose (side of nose). Kenyon had 12 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 Kenyon to begin the task after reading the instructions to him. During the performance of the task Kenyon rolled his hands, did not properly speed up, and did not turn his hand over as instructed. In total Kenyon demonstrated 4 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 Kenyon to begin after explaining the instructions. On the 1st task (Forward Steps) Kenyon performed with improper touch. On the 2nd task (Hand Clapping) Kenyon performed with improper return. On the 3rd task (Return steps) Kenyon performed with improper count and did not return his fists to his chest. On the 4th task (End position) he did not end in the correct

Report Date / Time 4/2/2023 4:43:49 PM	Report Number ISR110438 (01)	Report Case/CAD Number FWC23ON0028464 / FWCS23IN0016102	Reporting Officer Rank / ID OFFICER / WP290	Reporting Officer Name REA, MICHAEL
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position. In total Kenyon demonstrated 5 clues on Hand Coordination. 3 or more clues would indicate impairment.

**Arrest of Operator:**

Due to the totality of the circumstances, my observations of his glassy, blood shot eyes, odor of alcohol on his breath, and his performance on the NASBLA seated field sobriety tasks, the Kenyon was arrested for boating under the influence--- Operating a vessel with normal faculties impaired.

I placed Kenyon under arrest at 2056 hours on 07/02/22.

**Disposition of Vessel:**

The vessel was Towed and a tow receipt is attached to this report.

**Disposition of Operator:**

After being placed under arrest, Kenyon was transported to Rybovich marina to be transferred from patrol vessel to my patrol truck. Kenyon was then transported to the Breath Alcohol Test (BAT) faculty located at the Palm Beach County main jail on Gun Club Road. Arrival to the BAT was at 1633 hours.

Kenyon was read implied consent for the testing of his breath at hours. Kenyon agreed to submit a breath sample. Kenyon gave two breath samples at 17:07 and 17:10 hours, respectively. The first resulted in a breath sample of .167 g/210 L, and the second resulted in .176 g/210 L.

Kenyon did not answer questions, post-Miranda being read.

Kenyon was booked into the Palm Beach County Main Jail at 1730 hours on 04/02/23.

due to a breath-alcohol level of 0.15 or higher, I have direct filed the following citation.

327.35(1)(c) V653211

**OPERATING A VESSEL WITH AN UNLAWFUL BREATH ALCOHOL LEVEL OF .08 OR HIGHER**

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

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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

The above event was captured on agency issued body camera and uploaded to the appropriate agency server.

Sup #	Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
01	REA, MICHAEL OFFICER WP290	REPORTING OFFICER	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCS\ISO REGION A\PALM BEACH

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 narratives associated with this report:

**Officer: Reporting Officer (Supplement01)**

Officer Name <b>REA, MICHAEL</b>	Office Rank <b>OFFICER</b>	Officer ID No <b>WP290</b>	Sworn and subscribed before me, the undersigned authority This the <u>6</u> day of <u>April</u> , <u>2023</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER  
Officer Agency <b>FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION</b>	Officer Signature 		



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



DEFENDANT'S NAME: Diana K James CASE NO. FLA 2301NB028464

**MIRANDA WARNING**

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.

**After the warning, ask the following questions and record the answers.**

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: \_\_\_\_\_

**INTERVIEW (quote answers) Defendant advised of the above rights and waives them.**

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?

\_\_\_\_\_  
Interviewing Officer's Signature

Michael Rea  
Interviewing Officer's Name (Printed)