

C-538168

2021



Arrest Report

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

Report Date / Time 2/11/2023 07:49 PM	Report Number C-5172AB	Case Number/Cad Number FWC23ON0012478 / FWCS23IN0006928	Reporting Officer Name MORGAN, DAVID
Originating Agency ORI FL0508000	Occur Date Time Range 02/11/2023 17:22:33 -	Jurisdiction	
OBTS Number	Other Number	Clearance	

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description BRIDGE CATO'S BRIDGE			
Street Number BEACH RD	Street	Apt/Lot/Bldg	City JUPITER	State FL	Zip Code 33469

Defendant

First Name ERIC	Middle Name EDWARD	Last Name CONERLY	Suffix	Race WHITE	Sex MALE	Height 5'09"	Weight 155	Hair WHITE	Eyes BLUE
MNI #	SSN	Date of Birth 10/30/1985	Age 37	ID Type E	Drivers License or other ID C564205853900	State FL	OCA / Agency ID		
Place of Birth:		PALM BEACH GARDENS FL USA							
Address * RESIDENCE / 992 MOHAWK ST., FL 33458 /									

Arrest

Arrest Date/Time 2/11/2023 17:35:02	Arrest Location Type PUBLIC PLACE	Arrest Location Description JUPITER INLET				
Street Number BCH	Street	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	☐ No Bond
Charge Degree SECOND DEGREE		Charge Level MISDEMEANOR	
General Offense Code PRINCIPAL		Arrest Offense Code 501 501-UNLAW BLD ALCH	
Charge Description OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED			
Administrative Code - Description			

Bond Set by Officer

Bond Amount	☐ No Bond
Bond Type(s)	

Arrest Report

Page 1 of 4

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Probable Cause

On 2/11/2023 at approximately 1720 hours I, Officer David Morgan of Florida Fish and Wildlife Conservation Commission (FWC), Officer Joshua Eustice and Officer Austin Gilmore with FWC were on water-based patrol near Jupiter Inlet located in Palm Beach County. We observed a vessel beginning to head south in the IntraCoastal Waterway (ICW) just north of Jupiter Inlet with several passengers onboard. We initiated a vessel stop to conduct a boat safety inspection.

Upon contact with the vessel operator, later identified as Eric Edward Conerly, FL DL# C564205853900 DOB 10/30/1985, I noticed that Conerly had slurred words when he talking during the stop. Conerly also had glassy eyes with slightly droopy eyelids. I explained to Conerly that we were doing a boater safety inspection for the required safety equipment. As Conerly moved around the vessel, a strong odor of alcohol able to be identified coming off his person. I asked Conerly if he had been drinking today and how much to which he replied he had been drinking all day while on the vessel and his last drink was right before he pulled the vessel of the beach at Jupiter Lighthouse and was stopped by us.

I asked Conerly if he would perform Seated Standardized Field Sobriety Tasks (SFSTs) to determine if he was impaired. Conerly consented to perform Standardized Field Sobriety Tasks (SFSTs). I had Conerly board my vessel to begin 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 Conerly showed clues in both eyes. Conerly had 6 clues for the task. 4 or more clues indicate impairment.

The next task Conerly performed was the Finger to Nose. Conerly had 18 clues for this task. 9 or more clues indicate impairment.

The third task I conducted was the Palm Pat. In total Conerly 2 demonstrated 4 total clues on Palm Pat. 2 or more clues would indicate impairment.

The fourth task I conducted was the Hand Coordination. In total Conerly demonstrated 3 clues on Hand Coordination. 3 or more clues would indicate impairment.

At the conclusion of the SFSTs, Conerly was arrested for operating a vessel while normal faculties impaired at 1734 hours.

I transported Conerly to Palm Beach County Main Jail at 1850 hours in my patrol vehicle. At the jail, Conerly provided refused to provide breath samples at 1916 hours. Conerly answered questions, post-Miranda.

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Conerly was issued the following citation:

Citation 1: V763151 (Misd.)

327.35(1)(a): Operating a vessel while normal faculties impaired

Citation 2: V763152 (Infrac.)

327.35315(1): Refusal to submit to blood/breath/urine to pursuant to
FS 327.352

Citation 3: V763153 (Infrac.)

327.50(1)(a): No fire extinguisher

All above events were captured on agency issued body worn camera and uploaded to the agency server.

Jail Booking Facility

Booking Date/Time 2/11/2023 07:53 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

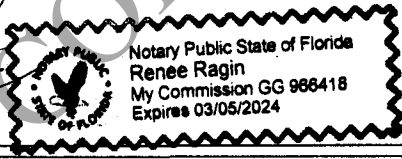
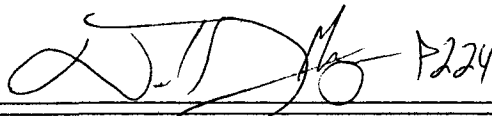
Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court PALM BEACH COUNTY COURT AT GUN CLUB	Court Phone (561) 355-4235	Court Appearance Date / Time 3/2/2023 08:00	Court Fine
Comments			

Officer Name Rank / ID # MORGAN, DAVID OFFICER WP224	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCS\SO 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 MORGAN, DAVID	Office Rank OFFICER	Officer ID No WP224	Sworn and subscribed before me, the undersigned authority This the <u>11</u> day of <u>Feb</u> , 2023 DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			
Officer Signature  P224			

☐ No Bill / Petition
 ☐ Issue Warrant
 ☐ Prosecution Approved

Signature of Assistant State Attorney

Date

TESTING FACILITY TASK REPORT

AGENCY: FWC

SUBJECT: Conerly, Eric E.

CASE NUMBER: 23-035617

DATE: Feb 11, 2023

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 19:14

ENDING TIME: 19:23

BREATH TESTS RESULTS: 1) Refused TIME 19:16 A.M. ☐ P.M. ☒ 2) N/A TIME ☐ 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: Gray shorts, yellow t-shirt, brown flip-flops

MEDICAL CONDITIONS: Sleep Problems

MEDICATIONS: Trazodone

OTHER:

Eyes are red
odor of unknown alcoholic beverage on breath
Subject stated in Q&A he had 5 Light Beers

COMMENTS:

Arrived at center A/O started 20 minute observation period at 18:50 hrs.

Subject refused to perform breath test.

A/O read BUI I/C and subject stated he understood BUI I/C.

Subject refused to take test.

A/O read rights.
Subject stated he understood rights.

A/O conducted. Q&A.
Subject answered Q&A.

REFUSED

REFUSED



FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

IMPLIED CONSENT WARNING FOR BREATH (BUI)

DEFENDANT'S NAME: Conerly, Eric E. CASE NO: FWC230N 0012478

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 ☐

SIGNATURES

Date read: 2/11/23 Time read: 1916 Location read: BAT MAIN JAIL

OFFICER'S NAME (printed): DAVID MORGAN

OFFICER'S SIGNATURE: [Signature] K224



FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT



OPERATOR APPRAISAL & INTERVIEW

DEFENDANT'S NAME: Conerly, Eric E. CASE NO. FWC230N0412478

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: IN CUSTODY

Were you operating a vehicle/vessel? <u>Yes</u>		Where were you going? <u>Boat Ramp - BEET Reynolds</u>
Was the vehicle/vessel in good condition? If No, <u>Yes</u>		What is wrong with it? <u>N/A</u>
What road/waterway were you on? <u>Supster, Intracoastal</u>		Where were you coming from? <u>Supster Lighthouse</u>
What time did you leave there? <u>1720 hrs</u>		Without looking at a watch or clock, what time is it now? <u>1715</u> Actual Time: <u>1718</u>
What is today's date? <u>2/10/23</u> Actual Date: <u>2/11/23</u>		What day of the week is it? <u>SATURDAY</u> Actual Day: <u>SATURDAY</u>
When did you last eat? <u>1400hrs</u>	What did you eat? <u>French Fries</u>	Where did you last eat? <u>Fridges/Hes</u>
What have you been drinking? <u>Light BEER - BUSCH Light</u>	How much have you been drinking? <u>5</u>	Where have you been drinking? <u>FRED EGGS/HES</u>
Who were you drinking with and were they drinking? <u>FRIENDS & Yes</u>		What time did you start drinking? <u>NOON 1200hrs</u>
What time did you stop drinking? <u>1720 hrs</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 Nigh 2130-0800</u>	How much sleep did you get? <u>10 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>TRAZODONE - Help sleep</u>		
If so, what kind of drug did you take? What was your last dose and when? <u>Thurseday - 30mg (1 pill)</u>		
Do you think you should have been operating a vehicle/vessel? <u>Yes</u>		If yes, Why? <u>Capable BELIEVE as anyone to operate VESSEL</u>

[Signature] P224
Interviewing Officer's Signature

David MORGAN
Interviewing Officer's Name (Printed)



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

PBSO CASE # 23-035617 PBSO ZONE 3-11

AGENCY CASE # FWC230N0012478 CRASH CASE # _____

TIME OF STOP/CRASH 1520hrs DATE 2/11/23 DAY SATURDAY

SUBJECT'S NAME CONERLY FREED EDWARD RACE W SEX M
LAST FIRST MID

HGT 5'09 WGT 155lb DOB 10/30/1985

LOCATION ICW : Jupiter Inlet

ARRESTING OFFICER'S NAME & ID Zaid Morgan P224 AGENCY FWC

DIVISION: LE

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 1850 hrs

ARREST TIME 1734 hrs

BREATH RESULTS:

1)	
2)	
3)	
4)	

TESTING OFFICER'S ID 16877 PBSO VIDEOTAPE # N/A



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 MALIBU BEACH County, Florida

STATE OF FLORIDA
(PLAINTIFF)

Uniform Boating Citation No.

V763152

v.

ERIC F. CONERLY
DEFENDANT

AFFIDAVIT

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

1. That on SATURDAY, February 11th, 2023 at 17:34 ☐ AM probable
Day of Week Date (Month & Day) Year Time ☒ PM
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.

[Signature] P224
Officer's Signature ID No
FWC
Law Enforcement Agency
1300 MARCINSKI ROAD
Mailing Address
JUPITER FL 33477
City State Zip Code

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 11 DAY
OF Feb, 2023

Notary Public or Attesting Officer

☒ Personally known
☐ Produced as Identification
Notary Public State of Florida
Renee Morgan
My Commission GG 988418
Expires 03/05/2024



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

PBSO CASE # 23-035617 PBSO ZONE 3-11

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DIVISION: LE

NOTIFIED BY COMMO Y

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ARREST TIME 1734 hrs

BREATH RESULTS:

1)	
2)	
3)	
4)	

TESTING OFFICER'S ID 16877 PBSO VIDEOTAPE # N/A



STATE OF FLORIDA
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT



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FURTHER AFFIANT SAYETH NOT.

[Signature] P224
Officer's Signature ID No
FWC
Law Enforcement Agency
1300 MARCINSKI ROAD
Mailing Address
JUPITER FL 33477
City State Zip Code

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 11 DAY
OF Feb, 2023
Notary Public or Attesting Officer
☒ Personally known
☐ Produced as Identification
Notary Public State of Florida
Renée Reagin
My Commission G6 968418
Expires 03/05/2024



**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: 2023004026	Date: 2/12/2023
	Specialist Name/ID: M. Took #8557