0542387 23CT-13882 3071
ASB

Arrest Report

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

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
8/5/2023 02:11 AM	FHP99ARR871015	FHP23ON0407688 / RCC23IN0608580	M.W. MCDONOUGH

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0509000	08/05/2023 01:25:22 -	

OBTS Number	Other Number	Clearance

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	OTHER	NB INTERSTATE-95 @ DONALD ROSS RD

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
	NB INTERSTATE-95		PALM BEACH GARDENS	FL	33418

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
NEILL	ROBERT	ENGLER		WHITE	MALE	511	210	GRY	blue

MNI #	SSN	Date of Birth	Age	ID Type	Drivers License or other ID	State	OCA / Agency ID
	[redacted]	10/13/1959	63	E	E524636593730	FL	

Place of Birth:	NEW YORK CITY NY

Address
* RESIDENCE / 8 SE TURTLE CREEK DR , TEQUESTA, FL 33469 /

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
8/5/2023 2:00:00 AM	OTHER	NB INTERSTATE-95 @ DONALD ROSS RD

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
	NB INTERSTATE-95		PALM BEACH	PALM BEACH GARDENS	FL	

Charge : S

Counts	Charge	Bond Amount	
1	316.193.1c	$0.00	☐ No Bond

Charge Degree	Charge Level
S	MISDEMEANOR
General Offense Code	Arrest Offense Code
	DUI-UNLAW BLD ALCH

Charge Description
DUI BREATH ALCOHOL 0.08 OR MORE PER 210 L

Administrative Code - Description
-

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FILED PBC - GUN CLUB--
'23 AUG 6 AM 7:58

QP HOWell 7206

SCANNED
AUG 06 2023

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Bond Set by Court

Bond Amount	☐ No Bond

Bond Type(s)

Probable Cause

On Saturday August 5, 2023, while on patrol in Palm Beach County, I was traveling, in my fully marked with light bar Florida Highway Patrol vehicle northbound on Interstate-95 (State Road 9) at State Road 786 (PGA Blvd), I observed a grey sports utility vehicle traveling in the left lane at a very high rate of speed. I then got behind the vehicle, grey 2018 Volvo XC90 (FL tag " PDKQ59 "). I paced the vehicle for about a half to three quarters of a mile from State Road 786 (PGA Blvd) to Hood Road overpass. The vehicle's speed got up to 125 miles per hour in a 65 miles per hour zone, and up to about 130 miles per hour when it entered the 70 miles per hour zone near Central Blvd overpass. The vehicle passed a marked Palm Beach Gardens patrol vehicle and slowed back down to around 100 miles hour. I the got behind the Volvo and turned on my patrol vehicle's emergency blue lights and in car camera to conduct a traffic stop on the vehicle. The vehicle did stop on the right paved shoulder just north of Donald Ross Road. My marked patrol vehicle was last calibrated on June 2, 2023.

I approached the driver window and met with the driver Mr. Niell Robert Engler (FL DL # E-524-636-59-373-0). When I made contact with Mr. Engler I observed that he had bloodshot water eyes, slurred speech, and I could smell a strong odor of alcohol coming from his breath and person. I advised Mr. Engler why I had stopped him. When I asked where he was coming from he stated that he was coming from his work where he had dinner with friends. He stated that he had only one glass of Stella beer at dinner. He stated that he was going home to residence in Tequesta, FL. I then took the vehicle's key fob. Moments later I asked Mr. Engler to exit his vehicle. I stated that I observed from him bloodshot watery eyes, slurred speech , and odor of alcohol. I asked if he had any physical issues to where he stated his lower back only. I asked Mr. Engler if he submit to roadside sobriety exercises. After explaining why I was requesting them and stated what would occur if he refused hie stated that he would submit to the exercises.

The first exercise was " HGN ". Mr. Engler exhibited lack of smooth pursuit, exhibited nystagmus on both eyes, and exhibited nystagmus prior to 45 degrees. The second exercise was the " Walk and Turn ". During the exercise started begin before instructed. On the first nine steps forward Mr. Engler only took 8 steps, did not keep heel to toe, and performed the instructed turn on the incorrect foot (right). On the second nine steps Mr. Engler did not stay on the yellow tape line and did not keep heel to toe as instructed. The third exercise was the " One Leg Stand ". During the exercise Mr. Engler on the first attempt put his right foot, wearing brown loafers, on step 1/1000, step 3/1000 and step 4/1000 and stopped the exercise. On the second attempt he raised his arms for balance, raised his right foot for only about 2 to 3 seconds, and did not count out load as instructed.

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Based on the evidence I placed Mr. Engler under arrest for driving under the influence. North County Towing towed the vehicle from the scene. I then transported Mr. Engler to the Palm Beach County Breath testing center inside the Palm Beach County Main Jail. After a twenty minute observation where he did not consume any liquid or food Mr. Engler went on camera inside the breath testing center where I read Florida's Implied Consent and requested a breath sample from Mr. Engler. After a period of explaining Mr. Engler's options on giving the breath sample or not giving the breath sample, Mr. Engler finally stated that he would submit a breath sample request.

On the first attempt on the giving the breath sample, Mr. Engler would not and could not follow the instructions from the breath tech on how to blow and keep a constant breath flow to perform the breath request. Mr. Engler kept stopping blowing into the tube numerous times. Mr. Engler was given a second chance to perform and give a breath sample. Mr. Engler again would not follow the instructions from the breath testing tech where Mr. Engler kept cutting off breathing into the tube. Mr. Engler was given two attempts to give a breath and still would not follow directions where I took that as a refusal at 3:16am.

After I completed my report I Booked Mr. Engler into the Palm Beach County Main Jail for the charge of Driving Under the Influence.

All occurred in Palm Beach County.

Jail Booking Facility

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone
	PALM BEACH	PALM BEACH COUNTY CORRECTIONS	(561) 688-4400

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

Booking Comments

Court

Court County	Court Location
PALM BEACH	200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444

Court	Court Phone	Court Appereance Date / Time	Court Fine
PALM BEACH SOUTH COUNTY COURTHOUSE	561-274-1530	09/11/2023 900A	

Comments

Officer Name / Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit

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M.W. MCDONOUGH TPR 2772	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL\LWRCC\PALM BEACH\SR702 TO MARTIN LN

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	Office Rank	Officer ID No
M.W. MCDONOUGH	TPR	2772

Officer Agency
FLORIDA HIGHWAY PATROL

Officer Signature M. McD

Sworn and subscribed before me, the undersigned authority
This the _____ day of _____, _____
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

○ No Bill / Petition ○ Issue Warrant ○ Prosecution Approved

Signature of Assistant State Attorney Date

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AUG 06 2023

Probable Cause Affidavit

Palm Beach Police Department

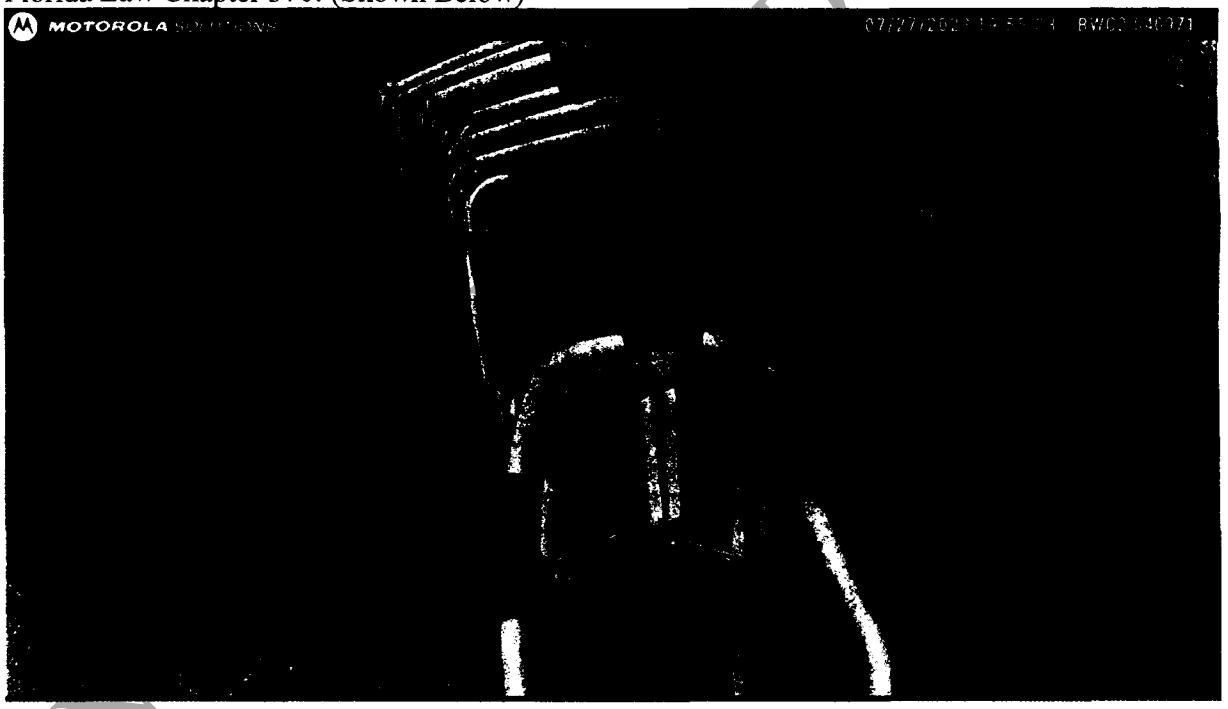
Agency ORI #FLO 500600

On July 27th, 2023, the Palm Beach Police Departments, Organized Crime, Vice and Narcotics Unit held a briefing at the Palm Beach Police Station in anticipation of executing the search warrant. At 1947 hours the Palm Beach Police executed the search warrant on 101 Seminole Avenue.

During the search the following item was collected:

1. Axis Communication Hard drive/ storage unit (S/N HW030HZZBWC3) in a closet located in the garage.

While conducting the search warrant, it should be noted that while in the garage in plain view a white laundry basket was observed containing approximately ten wooden stakes with "Do Not Disturb Sea Turtle Nest" signs attached. The signs were yellow and white in color and cited Florida Law Chapter 370. (Shown Below)



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The foregoing instrument was sworn to or affirmed
Before me this 5th day of August, 2023
By, Detective Buscemi,
Who is personally known to me

Signature of Police Officer (F.S.S.117.10)

State of Florida
County of Palm Beach

Signature/Arresting Officer

SCANNED
AUG 06 2023

Probable Cause Affidavit

Palm Beach Police Department

Agency ORI #FLO 500600

On July 30th, 2023, the Palm Beach Police Department received additional information from FWC in reference to a sea turtle nest being hand dug in the same area. Below is the information received:

"I wanted to share photos of the event yesterday that occurred at the beach area at the north end of the Breakers Seawall area. We believe this is yet another emerged nest that was excavated by unauthorized individual(s) to possibly remove hatchling sea turtles. We believe this occurred within a few minutes after my crew completed the daily sea turtle survey in this area and moved to the beach south. I received a call from the Breakers staff Sunday morning at 9:55 AM. about a hole on the beach and that a beach patron reported seeing hatchling sea turtles at the hole. I sent my staff back to check the area after the call from the Breakers. We found a completely excavated sea turtle nest with the nest contents on the sand surface. We reported this incident to FWC and collected data and photos as instructed. There were several dead hatchlings at the surface of the nest. We do not know if these hatchlings were dead in the nest (which can happen naturally) and dug out by the individual or if they died due to the unauthorized activity.

In the attached photo you can clearly see human hand and knee prints around the excavated nest.

I asked my staff about the sea turtle signs the officer described finding in the residence when he called me. We have photos of what may be the same signs and stakes as described. The stakes and signs were placed around the beach area in previous years. My staff has very clear recollection of the stakes and signs and the individual who was placing those on the beach. A previous event with the signs and stakes deployed was photographed on 12 July 2021. I am not aware of the staking with signage activity occurring at this time unless it is occurring after we leave the beach. The cones on the beach continue and we have recorded several nesting sea turtles making contact with the cones while attempting to nest. The cones that are left in place overnight are located at Dunbar Road."

On August 3rd, 2023, Your Affiant reviewed stored video from the seized Axis hard drive on the date of July 24th, 2023. It should be noted that the Axis hard drive contains two camera angles of the beach. One angle is a 180-degree camera that is not able to be zoomed in or moved around. The second camera is a PTZ (Pan, Tilt, Zoom) camera that can be moved from a remote location. Your Affiant discovered the following evidence on the 180-degree camera:

0712 hours – Eduan Morales enters the view of the camera on the beach.
0717 hours – Frank Herz enters the beach utilizing the private beach access at 101 Seminole Avenue.

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Before me this 5th day of August, 2023
By, Detective Buscemi,
Who is personally known to me

Signature of Police Officer (F.S.S.117.10)

State of Florida
County of Palm Beach

Signature/Arresting Officer

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AUG 06 2023

Probable Cause Affidavit

Palm Beach Police Department

Agency ORI #FLO 500600

0755 hours – Barbara Stoia begins to harass and molest a turtle nest and hatchlings inside the nest, the same nest described in the above email dated July 24, 2023.
0800 hours - Barbara Stoia begins to harass and molest the same turtle nest and hatchlings again.
0804 hours – Barbara Stoia again harasses and molest the turtle nest and hatchlings inside.
0806 hours – Barbara Stoia again harasses and molests the turtle nest and hatchlings this time transporting a hatchling out of the nest and begins to crawl on her hands and knees with her phone recording the hatchling moving in a west to east direction for approximately 40 minutes.
0848 hours – Eduan Morales molests and harasses the hatchlings inside the nest.
0849 hours – 0919 hours - Barbara Stoia and Eduan Morales walk up and down the beach and approach the nest again molesting and harassing several other hatchlings inside the nest.



At one point, Morales brings out a stack of "No Trespassing" white cones that Barbara Stoia routinely lines up on the beach each morning.

At this point in time (0919 hours), the PTZ camera begins to move around and zooms in at a location south of the beach from 101 Seminole Avenue on an employee of DB Ecological, Sea Turtle Monitor. The Turtle Monitor that provided the above email and is permitted to stake turtle nests in the Town of Palm Beach. While the Turtle Monitor is walking northbound on the beach

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State of Florida
County of Palm Beach

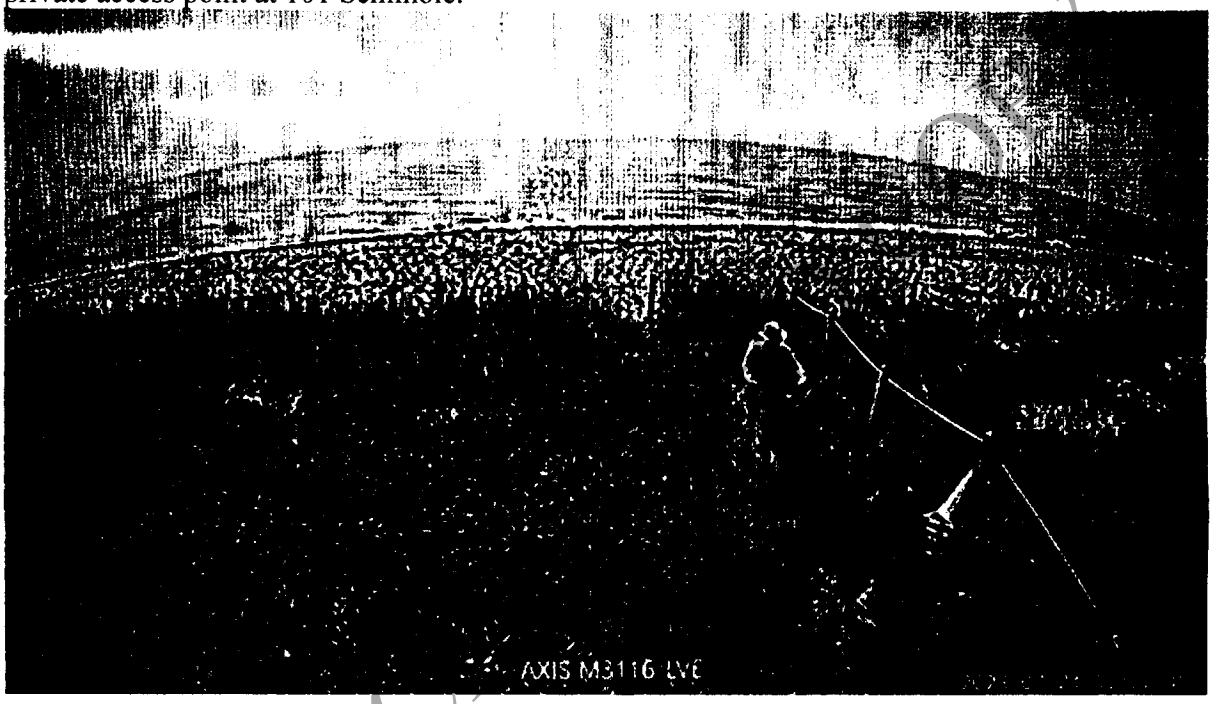
Signature of Police Officer (F.S.S.117.10)

Signature/Arresting Officer

SCANNED
AUG 06 2023

towards 101 Seminole Avenue the PTZ camera begins to follow her. Below is the next occurrence of events:

0922 hours – It appears that Barbara Stoia and Eduan Morales are alerted of the presence of the sea turtle monitor walking in her direction. Barbara Stoia and Eduan Morales then quickly gather their belongings including the stack of no trespassing cones and leave the beach through the private access point at 101 Seminole.



0926 hours – The turtle monitor approaches the exact same spot Barbara Stoia and Eduan Morales was seen harassing and molesting the turtle nest and hatchlings and begins to photograph the disrupted nest. While doing so the turtle monitor's every move is being followed by the PTZ camera that has now zoomed in to the sand to see the disrupted nest.

NOT A C

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Who is personally known to me

State of Florida
County of Palm Beach

Signature of Police Officer (F.S.S.117.10)

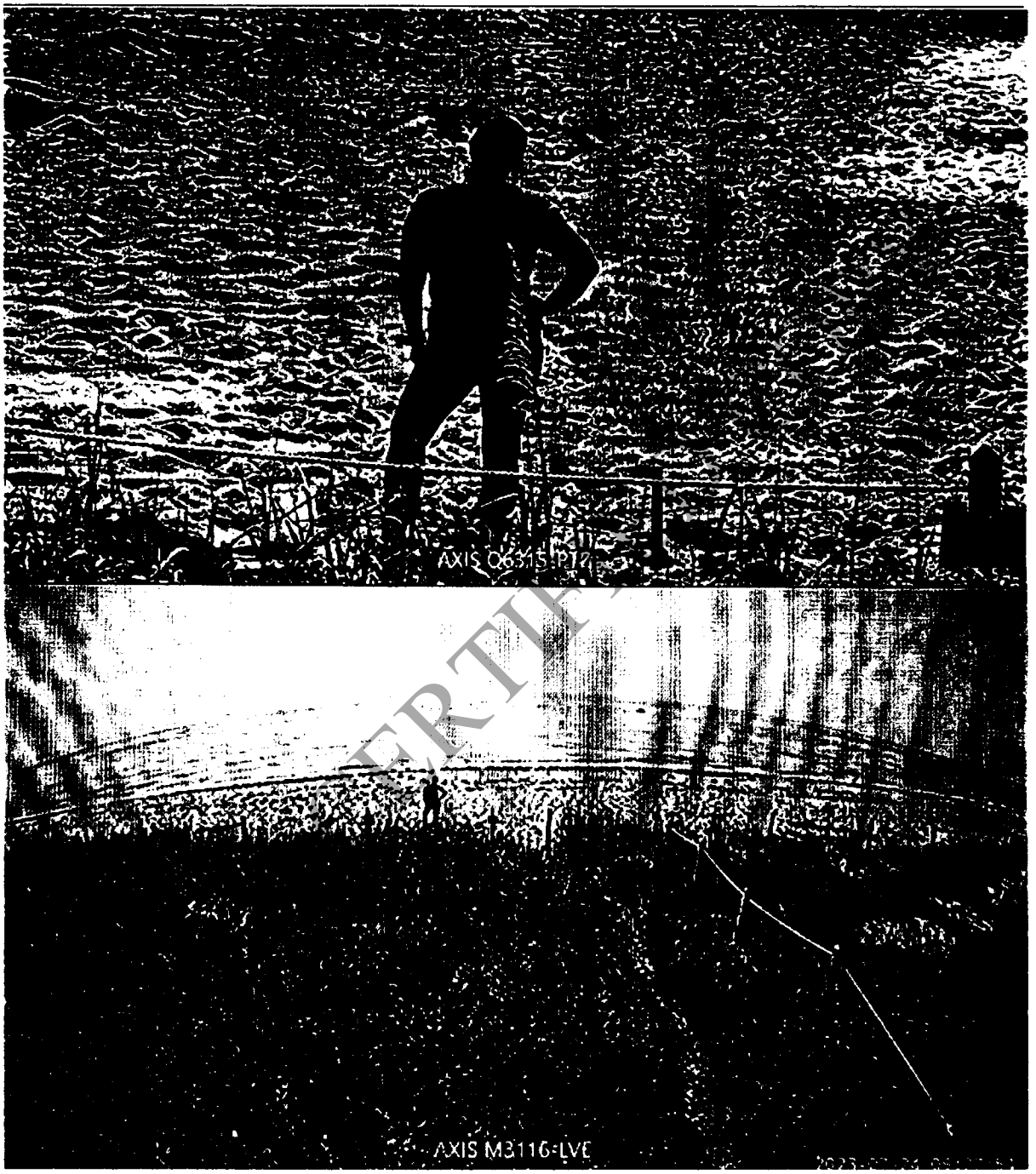
Signature/Arresting Officer

SCANNED
AUG 06 2023

Probable Cause Affidavit

Palm Beach Police Department

Agency ORI #FLO 500600



CERTIFIED

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Before me this 5th day of August, 2023
By, Detective Buscemi,
Who is personally known to me

State of Florida
County of Palm Beach

Sgt. Harris 9142

Signature of Police Officer (F.S.S.117.10)

Signature/Arresting Officer

SCANNED
AUG 06 2023

Probable Cause Affidavit

Palm Beach Police Department

Agency ORI #FLO 500600

Overall, for approximately 85 minutes Barbara Stoia is on the beach harassing the turtle nest and hatchlings as they crawl from the top of the beach to the ocean. Throughout this time, Eduan Morales even attempts to cover the nest hand pry marks and shoes prints by sifting through the sand. Furthermore, when the turtle monitor is spotted on the PTZ camera Barbara Stoia and Eduan Morales are alerted and quickly exit the beach. Once Stoia is off camera, the video appears to remain focused on the actions of the turtle monitor which is commonly referred to as counter surveillance, this is accomplished by utilizing the PTZ camera begins to film the turtle monitors every move.

At this point in time, the turtle monitor ropes off the disturbed area to preserve the shoe prints and hand marks that were later sent to FWC and the Palm Beach Police Department. Upon reviewing the videos, Your Affiant knows and can positively identify that the female depicted in the video as Barbara Stoia (DOB: 01/31/1965 /FLDL #S300-077-65-531-1) and the two males observed on the video as Frank Herz (W/M DOB: 05/17/1971 / FLDL #H620-266-71-177-0) and Eduan Morales (H/M DOB: 09/07/1984 / FLDL #M642-200-84-327-0).

Based on the above facts, Your Affiant found Probable Cause to arrest and charge Eduan Morales for violating the Florida "Marine Turtle Protection Act" as outlined in Marine Animals Regulation pursuant to F.S.S. 379.2431 (E)(5).

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By, Detective Buscemi,
Who is personally known to me

Signature of Police Officer (F.S.S.117.10)

State of Florida
County of Palm Beach

Signature/Arresting Officer

SCANNED
AUG 06 2023

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:	

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REVIEW COMPLETED BY

Booking Number: 2023020316	**Date:** 8/6/2023
	Specialist Name/ID: Chantel Daniels/30347

SCANNED
AUG 06 2023

PALM BEACH COUNTY
SHERIFF'S OFFICE

Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

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	☐			
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	☐			
Other	☐		Other:	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2023020304	**Date:** 8/6/2023
	Specialist Name/ID: R.Castro/40259

SCANNED
AUG 06 2023