0540087 p# 689

Arrest Report

23mm3413SB

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
5110 GANDY BLVD
TAMPA FL 33611

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
4/30/2023 08:32 PM	C-1396AB	0038012 /	RODRIGUEZ, BENNETT

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0508000	04/30/2023 20:33:15 -	

OBTS Number	Other Number	Clearance

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	PUBLIC PLACE	LAKE BOCA

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
				FI	

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
NELSON	DE JESUS	AVALO	J	WHITE	MALE	600	~~185~~	BROWN	BLUE

MNI #	SSN	Date of Birth	Age	ID Type	Drivers License or other ID	State	OCA / Agency ID
	[redacted]	08/06/1988	34	E	A140624882860	FL	

Place of Birth: BOSTON, MA

Address
* / 400 NE 3RD AVE APT 1303 , FT LAUDERDALE, FL 33301 /

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
4/30/2023 8:34:06 PM	PUBLIC PLACE	LAKE BOCA

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
			PALM BEACH		FI	

Charge : STATE STATUTE

Counts	Charge	Bond Amount	
1	327.35(1)(a)	$0.00	☐ ~~No Bond~~

Charge Degree	Charge Level
SECOND DEGREE	MISDEMEANOR

OR

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	
	☐ No Bond

FILED PBC - GUN CLUB
'23 MAY 1 AM 7:08

Bond Type(s)

NO DETAINER
9/ Hunter 7726

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Probable Cause

On the above date, I Officer Rodriguez of the Florida Fish and Wildlife observed a jet ski with a male driver underway with two female sitting with no life jackets on. A vessel stop was conducted, during the stop I observed signs of impairment in the driver (bloodshot watery eyes and odor of alcohol) I requested he submit to SFST. I observed signs of impairment in the subject.

HGN: Lack of smooth pursuit
Distinct and sustained at max deviation

Finger to nose:
L1. Searched, missed tip of nose, did not return hand, not finger tip
R2. missed tip of nose, not fingertip
R3 missed tip of nose, not fingertip
L3 missed tip of nose, searched

Palm Pat:
Did not count
Stopped before told
Didnt increase speed

Hand Coordination:
unable to follow instruction
impropper count and touch

Subject preformed poorly and was placed under arrest for BUI. Subject refused a urine and breath sample.

Jail Booking Facility

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone
4/30/2023 08:35 PM	PALM BEACH	MAIN DETENTION CENTER	(561) 996-1699

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

Booking Comments

Court

Court County	Court Location
PALM BEACH	200 W. ATLANTIC AVE. DELRAY BEACH, FLORIDA 33444

Court	Court Phone	Court Appereance Date / Time	Court Fine
PALM BEACH COUNTY, SOUTH COUNTY COURTHOUSE		06/01/2023 830AM	

Comments

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

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Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
4/30/2023 08:32 PM	**C-1396AB**	**0038012 /**	**RODRIGUEZ, BENNETT**
Originating Agency ORI	Occur Date Time Range		Jurisdiction
FL0508000	**04/30/2023 20:33:15 -**		
OBTS Number	Other Number		Clearance

RODRIGUEZ, BENNETT **OFFICER** **WP345**	**REPORTING OFFICER**	**FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION** **FWCC\SW REGION\PINELLAS**

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
RODRIGUEZ, BENNETT	**OFFICER**	**WP345**

Officer Agency

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Officer Signature WP345

Sworn and subscribed before me, the undersigned authority

This the 30 day of April, 2023

DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

N457

○ No Bill / Petition ○ Issue Warrant ○ Prosecution Approved

Signature of Assistant State Attorney Date

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FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

IMPLIED CONSENT WARNING FOR BREATH (BUI)

DEFENDANT'S NAME: Nelson Alvelo CASE NO: 0038012

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 ☒ BAC

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 been previously fined under section 327.35215, Florida Statues, or if your driving privilege has been previously suspended 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: 4/30/23 Time read: 2619 Location read: Spanish Rive

OFFICER'S NAME (printed): B. Rodriguez

OFFICER'S SIGNATURE: [signature] FWS

FC

Form 917 FO (10/21)

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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 Palm Beach County, Florida

STATE OF FLORIDA
(PLAINTIFF)

Uniform Boating Citation No. V 78014

Nelson V. AVALO
DEFENDANT

AFFIDAVIT

I, B. Rodriguez, a law enforcement officer, who having been duly sworn, certify and state the following:

1. That on Sunday (Day of Week), 4/30 (Date (Month & Day)), 2023 (Year) at 8:30 (Time) ☐ AM ☒ PM probable 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] P345
Officer's Signature ID No

FWC
Law Enforcement Agency

5110 CANDY BLVD
Mailing Address

TAMPA FL 33610
City State Zip Code

SWORN TO AND SUBSCRIBED BEFORE ME THIS 30 DAY OF APRIL, 2023

[signature] 4957
Notary Public or Attesting Officer

☒ Personally known to me
☐ Produced _____ as Identification

[redacted]

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COURT RECORD

Case No.: _____ Hearing Docket No.: _____ Page No.: _____

DATE	Court Action and Other Orders
	☐ Payment of $500.00 received; or ☐ Hearing requested
	Continuance to: _____ Reason: _____
	Continuance to: _____ Reason: _____
	Other: _____
	$500.00 civil penalty is: Sustained ☐ Dismissed ☐

JUDGEMENT and ORDER

After hearing the evidence presented in this manner and duly considering the same, the court finds that the Defendant, _____ , did unlawfully refuse to submit to chemical testing of his/her blood, breath, or urine, in violation of section 327.35215, Florida Statutes. The $500.00 civil penalty is sustained.

IT IS, THEREFORE, the Judgment and Order of this Court that you, the Defendant, pay a civil penalty of $500.00 within _____ days and that you refrain from operating any vessel upon the waters of this state until the $500.00 civil penalty is paid in full.

DONE, ADJUDGED, and ORDERED in open Court at _____ Florida, this _____ day of _____, 20____ , A.D.

Judge: _____

Testimony, Judge's Notes, or other Court Orders:

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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	☐	119.0712(2)	Other: Personal information contained in a motor vehicle record.	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2023011239	**Date:** 5/1/2023
	Specialist Name/ID: *M. Tooks #8557*