Arrest Report 0540085

985

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
1-A MAX BREWER MEMORIAL PKWY
TITUSVILLE FL 32796

23mm3426 SB

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
4/30/2023 07:52 PM	C-4858AB	FWC23ON0037981 / FWCS23IN0020755	MARROQUIN, RICHARD J

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0058000	04/30/2023 18:40:36 -	

OBTS Number	Other Number	Clearance

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	PUBLIC PLACE	LAKE BOCA RATON

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
	LAKE BOCA	FWC	BOCA RATON	FL	33432

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
NELVEN	O	SALAS		WHITE	MALE	5'09"	180	BLACK	BROWN

MNI #	SSN	Date of Birth	Age	ID Type	Drivers License or other ID	State	OCA / Agency ID
		12/12/1997	25	D	S02365887612972	NJ	

Place of Birth: MILLS NJ

Address
* RESIDENCE / 103 RUGBY ST , MILLS, NJ 08015 /

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
4/30/2023 7:05:16 PM	PUBLIC PLACE	LAKE BOCA RATON

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
	LAKE BOCA RATON	FWC	PALM BEACH	BOCA RATON	FL	33432

Charge : STATE STATUTE

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

Charge Degree	Charge Level
SECOND DEGREE	MISDEMEANOR

General Offense Code	Arrest Offense Code
PRINCIPAL	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 7:12

Bond Type(s)

NOT A CERTIFIED COPY

NO DETAINER
GI Normal 72526

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
4/30/2023 07:52 PM	C-4858AB	FWC23ON0037981 / FWCS23IN0020755	MARROQUIN, RICHARD J

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0058000	04/30/2023 18:40:36 -	

OBTS Number	Other Number	Clearance

Probable Cause

On 04/30/2023 at approximately 1640 hours, I Officer Richard Marroquin (N926) of the Florida Fish and Wildlife Conservation Commission (FWC), was conducting state water patrol in a marked FWC patrol vessel on the waters of Lake Boca Rotan in Palm Beach County, Florida.

I observed blue personal watercraft plowing through the water in a marked slow speed zone bearing improper vessel registration. The registration was not properly spaced. My blue emergency lights were activated to conduct a vessel safety inspection and address the registration and slow speed zone violation.

As we attempted to come alongside the vessel, I observed the operator having heavy red bloodshot eyes, droopy eyelids, and a lethargic appearance. The operator was attempting to tie up the vessel to another pontoon boat. The operator appeared to have difficulty with the rope and was being assisted by another individual. I made contact with the operator, Mr. NELVEN O. SALAS (NJ DL# S02365887612972). I observed Mr. SALAS was mumbling his speech, having lethargic movements, having trouble using his fingertips, and difficulty following instructions.

Based on my observations, I asked Mr. SALAS if he would perform seated field sobriety tasks and he agreed. During the pre-task questions, Mr. SALAS stated no to all questions. During HGN task, Mr. SALAS was observed having lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation in both eyes, and onset of nystagmus prior to 45 degrees in both eyes. Mr. SALAS moved his head and stopped following the stimulus during the task on multiple occasions. Vertical Gaze Nystagmus was not observed. During the Finger to Nose task, Mr. SALAS failed to close his eyes, failed to tilt his head, hesitated, searched, missed tip of nose, opened his eyes, and did not use fingertip for a minimum of 9 clues. During the Palm Pat task, Mr. SALAS would not allow me to finish the instructions and consistently interrupted me during the instruction stage. I attempted to give Mr. SALAS the instructions at least three times. Mr. SALAS would not allow me to advise him of the instructions for the tasks and began to become agitated and uncooperative. I could also smell a strong odor of alcoholic beverages emanating from Mr. SALAS's breath as he spoke.

Based on my training and experience as a DUI instructor and a drug recognition expert, I had probable cause to believed Mr. SALAS's normal faculties were impaired by alcohol, chemical substances, and/or controlled substance. I placed Mr. SALAS under arrest at approximately 1900 hours. Mr. SALAS was transported to Spanish River Park for processing, I asked Mr. SALAS if he would provide a breath sample and her initially agreed. While preparing the Intoxilyzer to collect the sample, Mr. SALAS became irate and verbally abusive. Mr. SALAS' was cyclic in his behavior with times of calm and times of belligerent loud yelling. I read Mr. SALAS the implied consent warning for breath, Mr. SALAS ignored the warning and talked loudly over me. Mr. SALAS then became belligerent again and attempted to stand up. Based off of his behavior he was placed in a secured vehicle to be transported for booking.

Mr. SALAS was charged with F.S. 327.35(1)(a) boating under the influence with normal faculties impaired. Mr. SALAS was also issued citation for no boater ID card and a warning for improper display and slow speed zone.

Jail Booking Facility

NOT A CERTIFIED COPY

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
4/30/2023 07:52 PM	C-4858AB	FWC23ON0037981 / FWCS23IN0020755	MARROQUIN, RICHARD J

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0058000	04/30/2023 18:40:36 -	

OBTS Number	Other Number	Clearance

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone
	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 Appeareance Date / Time	Court Fine
PALM BEACH COUNTY, SOUTH COUNTY COURTHOUSE		06/01/2023 0830	

Comments

Officer Name / Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
MARROQUIN, RICHARD J OFFICER SP WN926	REPORTING OFFICER	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCC\NE REGION\BREVARD

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
MARROQUIN, RICHARD J	OFFICER SP	WN926

Officer Agency
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Officer Signature

Sworn and subscribed before me, the undersigned authority
This the 30 day of April, 2023
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

○ No Bill / Petition ○ Issue Warrant ○ Prosecution Approved

Signature of Assistant State Attorney Date

NOT A CERTIFIED COPY

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

IMPLIED CONSENT WARNING FOR BREATH (BUI)

DEFENDANT'S NAME SALAS, NELVEN O CASE NO: FWC23ON0037981

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 been previously fined under section 327.35215, Florida Statutes, 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

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 ☐ - refused to

Do you still refuse to submit to this test? YES ☐ NO ☐ Answer

---

SIGNATURES

Date Read: 4/30/23 Time Read: 2005 Location Read: Spanish River Park

OFFICER'S NAME (PRINTED): MARROQUIN, RICHARD J

OFFICER'S SIGNATURE: [signature] 7726

NOT A CERTIFIED COPY

STATE OF FLORIDA
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISON OF LAW ENFORCEMENT
REFUSAL TO SUBMIT TO BREATH, URINE OR BLOOD TESTING

In the County Court of the Judicial Circuit in and for PALM BEACH County, Florida

STATE OF FLORIDA
(PLANTIFF)
V.
SALAS, NELVEN O
DEFENDANT

Uniform Boating Citaion Number
V757584

AFFIDAVIT

I, MARROQUIN, RICHARD J, a law enforcement officer, who having been duly sworn, certify and state the following:

1. That on Sunday, April 30, 2023 at 8:36 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 references as if set forth fully herein.
2. That on that date and 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, 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 adminsitration 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.

Officer's Signature

WN926
ID Number

Florida Fish and Wildlife Conservation Commission

SWORN TO AND SUBSCRIBED BEFORE ME THIS 30 DAY OF April, 20 23

Notary Public or Attesting Officer

☑ Personally known to me

☐ Produced _____ as Identification

NOT A CERTIFIED COPY