048/145

PCH-399

Arrest Report

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

23mm 3430 SB

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
4/30/2023 06:12 PM	C-5739AB	FWC23ON0037946 / FWCS23IN0020734	MORGAN, DAVID

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0508000	04/30/2023 17:31:10 -	

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
NICHOLAS	JORDAN	SILVA		WHITE	MALE	6'01"	160	BROWN	BLUE

MNI #	SSN	Date of Birth	Age	ID Type	Drivers License or other ID	State	OCA / Agency ID
	[redacted]	08/10/1996	26	E	S410630962900	FL	

Place of Birth:	FORT LAUDERDALE FL

Address
* RESIDENCE / 2117 NE 4TH CT , BOYNTON BEACH, FL 33435 / 561-292-8209

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
4/30/2023 17:44:41	PUBLIC PLACE	ICW, N OF LAKE BOCA

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
872	BUTTONWOOD DR	FWC	PALM BEACH	BOCA RATON	FI	33432

Charge : STATE STATUTE

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

Charge Degree	Charge Level
SECOND DEGREE	MISDEMEANOR
General Offense Code	Arrest Offense Code
PRINCIPAL	DUI-UNLAW BLD ALCH

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

Administrative Code - Description
-

Bond Set by Officer

Bond Amount	
	☐ No Bond

Bond Type(s)

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NO DETAINER
D/S MACK 1080

FILED PBC - GUN CLUB
'23 MAY 1 AM 7:13

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Probable Cause

On 4/30/2023 at approximately 1730 hours I, Officer David Morgan of Florida Fish and Wildlife Conservation Commission (FWC) and FWC Officer Kristofer Landers were on water-based patrol near Lake Boca located in south Palm Beach County. We observed a vessel heading north in the IntraCoastal Waterway (ICW) just north of Lake Boca with several passengers onboard. We initiated a vessel stop to conduct a boat safety inspection.

Upon contact with the vessel operator, later identified as Nicholas Jordan Silva, FL DL# DOB 08/10/1996, I noticed that Silva had slightly slurred words when he was talking during the stop. Silva also had red, glassy eyes with slightly droopy eyelids. I could smell the odor of an unknown alcoholic beverage coming from the vessel. I explained to Silva that we were doing a boater safety inspection for the required safety equipment. As Silva moved around the vessel near me, I was able to smell a slight odor of an unknown alcohol coming off his person.

I asked Silva if he would perform Seated Standardized Field Sobriety Tasks (SFSTs) to determine if he was impaired. Silva consented to perform Standardized Field Sobriety Tasks (SFSTs). I had Silva board my vessel to begin Seated SFSTs.

At the conclusion of the SFSTs, Silva was arrested for operating a vessel normal faculties impaired at 1744 hours.

We transported Silva to Spanish River Park arriving at 1757 hours in on patrol vessel. Silva provided two to provide breath samples at 1818 hours. 1st breath was .106 g/210 mL and 2nd breath .104 g/210 mL. Silva answered questions, post-Miranda.

Silva was issued the following citation:

Citation 1: V777712 (Misd.)
327.35(1)(a): Operating a vessel with an unlawful breath alcohol level of .08 or higher

Citation 2: V777711 (Infrac.)
327.395(1): No boater ID card

Citation 3: V777710 (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.

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Jail Booking Facility

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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 Appearance Date / Time	Court Fine
PALM BEACH COUNTY, SOUTH COUNTY COURTHOUSE	(561) 355-2431	06/01/2023 0830HRS	

Comments

Officer Name / Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
MORGAN, DAVID OFFICER WP224	REPORTING OFFICER	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCS\SO 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 probable cause associated with this report:

Reporting Officer

Officer Name	Office Rank	Officer ID No
MORGAN, DAVID	OFFICER	WP224

Officer Agency

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Officer Signature WP224

Sworn and subscribed before me, the undersigned authority

This the 30 day of Apr. 1, 2023

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

DEFENDANT'S NAME: NICHOLAS J SILVA CASE NO. FWC23ON003746

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? YES	Where were you going? Home (Boynton Beach Inlet
Was the vehicle/vessel in good condition? If No, → YES	What is wrong with it?
What road/waterway were you on? ICW	Where were you coming from? Boca Lagos
What time did you leave there? 1730	Without looking at a watch or clock, what time is it now? 1826 Actual Time: 1832
What is today's date? 30 Apr Actual Date: 4/30/23	What day of the week is it? Sunday Actual Day: Sunday

When did you last eat? 2 hrs ago	What did you eat? Pub sub	Where did you last eat? On boat Lexington
What have you been drinking? Yes	How much have you been drinking? 5 beers	Where have you been drinking? on boat / Lake Boca
Who were you drinking with and were they drinking? Family & Friends (some underage)		What time did you start drinking? 1400
What time did you stop drinking? 1638 hrs	Do you feel the effects of alcohol (or drugs)? No	Do you feel that you are impaired? NO
Were you involved in an accident today? NO	When did you last sleep? Last Night	How much sleep did you get? 10 hrs

Are you currently under the care of a doctor or dentist? For what? No
Have you used any type of drugs recently, prescription, non-prescription or otherwise? NO
If so, what kind of drug did you take? What was your last dose and when? No

Do you think you should have been operating a vehicle/vessel? NO	If yes, Why?

Interviewing Officer's Signature

Ofc. David Morgan
Interviewing Officer's Name (Printed)

FWCDLE 108E (11/05)

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FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: FFWCC TAMPA
Instrument Serial Number: 80-000901 Software: 8100.27
Date of Test: 04/30/2023

Date of Last Agency Inspection: 04/11/2023
Observation Period Began: 17:58
Subject's Name: NICHOLAS J SILVA DOB: 08/10/1996 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	18:18
Air Blank	0.000	18:19
Control Test	0.079	18:19
Air Blank	0.000	18:19
Subject Sample #1	0.106	18:20
Air Blank	0.000	18:21
Air Blank	0.000	18:22
Subject Sample #2	0.104	18:23
Air Blank	0.000	18:24
Control Test	0.078	18:24
Air Blank	0.000	18:24
Diagnostics Check	OK	18:25

Cylinder Lot: 15922080A4
Exp: 08/05/2024

State of Florida, County of Palm Beach,

Personally appeared before me the undersigned authority, who (X) is personally known to me or (__) produced _____ as identification, and who after being placed under oath, states:

I ELISHA D CERNUTO, 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: _____ Date: _____
Signature

Sworn to (or affirmed) before me this 30th day of April, 2023

_____ _____
Signature of Notary Public-State of Florida 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.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007

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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	☐		Other:	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2023011231	**Date:** 5/1/2023
	Specialist Name/ID: R.Castro/40259

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

IMPLIED CONSENT WARNING FOR BREATH (BUI)

DEFENDANT'S NAME: Nicholas Silva CASE NO: FWC23ON37946

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 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: 1818 hrs Location read: Spanish River Park (Escape Dock)

OFFICER'S NAME (printed): T. Morgan

OFFICER'S SIGNATURE:

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FILED
2023 MAY 11 PM 4:16
PALM BEACH COUNTY, FL
CLERK
COUNTY CRIMINAL

RECEIPT FOR PRISONER'S PERSONAL PROPERTY
PALM BEACH COUNTY

JAIL

Jacket #_____ Cell # _____ Pouch #_____

ARRESTING AGENCY

Arrest Agency _____ Arrest Date _____ Arrest Time_____ Tamper-Proof Bag # _____

Print Prisoner's _____ _____ _____
LAST NAME FIRST NAME MI

Prisoner's _____ _____ MALE ☐ FEMALE ☐ WHITE ☐ BLACK ☐ HISPANIC ☐ OTHER ☐
DATE OF BIRTH SOCIAL SECURITY NUMBER

1's	5's	10's	20's	50's	100's	Other	U.S. Bills Total	U.S. Coins Total	Check/M.O. Total
							$	$	$

Total Amount of Money in Writing

Total Amount of Money Numerical $

DESCRIPTION OF PERSONAL PROPERTY	BAG 1 OF ____ - BULK PROPERTY - BAG 2 OF ____	
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.
6.	6.	6.
7.	7.	7.
8.	PRISONER IS WEARING	
9.	1.	
10.	2.	
11.	3.	

By my signature, I acknowledge that the above described property is all the property, other than that held as evidence, in my possession at the time of my arrest.

_____ _____ _____ _____
SIGNATURE OF PRISONER PRINT NAME OF OFFICIAL TAKING PROPERTY ID # SIGNATURE

TRANSPORT

CHAIN OF CUSTODY

I certify the above inventory is correct and I have received all items listed above.

Name	ID Number	Agency	Date
1.			
2.			
3.			

INTAKE

Shower/Uniform Issuance. D/S Print Name and ID #:

Items retained by inmate		Additional property/clothing placed into Property	

RELEASE

By my signature, I acknowledge receipt of all my listed property and money in the amount of:

Check Total $ _____ Cash Total $ _____

_____ _____ _____
SIGNATURE OF PRISONER SIGNATURE/ID # OF WITNESS DATE

NOT A CERTIFIED COPY

CANARY - PBSO PROPERTY GREEN - TRANSPORTING OFFICER PINK - ARRESTING OFFICER/AGENCY WHITE- INMATE