50-2023-MM-003427ASB

Arrest Report 05400945

250

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

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
5/1/2023 12:56 AM	C-8981AA	FWC23ON0038051 / FWCS23IN0020822	WILD, JACOB G

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0508000	04/30/2023 23:15:00 - 04/30/2023 23:47:00	

OBTS Number	Other Number	Clearance

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	PUBLIC PLACE	BRAMP SPANISH RIVER PARK

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

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
NILTON	HERCULYS	SOARES		WHITE	MALE	5'10"	180	BLACK	BROWN

MNI #	SSN	Date of Birth	Age	ID Type	Drivers License or other ID	State	OCA / Agency ID
	[redacted]	10/06/1988	34		1605951035	NV	

Place of Birth:	BRAZIL

Address
* RESIDENCE / 3298 DIXIE HWY , BOCA RATON, FL 33431 /

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
4/30/2023 11:41:18 PM	PUBLIC PLACE	LAKE BOCA

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

Charge : STATE STATUTE

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

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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FILED PBC - GUN CLUB
'23 MAY 1 AM 7:15

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Probable Cause

On 04/30/23, I Officer Jacob Wild, of the Florida Fish and Wildlife Conservation Commission (FWC), was on water patrol on Lake Boca in Palm Beach county at approximately 11:30PM.

While on patrol I observed a vessel with several occupants on board screaming at other nearby vessels while underway. Upon initiating a vessel stop for a boating safety inspection I observed a Hispanic male wearing a white shirt with white shorts operating the vessel (bearing Florida registration #FL6569HE). While speaking with operator Nilton Soares (identified by his Nevada drivers license #1605951035) I observed signs of impairment due to slurred speech, watery blood shot eyes, and the strong smell of intoxicants emanating from his person.

I then asked Soares if he would agree to perform seated field sobriety tasks to which he agreed. I performed the horizontal gaze nystagmus (HGN) task to which I observed lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation in both eyes as well as onset prior to 45 degrees in both eyes.

He attempted to perform the finger to nose task but due to a language barrier Soares had difficulty understanding the instructions. Soares wife assisted in translating but was offering him additional information and assistance during the tasks attempting to correct him when he made mistakes. I observed him hesitate, not use fingertip, not bring down, move his head, and missing the tip of his nose.

Due to the language barrier Officer Specialist and Drug Recognition Expert (DRE) Marroquin assisted by checking HGN again and observed lack of smooth pursuit in both eyes, distinct and sustained nystagmus at max deviation, and onset prior to 45 degrees in both eyes. Officer Marroquin stated that the angle of onset was immediate. He also observed vertical gaze nystagmus in both eyes. Officer Marroquin also stated he smelled a strong odor of alcoholic beverage emanating from Soares breath.

Based on totality of the circumstances I had probable cause to believe that Soares was impaired and under the influence of alcohol. Soares was then transported to Spanish River Park where he provided a breath sample.

Soares breath samples were recorded as .112 and .096 grams per 210 liters of breath.

Soares was charged with 327.35(1)(c) -Operating a vessel with a breath alcohol level of .08 or higher.

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Jail Booking Facility

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

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
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FL0508000	04/30/2023 23:15:00 - 04/30/2023 23:47:00	

OBTS Number	Other Number	Clearance

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 08:30 AM	

Comments

Officer Name / Rank / ID #	Involvement On Report / Reporting Role	Officer Agency / Org/Unit
WILD, JACOB G OFFICER WP240	REPORTING OFFICER	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCC\NE REGION\ORANGE
MARROQUIN, RICHARD J OFFICER SP WN926	ASSISTING	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
WILD, JACOB G	OFFICER	WP240

Officer Agency

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Officer Signature

Sworn and subscribed before me, the undersigned authority

This the 1 day of May, 2023

DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

WP240 WN926

◯ 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: Nilton Soares CASE NO: ~~FWC~~ FWC23ON0038051

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: 5/1/23 Time read: 0227 AM Location read: Spanish River Park

OFFICER'S NAME (printed): Jacob Wilke

OFFICER'S SIGNATURE: [signature] 7240

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

Instrument Type: Intoxilyzer 8000
Instrument Registered To: FFWCC
Instrument Serial Number: 80-003195 Software: 8100.27
Date of Test: 05/01/2023

Date of Last Agency Inspection: 04/28/2023
Observation Period Began: 00:05
Subject's Name: NILTON H SOARES DOB: 10/06/1988 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	00:37
Air Blank	0.000	00:37
Control Test	0.077	00:38
Air Blank	0.000	00:38
Subject Sample #1	0.112	00:40
Air Blank	0.000	00:40
Air Blank	0.000	00:42
Subject Sample #2	0.096	00:43
Air Blank	0.000	00:43
Control Test	0.075	00:44
Air Blank	0.000	00:44
Diagnostics Check	OK	00:44

Cylinder Lot: AG128602
Exp: 10/13/2023

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 Jacob Wild ~~NILTON H SOARES~~, 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: _____ 1240 Date: 5/1/23
~~Signature~~

Sworn to (or affirmed) before me this 01 day of May, 2023

_____ N926 Richard Marroquin N926
~~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: 2023011258	**Date:** 5/1/2023
	Specialist Name/ID: M. Tooks #8557