23mm5453ABMB

JKT# 0541662 PCh3472

Arrest Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
8535 NORTHLAKE BLVD
WEST PALM BEACH, FL.

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
7/4/2023 07:39 PM	C-5447AB	FWC23ON0063109 / FWCS23IN0034085	EUSTICE, JOSHUA

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0508000	07/04/2023 18:40:55 -	

OBTS Number	Other Number	Clearance

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	PUBLIC PLACE	ICW PEANUT ISLAND

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
200	E 13TH ST		WEST PALM BEACH	FL	33404

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
WILLIAM	ARTHUR	POTTER	3	WHITE	MALE	5'05"	200	BLONDE	BROWN

MNI #	SSN	Date of Birth	Age	ID Type	Drivers License or other ID	State	OCA / Agency ID
		07/15/1970	52	E	P360921702550	FL	

Place of Birth: Ozark, Alabama

Address
* / 960 NE STOKES TERR , JENSEN BEACH, FL 34957 /

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
7/4/2023 7:39:49 PM	PUBLIC PLACE	ICW NORTH PEANUT ISLAND

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

Charge : STATE STATUTE

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

Charge Degree	Charge Level
SECOND DEGREE	MISDEMEANOR

General Offense Code	Arrest Offense Code
	DUI-UNLAW BLD ALCH

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

Administrative Code - Description
-

FILED PBC - GUN CLUB
'23 JUL 5 AM 7:53

NOT A CERTIFIED COPY

NO DETAINER
Barillo 18342

SCANNED
JUL 06 2023

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
7/4/2023 07:39 PM	C-5447AB	FWC23ON0063109 / FWCS23IN0034085	EUSTICE, JOSHUA

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0508000	07/04/2023 18:40:55 -	

OBTS Number	Other Number	Clearance

Bond Set by Officer

Bond Amount	☐ No Bond

Bond Type(s)

Probable Cause

Boating Under the Influence

WHO: WILLIAM A POTTER III (FLDL P360921702550, DOB 7/15/1970)
WHAT: Boating Under the Influence
WHERE: Riviera Beach Marina, ICW, Palm Beach County
WHEN: July 4, 2023

OBSERVATION OF VESSEL:
On July 4th 2023, I Officer Josh Eustice with the Florida Fish and Wildlife Conservation Commission (FWC) was on routine patrol on the Intercoastal Waterway (ICW) by Peanut Island in Riviera Beach, FL. While on patrol I observed a white center console vessel with a tower throwing a large wake and speeding through a slow speed zone.

CONTACT WITH OPERATOR:
I along with FWC Officers M. Trawinski, P. Defeo, and A. Harris conducted a vessel stop on a 39' Stamas (DO1291438) registered to a William A Potter who was operating the vessel at the time of the incident (verified by his Florida drivers license #P360921702550). As we conducted a safety inspection, POTTER displayed numerous indicators of impairment, to include not maintaining safe control of his vessel, had an odor of an unknown alcoholic substance on his breath, slurring of speech, glossy eyes, inability to multi task when asked to produce safety equipment, unable to locate fire extinguisher when it was on a door panel he passed numerous times, pulled drawers completely out of their compartment looking for his registration, and checked the same compartment multiple times looking for equipment that was not there. I asked Mr. Potter if he had anything to drink today which he responded he had.

Based on my observations and interactions with Mr. Potter I asked him if he would board my vessel so I could conduct Field Sobriety Tasks.

PRE-ARREST SCREENING:
I asked Mr. Potter if he had any medical conditions or physical defects that would prohibit him from conducting the Field Sobriety Tasks to which he responded that he did not.

Horizontal Gaze Nystagmus (HGN): During HGN, POTTER displayed a lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation in both eyes, and an onset of nystagmus prior to 45

NOT A CERTIFIED COPY

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
7/4/2023 07:39 PM	C-5447AB	FWC23ON0063109 / FWCS23IN0034085	EUSTICE, JOSHUA

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0508000	07/04/2023 18:40:55 -	

OBTS Number	Other Number	Clearance

degrees in both eyes.

Finger to Nose (FTN): POTTER displayed the following clues during FTN, Instruction Stage:
Unable to follow instructions, Started at the wrong time.
Performance Stage:
First Left - hesitated, searched, used the pad of finger, missed the tip of the nose, and did not bring hand down
First Right - did not bring hand down
Second Left - hesitated, searched, and did not bring hand down
Second Right - searched, not fingertip, and did not bring hand down
Third Right - wrong hand, hesitated, searched, not fingertip, and did not bring hand down
Third Left - searched, not fingertip, and missed tip of the nose

Palm Pat (PP): During the Palm Pat POTTER was unable to follow instructions, rolled his hands, improper pat by opening and closing hand instead of turning the top hand over, did not increase speed, and rotated his hands.

Hand Coordination (HC): POTTER was unable to follow instructions during instruction stage.
Task 1: Improper touch
Task 2: Did not perform
Task 3: improper count (counted 1-4 instead of 5-8 as instructed), improper touch
Task 4: improper position

POST ARREST: Mr. Potter was placed under arrest at 1910. Mr. Potter kept stating he did not think he was drunk and did not drink that much. Mr. Potter displayed a variety of mood swings and stated that he never drinks. Mr. Potter was transported to Palm Beach County Detention Facility and consented to a test of his breath to determine the alcohol level in his system. POTTER provided samples of 0.155 g/210L of breath and 0.162g/210L of breath at 2050 and 2054 hours.

I issued POTTER a Uniform Boating Citation (V61861) for the following violation:

F.S.327.35(1)(c): operating a vessel with a breath alcohol concentration over 0.08 g/210L of breath

In addition to the above statute, additional penalties apply under F.S. 327.35(4), for having a breath alcohol concentration over 0.15.

POTTER was booked into the Palm Beach County Jail, Main Detention Center without incident.

NOT A CERTIFIED COPY

Jail Booking Facility

Booking Date/Time	Booking County	Booking Facility	Booking Facility Phone
	PALM BEACH	MAIN DETENTION CENTER	(561) 996-1699

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
7/4/2023 07:39 PM	C-5447AB	FWC23ON0063109 / FWCS23IN0034085	EUSTICE, JOSHUA

Originating Agency ORI	Occur Date Time Range	Jurisdiction
FL0508000	07/04/2023 18:40:55 -	

OBTS Number	Other Number	Clearance

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

Booking Comments

Court

Court County	Court Location
PALM BEACH	3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406

Court	Court Phone	Court Appereance Date / Time	Court Fine
PALM BEACH COUNTY COURT AT GUN CLUB		08/04/2023 10:00AM	

Comments

Officer Name / Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
TRAWINSKI, M OFFICER SP WN415		FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCS\SO REGION A\PALM BEACH
DEFEO OFFICER SP WN759		FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCS\SO REGION A\PALM BEACH
EUSTICE, JOSHUA OFFICER WP501	REPORTING OFFICER	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCS\SO REGION A\PALM BEACH
BRODBECK, JAMES J LIEUTENANT WN957		FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCS\SO REGION A\PALM BEACH
HARRIS, A OFFICER WP220		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	Sworn and subscribed before me, the undersigned authority
EUSTICE, JOSHUA	OFFICER	WP501	This the _____ day of _____, _____
Officer Agency			DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			
Officer Signature			

◯ No Bill / Petition ◯ Issue Warrant ◯ Prosecution Approved

Signature of Assistant State Attorney Date

NOT A CERTIFIED COPY

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

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006477 Software: 8100.27
Date of Test: 07/04/2023

Date of Last Agency Inspection: 06/23/2023
Observation Period Began: 20:23
Subject's Name: WILLIAM A POTTER III DOB: 07/15/1970 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	20:49
Air Blank	0.000	20:49
Control Test	0.079	20:49
Air Blank	0.000	20:50
Subject Sample #1	0.155	20:50
Air Blank	0.000	20:51
Air Blank	0.000	20:53
Subject Sample #2	0.162	20:54
Air Blank	0.000	20:55
Control Test	0.080	20:55
Air Blank	0.000	20:56
Diagnostics Check	OK	20:56

Cylinder Lot: 15922080A3
Exp: 08/05/2024

State of Florida, County of PALM BEACH.

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

I PARIS D POUND, 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: 07/04/2023
Signature

Sworn to (or affirmed) before me this 4 day of July, 2023

P501 OFC. J. EUSTICE
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

NOT A CERTIFIED COPY

PALM BEACH COUNTY SHERIFF'S OFFICE
DUI TESTING FACILITY
INFORMATION SHEET

PBSO CASE # 23-085554 PBSO ZONE 3-13

AGENCY CASE # FWC230N~~00~~63169 CRASH CASE #

TIME OF STOP/CRASH ~~2000~~ 1840 DATE 07/04/2023 DAY Tuesday

SUBJECT'S NAME Potter (LAST) William (FIRST) Arthur (MID) RACE W SEX M

HGT 5'5" WGT 200 DOB 7/15/1970

LOCATION ~~Eau Club~~ RIVIERA BEACH MARINA

ARRESTING OFFICER'S NAME & ID Josh Eustice PSO1 AGENCY FWC

DIVISION: ~~Law Enforcement~~ SOUTH A

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 2023

ARREST TIME ~~1840~~ 1910

BREATH RESULTS:

1) .155
2) .162
3) N/A
4) N/A

TESTING OFFICER'S ID 24639 PBSO VIDEOTAPE # N/A

NOT A CERTIFIED COPY

SUBJECT:_____ CASE NUMBER:_____

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING.

I am now requesting that you submit to a lawful test of your ***BREATH*** for the purpose of determining its alcohol content.

OR

I am now requesting that you submit to a lawful test of your ***URINE*** for the purpose of determining the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am _____ of the _____

If you refuse to take the test I have requested of you, your driving privilege will be suspended for a period of one (1) year for a FIRST REFUSAL, or eighteen (18) months if your driving privilege has been PREVIOUSLY SUSPENDED, or if you have been PREVIOUSLY FINED under s. 327.35215, for refusing to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to take the test I have requested of you, and if your driving privilege has been previously suspended, or if you have been previously fined under s. 327.35215, for a 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.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

NOTE: IF THE SUBJECT POSSESSES A COMMERCIAL DRIVER'S LICENSE (CDL), READ THE FOLLOWING,

If you are a Commercial Driver License (CDL) holder or were driving a Commercial Motor Vehicle (CMV), your refusal to submit to testing will result in the loss of your commercial driving privilege for a period of one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from holding a CDL or operating a CMV.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

SUBJECTS SIGNATURE: (X)_____

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: (X)_____

NOT A CERTIFIED COPY

SUBJECT: _____ CASE NUMBER: _____

QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

WERE YOU OPERATING A ~~MOTOR VEHICLE~~ AT THE TIME OF THE STOP/ACCIDENT? _____

WHERE WERE YOU GOING? _____

WHAT ~~STREET OR HIGHWAY~~ WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

WHAT IS TODAY'S DATE? _____ WHAT DAY OF THE WEEK IS IT? _____

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? _____

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? _____

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? _____ WHAT? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? _____ AND YOUR LAST DRINK? _____

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? _____ ARE YOU UNDER THE INFLUENCE? _____

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? _____ HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? _____ WHEN DID YOU LAST WORK? _____

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? _____ WHAT? _____

ARE YOU SICK OR INJURED? _____ WHAT'S WRONG? _____

DO YOU LIMP? _____ DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? _____

WERE YOU IN AN ACCIDENT TODAY? _____

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? _____ WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____ WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

DO YOU HAVE:
- EPILEPSY? _____
- GLASS EYE? _____
- FALSE TEETH? _____
- EAR INFECTION? _____
- INNER EAR TROUBLE? _____
- DIABETES? _____

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? _____

DO YOU TAKE INSULIN? _____ IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? _____ WHERE? _____

INTERVIEWER: _____

NOT A CERTIFIED COPY