



FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION  
1300 MARCINSKI ROAD  
JUPITER, FL 33477

*MR*

REPORT NUMBER  
ARR006076

**ARREST REPORT**

Arrest Date/Time 04/29/2018 03:33 PM	Agency Code FWSA18OFF003620	Officer Number	Patrol Number	Arresting Station Transmission Station	Case Number	Other Number FWLR18CAD005858
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**LOCATION OF OCCURRENCE**

County PALM BEACH	Address BOCA RESORT, BOCA RATON, FL	
Range of Occurrence Date/Time 04/29/2018 01:03 PM to 04/29/2018 01:03 PM	Latitude N 26 20.5799	Longitude W 80 4.6172

**PERSON: SUSPECT**

First Name BRADLEY	Middle Name JOHN	Last Name DELP	Suffix	Date of Birth 01/08/1962	Age 56	Race W	Sex M	Height 509	Weight 180	Eyes Blue
Master Name Index Number	Place of Birth Tulsa, OK	DOB	SSN	Driver's License or Other ID D410070620080	State FL	Class or type E				
Address 453 NE 18TH AVE		City DEERFIELD BEACH	County PALM BEACH	State FL	Zip Code 33441	Phone				

**CHARGES**

Counts 1	Charge Number 327.35.1	Charge DUPLICATE	Charge Degree SECOND DEGREE	Charge Level MISDEMEANOR	General Offense Code OR	<input type="checkbox"/> Hate Crime	<input type="checkbox"/> Domestic Violence	Bond Amount \$0.00
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**BUY/OPERATING A VESSEL WITH NORMAL FACILITIES IMPAIRED**

Counts 1	Charge Number 327.321	Charge FAILURE TO SUBMIT TO A BREATH, URINE, BLOOD TEST FOR BUY	Charge Degree SECOND DEGREE	Charge Level MISDEMEANOR	General Offense Code OR	<input type="checkbox"/> Hate Crime	<input type="checkbox"/> Domestic Violence	Bond Amount \$0.00
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**FAILURE TO SUBMIT TO A BREATH, URINE, BLOOD TEST FOR BUY**

Counts 1	Charge Number 877.03	Charge DISORD CONDUCT	Charge Degree SECOND DEGREE	Charge Level MISDEMEANOR	General Offense Code OR	<input type="checkbox"/> Hate Crime	<input type="checkbox"/> Domestic Violence	Bond Amount \$0.00
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**DISORDERLY CONDUCT**

**PROBABLE CAUSE**

At approximately 1:03 pm, on 29 April 2018, I, Officer Michael Carroll, of the Florida Fish and Wildlife Conservation Commission (FWC), was conducting State water patrol in the area of Lake Boca, in Boca Raton, Florida. I observed a vessel with one male occupant on board the vessel. I identified a white male wearing no shirt and shorts with one hand on the throttle, and one hand on the steering wheel of the vessel. I observed the operator make several attempts at docking the vessel up to the Boca Resort, and screaming at the Staff members of the Boca Resort. The Staff members told the subject that the dock was closed and that he needed to leave the area immediately. The subject refused to leave the area.

I conducted a vessel stop on the vessel, bearing New Hampshire registration number, NH2501HY, and I identified myself as a law enforcement officer. I observed the operator of the vessel to attempt to tie the vessel to my vessel, when I gave several verbal commands to leave the vessel in the neutral and to stop what he was doing. I explained to the operator to retrieve the registration. The subject appeared very sunburnt and confused when I gave him simple instructions. I reminded the operator to retrieve the registration to the vessel. While the operator was retrieving the registration, I observed two cups that contained a liquid substance. I observed a tomato juice bottle that was opened.

I explained to the operator of the vessel that I was stopping him due to him disturbing the peace of the Boca Resort. The subject stated that he was a member of the Resort and that he should be allowed to dock there. While speaking to the operator at a conversational distance, I detected a strong odor of unknown alcoholic beverage, emitting from his persons. I identified the subject by valid Florida driver license number D410070620080, as Mr. Bradley John Delp, of Deerfield Beach, Florida. Delp's eyes appeared to be watery, glassy, and bloodshot. I asked Delp to provide a life jacket, fire extinguisher, sound producing device, and type IV throwable flotation device. Delp braced himself against the vessel the entire time on board while retrieving the items I requested. Delp's speech was slurred, low and raspy, thick tongued, and seemed confused, when he was trying to reason with me during the boating safety inspection. I asked Delp to provide a fire extinguisher and a sound producing device again. Delp leaned over bracing himself with both arms to look at the fire extinguisher that on the side of the center console of the vessel. I asked Delp to unattach the fire extinguisher and show it to me, to which he attempted to undue the latch of the fire extinguisher several times. Delp finally was able to retrieve the fire extinguisher and became agitated when he was attempting to re secure the fire extinguisher. Delp stated that he would do it later and dropped the fire extinguisher. Delp's mood changed drastically and he argued about the fact that he was a member of the Boca Resort. I explained to him that the resort was closed and that they wanted him to leave the premises. I asked Delp to provide me with a type IV throwable flotation device again, and he struggled to retrieve the item from the top of the vessel. I asked Delp to show me a lifejacket and he searched the vessel passing over a lifejacket several times and did not realize it was there. Delp finally located a lifejacket in the console of the vessel in a bag. Delp struggled to open the zipper to the bag and it took him several minutes to retrieve the life jacket.

I asked Delp how much he had to drink that day. Delp responded with one drink. I asked Delp to conduct a series of tasks to ensure he was safe to operate the vessel. Delp agreed to Standardized Field Sobriety Tasks

SFST'S  
General Instructions:  
Delp was seated and stable onboard my patrol vessel. Delp stated he understood the general instructions.

Pre - Task Questions:  
Subject stated he did not have any physical defects or disabilities  
Subject stated he did not have any defects with his eyes.  
Subject stated he was not sick or injured.  
Subject stated he was under the care of a doctor for Phybromagalia.  
Subject stated he took Prednazone.

Horizontal Gaze Nystagmus:  
Subject showed Lack of Smooth Pursuit in left and right eye.  
Subject showed Distinct and Sustained Nystagmus at Maximum Deviation in left and right eye.  
Subject showed Onset of Nystagmus Prior to 45 Degrees in left and right eye  
Subject did not show Vertical Nystagmus.

SCANNED  
APR 30 2018

2018 APR 30 AM 8:  
APR 29 PM 5:24

D/S B. SHATARA #7623

*J# 0497859*

*PA 2722*

Report Date / Time 04/29/2018 03:33 PM	Agency / Case Number FWSA18OFF003620	Officer / Unit	Offense / Description	Offense Code / Manual Section	Offense / Description	Other Number FWLR18CAD005858
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**Finger to Nose:**  
**Instruction Stage:** Subject stated he understood the instructions.  
**Performance Stage:** Subject did not close eyes as instructed. Subject did not tilt head as instructed. Subject opened his eyes during the task and kept them open when attempting to place his finger on his nose. I advised the subject every time to close his eyes and tilt his head, but the subject refused to listen. Subject moved his head during task (1\*+).  
**First Left:** Subject hesitated, searched, not fingertip, missed tip of the nose.  
**First Right:** Subject hesitated, searched, not fingertip, missed tip of the nose.  
**Second Left:** Subject hesitated, searched, not fingertip, missed top of the nose.  
**Second Right:** Subject hesitated, searched, not fingertip, missed tip of the nose.  
**Third Right:** Subject missed tip of nose. Subject's eyes were opened and head was tilted down.  
**Third Left:** Subject hesitated, searched, not fingertip, missed tip of nose.

**Palm Pat:**  
**Instruction Stage:** Subject stated he understood the instructions. Subject could not follow instructions when instructed to remain in the start position.  
**Performance Stage:** Subject rolled hands, chopped pat, rotated hands, and stopped several times before told. Subject did not count as instructed. Subject did not increase speed.

**Hand Coordination:**  
**Instruction Stage:** Subject stated he understood the instructions. Subject was unable to follow instructions with proper positioning. Subject started at the wrong time.

**Task 1 - Forward Steps:**  
 Improper Touch on all steps. Subject did not move hands as instructed in a step like fashion. Subject performed improper touch on all steps.  
**Task 2 - Hand Clapping:**  
 Subject improperly counted (4 times when instructed 3).  
**Task 3 - Return Steps:**  
 Subject improperly touched. Subject did not return left fist to chest.  
**Task 4 - End Position:**  
 Subject improperly positioned hands.

Based on the vessel in motion, personal contact with the operator, Standardized Field Sobriety Tasks, and the totality of circumstances, I placed Delp under arrest for boating under the influence. The vessel was turned over to Delp's wife, Kathie Marouthis, identified by valid Florida driver license number M632501695680.

I read Delp implied consent and he refused to submit to a lawful test of his breath. I conducted a twenty minute observation period on Delp. I ran the Intoxilizer 8000. I held the breath sample tube to Delp and he refused to submit to a lawful test of his breath.

I read Delp Miranda Warnings and he agreed to answer questions. See attached Operator Appraisal and Interview Form. Delp stated that he had two sips of a Bloody Mary, that were very bloody. Delp stated that he consumed alcohol at his residence and then on the way to Lake Boca. Delp then stated he had two drinks and then corrected himself to two sips.

Delp was booked into the Palm Beach County Jail under the following charges:

- F.S. 327.35(1)(a) - Operating a vessel with normal faculties impaired.
  - F.S. 327.35215(1) - Refusal to submit to a lawful test of breath, urine, blood, pursuant to F.S. 327.352
- As of this writing, this concludes my involvement of the situation, thus far.

**LEO BOND**

Bond Amount \$	<input type="checkbox"/> None	<input type="checkbox"/> ROR	<input type="checkbox"/> Cash	<input type="checkbox"/> Any	<input type="checkbox"/> Pre Trial If Qualify
	<input checked="" type="checkbox"/> Pro				<input type="checkbox"/>

**COURT APPEARANCE INFORMATION**

Court <b>PALM BEACH COUNTY COURT AT GUN CLUB</b>	Court Phone <b>(561) 688-4640</b>	Court Date & Time <b>05/31/2018 08:30 AM</b>
Court Address <b>3228 GUN CLUB ROAD, WEST PALM BEACH, FL 33406</b>		
Instructions		

**ARREST INFORMATION**

Arrest Date / Time <b>04/29/2018 01:14 PM</b>	Residency <b>Within state</b>	Injured <b>None</b>	Extent of Injury <b>N/A</b>	Resist Arrest <b>No</b>
Prob. Arrests <b>Unknown</b>	Arrest Jurisdiction <b>Within state</b>	Alcohol <b>Yes</b>	Drugs <b>Yes</b>	

**ARREST LOCATION**

County <b>PALM BEACH</b>	Address <b>BOCA RESORT, BOCA RATON, FL</b>
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**ARREST DELIVERED TO**

Jail / Booking Facility <b>PALM BEACH COUNTY CORRECTIONS</b>	Location <b>673 FAIRGROUNDS ROAD, WEST PALM BEACH, FLORIDA 33411-3633</b>	Phone <b>(561) 688-4800</b>
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**SCANNED**  
**APR 30 2018**

Report Date/Time 04/29/2018 03:33 PM	Agency Case/Reference Number FWSA18OFF003620	IC# Number	Officer/Agent/Call Number	ICIS Number	Trunk Edge Registration System	AR#/IC# Number	Other Number FWLR18CAD005858
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**ARRESTING OFFICER**

Officer Call Number: W8312    Officer Name: CARROLL, MICHAEL J    *(Transport Bingham 0990)*    *[Signature]*  
 Officer Signature

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D., \_\_\_\_\_ by \_\_\_\_\_ who is \_\_\_\_\_ personally known to me or has produced \_\_\_\_\_ as identification.

Signature \_\_\_\_\_ Notary Public \_\_\_\_\_ LEO \_\_\_\_\_ CO \_\_\_\_\_ Commission No: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

NOT A CERTIFIED COPY

SCANNED  
APR 30 2018

RESOURCE CITATION



NUMBER  
**304516C**

COURT COPY

Page 1 of 2

COUNTY OF <b>PALM BEACH (50)</b>		AGENCY <b>FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION</b>			LATITUDE <b>N 26 20.9995</b>		INCIDENT/SUMMARY NO <b>FWSA18OFF3620</b>	
CITY OF (IF APPLICABLE) <b>BOCA RATON (32)</b>					LONGITUDE <b>W 80 4.5799</b>		COURT CASE NUMBER	
DAY OF WEEK <b>SUNDAY</b>	MONTH <b>APRIL</b>	DAY <b>29</b>	YEAR <b>2018</b>	TIME OF DAY <b>15:02</b>	<input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.			
LOCATION OF OCCURRENCE <b>LAKE BOCA</b>					LOCATION DESCRIPTION <b>CANAL/CUT</b>			

PERSON(S)

DEFENDANT	NAME (FIRST) <b>BRADLEY</b>	NAME (MIDDLE) <b>JOHN</b>	NAME (LAST) <b>DELP</b>	DATE OF BIRTH & AGE <b>1/8/1962 56</b>	JUV <b>NO</b>	R <b>W</b>	S <b>M</b>	HST <b>509</b>	WGHT	HAIR	EYES
	BOAT/SUMMARY/STATUS		PLACE OF BIRTH	IC NUMBER <b>D410070620080</b>	STATE <b>FL</b>	TYPE OF ID <b>E</b>	ID EXPIRES <b>1/8/2025</b>				
	SPL #		ENDORSEMENTS								
	STREET <b>453 NE 19TH AVE</b>				CITY <b>DEERFIELD BEACH</b>		STATE <b>FL</b>	ZIP CODE <b>33441</b>	TELEPHONE NUMBER		
DATE OF ARREST <b>04/29/2018 01:14 PM</b>			LOCATION OF ARREST <b>LAKE BOCA</b>								

CHARGE(S)

IN VIOLATION OF A <b>STATE STATUTE</b>	VIOLATION <b>856.011(1)</b>	VIOLATION LEVEL <b>STATE STATUTE</b>
VIOLATION DESCRIPTION <b>DISORDERLY INTOXICATION</b>		OTHER DESCRIPTION

NARRATIVE(S)

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the named Defendant, Bradley John Delp, on Sunday, the 29 day of April, 2018, committed the above violation(s), of law.

NARRATIVE DATE <b>04/29/2018 03:02 PM</b>	NARRATIVE TIME	NARRATIVE DESCRIPTION (IF SUPPLEMENTAL) <b>The following violation of law was committed:</b>
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Subject disturbed the peace at the Boca Resort. Subject was screaming at the staff and caused a scene in front of Boca Resort members. Subject was also arrested for boating under the influence.

OFFICER NAME <b>CARROLL, MICHAEL J</b>	OFFICER'S SIGNATURE 
ID NO <b>WN676</b>	RANK <b>OFFICER</b>
ORGANIZATION / UNIT <b>FWSA/SO RE</b>	
Sworn and subscribed before me, the undersigned authority, this the _____ day of _____, 2018.	
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER	

MANDATORY COURT APPEARANCE INFORMATION

IMPORTANT: You are required to appear in court. The following information contains the date and time you must appear.

COURT NAME <b>PALM BEACH COUNTY COURT AT GUN CLUB</b>	COURT DATE/TIME <b>05/31/2018 8:30 AM</b>	COURT PHONE <b>(561) 688-4640</b>
COURT LOCATION <b>3228 GUN CLUB ROAD, WEST PALM BEACH, FL 33406</b>		

Officer Notes/Instructions to Defendant:

I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED ABOVE TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED. IN ADDITION TO ANY CIVIL OR CRIMINAL PENALTIES IMPOSED BY THE COURT, THE ABOVE VIOLATION MAY RESULT IN ADMINISTRATIVE PENALTIES IMPOSED BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, INCLUDING, BUT NOT LIMITED TO, FINES, LICENSE SUSPENSION, OR LICENSE REVOCATION. LICENSE SUSPENSIONS/REVOCATIONS MAY BE RECOGNIZED BY OTHER STATES.

SIGNATURE OF DEFENDANT

SCANNED  
APR 30 2018



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



DEFENDANT'S NAME: Bradley John Delp CASE NO. FWA 160FF 3620

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: [Signature]

Were you operating a vehicle/vessel? <u>YES</u>		Where were you going? <u>PICK UP WIFE</u>
Was the vehicle/vessel in good condition? If No, <u>YES</u>		What is wrong with it? <u>N/A</u>
What road/waterway were you on? <u>LAKE BOCA</u>		Where were you coming from? <u>RESIDENCE</u>
What time did you leave there? <u>1200 - 1300</u> <u>10 MINS BEFORE BEING STOPPED</u>		Without looking at a watch or clock, what time is it now? <u>2:30 - 3:00</u> Actual Time: <u>2:33</u>
What is today's date? <u>4/29/18</u> Actual Date: <u>4/29/18</u>		What day of the week is it? <u>Sunday</u> Actual Day: <u>Sunday</u>
When did you last eat? <u>9:00 AM</u>	What did you eat? <u>TOAST</u>	Where did you last eat? <u>HOME</u>
What have you been drinking? <u>BLOODY MARY</u>	How much have you been drinking? <u>1 DRINK</u>	Where have you been drinking? <u>DOCK</u>
Who were you drinking with and were they drinking? <u>BY MYSELF</u>		What time did you start drinking? <u>12:00</u>
What time did you stop drinking? <u>12:15</u>	Do you feel the effects of alcohol (or drugs)? <u>NO</u>	Do you feel that you are impaired? <u>NO</u>
Were you involved in an accident today? <u>NO</u>	When did you last sleep? <u>YESTERDAY EVENING</u>	How much sleep did you get? <u>6-8 HRS</u>
Are you currently under the care of a doctor or dentist? For what? <u>YES, RUMATICA SIMILAR TO PHIBROMYALGIA</u>		
Have you used any type of drugs recently, prescription, non-prescription or otherwise? <u>YES PREGNAZONE</u>		
If so, what kind of drug did you take? What was your last dose and when? <u>5MG 7:00 AM</u>		
Do you think you should have been operating a vehicle/vessel? <u>YES</u>	If yes, Why? <u>TOTAL CONTROL OF VESSEL</u>	

[Signature]  
 Interviewing Officer's Signature

Off. Michael Carroll  
 Interviewing Officer's Name (Printed)

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

Instrument Type: Intoxilyzer 8000  
Instrument Registered To: FISH & WILDLIFE CC  
Instrument Serial Number: 80-005248 Software: 8100.27  
Date of Test: 04/29/2018

Date of Last Agency Inspection: 04/05/2018  
Observation Period Began: 13:40  
Subject's Name: BRADLEY J DELP

DOB: 01/08/1962 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	14:24
	Air Blank	0.000	14:25
	Control Test	0.080	14:25
	Air Blank	0.000	14:26
	Subject Sample #1	REF*	14:26
	Air Blank	0.000	14:27
	Control Test	0.080	14:27
	Air Blank	0.000	14:28
	Diagnostics Check	OK	14:28

\*Subject Test Refused

Cylinder Lot: 279870  
Exp: 02/04/2019

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 MICHAEL J CARROLL, 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: [Signature] Date: 4/29/18  
Signature

Sworn to (or affirmed) before me this 29<sup>th</sup> day of APRIL, 2018

[Signature] Signature of Notary Public-State of Florida  
KYLE PATTERSON 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.



**FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION  
DIVISION OF LAW ENFORCEMENT**



**FLORIDA BUI/DUI  
IMPLIED CONSENT WARNING**

DEFENDANT'S NAME: Bradley John Delp CASE NO.: FWSA18OFF3670

**READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING**

You are under arrest for operating a vessel or vehicle while under the influence of alcoholic beverages or chemical or controlled substance.

- I am now requesting that you submit to a lawful test of your **BREATH** for the purpose of determining its alcohol content. Will you submit to a **BREATH** test?
- I am now requesting that you submit to a lawful test of your **URINE** for the purpose of detecting the presence of chemical or controlled substances. Will you submit to a **URINE** test?
- I am now requesting that you submit to a lawful test of your **BLOOD** for the purpose of determining its alcohol content and the presence of chemical or controlled substances. Will you submit to a **BLOOD** test?

**IF THE SUBJECT REFUSES TO SUBMIT TO TESTING, READ ONE OF THE FOLLOWING:**

I am Off. Michael Carroll of the FWC  
(Officer's Name) (Agency)

**VESSEL**

If you fail to submit to the test I have requested of you, it will result in a civil penalty of \$500.00. Additionally, if you refuse to submit to the test I have requested of you and have previously been fined for refusal to submit to a lawful test of your breath, urine, or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

Will you submit to the test?  YES  NO

**VEHICLE**

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privileges have been previously suspended for refusal to submit to a lawful test of your breath, urine, or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

Will you submit to the test?  YES  NO

4/29/18  
DATE

2:30 pm  
TIME

[Signature]  
DEFENDANT'S SIGNATURE

Off. Michael Carroll  
OFFICER'S NAME (PRINTED)

[Signature]  
OFFICER'S SIGNATURE



**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 Palm Beach <sup>15th</sup> Judicial  
Circuit in and for Palm Beach County, Florida

STATE OF FLORIDA  
(PLAINTIFF)

Uniform Boating Citation No.

V484151

v.

Bradley John Delp  
DEFENDANT

**AFFIDAVIT**

I, Michael Carroll, a law enforcement officer, who having been duly sworn, certify and state the following:

1. That on Sunday, April 22nd, 2018 at 7:30  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 references 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] NQ76  
Officer's Signature ID No

FWC  
Law Enforcement Agency

1300 Moranski Rd  
Mailing Address

Sepiker FL 33477  
City State Zip Code

<p>SWORN TO AND SUBSCRIBED BEFORE ME THIS <u>2nd</u> DAY OF <u>May</u>, 20<u>18</u></p> <p><u>[Signature]</u> Notary Public or Attesting Officer</p> <p><input type="checkbox"/> Personally known to me <input type="checkbox"/> Produced _____ as Identification</p>
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Distribution:	
Original	File with the Clerk of the County Court – Attach a probable cause narrative and a copy of the Uniform Boating Citation
2 <sup>nd</sup> White	File with the Clerk of the County Court – (Disposition and Abstract of Court Record)
Blue	Mail to: FWC – Law Enforcement Records Section, 620 South Meridian Street, Tallahassee, FL 32399-1800
Yellow	Violator Copy
Pink	Retained by Officer/Agency



# Incident Summary Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION  
1300 MARCINSKI ROAD  
JUPITER, FL. 33477

Report Date / Time 4/29/2018 5:54:56 PM	Report Number ISR039539 (01)	Report Case/Cad Number FWSA18OFF003620 / F WLR18CAD005858	Reporting Officer Rank / ID OFFICER / WN676	Reporting Officer Name CARROLL, MICHAEL J
Originating Agency ORI FL0508000	Reported to Agency Date 4/29/2018 1:03:44 PM	Occur Date Range 04/29/2018 13:03:44 -	Jurisdiction State Waters	Status: Clearance:
Offense Description P				

### LOCATION(S)

County PALM BEACH	Location Type INCIDENT LOCATION	Location Description LAKE BOCA @ BOCA RESORT							
Street Number	Street BOCA RESORT	Apt/Lot/Bldg	City BOCA RATON	State FL	Zip Code	Phone Number	Ext.		

### Person: DEFENDANT

First Name BRADLEY	Middle Name JOHN	Last Name DELP	Suffix	Race WHITE	Sex MALE	Height 509	Weight	Hair	Eyes
MNI #	SSN	Date of Birth 01/08/1962	Age 56	Place of Birth		Drivers License or other ID D410070620080	State FL	ID Type E	
Addresses • RESIDENCE / 453 NE 19TH AVE, FL 33441 /									

### Charge: STATE STATUTE

Counts 1	Charge 327.35(1)(a)	Arrest Offense Code Description DUI-UNLAW BLD ALCH							
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code							
Charge Description OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED									
UCR Code / UCR Description									

### Charge: STATE STATUTE

Counts 1	Charge 856.011(1)	Arrest Offense Code Description DISORDERLY INTOX							
Charge Degree SECOND DEGREE	Charge Level MISDEMEANOR	General Offense Code							
Charge Description DISORDERLY INTOXICATION									
UCR Code / UCR Description									

SHARON R BOCK, CLERK  
 2018 MAY -7 AM 10:40  
 PALM BEACH COUNTY CRIMINAL  
 FLORIDA

Report Date / Time 4/29/2018 5:54:56 PM	Report Number ISR039539 (01)	Report Case/Cad Number FWSA18OFF003620 /F WLR18CAD005858	Reporting Officer Rank / ID OFFICER / WN676	Reporting Officer Name CARROLL, MICHAEL J
Originating Agency ORI FLO508000	Reported to Agency Date 4/29/2018 1:03:44 PM	Occur Date Range 04/29/2018 13:03:44 -	Jurisdiction State Waters	Status: Clearance:
Offense Description P				

**Charge: STATE STATUTE**

Counts 1	Charge 327.35215(1)	Arrest Offense Code Description INFRACTION
Charge Degree N/A	Charge Level INFRACTION COURT NOT REQUIRED	General Offense Code
Charge Description REFUSAL TO SUBMIT TO BLOOD/BREATH/URINE TO PURSUANT TO FS327.352		
UCR Code / UCR Description		

**Vessel: USED IN CRIME**

Evidence Exhibit Number:

Year 2016	Make BOSTON WHALER	Type OPEN MOTORBOAT	Color WHITE	Hull Material FIBERGLASS
Vessel Name	State NH	Registration Number NH2501HY	Tag Expiration 12/31/2018	Vessel HIN BWCE1289L516
Owner Type PERSON	Vessel Value (\$)	Length 24	Fuel Type GAS	Propulsion Propeller
			Number of Engines / Type /	Total HP
Vessel Owner BRADLEY JOHN DELP (DEFENDANT)	Vessel Released To Person	Vessel Released By Officer		

**Narrative: INITIAL**

Narrative Date/Time 5/2/2018 6:13:59 PM	Narrative Synopsis		
Reporting Officer CARROLL, MICHAEL J	Officer Rank OFFICER	Officer ID No WN676	Officer Org/Unit FWSAISO RE
Officer Signature 	Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION		

- I. **WHAT:** Boating Under the Influence of Alcohol
- II. **WHEN:** Sunday, April 29<sup>th</sup>, 2018 approximately 1:00 pm
- III. **WHERE:** Lake Boca, Boca Raton, Palm Beach County, Florida
- IV. **WHO:** Bradley John Delp 1/8/1962 - 453 NE 19<sup>th</sup> Ave. Deerfield Beach, FL
- V. **Other information Relating to BUI**

2016 Boston Whaler 24 Ft - NH2501HY - Registered to Bradley Delp

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## VI. DETAILS OF DUI/BUI

### A. Phase 1 - Initial Observation of vehicle/vessel in operation

At approximately 1:03 pm, on 29 April 2018, I, Officer Michael Carroll, of the Florida Fish and Wildlife Conservation Commission (FWC), was conducting State water patrol in the area of Lake Boca, in Boca Raton, Florida. I observed a vessel with one male occupant on board the vessel. I identified a white male wearing no shirt and shorts with one hand on the throttle, and one hand on the steering wheel of the vessel. I observed the operator make several attempts at docking the vessel up to the Boca Resort, and screaming at the Staff members of the Boca Resort. The Staff members told the subject that the dock was closed and that he needed to leave the area immediately. The subject refused to leave the area.

I conducted a vessel stop on the vessel, bearing New Hampshire registration number, NH2501HY, and I identified myself as a law enforcement officer. I observed the operator of the vessel to attempt to tie his vessel to my vessel, when I gave several verbal commands to leave the vessel in the neutral and to stop what he was doing. I explained to the operator to retrieve the registration. The subject appeared very sunburnt and confused when I gave him simple instructions. I reminded the operator to retrieve the registration to the vessel. While the operator was retrieving the registration, I observed two cups that contained a liquid substance. I observed a tomato juice bottle that was opened, and several bottles of alcohol on board the vessel.

### B. Phase 2 - Personal Contact with driver/operator of vehicle/vessel

I explained to the operator of the vessel that I was stopping him due to him disturbing the peace of the Boca Resort. The subject stated that he was a member of the Resort and that he should be allowed to dock there. While speaking to the operator at a conversational distance, I detected a strong odor of unknown alcoholic beverage, emitting from his persons. I identified the subject by valid Florida driver license number D410070620080, as Mr. Bradley John Delp, of Deerfield Beach, Florida. Delp's eyes appeared to be watery, glassy, and bloodshot. I asked Delp to provide a life jacket, fire extinguisher, sound producing device, and type IV throwable floatation device. Delp braced himself against the vessel the entire time on board while retrieving the items I requested. Delp's speech was slurred, low and raspy, thick tongued, and seemed confused, when he was trying to reason with me during the boating safety inspection. I asked Delp to provide a fire extinguisher and a sound producing device again. Delp leaned over bracing himself with both arms to look at the fire extinguisher that on the side of the center console of the vessel. I asked Delp to unlatch the fire extinguisher and show it to me, to which he attempted to undue the latch of the fire extinguisher several times. Delp finally was able to retrieve the fire extinguisher and became agitated when he was attempting to re secure the fire extinguisher. Delp stated that he would do it later and dropped the fire extinguisher. Delp's mood changed drastically and he argued about the fact that he was a member of the Boca Resort. I explained to him that the resort was closed and that they wanted him to leave the premises. I asked Delp to provide me with a Type IV throwable floatation device again, and he struggled to retrieve the item from the top of the vessel. I asked Delp to show me a lifejacket and he searched the vessel passing over a lifejacket several times and did not realize it was there. Delp finally located a lifejacket in the console of the vessel in a bag. Delp struggled to open the zipper to the bag and it took him several minutes to retrieve the life jacket.

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I asked Delp how much he had to drink that day. Delp responded with one drink. I asked Delp to conduct a series of tasks to ensure he was safe to operate the vessel. Delp agreed to Standardized Field Sobriety Tasks.

C. Phase 3- Pre-arrest screening and Observations of Driver/Operator

**SFST'S**

**General Instructions:**

Delp was seated and stable onboard my patrol vessel. Delp stated he understood the general instructions.

**Pre - Task Questions:**

Subject stated he did not have any physical defects or disabilities.

Subject stated he did not have any defects with his eyes.

Subject stated he was not sick or injured.

Subject stated he was under the care of a doctor for Phybromagalia.

Subject stated he took Prednazone.

**Horizontal Gaze Nystagmus:**

Subject showed Lack of Smooth Pursuit in left and light eye.

Subject showed Distinct and Sustained Nystagmus at Maximum Deviation in left and right eye.

Subject showed Onset of Nystagmus Prior to 45 Degrees in left and right eye.

Subject did not show Vertical Nystagmus.

**Finger to Nose:**

**Instruction Stage:**

Subject stated he understood the instructions.

**Performance Stage:**

Subject did not close eyes as instructed.

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Subject did not tilt head as instructed.

Subject opened his eyes during the task and kept them open when attempting to place his finger on his nose. I advised the subject every time to close his eyes and tilt his head, but the subject refused to listen.

Subject moved his head during task (1"+).

First Left: Subject hesitated, searched, not fingertip, missed tip of the nose.

First Right: Subject hesitated, searched, not fingertip, missed tip of the nose.

Second Left: Subject hesitated, searched, not fingertip, missed top of the nose.

Second Right: Subject hesitated, searched, not fingertip, missed tip of the nose.

Third Right: Subject missed tip of nose. Subject's eyes were opened and head was tilted down.

Third Left: Subject hesitated, searched, not fingertip, missed tip of nose.

**Palm Pat:**

Instruction Stage: Subject stated he understood the instructions. Subject could not follow instructions when instructed to remain in the start position.

Performance Stage: Subject rolled hands, chopped pat, rotated hands, and stopped several times before told.

Subject did not count as instructed.

Subject did not increase speed.

**Hand Coordination:**

Instruction Stage-

Subject stated he understood the instructions.

Subject was unable to follow instructions with proper positioning.

Subject started at the wrong time.

Task 1 - Forward Steps:

Improper Touch on all steps.

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Subject did not move hands as instructed in a step like fashion.

Subject performed improper touch on all steps.

Task 2 - Hand Clapping:

Subject improperly counted (4 times when instructed 3)

Task 3 - Return Steps:

Subject improperly touched

Subject did not return left fist to chest.

Task 4 - End Position:

Subject improperly positioned hands.

#### D. Arrest of Driver/Operator

Based on the vessel in motion, personal contact with the operator, Standardized Field Sobriety Tasks, and the totality of circumstances, I placed Delp under arrest for boating under the influence.

I read Delp implied consent and he refused to submit to a lawful test of his breath. I conducted a twenty minute observation period on Delp. I ran the Intoxilizer 8000. I held the breath sample tube to Delp and he refused to submit to a lawful test of his breath.

I read Delp Miranda Warnings and he agreed to answer questions. See attached Operator Appraisal and Interview Form. Delp stated that he had two sips of a Bloody Mary that were very bloody. Delp stated that he consumed alcohol at his residence and then on the way to Lake Boca. Delp then stated he had two drinks and then corrected himself to two sips.

#### E. Disposition of Driver and vehicle/vessel

Delp was transported to the Palm Beach County by Officer Bingham, of FWC. Delp was booked into the Palm Beach County Jail under the following charges:

F.S. 327.35(1)(a) - Operating a vessel with normal faculties impaired.

F.S. 856.011(1) - Disorderly Intoxication.

F.S. 327.35215(1) - Refusal to submit to a lawful test of breath, urine, blood, pursuant to F.S. 327.352

The vessel was turned over to Delp's wife, Kathie Marouthis, identified by valid Florida driver license number M632501695680.

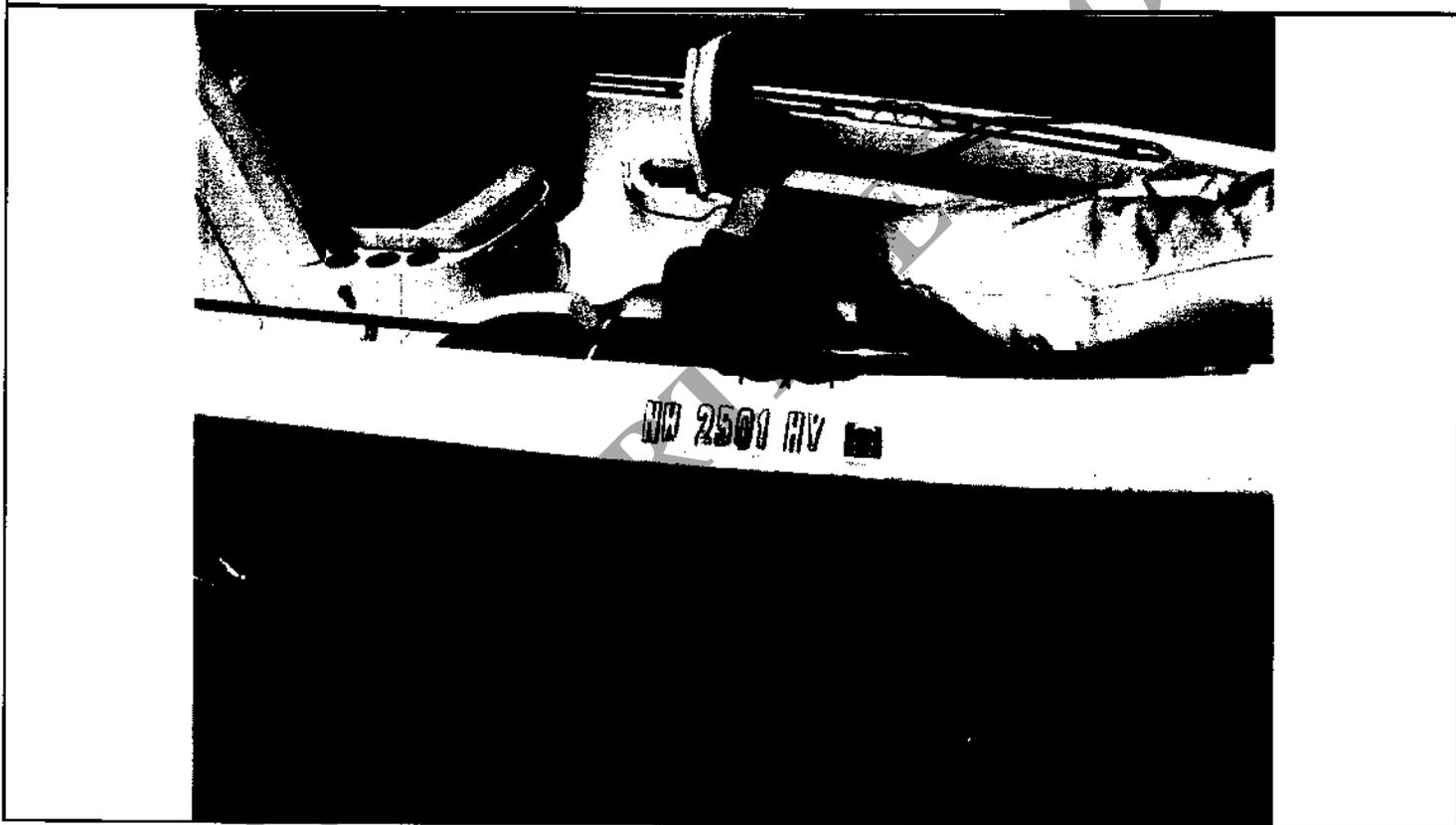
Report Date / Time 4/29/2018 5:54:56 PM	Report Number ISR039539 (01)	Report Case/Cad Number FWSA18OFF003620 / F WLR18CAD005858	Reporting Officer Rank / ID OFFICER / WN676	Reporting Officer Name CARROLL, MICHAEL J
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As of this writing, this concludes my involvement of the situation, thus far.

**Picture**

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Description  
OFC CARROLL

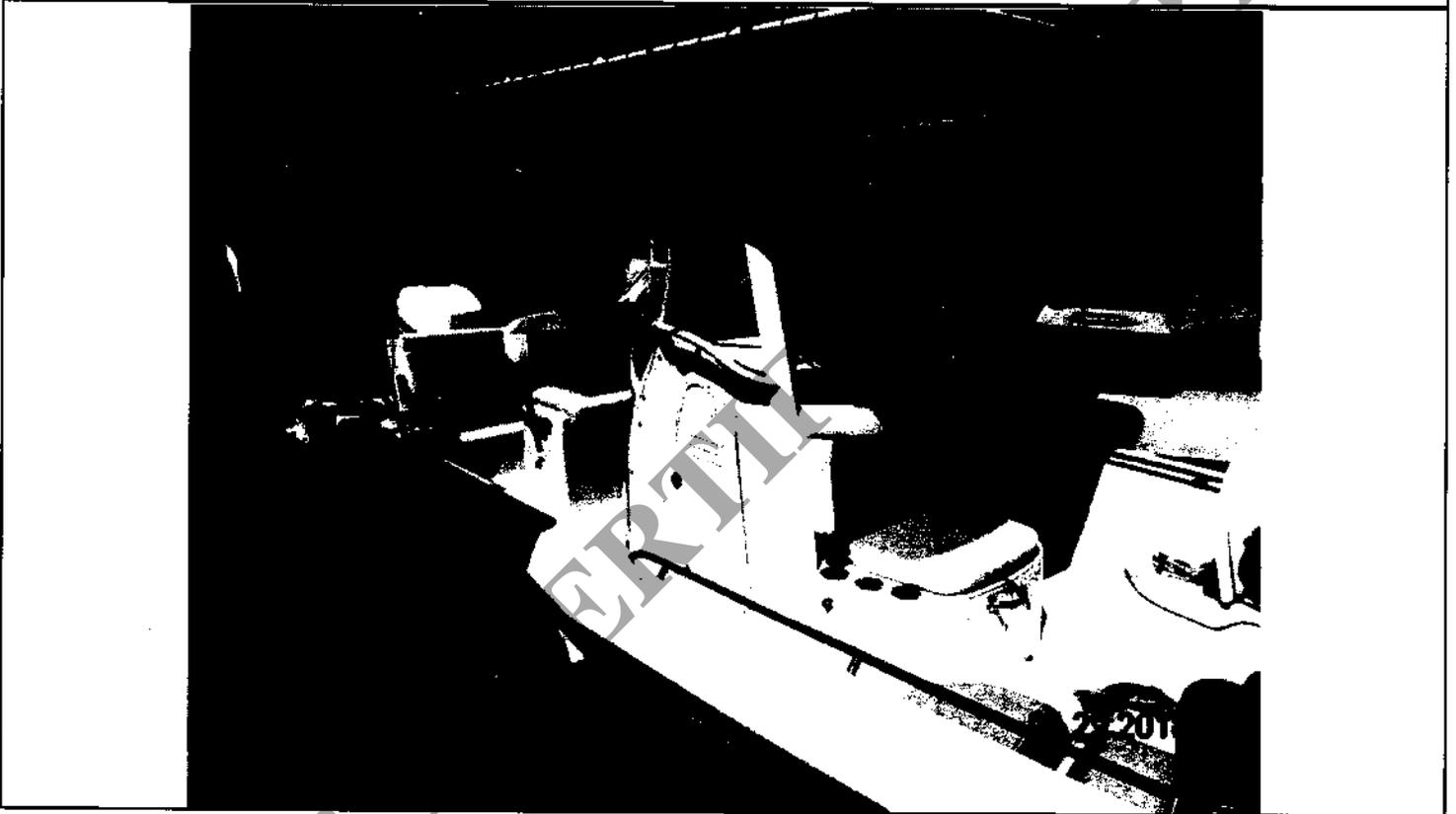


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**Picture**

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Description  
OFC CARROLL



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**Picture**

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Description  
OFC CARROLL



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**Picture**

Picture Date Time 4/29/2018 3:12:59 PM	Picture Height 480	Picture Width 640	Picture Size 108 KB	Resized False
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Description  
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**Picture**

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Description

OFC CARROLL



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**Picture**

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Description  
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**Picture**

Picture Date Time 4/29/2018 3:14:29 PM	Picture Height 480	Picture Width 640	Picture Size 102 KB	Resized False
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Description  
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**Picture**

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Description  
OFC CARROLL



Sup #	Officer Name	Officer Rank	Involvement On Report	Reporting Role	ID #	Org/Unit	Officer Agency
01	CARROLL, MICHAEL J	OFFICER		REPORTING OFFICER	WN676	FWSAISO REGION AIMARTIN	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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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 narratives associated with this report:

**Officer: Reporting Officer (Supplement01)**

Officer Name CARROLL, MICHAEL J	Office Rank OFFICER	Officer ID No WN676	Sworn and subscribed before me, the undersigned authority This the <u>2<sup>nd</sup></u> day of <u>May</u> , <u>2018</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			Ofc. L. Brevik, #N992
Officer Signature 			

NOT A CERTIFIED COPY