

0509184 - 2691

(NR)

19 mm007998



Arrest Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
1937 BANANA GROVE ROAD
MOORE HAVEN, FL.

Report Date / Time 7/4/2019 06:57 PM	Report Number C-7030AA	Case Number/Cad Number FWSA19OFF008295 /FWLR19 CAD013604	Reporting Officer Name BRODBECK, JAMES J
Originating Agency ORI FL0488000	Occur Date Time Range 07/04/2019 18:05:39 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description BRIDGE BLUE HERON BLVD ICW
Street Number E BLUE HERON BLVD	Street FWC	City WEST PALM BEACH
State FL	Zip Code 33404	

Defendant

First Name DIANNY	Middle Name	Last Name BETANCOURT	Suffix	Race W	Sex MALE	Height 5'07"	Weight 197	Hair BROWN	Eyes BROWN
MNI #	SSN	Date of Birth 05/27/1984	Age 35	Place of Birth CAMGUEY CUBA	Drivers License or other ID B352160841870	State FL	ID Type E		
Address * RESIDENCE / 5337 SANDHURST CIR N., FL 33463 /									

Arrest

Arrest Date/Time 7/4/2019 6:22:39 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description S OF BLUE HERON BRIDGE
Street Number E BLUE HERON BLVD	Street FWC	City WEST PALM BEACH
State FL	Zip Code 33404	

Charge : STATE STATUTE

Counts 1	Charge 327.35(1) <i>of db</i>	Bond Amount \$0.00	☐ No Bond
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED			

Bond Set by Court

Bond Amount \$0.00	No Bond? No
Bond Type(s)	

Probable Cause

I. WHAT: Boating Under the Influence of Alcohol
II. WHEN: 7/4/19 1822 hours
III. WHERE: South of Blue Heron Bridge, Palm Beach County

Arrest Report

Dis Tommie #8033

Page 1 of 4
SCANNED
JUL 07 2019

Report Date / Time 7/4/2019 06:57 PM	Report Number C-7030AA	Case Number/Cad Number FWSA19OFF008295 /FWLR19 CAD013604	Reporting Officer Name BRODBECK, JAMES J
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IV. **WHO:** DIANNY BETANCOURT (DE LA VEGA) 5/27/1984

V. **Other information Relating to BUI**

FL 3026 RN 2018 11ft. Black/Blue Yamaha PWC

VI. **DETAILS OF DUI/BUI**

A. **Phase 1 - Initial Observation of vessel in operation**

On Thursday, July 4, 2019 at approximately 1815 hours, I, Officer James Brodbeck of the Florida Fish and Wildlife Conservation Commission, was on vessel patrol near Peanut Island, Palm Beach County. South of the Blue Heron Blvd. Bridge, I observed a black and blue PWC violating the Slow Speed/Minimum Wake zone. The vessel was operating with its bow in the air, throwing a substantial wake. The vessel also had registration numbers which were less than 3 inches without proper spacing. A vessel stop was initiated to address the violations.

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

Upon making contact with the operator, identified by name and DOB as DIANNY BETANCOURT, I observed that he was very sunburned and had glassy, bloodshot eyes. When asked for the vessel registration, he handed me the registration for a different vessel. I asked BETANCOURT if he would complete Standardized Seated Field Sobriety Tasks, and he agreed.

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

HGN: During Horizontal Gaze Nystagmus, BETANCOURT 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 degrees in both eyes.

FTN: During Finger to Nose, Performance Stage, BETANCOURT kept moving his head forward and had to be reminded to keep his head tilted back. On the first left, BETANCOURT hesitated, used the pad of the finger, and missed the tip of the nose. On the first right, BETANCOURT searched for the tip of the nose, missed the tip of the nose, and did not bring his hand down

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immediately as instructed. On the second right, BETANCOURT did not bring his hand back down as instructed. On the third left, BETANCOURT searched for the tip of the nose and missed the tip of the nose.

PP: During Palm Pat, BETANCOURT had numerous chopped pats, not making proper contact.

HC: During Hand Coordination, Performance Stage, BETANCOURT counted from 1 to 4 twice. On Task 3, BETANCOURT only counted to 7, and did not return his left fist to his chest.

D. Arrest of Operator

At 1822 hours, I placed BETANCOURT under arrest for suspicion of BUI. At Phil Foster Park, BETANCOURT refused to provide a URINE sample after being read implied consent and being provided the opportunity to provide a sample. I charged BETANCOURT with the following violations:

F.S. 327.35(1)(a)- BUI Normal Faculties Impaired

F.S. 327.35215(1)- Refusal to submit to submit to Urine Test pursuant to 327.352

E. Disposition of Operator and vessel

BETANCOURT was turned over to the Palm Beach County Sheriff's Office for transport to the Palm Beach County Jail, Main Detention Center. The vessel was turned over to its registered owner.

Court

Court County PALM BEACH	Court Location 205 NORTH DIXIE HIGHWAY WEST PALM BEACH, FLORIDA 33401
Court PALM BEACH COUNTY COURT	Court Phone (561) 355-2996
Court Appearance Date / Time 08/04/2019	Court Fine
Comments	

Officer Name

Officer Rank

Involvement On Report

ID #

Org/Unit

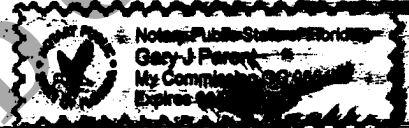
Officer Agency

Report Date / Time 7/4/2019 06:57 PM	Report Number C-7030AA	Case Number/Cad Number FWSA19OFF008295 /FWLR19 CAD013604	Reporting Officer Name BRODBECK, JAMES J
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BRODBECK, JAMES J	OFFICER		WN957	FWSAISO REGION AIPALM BEACH	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 probable cause associated with this report:

Reporting Officer

Officer Name BRODBECK, JAMES J	Office Rank OFFICER	Officer ID No WN957	Sworn and subscribed before me, the undersigned authority This the <u>04</u> day of <u>JULY</u> , <u>2019</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION  Officer Signature			

NOT A CERTIFIED COPY



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

PBSO CASE # 19-089626 PBSO ZONE 3-13
AGENCY CASE # FWSA190FF20 CRASH CASE # _____
TIME OF STOP/CRASH 1822 DATE 7/4/19 DAY _____
SUBJECT'S NAME DIANNY BETANCOURT RACE W SEX M
HGT 5' 7" WGT 197 DOB 5/27/84
LOCATION S. OF BLUE HERON BRIDGE
ARRESTING OFFICER'S NAME: & I.D. # BLOMBERG # 1957 DIVISION: S.A.
AGENCY: FWC
NOTIFIED BY COMMO Walk in
ARRIVAL AT FACILITY 1833
BREATH RESULTS: ARREST TIME 1822
1) .000
2) .000
3) N/A
4) URINE **REFUSED**
TESTING OFFICER'S ID 7909 PBSO VIDEOTAPE # N/A

TESTING FACILITY TASK REPORT

AGENCY: FDIC

SUBJECT: Baron, Dean

CASE NUMBER: 100 102

DATE: 01/01/11

VIDEO TAPE NUMBER: 010

BEGINNING TIME: 1008

ENDING TIME: 1112

BREATH TESTS RESULTS: 1) .000 TIME 1111 A.M./P.M. 2) .000 TIME 1111 A.M./P.M.
3) .111 TIME — A.M./P.M. 4) .111 TIME — A.M./P.M.

BREATH OPERATOR: S. [unclear]

MAINTENANCE TECHNICIAN: [unclear]

TESTING OFFICER'S OBSERVATIONS

SPEECH: FLUENT, COHERENT, APPROPRIATE ENGLISH

ATTITUDE: CALM, QUIET, COOPERATIVE

CLOTHING: LIGHT BLUE BATHING SUIT, NO SHOES, NO JEWELRY

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER: FEEL GUILTY,

COMMENTS: ARRIVED AT TESTING FACILITY AT 1008 HRS. HE WAS
APPROACHED BY OFFICER AND TOLD HE WAS NEEDED FOR

A AGREED TO TAKE TEST

THEN ROSE FROM THE CHAIR AND STATED HE WOULD
NOT TAKE THE TEST

A REQUESTED A BREATH SAMPLE

A STATED HE WOULD NOT PROVIDE A BREATH SAMPLE
AT THAT TIME

A REQUESTED TO PROVIDE A SAMPLE AT A LATER TIME

HE WOULD NOT PROVIDE A SAMPLE AT THAT TIME

A REQUESTED TO PROVIDE A SAMPLE AT A LATER TIME

A WOULD NOT PROVIDE A SAMPLE AT THAT TIME

REFUSED

SUBJECT: REDA 10112, RED 114 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 detecting the presence of chemical or controlled substances.

-OR-

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting its alcohol content and 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 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 privilege has been previously suspended for a prior 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.

SUBJECT'S 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) Red 01 Camen

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: _____

[Menu](#)

Record Detail

[Printer Friendly](#)

**DIANNY
BETANCOURT**

DL/ID: B352-160- 84-187-0
SSN: 596-48-6577
Class: E

VALID

Previous DUI: 0
Previous DWLS: 0

[Photo & Signature](#)[Emergency Contact](#)[Report Driver for Re-exam](#)[Driver History](#)[Documents](#)

Address:

437

ANDHURST CIR

Date of Birth:

05/27/1984

Gender:

MALE

Height:

5' 7"

Original License

Issued:

05/03/2019

Expires:

05/27/2027

Issue Date

05/03/2019

Form Number:

P791905030253

EIN:

0100387837018247

SAFE DRIVER
REAL ID
COMPLIANT

Citizen Status:

IMMIGRANT

Country of Birth:

CUBA

State of Birth:

Alien Registration

Number:

A074040519

Race:

HISPANIC/LATINO

Restrictions:

Endorsements:

Conditional Messages:

[Vehicles](#)**DL Transactions**[Addresses](#)[Prior Vehicles](#)[Parking Permits](#)

Driver License Transactions

	DL Number	Transaction	Issue Date	Update Time	Lic Type	Issue Type	Cha Type
view	B352160841870	05/03/2019	05/03/2019	05/03/2019 02:05:29 PM	Driver License	ORIGINAL	Nar Cha ✓



**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:	

REVIEW COMPLETED BY

Booking Number: 2019021913	Date: 7/4/2019
	Specialist Name/ID: J. Beck/9007



Incident Summary Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
1937 BANANA GROVE ROAD
MOORE HAVEN, FL.

Report Date / Time 7/4/2019 6:57:42 PM	Report Number ISR067894 (01)	Report Case/Cad Number FWSA19OFF008295 / F WLR19CAD013604	Reporting Officer Rank / ID OFFICER / WN957	Reporting Officer Name BRODBECK, JAMES J
Originating Agency ORI FL0508000	Reported to Agency Date	Occur Date Range 07/04/2019 18:05:39 -	Jurisdiction State Waters	Status: Clearance:
Offense Description S1B BUI - BOAT				

LOCATION(S)

County PALM BEACH	Location Type INCIDENT LOCATION	Location Description BRIDGE BLUE HERON BLVD ICW						
Street Number	Street E BLUE HERON BLVD	Apt/Lot/Bldg FWC	City WEST PALM BEACH	State FL	Zip Code 33404	Phone Number	Ext.	

Person: DEFENDANT

First Name DIANNY	Middle Name	Last Name BETANCOURT	Suffix	Race H	Sex MALE	Height 5'07"	Weight 197	Hair BROWN	Eyes BROWN
MNI #	SSN	Date of Birth 05/27/1984	Age 35	Place of Birth CAMGUEY, CUBA		Drivers License or other ID B352160841870		State FL	ID Type E
Addresses • RESIDENCE / 5337 SANDHURST CIR N, LAKE WORTH, FL 33463 /									

Charge: STATE STATUTE

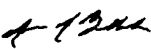
Counts 1	Charge 327.35(1)(a)	Arrest Offense Code Description DUI-UNLAW BLD ALCH		
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code		
Charge Description OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED				
UCR Code / UCR Description				

Vessel: USED IN CRIME

Year 2018	Make YAMAHA MOTOR CORP USA	Type PERSONAL WATERCRAFT	Color BLACK	Hull Material FIBERGLASS		
Vessel Name	State FL	Registration Number FL3026RN	Tag Expiration 06/05/2020	Vessel HIN USYAMA1632A818	Vessel Doc Number	
Owner Type OTHER	Vessel Value (\$)	Length 11	Fuel Type GAS	Propulsion Water Jet	Number of Engines / Type 1 / INBOARD	Total HP
Vessel Owner		Vessel Released To Person		Vessel Released By Officer		

Report Date / Time 7/4/2019 6:57:42 PM	Report Number ISR067894 (01)	Report Case/Cad Number FWSA19OFF008295 / F WLR19CAD013604	Reporting Officer Rank / ID OFFICER / WN957	Reporting Officer Name BRODBECK, JAMES J
Originating Agency ORI FL0508000	Reported to Agency Date	Occur Date Range 07/04/2019 18:05:39 -	Jurisdiction State Waters	Status: Clearance:
Offense Description S1B BUI - BOAT				

Narrative: PROBABLE CAUSE

Narrative Date/Time 7/9/2019 11:57:34 PM		Narrative Synopsis		
Reporting Officer BRODBECK, JAMES J		Officer Rank OFFICER	Officer ID No WN957	Officer Org/Unit FWSAISO REGION AIPALM BEACH
Officer Signature 		Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION		

- I. **WHAT:** Boating Under the Influence
- II. **WHEN:** 7/4/19 1822 hours
- III. **WHERE:** South of Blue Heron Bridge, Palm Beach County
- IV. **WHO:** DIANNY BETANCOURT (DE LA VEGA) 5/27/1984
5337 Sandhurst Circle N, Lake Worth, FL 33463
- V. **Other information Relating to BUI**
FL 3026 RN 2018 11ft. Black/Blue Yamaha PWC
- VI. **DETAILS OF BUI**
A. **Phase 1 - Initial Observation of vessel in operation**

On Thursday, July 4, 2019 at approximately 1815 hours, I, Officer James Brodbeck of the Florida Fish and Wildlife Conservation Commission, was on vessel patrol near Peanut Island, Palm Beach County. South of the Blue Heron Blvd. Bridge, I observed a black and blue PWC violating the Slow Speed/Minimum Wake zone. The vessel was operating with its bow in the air, throwing a substantial wake. The vessel also had registration numbers which were less than 3 inches without proper spacing. A vessel stop was initiated to address the violations.

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Originating Agency ORI FL0508000	Reported to Agency Date	Occur Date Range 07/04/2019 18:05:39 -	Jurisdiction State Waters	Status: Clearance:
Offense Description S1B BUI - BOAT				

B. Phase 2 - Personal Contact with operator of vessel

Upon making contact with the operator, identified by name and DOB as DIANNY BETANCOURT, I observed that he was very sunburned and had glassy, bloodshot eyes. When asked for the vessel registration, he handed me the registration for a different vessel. BETANCOURT seemed unsure of who was operating the other PWC he was with or where she had gone. I asked BETANCOURT if he would complete Standardized Seated Field Sobriety Tasks, and he agreed.

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

HGN: During Horizontal Gaze Nystagmus, BETANCOURT 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 degrees in both eyes.

FTN: During Finger to Nose, Performance Stage, BETANCOURT kept moving his head forward and had to be reminded to keep his head tilted back. On the first left, BETANCOURT hesitated, used the pad of the finger, and missed the tip of the nose. On the first right, BETANCOURT searched for the tip of the nose, missed the tip of the nose, and did not bring his hand down immediately as instructed. On the second right, BETANCOURT did not bring his hand back down as instructed. On the third right, BETANCOURT used his left hand. On the third left, BETANCOURT used the right hand, searched for the tip of the nose and missed the tip of the nose.

PP: During Palm Pat, BETANCOURT stopped the task before being told to do so.

HC: During Hand Coordination, Performance Stage, BETANCOURT counted from 1 to 4 twice. On Task 3, BETANCOURT only counted to 7, and did not return his left fist to his chest.

D. Arrest of Operator

At 1822 hours, I placed BETANCOURT under arrest for suspicion of BUI. Due to not detecting any odor of an alcoholic beverage, I requested breath as well as urine samples. At Phil Foster Park, BETANCOURT refused to provide a URINE sample after being read implied consent and being provided the opportunity to provide a sample. I gave BETANCOURT approximately 3 minutes to

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Originating Agency ORI FL0508000	Reported to Agency Date	Occur Date Range 07/04/2019 18:05:39 -	Jurisdiction State Waters	Status: Clearance:
Offense Description S1B BUI - BOAT				

provide a urine sample. When asked if he would provide a sample, he stated "no." I charged BETANCOURT with the following violations:

F.S. 327.35(1)(a)- BUI Normal Faculties Impaired

F.S. 327.35215(1)- Refusal to submit to submit to Urine Test pursuant to 327.352

E. Disposition of Operator and vessel

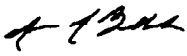
BETANCOURT was transported by vessel and vehicle to the Palm Beach County Jail, Main Detention Center. The vessel was turned over to its registered owner at Phil Foster Park.

****BODY CAMERA VIDEO AVAILABLE****

Sup #	Officer Name	Officer Rank	Involvement On Report	Reporting Role	ID #	Org/Unit	Officer Agency
01	BRODBECK, JAMES J	OFFICER		REPORTING OFFICER	WN957	FWSAISO REGION A/PALM BEACH	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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 BRODBECK, JAMES J	Office Rank OFFICER	Officer ID No WN957	Sworn and subscribed before me, the undersigned authority This the _____ day of _____, _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			
Officer 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 15TH Judicial
Circuit in and for PALM BEACH County, Florida

STATE OF FLORIDA
(PLAINTIFF)

V.

DIANNY BETANCOURT
DEFENDANT

Uniform Boating Citation No.
V638662 / V638663

AFFIDAVIT

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

- That on THURSDAY, JULY 4, 20 19 at 06:22 ☐ 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.
- 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.
- 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.
- The Defendant refused to submit to the ☐ blood, ☐ breath, or ☒ urine test(s).

FURTHER AFFIANT SAYETH NOT.

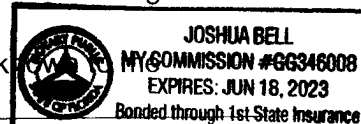
[Signature] N457
Officer's Signature ID No
FWC
Law Enforcement Agency
8535 NORTHLAKE BLVD
Mailing Address
WEST PALM BEACH FL 33412
City State Zip Code

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 04 DAY

OF 04, 20

[Signature]
Notary Public or Attesting Officer

☒ Personally known
☐ Produced as Identification



Distribution:

Original	File with the Clerk of the County Court – Attach a probable cause narrative and a copy of the Uniform Boating Citation
2 nd 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 32399-1600
Yellow	Violator Copy
Pink	Retained by Officer/Agency

TESTING FACILITY TASK REPORT

AGENCY: FWC
SUBJECT: BETANCOURT, DIANNY CASE NUMBER: 19-089626
DATE: 07/04/19 VIDEO TAPE NUMBER: N/A
BEGINNING TIME: 1908 ENDING TIME: 1926
BREATH TESTS RESULTS: 1) .000 TIME 1916 A.M./P.M. 2) .000 TIME 1919 A.M./P.M.
3) N/A TIME — A.M./P.M. 4) N/A TIME — A.M./P.M.
BREATH OPERATOR: G. PARENT #7909
MAINTENANCE TECHNICIAN: KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SPANISH SPEAKING, BROKEN ENGLISH
ATTITUDE: CALM, QUIET, CO OPERATIVE
CLOTHING: LIGHT BLUE BATHING SUIT, NO SHIRT, BAREFOOT
MEDICAL CONDITIONS: NONE
MEDICATIONS: NONE
OTHER: EYES GLASSY,

COMMENTS: ARRIVED AT MOBILE BAT A/C BEGAN THE 20 MINUTE
OBSERVATION PERIOD AT 1833 HRS.

Δ AGREED TO TAKE TEST
TECH. READ BREATH TEST RESULTS Δ STATED HE UNDER-
STOOD TEST RESULTS

A/C REQUESTED A URINE SAMPLE
Δ STATED NO HE WOULD NOT PROVIDE A URINE SAMPLE
A/C READ I/C

Δ AGREED TO PROVIDE A URINE SAMPLE AT 1923 HRS

A/C HAD Δ READ RIGHTS OFF OF SPANISH CARD
Δ ACKNOWLEDGED HE UNDERSTOOD RIGHTS

Δ WOULD NOT PROVIDE SAMPLE AT 1936 HRS.

REFUSED

SUBJECT: BETA COURT, DIANUV 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 ^{VESSEL} ~~A MOTOR~~ VEHICLE AT THE TIME OF THE STOP/ACCIDENT? _____

WHERE WERE YOU GOING? _____

WHAT ^{WATERWAY} ~~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: _____

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL

SUBJECT: BETANCOURT, DANNY 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 detecting the presence of chemical or controlled substances.

-OR-

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting its alcohol content and 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 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 privilege has been previously suspended for a prior 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.

SUBJECT'S 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) Press on Camera

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: 80-006027 Software: 8100.27
Date of Test: 07/04/2019

Date of Last Agency Inspection: 06/13/2019

Observation Period Began: 18:33

Subject's Name: DANNY BETANCOURT

DOB: 05/27/1984 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.

Test	Result	Time
Diagnostics Check OK		18:34
Air Blank	0.000	18:35
Control Test	0.079	18:35
Air Blank	0.000	18:36
Subject Sample #1	0.000	18:36
Air Blank	0.000	18:37
Air Blank	0.000	18:39
Subject Sample #2	0.000	18:39
Air Blank	0.000	18:39
Control Test	0.079	18:39
Air Blank	0.000	18:41
Diagnostics Check OK		18:41

Printed Name: DANNY BETANCOURT

DPO: 07/04/2019

State of Florida, County of Palm Beach

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

_____, 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: 07/04/19Sworn to (or affirmed) before me this 04 day of July, 2019Dwight B. N957CFC J. BRADBECK

Notary Public-State of Florida

Printed Name of Notary Public-State of Florida

Pursuant to section 117.16, Florida Statutes, law enforcement officers, correctional officers, traffic law enforcement 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 32A.0415, F.S.



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

PBSO CASE # 19-089626 PBSO ZONE 3-13
AGENCY CASE # FWSA190FF00 CRASH CASE # _____
TIME OF STOP/CRASH 1822 DATE 7/4/19 DAY _____
SUBJECT'S NAME DIANNY BETANCOURT RACE W SEX M
HGT 5' 7" WGT 197 DOB 5/27/84
LOCATION S. OF BLUE HERON BRIDGE
ARRESTING OFFICER'S NAME: & I.D. # ROOSEL 1957 DIVISION: S. A.
AGENCY: FWC
NOTIFIED BY COMMO WALK IN
ARRIVAL AT FACILITY 1833
BREATH RESULTS: ARREST TIME 1822
1) .000
2) .000
3) N/A
4) URINE **REFUSED**
TESTING OFFICER'S ID 7909 PBSO VIDEOTAPE # N/A



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 15TH Judicial
Circuit in and for PALM BEACH County, Florida

STATE OF FLORIDA
(PLAINTIFF)

V.

DIANNY BETANCOURT
DEFENDANT

Uniform Boating Citation No.

V638662 / V638663

AFFIDAVIT

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

1. That on THURSDAY, JULY 4, 2019 at 06:22 ☐ AM ☒ PM probable
Day of Week Date (Month & Day) Year Time

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] N457
Officer's Signature ID No

FWC
Law Enforcement Agency

8535 NORTHLAKE BLVD
Mailing Address

WEST PALM BEACH FL 33412
City State Zip Code

SWORN TO AND SUBSCRIBED
BEFORE ME THIS JULY DAY

OF 04, 20

[Signature]
Notary Public or Attesting Officer

☒ Personally known
☐ Produced as Identification
JOSHUA BELL
MY COMMISSION #66346008
EXPIRES: JUN 18, 2023
Bonded through 1st State Insurance

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