



Arrest Report

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

Report Date / Time 11/16/2019 07:27 PM	Report Number C-5194AA	Case Number/Cad Number FWSA19OFF013322 / FWSA19CAD008331	Reporting Officer Name PARTELOW, BARRY
Originating Agency ORI FL0488000	Occur Date Time Range 11/16/2019 18:07:06 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description INLET PALM BEACH			
Street Number	Street	Apt/Lot/Bldg	City WEST PALM BEACH	State FL	Zip Code 33404

Defendant

First Name EDWARD	Middle Name WILLIAM	Last Name GUERIN	Suffix	Race WHITE	Sex MALE	Height 6'00"	Weight 185	Hair BROWN	Eyes BROWN
MNI #	SSN	Date of Birth 10/06/1989	Age 30	Place of Birth WEST PALM BEACH FL USA	Drivers License or other ID G650239893661	State FL	ID Type E		
Address * RESIDENCE / 699 CORTE MADERA LN UNIT 1, WEST PALM BEACH, FL 33401 /									

Arrest

Arrest Date/Time 11/16/2019 7:31:29 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description ICW				
Street Number	Street ICW	Apt/Lot/Bldg	County PALM BEACH	City WEST PALM BEACH	State FL	Zip Code 33404

Charge : STATE STATUTE

Counts 1	Charge 327.35(1)(a) db	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 Officer

Bond Amount	☐ No Bond
Bond Type(s)	

Probable Cause

- I. WHAT: Boating Under the Influence of Alcohol
II. WHEN: 11/16/2019 approximately 1810 hrs
III. WHERE: Palm Beach Inlet turning basin., Palm Beach County
IV. WHO: Edward William Guerin

Arrest Report

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DOB 10/06/1989

699 Corte Madera Ln., West Palm Beach, FL, 33401

V. Other information Relating to BUI
2019 White in color Release 21' FL 0938 SL

VI. DETAILS OF DUI/BUI

A. Phase 1 – Initial Observation of vessel in operation

On Saturday, November 16, 2019 at approximately 1811 hours, I, Officer Barry Partelow along with Officer J Brodbeck of the Florida Fish and Wildlife Conservation Commission, were on marked vessel patrol in Palm Beach County on the ICW. In the posted Slow Speed Zone south of Peanut Island, I observed a white in color boat bearing Florida Registration FL 0938 SL heading northbound on the ICW on a full plane. The vessel was traveling approximately 40 MPH through a posted slow speed zone.

B. Phase 2 – Personal Contact with operator of the vessel

Upon first contact with EDWARD GUERIN, I noticed that his speech was slurred, and he had an odor of an unknown alcohol beverage emitting from his breath and his eyes were bloodshot and glassy. I saw two open beer cans in the cup holders and a bucket that was full of empty beer cans. When asked for the vessel registration he handed me the trailer registration.

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

HGN: During Horizontal Gaze Nystagmus, EDWARD GUERIN never followed the tip of Officer J Brodbeck's finger as instructed, numerous times. Officer Brodbeck informed me that EDWARD GUERIN displayed a lack of smooth pursuit in the both eyes, distinct and sustained nystagmus at maximum deviation in both eyes, and onset of nystagmus prior to 45 degrees in both eyes.

FTN: During Finger and Nose demonstration the subject failed to maintain the correct position. On the first exercise the subject moved his left hand missing the nose and slid his finger to the tip. At this time the subject opened his eyes and brought his head up. I explained the tasks again to the subject and started the exercise from the beginning. On each pass he was unable to bring the point of his finger to the tip of his nose.

PP: During Palm Pat, the subject did not speed up as instructed nor after being told numerous times to speed up. The subject had multiple chopped pats, began to open and close his hands like a book.

HC: During Hand Coordination, Performance Stage, the subject failed to complete the count in the first task and then skipped the second and third task. I explained all the tasks to the subject again and he said he understood. The subject started the tasks again and dragged his fists during the first task and failed to complete the second and third tasks again.

D. Arrest of Driver/Operator

At 1821 hours, I placed EDWARD GUERIN under arrest for suspicion of BUI. He was transported to the Palm Beach County Jail, Main Detention Center. I charged EDWARD GUERIN with the following violations:

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

F.S. 327.35215- Refusal to submit to lawful breath test

I issued EDWARD GUERIN a Written Warning for of the Slow Speed Zone violation.

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E. Disposition of Driver and vehicle/vessel
The vessel was turned over to the other subject on the boat at request of EDWARD GUERIN, identified by Florida DL as AARON HAMLINARON TYLER (DOB 9/28/1990).

Court

Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406
Court PALM BEACH COUNTY COURT AT GUN CLUB	Court Phone (561) 688-4640
	Court Appearance Date / Time 12/18/2019 1:30PM
Comments	

Officer Name Rank / ID # PARTELOW, BARRY OFFICER WP166	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWSAISO REGION AIGLADES
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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 PARTELOW, BARRY	Office Rank OFFICER	Officer ID No WP166	Sworn and subscribed before me, the undersigned authority This the <u>16</u> day of <u>November</u> <u>2019</u>
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT JOSHUA BELL MY COMMISSION #GG346008 EXPIRES: JUN 18, 2023 Bonded through 1st State Insurance
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)

Uniform Boating Citation No.

V427109 / V427110

V.

EDWARD W. GUERIN
DEFENDANT

AFFIDAVIT

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

- That on Saturday, November 16, 2019 at 6:21 ☐ 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.

Barry Pariclow P166
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 <u>16TH</u> DAY OF <u>NOVEMBER</u> 20 <u>19</u>	
<u>James Brudbeck</u> Notary Public or Attesting Officer OFF. JAMES BRUDBECK	
☒ Personally known to me	☐ 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 Copy	File with the Clerk of the County Court - (Disposition and Abstract of Court Record)
3 rd Copy	Mail to FWC - Law Enforcement Records Section, 820 South Meridian Street, Tallahassee, FL 32309-1809
4 th Copy	Mail to FWC
5 th Copy	Mail to FWC

SUBJECT: Guerin, Edward W 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) BUI I.C. Read on camera

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) Read on camera

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SUBJECT: Gueron, Edward W

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~~ ^{vessel} AT THE TIME OF THE STOP/ACCIDENT? _____

WHERE WERE YOU GOING? _____

WHAT ~~STREET OR HIGHWAY~~ ^{water way} 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?	_____

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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: CFC. Partelow II P166

TESTING FACILITY TASK REPORT

AGENCY: FWC

SUBJECT: GUERIN, EDWARD W

CASE NUMBER: 19-138366

DATE: 11/16/19

VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 1943

ENDING TIME: 1947

BREATH TESTS RESULTS: 1) R TIME 1946 A.M./P.M. 2) N/A TIME XX A.M./P.M.
3) N/A TIME XX A.M./P.M. 4) N/A TIME XX A.M./P.M.

BREATH OPERATOR: J. BELL #8656

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: TALKATIVE, COOPERATIVE, POLITE

CLOTHING: MAROON JACKET, BLACK PANTS, GREY SNEAKERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER: EYES: BLOODSHOT, GLASSY

ODOR OF AN UNKNOWN ALCHOLIC BEVERAGE COMING FROM BREATH

COMMENTS: ARRIVED AT CENTER A/O BEGAN 20 MIN OBSERVATION AT 1921 HRS

SUBJECT STATED HE WOULD NOT TAKE BREATH TEST

A/O READ B.U.I I.C

SUBJECT STATED HE UNDERSTOOD I.C. AND REFUSED TO TAKE BREATH TEST

A/O READ RIGHTS

SUBJECT STATED HE UNDERSTOOD HIS RIGHTS

SUBJECT DECLINED TO ANSWER ANY QUESTIONS

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REFUSED

WHITE - STATE ATTY.

YELLOW - DHS/MV

PINK - CENTRAL RECORDS

GOLD - JAIL



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

PBSO CASE # 19-138366 PBSO ZONE 3-13
AGENCY CASE # FWSA19OFF013322 CRASH CASE # _____
TIME OF STOP/CRASH 1810 DATE 11/10/19 DAY SATURDAY
SUBJECT'S NAME EDWARD GUERIN RACE W SEX M
HGT 6'00" WGT 185 DOB 10/6/89
LOCATION PB INLET TURNING BASIN
ARRESTING OFFICER'S NAME & ID BARRY PARTELOW P166 AGENCY FWC
DIVISION: SOUTH A NOTIFIED BY COMMO YES
ARRIVAL AT FACILITY 1921
BREATH RESULTS: Arrest Time 1821
1. **REFUSED**
2. _____
3. _____
4. _____
TESTING OFFICER'S ID 8656 PBSO VIDEOTAPE # N/A

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**PALM BEACH COUNTY
SHERIFF'S OFFICE**
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐	415.107 (1)	Other: Elderly Abuse	
	☐	539.001(b)-(l) FSS, 539.003 FSS	Other: Pawn Broker Information	

REVIEW COMPLETED BY

Booking Number: 2019037083	Date: 11/17/2019
	Specialist Name/ID: M. Tooks #8557

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