

J# 0495840

18mm 2087-SB PCH# 3205

OETS Number		ARREST / NOTICE TO APPEAR		1. Arrest		3. Request for Warrant		1		Juvenile	
Agency ORI Number FLO 500000		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE		Agency Report Number (N.T.A.'s only) 06-		FWSA-18-OFF-1495					
Charge Type: Check as many as apply		1. Felony <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/>		3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/>		5. Ordinance <input type="checkbox"/> 8. Other <input type="checkbox"/>		Weapon Seized / Type 2 1. Yes 2. No		Multiple Clearance Indicator 01	
Location of Arrest (Including Name of Business) ICW N of Boynton Inlet				Location of Offense (Business Name, Address) ICW West of Boynton Inlet							
Date of Arrest 2/16/2018		Time of Arrest 2033		Booking Date		Booking Time		Jail Date		Jail Time	
Name (Last, First, Middle) James G. Schwier James G				Alias (Name, DOB, Soc. Sec. #, Etc.)							
Race W - White - American Indian B - Black O - Oriental/Asian		Sex M		Date of Birth 6/30/1962		Height 6'3		Weight 220		Eye Color Blue	
Hair Color Bald		Complexion light		Build med		Religion NONE		Indication of Alcohol Influence 1. Yes 2. No		Indication of Drug Influence Y N Unk	
Local Address (Street, Apt. Number) (City) (State) (Zip) 4 () () ()				Phone () () ()		Residence Type: 1. City 2. County 3. Florida 4. Out of State		Permanent Address (Street, Apt. Number) (City) (State) (Zip) 4501 W Tradewinds Lauderhale sea FL 33308		Address Source	
Business Address (Name, Street) (City) (State) (Zip) () () ()				Phone () () ()		Occupation		DIL Number, State 3600 447 62 230 0		Soc. Sec. Number	
INS Number				Place of Birth (City, State) New York		Citizenship US		Co-Defendant Name (Last, First, Middle)		Race Sex Date of Birth	
Co-Defendant Name (Last, First, Middle)				Race Sex Date of Birth		1. Arrested <input type="checkbox"/> 2. At Large <input type="checkbox"/>		3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile <input type="checkbox"/>		1. Arrested <input type="checkbox"/> 2. At Large <input type="checkbox"/>	
Parent <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other <input type="checkbox"/>		Name (Last) (First) (Middle)		Residence Phone () () ()		Address (Street, Apt. Number) (City) (State) (Zip)		Business Phone () () ()		Notified by: (Name) Date Time	
Released To: (Name) Relationship				Date Time		Juv Disposition 1. Handled/processed within Dept. and Released. 2. TOT HRS / DYS 3. Incarcerated		The above address provided by <input type="checkbox"/> defendant and / or <input type="checkbox"/> defendant's parents. The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2528) informed of any change of address. <input type="checkbox"/> Yes, by (Name) <input type="checkbox"/> No: (Reason)		School Attended Grade	
Property Crime? <input type="checkbox"/> Yes <input type="checkbox"/> No		Description of Property		Value of Property		Drug Activity S. Sell N. N/A P. Possess		R. Smuggle D. Deliver E. Use		K. Dispense/ Distribute	
M. Manufacture/ Produce/ Cultivate		Z. Other		Drug Type N. N/A A. Amphetamine		B. Barbiturate C. Cocaine E. Heroin		H. Hallucinogen M. Marijuana O. Opium/Deriv.		P. Paraphernalia/ Equipment S. Synthetics	
Charge Description Boating Under the Influence		Counts 01		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number 327.35(1)		Violation of ORD #		Drug Activity Drug Type Amount / Unit	
Offense # FWSA-18-OFF-1495		Warrant / Capias Number		Bond		Charge Description		Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
Statute Violation Number		Violation of ORD #		Warrant / Capias Number		Bond		Charge Description		Counts	
Statute Violation Number		Violation of ORD #		Warrant / Capias Number		Bond		Charge Description		Counts	
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Statute Violation Number		Violation of ORD #		Warrant / Capias Number		Bond		Charge Description		Counts	
Statute Violation Number		Violation of ORD #		Warrant / Capias Number		Bond		Location (Court, Room Number, Address) 3228 Gun Club Rd West Palm Beach 33406		Count Date and Time Month March Day 22 Year 2018 Time 1:30 AM PM <input checked="" type="checkbox"/>	
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED 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											
Signature of Defendant (or Juvenile and Parent /Custodian)						Date Signed					
HOLD for other Agency Name:		Signature of Arresting Officer [Signature] N759				Name Verification (Printed by Arrestee)					
<input type="checkbox"/> Dangerous <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Suicidal <input type="checkbox"/> Other:		Name of Arresting Officer (Print) Patrick Defeo N759				(PRINT)					
Intake Deputy SPAWN 8101		I.D. #		Pouch #		Transporting Officer [Signature] P. Defeo N759 FWC		ID #		Agency 880	
Witness here if subject signed with an 'X'						PAGE 1 OF 1					

FILED
FEB 17 2018
12:39
CIRCUIT & COUNTY COURTS
(CRIMINAL DIV.)
SCANNED
FEB 20 2018

ADMIN Agency ORI Number **FLO 50000** Agency Name **PALM BEACH COUNTY SHERIFF'S OFFICE** Agency Report Number **06- FWSA-18-OFF-1495**

Charge Type: Check as many as apply. 1. Felony 3. Misdemeanor 5. Ordinance
 2. Traffic Felony 4. Traffic Misdemeanor 6. Other Special Notes:

DEF Name (Last, First, Middle) **James G. Schwier** Alias _____ Race _____ Sex _____ Date of Birth _____

CHARGES Charge Description **Boating Under the Influence 327.35** Charge Description _____

Charge Description _____ Charge Description _____

VICTIM Victim's Name (Last, First, Middle) _____ Race _____ Sex _____ Date of Birth _____

Local Address (Street, Apt. Number) _____ (City) _____ (State) _____ (zip) _____ Phone _____ Address Source _____

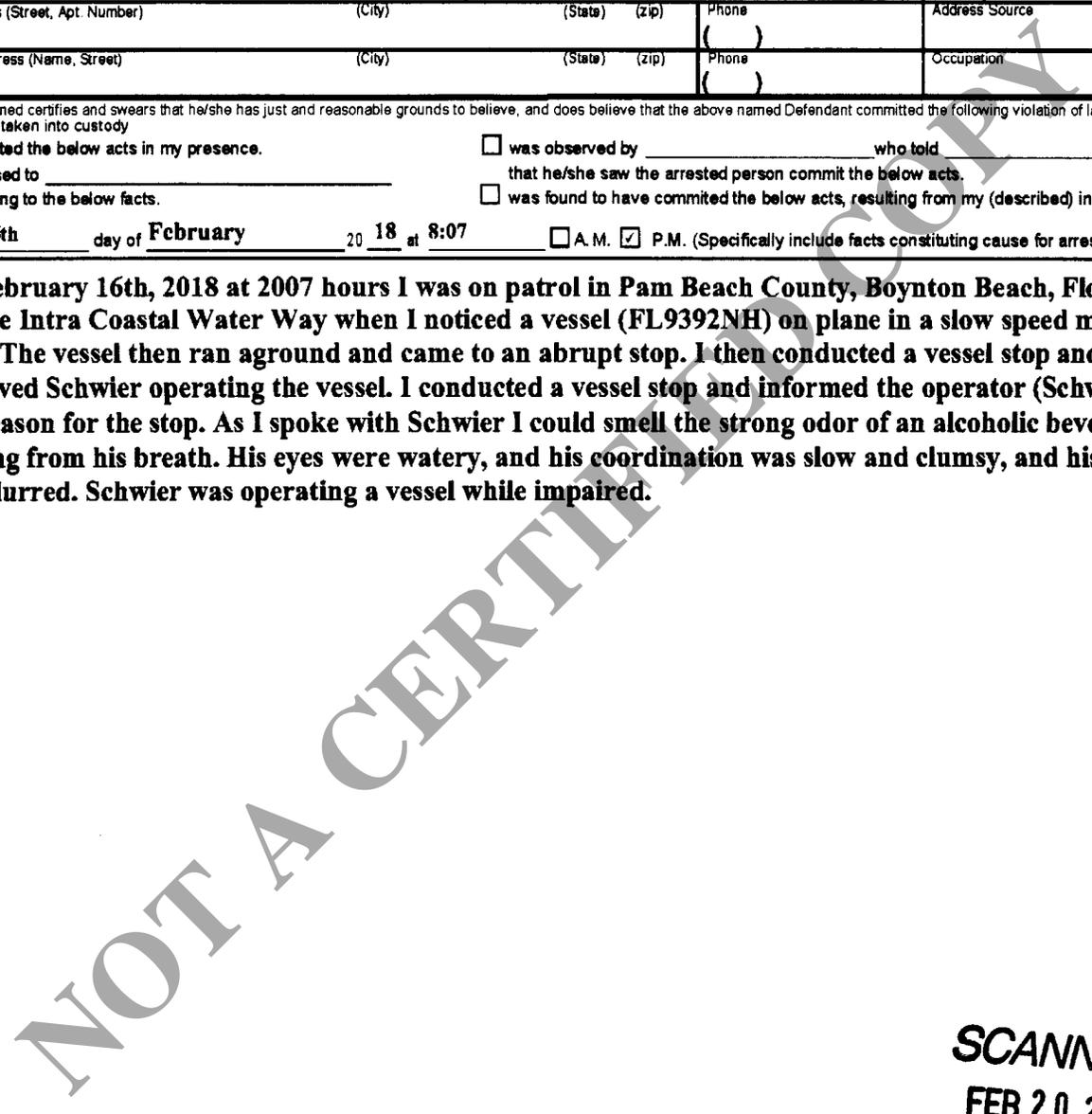
Business Address (Name, Street) _____ (City) _____ (State) _____ (zip) _____ Phone _____ Occupation _____

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody

committed the below acts in my presence. was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.
 confessed to _____ admitting to the below facts. was found to have committed the below acts, resulting from my (described) investigation.

On the 16th day of February 2018 at 8:07 A.M. P.M. (Specifically include facts constituting cause for arrest.)

On February 16th, 2018 at 2007 hours I was on patrol in Pam Beach County, Boynton Beach, Florida. On the Intra Coastal Water Way when I noticed a vessel (FL9392NH) on plane in a slow speed manatee zone. The vessel then ran aground and came to an abrupt stop. I then conducted a vessel stop and observed Schwier operating the vessel. I conducted a vessel stop and informed the operator (Schwier) of the reason for the stop. As I spoke with Schwier I could smell the strong odor of an alcoholic beverage coming from his breath. His eyes were watery, and his coordination was slow and clumsy, and his speech was slurred. Schwier was operating a vessel while impaired.



SCANNED
FEB 20 2018

STATE OF FLORIDA
 COUNTY OF PALM BEACH
Ofc. P. Defco *[Signature]* N759
 (Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 16 day of February 2018 by _____
 (Print name of Arresting/Investigative Officer) who is personally known to me and/or produced identification. Type of identification produced **Known Person**

ADMINISTRATIVE Notary Public, Clerk of Court, Officer (F.S.S. 117.10) *[Signature]*
Samantha Palmer
 Commission # FF172377
 Expires: OCT 28, 2018
 BONDED THRU
 1ST FLORIDA NOTARY, LLC

B.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 16th DAY OF February 20 18, AT 8:07 [✓] AM PM
SUBJECT: James G. Schwier CASE NUMBER: FWSA-18-OFF-1495
AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Ofc. P. Defeo

PERSONAL CONTACT

BOATING PATTERN: ACTUAL PHYSICAL CONTROL (PHYSICAL EVIDENCE OR STATEMENTS THAT THE DEFENDANT WAS OPERATING A VESSEL)
On February 16th, 2018 at 2007 hours I was on patrol in Pam Beach County, Boynton Beach, Florida. On the Intra Coastal Water Way when I noticed a vessel (FL9392NH) on plane in a slow speed manatee zone. The vessel then ran aground and came to an abrupt stop. I then conducted a vessel stop and observed Schwier operating the vessel.

OBSERVATION OF DRIVER:

I conducted a vessel stop and informed the operator (Schwier) of the reason for the stop. As I spoke with Schwier I could smell the strong odor of an alcoholic beverage coming from his breath. His eyes were watery, and his coordination was slow and clumsy, and his speech was slurred.

DRIVER'S STATEMENTS:

Schwier stated that he had consumed a few cocktails.

ODORS:

Strong odor of an alcoholic beverage.

GENERAL OBSERVATIONS

SPEECH: Slow and slurred

ATTITUDE: Cooperative

CLOTHING: T-shirt /shorts / boat shoes

MEDICAL/OTHER: BPH and blood pressure medication

SCANNED
FEB 20 2018

STATE OF FLORIDA
COUNTY OF PALM BEACH

Ofc. P. Defeo

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 16 day of February 20 18 by _____

(Print name of Arresting/Investigative Officer) who is personally known to me and/or produced identification. Type of identification produced Known Person

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



Samantha Palmer
Commission # FF172377
Expires: OCT 28, 2018
BONDED THRU
1ST FLORIDA NOTARY, LLC

SUBJECT: James G. Schwier

CASE NUMBER FWSA-18-OFF-1495

SEATED TASKS

HORIZONTAL GAZE NYSTAGMUS:

- LT EYE-LACK OF SMOOTH PURSUIT
- RT EYE-LACK OF SMOOTH PURSUIT
- LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

Followed with his head and not his eyes only.

FINGER TO NOSE:

- Wrong hand 1 (right)
- Missed tip of nose 2 (left and right)
- Not finger tip 6 (left and right)
- Hesitated 2 (left and right)
- Total clues: 11

PALM PAT:

- Unable to follow directions.
- Started at the wrong time.
- Did not count as directed.
- Did not increase speed when counting. Total clues: 4

HAND COORDINATION:

- Unable to follow instructions.
- Improper count during hand clap.
- Improper end position with hands. Total clues 3

ROMBERG ALPHABET:

N/A

BREATH TEST RESULTS:

1) Refused 2) Refused 3) 4)

SCANNED FEB 20 2018

STATE OF FLORIDA COUNTY OF PALM BEACH

Ofc. P. Defco N759

The foregoing instrument was sworn to or affirmed and subscribed before me this 16 day of February 20 18 by

(Print name of Arresting/Investigative Officer, who is personally known to me and/or produced identification. Type of identification produced Known Person

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)

Samantha Palmer
 Commission # FF172377
 Expires: OCT 28, 2018
 BONDED THRU
 1ST FLORIDA NOTARY, LLC



**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 Judicial Circuit in and
for PALM BEACH

STATE OF FLORIDA
(PLANTIFF)
V.
SCHWIER, JAMES GERARD
DEFENDANT

Uniform Boating Citaion Number
V547620

AFFIDAVIT

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

1. That on Friday, February 16, 2018 at 9:50 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 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, 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 adminisration 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.

 WN759
Officer's Signature ID Number
Florida Fish and Wildlife Conservation Commission

SWORN TO AND SUBSCRIBED BEFORE ME THIS <u>12</u> DAY OF <u>FEB</u> , 20 <u>18</u> <u></u> N415 Notary Public or Attesting Officer <input checked="" type="checkbox"/> Personally known to me <input type="checkbox"/> Produced as Identification
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**SCANNED
FEB 20 2018**