



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

18MM7722 0499487 NR 1782

REPORT NUMBER
ARR004156

ARREST REPORT

Report Date / Time 07/01/2018 07:24 PM	Agency Case/Offense Number FWSA18OFF0068032	CCA Number	Offense Agency Case Number	OBTS Number	Offense Based Transacted System	Jail Booking Number	Other Number FWLR18CAD010098
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LOCATION OF OCCURRENCE

County PALM BEACH	Address 200 E 13TH ST, WEST PALM BEACH, FL 33404	
Range of Occurrence Date/Time 07/01/2018 05:43 PM to 07/01/2018 05:43 PM	Latitude N 26 40.1886	Longitude W 80 5.5308

PERSON: SUSPECT

First Name JOSEPH	Middle Name ANTHONY	Last Name DEMARTINO	Suffix	Date of Birth 07/31/1978	Age 39	Race W	Sex M	Height 5'10"	Weight 172	Hair BRO	Eyes BRO
Master Name Index Number	Place of Birth NEW YORK	Nation US	SSN	Driver's License or Other ID D563481782710	State FL	Class or Type E					
Address 4290 PINE CONE LANE	City BOYNTON BEACH	County PALM BEACH	State FL	Zip Code 33436	Phone						

CHARGES

Counts 1	Charge Number 327.35.14	Charge	Charge Degree	Charge Level	General Offense Code	<input type="checkbox"/> Hate Crime	<input type="checkbox"/> Domestic Violence	BOND AMOUNT \$0.00
BUI/OPERATING A VESSEL WITH NORMAL FACILITIES IMPAIRED								

PROBABLE CAUSE

I. WHAT BUI Boating Under the Influence
 II. WHEN: 7-01-18 @ 1808 hrs
 III. WHERE: Riviera Beach Marina, FL
 IV. WHO: Joseph Anthony Demartino 7-31-1978
 V. Other information Relating to DUI/BUI
 20' Scout Boat bearing registration number FL 6808 PM
 VI. DETAILS OF DUI/BUI
 A. Phase 1 - Initial Observation of vehicle/vessel in operation
 On July 01, 2018 at approximately 1756 hours, I, Officer Stephen Spradling with the FWC (Florida Fish and Wildlife Conservation Commission) was dispatched to a call of a possible impaired vessel operator that came in from the United States Coast Guard. I arrived on scene to Riviera Beach Marina on the ICW at approximately 1808 hours. Coast Guard advised they witnessed Mr Joseph Anthony Demartino operating his vessel (FL6808PM) on the ICW heading slowly in the direct path of a cruise ship coming out of the port of Palm Beach US Coast Guard (USCG) Officers advised they were attempting to get Mr Demartino's attention using sirens, emergency lights, and loud speaker USCG advised Mr Demartino came within approximately 15-20 Ft from the cruise Ship USCG Officers stopped Mr Demartino's vessel and conducted a safety inspection there were 3 subjects on board and the operator of the vessel was Mr Demartino. USCG Officers suspected the use of alcohol and escorted Mr. Demartino to Riviera Beach Marina (Guards Report will be with Incident Summary)
 B. Phase 2 - Personal Contact with driver/operator of vehicle/vessel
 I spoke with Mr Demartino who at the time I spoke with him was still aboard his vessel. I identified myself and my department and I immediately observed that Mr Demartino's eyes were glassy and blood shot. As Mr Demartino spoke, I detected an odor of alcoholic beverage emitting from his breath I asked Mr Demartino to perform some seated SFST's and he complied.
 C. Phase 3- Pre-arrest screening and Observations of Driver/Operator
 I sat Mr Demartino on a level stable seat on the dock to administer the tasks I asked him pre task questions and they were answered as follows:
 Do you have any physical defects or disabilities? He advised "Hearing deficit"
 Do you have any defects with your eyes? He advised "No"
 Are you sick or injured? He advised "No"
 Are you under the care of a doctor or a dentist? He advised "No"
 Are you taking any medications or drugs? He advised "No"
 Are you wearing contact lenses? He advised "No"
 Tasks were performed as follows:
 HORIZONTAL GAZE NYSTAGMUS 6 clues exhibited
 Lack of Smooth Pursuit in left and right eyes
 Distinct and sustained Nystagmus at Maximum Deviation in Left and Right eyes
 Onset of Nystagmus Prior to 45 degrees in Left and right eyes
 Vertical Nystagmus not present
 FINGER TO NOSE. 17 clues exhibited
 Instruction phase. Started at wrong time and wasn't following instructions
 Performance Phase: did not close his eyes, opened his eyes during task, did not tilt head
 Left= not fingertip, did not bring hand down
 Right= not fingertip, did not bring hand down

SCANNED
JUL 06 2018

2018 JUL -2 AM 8:54

Report Date / Time 07/01/2018 07:24 PM	Agency Case/Offense Number FWBA18OFF006032	OCA Number	Originating Agency Case Number	OBTS Number	Offender Based Transmittal System	Jail Booking Number	Other Number FWLR18CAD010098
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Left= missed nose, did not bring hand down
 Right= not fingertip, did not bring hand down
 Right= Hesitated, not fingertip, did not bring hands down
 Left= not fingertip, did not bring hand down

PALM PAT 4 clues exhibited
 Instruction phase. started at wrong time
 Performance stage did not count as directed
 Did not increase speed.
 Stopped before told.

Hand Coordination 5 clues exhibited
 Instruction phase, Started at the wrong time
 Task 1:
 Task 2 improper count
 Task 3. improper count, did not return to chest
 Task 4: did not perform

D Arrest of Driver/Operator
 Based on clues exhibited by Mr. Demartino, my observations of him at the scene during initial contact, based on my training, experience, and my common sense, I believe that Mr. Demartino was impaired by alcohol. I placed him into custody and he was transported to the Palm Beach County jail (Gun Club) without incident. At the jail, Mr. Demartino was read implied consent on camera and asked to submit to a lawful test of breath to determine his alcohol breath content. Mr. Demartino refused to submit a lawful test of breath.

E. Disposition of Driver and vehicle/Vessel

Mr. Demartino was booked into the Palm Beach County Jail without incident under the following charge:

327 35 Boating under the influence, penalties, "designated drivers."-
 (1) A person is guilty of the offense of boating under the influence and is subject to punishment as provided in subsection (2) if the person is operating a vessel within this state and:
 (a) The person is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111 <http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0800-0899/0877/Sections/0877.111.html>, or any substance controlled under chapter 893, when affected to the extent that the person's normal faculties are impaired;

Mr. Demartino's vessel was left in the care of the USCG who was with the defendants wife at Riviera Beach Marina

LEO BOND

Bond Amount \$	None	<input type="checkbox"/> ROR	<input type="checkbox"/> Cash	<input type="checkbox"/> Any	<input type="checkbox"/> PreTrial W Quality
	<input type="checkbox"/> Pro				<input type="checkbox"/>

COURT APPEARANCE INFORMATION

Court PALM BEACH COUNTY COURT AT GUN CLUB	Court Phone (561) 688-4840	Court Date & Time 08/01/2018 06:25 PM
Court Address 3228 GUN CLUB ROAD, WEST PALM BEACH, FL 33408		
Instructions		

ARREST INFORMATION

Arrest Date / Time 07/01/2018 06:25 PM	Residency Within state	Injured None	Extent of Injury N/A	Resist Arrest No
Prior Arrests No	Arrest Jurisdiction Within state	Alcohol Yes	Drugs No	

ARREST LOCATION

County PALM BEACH	Address RIVIERA BEACH, RIVIERA BEACH, FL
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ARREST DELIVERED TO

Jail / Booking Facility PALM BEACH COUNTY CORRECTIONS	Location 673 FAIRGROUNDS ROAD, WEST PALM BEACH, FLORIDA 33411-3633	Phone (561) 688-4800
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ARRESTING OFFICER

Officer Call Number W8344	Officer Name SPRADLING, STEPHEN	Officer Signature 
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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: _____

SCANNED
 JUL 06 2018



**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.
V378309

v.

Joseph A. Demartino
DEFENDANT

AFFIDAVIT

I, S. Spradling, a law enforcement officer, who having been duly sworn, certify and state the following:

1. That on Sunday, July 1st, 2018 at 6:25 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] N703
Officer's Signature ID No

Florida Fish and Wildlife Conservation Commission
Law Enforcement Agency

1300 Marcinski Rd.
Mailing Address

Jupiter FL 33477
City State Zip Code

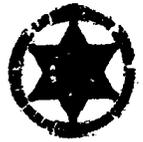
SWORN TO AND SUBSCRIBED
BEFORE ME THIS 1st DAY
OF July, 2018
P. Godesard II N355 / Paul / [Signature]
Notary Public or Attesting Officer

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 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



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



**FLORIDA BUI/DUI
IMPLIED CONSENT WARNING**

DEFENDANT'S NAME: Joseph Anthony Demartino CASE NO.: FW5A-18-OFF-603

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 ofc Spradling 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

7-1-18
DATE

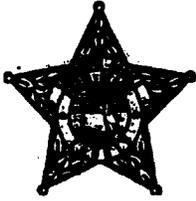
1936
TIME

[Signature]
DEFENDANT'S SIGNATURE

Stephen Spradling
OFFICER'S NAME (PRINTED)

[Signature]
OFFICER'S SIGNATURE

FWCDLE 108D (09/05)



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

PBSO CASE # 18-092337 PBSO ZONE 3-13

AGENCY CASE # FWSA-18-OFF6032 CRASH CASE # _____

TIME OF STOP/CRASH 1808 DATE 7-1-18 DAY Sun

SUBJECT'S NAME Joseph Anthony Demartino RACE W SEX M

HGT 5'10" WGT 172 DOB 7 1 31 1978

LOCATION Riviera Beach Marina

ARRESTING OFFICER'S NAME & ID Stephen Spradling N703 AGENCY FWC

DIVISION: LEO

NOTIFIED BY COMMO NO

ARRIVAL AT FACILITY 1910

ARREST TIME 1825

BREATH RESULTS:

- 1. **REFUSED**
- 2. _____
- 3. _____
- 4. _____

TESTING OFFICER'S ID 3184 PBSO VIDEOTAPE # N/A

NOT A CERTIFIED COPY

SHARON R BOCK, CLERK
 2018 JUL -9 PM 2:42
 PALM BEACH COUNTY, FLORIDA
 COUNTY CRIMINAL

STATEMENT OF PETTY OFFICER THIRD CLASS JEFFREY R. TURNER (BOARDING OFFICER USCG): 01JUL2018 BOATING UNDER THE INFLUENCE VIOLATION.

ON JULY 01, 2018 AT APPROXIMATELY 5:45PM LOCAL TIME, U.S. COAST GUARD VESSEL 33136 WAS UNDERWAY ON A ROUTINE PATROL NEAR THE PORT OF PALM BEACH IN RIVIERA BEACH, FL. I PETTY OFFICER THIRD CLASS JEFFREY R. TURNER WAS THE BOARDING OFFICER FOR THE CREW OF THE 33136. I WITNESSED A 20' SCOUT CENTER CONSOLE WITH FLORIDA REGISTRATION NUMBERS (FL6808PM) HEADING SOUTH BOUND IN THE PORT OF PALM BEACH TURNING BASIN. AS VESSEL FL6808PM WAS TRANSITING SOUTH, THE GRAND CELEBRATION CRUISE SHIP WAS REVERSING FROM ITS MOORING. I OBSERVED VESSEL FL6808PM CONTINUE TO HEAD SOUTHBOUND RIGHT BEHIND THE CRUISE SHIP WITH THE MASTER NOT PAYING ATTENTION TO THE CRUISE SHIP REVERSING. UPON NOTICING AN IMMINENT COLISION, 33136 MANUVERED OUR VESSEL TOWARDS FL6808PM AND ENERGIZED OUR BLUE LAW ENFORCEMENT LIGHTS, ENERGIZED OUR SIREN, AND WAS TRYING TO COMMUNICATE THROUGH OUR LOUD HAILER WHILE ALSO WAVING OUR ARMS TO TRY TO COMMUNICATE THAT THEY WERE ABOUT TO BE HIT BY THE CRUISE SHIP. THEN THE OPERATOR (JOSEPH DEMARTINO) LOOKED IN OUR DIRECTION, WAVED AND GAVE A THUMBS UP BUT STILL DIDN'T NOTICE THE CRUISE SHIP WAS JUST FEET FROM HITTING HIS VESSEL. WHEN THE CRUISE SHIP WAS ABOUT 15-20 FEET FROM COLIDING WITH VESSEL FL6808PM, MR. DEMARTINO FINALLY NOTICED AND INCREASED SPEED TO NARROWLY AVOID IT. ONCE CLEAR OF DANGER, USCG

STATEMENT OF PETTY OFFICER THIRD CLASS JEFFREY R. TURNER (BOARDING OFFICER
USCG): 01JUL2018 BOATING UNDER THE INFLUENCE VIOLATION.

THIS STATEMENT IS TRUE TO THE BEST OF KNOWLEDGE



JEFFREY R. TURNER

PETTY OFFICER THIRD CLASS

UNITED STATES COAST GUARD

USCG MISLE # (6463235)

NOT A CERTIFIED COPY

SHARON R BOCK, CLERK
2018 JUL -9 PM 2:42
BEACH COUNTY, FLORIDA
COUNTY CRIMINAL

REPORT OF BOARDING				MO	DY	YR	BOARDING TIME	HULL IDENTIFICATION NUMBER							
				0	7	01	18	1	7	40	SLP2L973E213				
VESSEL	VSSSEL NUMBER/DOC NUMBER			VESSEL NAME				HAILING PORT							
	FLG808PM			SCOUT											
	MANUFACTURER			POB	PFDS	TYPE OF BOAT		0	OPEN M/B	3	SAIL	5	CANOE/KAYAK	7	INFLATABLE
	210XSF			ADULT	ADULT	PROPULSION		0	CABIN M/B	4	ROWBOAT	6	HOUSEBOAT	8	OTHER
	2013			CHILD	CHILD	MATERIAL		1	OUTBOARD	3	INBRD DIESEL	5	JET DRIVE	7	MANUAL
2010			HORSEPOWER		FLAG		2	INBRD GAS	4	INBRD/OUTBRD	6	SAIL ONLY	8	OTHER	
2010			2000		U.S.		1	WOOD	3	STRBL	5	RUBBER	7	OTHER	
USE			COMMERCIAL		PASSENGER		2	ALUMINUM	3	FIBERGLASS	6	CEMENT	8	UNKNOWN	
OWNER NAME			NATIONALITY				OWNER WAS OPERATOR								
DE MARTINO JOSEPH ANTHONY			US				0								
ADDRESS			OPERATOR COURSE				2								
4290 PINE CONE LN			OPERATOR COURSE				3								
BOYALTON			OPERATOR COURSE				4								
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**FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT**



**FLORIDA BUI/DUI
IMPLIED CONSENT WARNING**

DEFENDANT'S NAME: Joseph Anthony Demartino CASE NO.: FW54-18-OFF-603

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 ofc Spradling 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

7-1-18 1936 [Signature]
DATE TIME DEFENDANT'S SIGNATURE

Stephen Spradling [Signature]
OFFICER'S NAME (PRINTED) OFFICER'S SIGNATURE



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

PBSO CASE # 18-092337 PBSO ZONE 3-13

AGENCY CASE # FWSA-18-OFF6032 CRASH CASE # _____

TIME OF STOP/CRASH 1808 DATE 7-1-18 DAY Sun

SUBJECT'S NAME Joseph Anthony Demartino RACE W SEX M

HGT 5'10" WGT 172 DOB 7 / 31 / 1978

LOCATION Riviera Beach Marina

ARRESTING OFFICER'S NAME & ID Stephen Spradling N703 AGENCY FWC

DIVISION: LEO

NOTIFIED BY COMMO NO

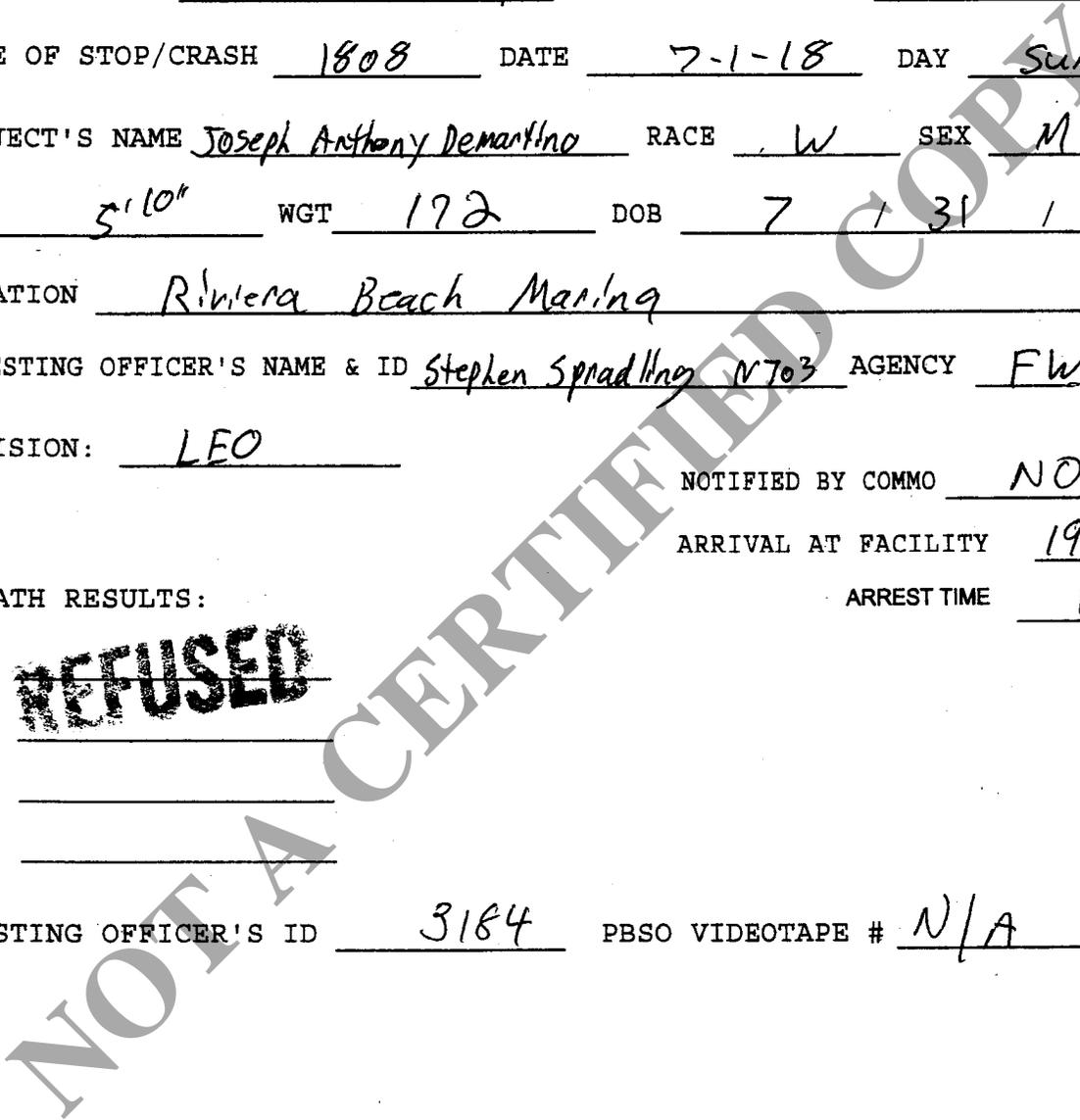
ARRIVAL AT FACILITY 1910

BREATH RESULTS:

ARREST TIME 1825

1. **REFUSED**
2. _____
3. _____
4. _____

TESTING OFFICER'S ID 3184 PBSO VIDEOTAPE # N/A



TESTING FACILITY TASK REPORT

AGENCY: FWC / BUI
SUBJECT: Demartino, Joseph Anthony CASE NUMBER: 18-092337
DATE: 7/01/18 VIDEO TAPE NUMBER: N/A
BEGINNING TIME: 1934 ENDING TIME: 1937
BREATH TESTS RESULTS: ~~1) REFUSED~~ TIME 1936 A.M./P.M. (P.M.) 2) ~~TIME~~ A.M./P.M.
3) ~~TIME~~ A.M./P.M. 4) ~~TIME~~ A.M./P.M.

BREATH OPERATOR: S. Owen #3184
MAINTENANCE TECHNICIAN: J. Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: _____
ATTITUDE: Friendly, co-operative, upset, apologetic, polite
CLOTHING: grey bathing suit
MEDICAL CONDITIONS: none
MEDICATIONS: none
OTHER: _____

COMMENTS: A/O & A arrived at 1910 hrs
A/O observed 20 minutes
A/O requested breath test, A refused
A/O read T/C, ^{BUI} understood, A refused
A/O read c/w for BUI NO Q & A

