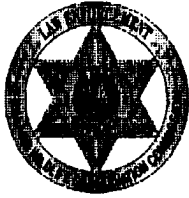


19mm621



Arrest Report

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

Report Date / Time 8/18/2019 05:56 PM	Report Number C-5574AA	Case Number/Cad Number FWSA19OFF010215 / FWSA19CAD002778	Reporting Officer Name BRODBECK, JAMES J
Originating Agency ORI FL0488000	Occur Date Time Range 08/18/2019 16:24:54 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description ISLAND ICW PEANUT ISLAND EAST			
Street Number INDIAN RD	Street INDIAN RD	Apt/Lot/Bldg FWC	City RIVIERA BEACH INC	State FL	Zip Code

Defendant

First Name LEY	Middle Name FREDI	Last Name BRITO GARCIA	Suffix	Race N W	Sex MALE	Height 5'07"	Weight 170	Hair BLACK	Eyes GREEN
MNI #	SSN	Date of Birth 11/17/1987	Age 31	Place of Birth VIA CLARA CUBA	Drivers License or other ID B632526874170	State FL	ID Type E		
Address * RESIDENCE / 3819 DAVIS RD , LAKE WORTH, FL 33461 /									

Arrest

Arrest Date/Time 8/18/2019 5:00:00 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description EAST SIDE OF PEANUT ISLAND				
Street Number INDIAN RD	Street INDIAN RD	Apt/Lot/Bldg FWC	County PALM BEACH	City RIVIERA BEACH INC	State FL	Zip Code

Charge : STATE STATUTE

Counts 1	Charge 327.35(1)(a)	Bond Amount \$0.00	<input type="checkbox"/> 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	<input type="checkbox"/> No Bond
Bond Type(s)	

Probable Cause

I. WHAT:	Boating Under the Influence of Alcohol
II. WHEN:	8/18/2018 approx 1640 hours
III. WHERE:	Peanut Island, Riviera Beach, Palm Beach County
IV. WHO:	Ley F. Brito Garcia

Arrest Report

J# 0510297

SCANNED
AUG 20 2019
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Report Date / Time 8/18/2019 05:56 PM	Report Number C-5574AA	Case Number/Cad Number FWSA19OFF010215 / FWSA19CAD002776	Reporting Officer Name BRODBECK, JAMES J
Originating Agency ORI FL0488000	Occur Date Time Range 08/18/2019 16:24:54 -	Jurisdiction	Clearance

3819 Davis Rd.
Lake Worth, FL., 33461 FL DL B632526874170

V. Other information Relating to DUI/BUI
FL 1101 RL, 2016 White Yamaha PWC

VI. DETAILS OF DUI/BUI

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

On Sunday, August 18, 2019 at approximately 1640 hours, I, Officer James Brodbeck of the Florida Fish and Wildlife Conservation Commission, was on vessel patrol near Peanut Island, Palm Beach County. I observed a 11' Yamaha PWC (FL 1101 RL) northbound on the east side of Peanut Island. The vessel was operating at high speed (approximately 35-40 mph) near anchored vessels and swimmers. The vessel also had the registration decal improperly displayed as well as improper spacing of the registration numbers. 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 Florida DL as LEY F BRITO GARCIA, I detected the strong odor of an unknown alcoholic beverage emitting from his breath. His eyes were bloodshot and glassy. Based on my observations, I asked the subject if he would allow me to check his eyes for possible impairment and he agreed.

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

HGN: During Horizontal Gaze Nystagmus, BRITO GARCIA 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. The subject also moved his head during the task despite indicating that he had to keep his head still.

FTN: During Finger to Nose, Instruction Stage, BRITO GARCIA was unable to follow instructions and started the task at the wrong time. During the Performance Stage, the subject was slightly opening his eyes during the task. On the first left, the subject did not bring his hand back down. I restarted the task, and again, the subject was unable to follow instructions and began before being told to do so. On the third left, the subject missed the tip of his nose (made contact with bridge of nose).

PP: During Palm Pat, the subject did not count as instructed, had numerous chopped pats, and was opening and closing his hands like a book.

HC: During Hand Coordination, Instruction Stage, the subject began the task before being told to do so numerous times and was unable to remain in the demonstrated position. During Task 1, the subject had improper touch (made contact with top of fists) and only counted to 3. During Task 3, the subject again made contact with the top of his fists, only counted to 3, and did not return his left fist to his chest.

D. Arrest of Driver/Operator

Arrest Report

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Report Date / Time 8/18/2019 05:56 PM	Report Number C-5574AA	Case Number/Cad Number FWSA19OFF010215 / FWSA19CAD002776	Reporting Officer Name BRODBECK, JAMES J
Originating Agency ORI FL0488000	Occur Date Time Range 08/18/2019 16:24:54 -	Jurisdiction	Clearance

At 1700 I placed BRITO GARCIA under arrest for suspicion of BUI. He was transported to Phil Foster Park, where he refused to provide a lawful sample of his breath at 1737 hours. I charged BRITO GARCIA 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 Breath Test pursuant to 327.352
- F.S. 327.33(2)- Careless operation of vessel

E. Disposition of Driver and vehicle/vessel

I transported BRITO GARCIA to the Palm Beach County Jail, Main Detention Center. The vessel was turned over to friends of the operator located on the west side of Peanut Island.

The passenger of the vessel, identified by Name and DOB as ARLETY SANCHEZ 9/30/95, provided translation and was dropped off at Peanut Island.

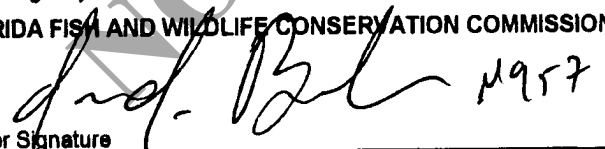
Court

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 09/18/2019 1:30 PM	Court Fine
Comments			

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

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>15th</u> day of <u>AUGUST</u> <u>2019</u> DEPUTY OF THE COURT, NOTARY OR <u>LAW ENFORCEMENT</u>
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 Judicial Circuit in and
for PALM BEACH County, Florida

STATE OF FLORIDA
(PLANTIFF)
V.
BRITO GARCIA, LEY FREDI
DEFENDANT


Uniform Boating Citation Number
V639672

AFFIDAVIT

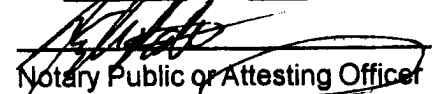
I, BRODBECK, JAMES J, a law enforcement officer, who having been duly sworn, certify and state the following:

1. That on Sunday, August 18, 2019 at 5:16 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 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.

 WN957
Officer's Signature ID Number
Florida Fish and Wildlife Conservation Commission

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 18th DAY
OF August, 2017


Notary Public or Attesting Officer

Personally known to me

Produced _____

as Identification

INTOXILYZER 8000
Instrument Initialization
17:00 08/18/2019

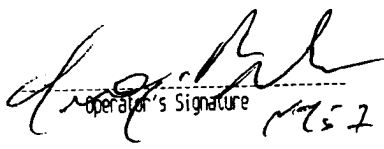
FFWCC SOUTH REGION
Intoxilyzer - Alcohol Analyzer
Model 8000 SN 80-000903
08/18/2019
Software: 8100.27

LAI Date = 07/29/2019
Obs Period Began = 17:15
Sub Name =
LEY
F
BRITO GARCIA
Sub DOB = 11/17/1987
Sub Sex = M
Driv Lic = 8632526874170/FL
Officer =
JAMES
BRODBECK
Operator =
JAMES, J
BRODBECK

NOT A CERTIFIED COPY

Test	g/210L	Time
Diagnostics Check OK		17:35
Air Blank	0.000	17:36
Control Test	0.077	17:36
Air Blank	0.000	17:37
Subject Sample #1 REF*		17:37
Air Blank	0.000	17:37
Control Test	0.077	17:38
Air Blank	0.000	17:38
Diagnostics Check OK		17:38

*Subject Test Refused


Operator's Signature 1757

SCANNED
AUG 20 2019



Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	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)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2019027027	Date: 08/19/2019
	Specialist Name/ID: AM/31562

SCANNED
AUG 20 2019

COURT RECORD

Case No.: _____ Hearing Docket No.: _____ Page No.: _____

DATE	<u>Court Action and Other Orders</u>
	<input type="checkbox"/> Payment of \$500.00 received; or <input type="checkbox"/> Hearing requested
	Continuance to: _____ Reason: _____ _____
	Continuance to: _____ Reason: _____ _____
	Other: _____
	\$500.00 civil penalty is: Sustained <input type="checkbox"/> Dismissed <input type="checkbox"/>

JUDGEMENT and ORDER

After hearing the evidence presented in this manner and duly considering the same, the court finds that the Defendant, _____, did unlawfully refuse to submit to chemical testing of his/her blood, breath, or urine, in violation of section 327.35215, Florida Statutes. The \$500.00 civil penalty is sustained.

IT IS, THEREFORE, the Judgment and Order of this Court that you, the Defendant, pay a civil penalty of \$500.00 within _____ days and that you refrain from operating any vessel upon the waters of this state until the \$500.00 civil penalty is paid in full.

DONE, ADJUDGED, and ORDERED in open Court at _____
Florida, this _____ day of _____, 20____, A.D.

Judge: _____

Testimony, Judge's Notes, or other Court Orders: _____