19mm5111

0507475

3142

Arrest Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
3440 SE 19TH STREET
HOLLYWOOD, FL. 33316

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
4/28/2019 08:46 PM	C-6150AA	FWSA19OFF004830 /	SELLERS, SHELBY

Originating Agency ORI	Occur Date Time Range	Jurisdiction	Clearance
FL0488000	04/28/2019 00:00:00 -		

Location of Occurrence

County	Location Type	Location Description
	PUBLIC PLACE	LAKE BOCA / JUST SOUTH OF CASINO ROYAL

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
	Lake Boca	FWC	Boca Rato	FL	33432

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
PEDRO	JOSE	MARTE HURTADO		W	MALE	6'00"	180	BLACK	BROWN

MNI #	SSN	Date of Birth	Age	Place of Birth	Drivers License or other ID	State	ID Type
		03/02/1984	35	DOMINICAN REPUBLIC	M636670840820	FL	E

Address
* RESIDENCE / 14040 BISCAYNE BLVD APT 601 , , FL 33181 / 786-238-9426

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
4/28/2019 7:41:00 PM	PUBLIC PLACE	LAKE BOCA / JUST SOUTH OF CASINO ROYAL

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
	Lake Boca	FWC	Palm Beach	Boca Raton	FL	33432

Charge : STATE STATUTE

Counts	Charge	Bond Amount	
1	327.35(1)(a)	$0.00	☐ No Bond

Charge Degree	Charge Level	General Offense Code
FIRST DEGREE	MISDEMEANOR	DUI-UNLAW BLD ALCH

Charge Description
OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED

Bond Set by Court

Bond Amount	No Bond?
$0.00	No

Bond Type(s)

Probable Cause

Body Camera Was Used

I, Officer S. Sellers of the Florida Fish and Wildlife Conservation Commission was on patrol in Lake Boca area for the Boca Bash event when I observed a pontoon vessel traveling south towards the casino royal with multiple subjects on board taking on water in the rear of the vessel by the motor. After making contact with the vessel it was discovered that it was over its maximum capacity. Upon speaking with the operator of the vessel I observed his eyes were watery and blood shot. I then asked the subject to come aboard the FWC issued vessel to perform

NOT A CERTIFIED COPY

During GPL

2019 APR 29 AM 8:15

the seated battery of SFSTs. The subject complied and safely boarded the vessel. At that time I asked the subject how many drinks he had today and his response is that he had a few. I then read the directions for each task from my agency issued SFSTs card.
Subject was identified by a FL DL PEDRO,JOSE,MARTE HURTADO / DOB 03-02-1984

Horizontal Gaze Nystagmus:

Lack of smooth pursuit in R and L eye

Distinct and sustained nystagmus at maximum deviation in R and L eye

Onset of nystagmus prior to 45 degrees in L and R eye

During the start of the task, subject was unable to follow stimulus without moving his head.

Total clues : 6

Finger to Nose:

Instruction Stage: After instructions and demonstration, subject was unable to follow instructions. After I instructed him to begin, he did not tilt his head back or close his eyes. I had to remind him to do so.

Performance Stage: When I instructed the subject to touch his nose with his left hand, he held his hand there. I waited for several seconds until I reminded him to immediately return his arm to his side after each time he touches his nose. He repeated to keep his finger at his nose after each instruction.
During this task, the subject did not keep his eyes completely closed.

Total clues : 11

Palm Pat:

Instruction Stage:

Performance Stage: Subject did not increase the speed of the palm pat. I reminded him to do so after several seconds.

Total Clues : 1

NOT A CERTIFIED COPY

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
4/28/2019 08:46 PM	C-6150AA	FWSA19OFF004830 /	SELLERS, SHELBY

Originating Agency ORI	Occur Date Time Range	Jurisdiction	Clearance
FL0488000	04/28/2019 00:00:00 -		

Hand Coordination:

Instruction Stage: Unable to follow instructions. After each instruction and demonstration, the subject repeatedly asked questions on which hand is supposed to be touching his chest.

Performance Stage: The subject did count to 4 per the instructions moving his fists in a step-like fashion. He then clapped 4 times (instead of three). When the subject reversed the step like motion he counted again 1-4 instead of 5-8 and then clapped again. After he clapped, he then put his palms back on his lap.

Unable to follow instructions
Improper count on clap (task two)
Improper return (5-8)
Improper return (clapped again instead of returning fists to chest)
Did not return his left fist to chest

Total Clues : 5

D. Arrest of Operator

E. Disposition of Operator and vessel

Took him to Silver Palms boat ramp in which he complied to a breath sample. FWC Investigator Kyle Patterson administered the breath intoxilyzer 8000 in which the results were 0.185 for sample one and 0.188 for sample two

NOT A CERTIFIED COPY

Court

Court County	Court Location
PALM BEACH	3188 PGA BLVD RM 210 PALM BEACH GARDENS FL 33410

Court	Court Phone	Court Appereance Date / Time	Court Fine
PALM BEACH COUNTY, NORTH COURTHOUSE	561-355-2996	5/24/19 1:30pm	

Comments

Officer Name	Officer Rank	Involvement On Report	ID #	Org/Unit	Officer Agency
SELLERS, SHELBY	OFFICER		WP124	FWSA\SO REGION A\BROWARD	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
4/28/2019 08:46 PM	C-6150AA	FWSA19OFF004830 /	SELLERS, SHELBY

Originating Agency ORI	Occur Date Time Range	Jurisdiction	Clearance
FL0488000	04/28/2019 00:00:00 -		

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	Office Rank	Officer ID No
SELLERS, SHELBY	**OFFICER**	**WP124**

Officer Agency

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Officer Signature Ofc Sheppelle P124

Sworn and subscribed before me, the undersigned authority

This the _____ day of _____, _____

DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

Transported by: Bolan 810

NOT A CERTIFIED COPY

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: MIAMI PD
Instrument Serial Number: 80-001179 Software: 8100.27
Date of Test: 04/28/2019

Date of Last Agency Inspection: 03/26/2019
Observation Period Began: 19:41
Subject's Name: PEDRO J MARTE DOB: 03/02/1984 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.

Results:

Test	g/210L	Time
Diagnostics Check	OK	20:19
Air Blank	0.000	20:20
Control Test	0.081	20:20
Air Blank	0.000	20:21
Subject Sample #1	VNM*	20:24
Air Blank	0.000	20:24
Air Blank	0.000	20:26
Subject Sample #2	0.185	20:27
Air Blank	0.000	20:28
Air Blank	0.000	20:30
Subject Sample #3	0.188	20:30
Air Blank	RFI**	20:31
Air Blank	0.000	20:31

*Volume Not Met (0.144 - Breath Sample Not Reliable to Determine Breath Alcohol Level)
**RFI Detect

Cylinder Lot: 620051
Exp: 11/05/2019

State of Florida, County of PALM BEACH.

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

I KYLE L PATTERSON, 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: _____ Date: 4-28-19
Signature

Sworn to (or affirmed) before me this 28 day of April, 2019

Ofc Shelby Sellers P124 — Shelby Sellers
Signature of Notary Public-State of Florida — Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation 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 322.2615, F.S.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007

NOT A CERTIFIED COPY