Arrest Report

0501/70 18MM10177 NB 3968

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

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
9/1/2018 07:56 PM	C-1194AA	FWSA18OFF008316 /FWLR18 CAD014472	BRODBECK, JAMES J

Originating Agency ORI	Occur Date Time Range	Jurisdiction	Clearance
FL0488000	09/01/2018 17:41:36 -		

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	PUBLIC PLACE	BRAMP BURT REYNOLDS WEST

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
954	BURT REYNOLDS PARK	FWC	JUPITER	FI	33477

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
RICHARD	ALLEN	GORMAN		WHITE	MALE	5'10"	165	BROWN	BLUE

MNI #	SSN	Date of Birth	Age	Place of Birth	Drivers License or other ID	State	ID Type
	[redacted]	03/18/1957	61	APPLETON WI USA	G655741570980	FL	E

Address
* RESIDENCE / 601 UNIVERSITY BLVD SUITE 104 , , FL 33458 /

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
9/1/2018 6:04:36 PM	PUBLIC PLACE	ICW JUPITER

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
954	BURT REYNOLDS PARK	FWC	PALM BEACH	JUPITER	FI	33477

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 (983 O/R

Bond Set by Court

Bond Amount	No Bond?
$0.00	No

Bond Type(s)

Probable Cause

SEP 1 PM 9:32

On Saturday, September 1, 2018 at approximately 1745 hours, I, Officer James Brodbeck of the Florida Fish and Wildlife Conservation Commission, was on vessel patrol in Jupiter, Palm Beach County. I observed a vessel, FL 4968 FN, operating at a speed causing the bow to rise and throw a large wake in a posted Slow Speed Minimum Wake zone. I initiated a stop to conduct a boating safety inspection as well as to address the violation. In plain view on board the vessel were multiple empty containers of

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SCANNED SEP 06 2018

FILED 2018 SEP 12 PM 12:45 CLERK OF COURT PALM BEACH COUNTY, FL CRIMINAL BRANCH

"Stella Artois" brand beer. Operating the vessel was RICHARD A. GORMAN, identified by Florida DL. I asked GORMAN for his ID and he handed me the ID of the female passenger on board, identified as the registered owner. I detected the odor of an alcoholic beverage emitting from GORMAN's breath. I observed that his eyes were glassy and bloodshot. Based on my observations, I asked GORMAN if I could conduct Field Sobriety Tasks and he agreed.

HORIZONTAL GAZE NYSTAGMUS
During HGN, the subject displayed a lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation, and an onset of nystagmus prior to 45 degrees. The subject also did not keep his head still as instructed during the entire process.

FINGER TO NOSE
During the Instruction Stage, the subject started at the wrong time by closing his eyes and tilting his head back before being told to do so. During the Performance Stage, the subject did not tilt his head back. On the first left, the subject missed his nose and did not bring his finger down. On the first right, the subject used the pad of his finger and missed his nose. On the second left, the subject hesitated and missed his nose. On the second right, the subject hesitated. On the third right, the subject hesitated. On the third left, the subject hesitated.

PALM PAT
During the Performance Stage, the subject did not count as instructed, had multiple double pats, multiple chopped pats, and did not increase speed despite being told to do so.

HAND COORDINATION
During Task 2, the subject did not return to the proper position. During Task 3, the subject did not return the left fist to chest.

At 1804 hours, I placed the subject under arrest for BUI. GORMAN was transported by Ofc. B. Norbrothen to the Palm Beach County Jail, where he refused to provide a breath sample at 1944 hours.

Court

Court County	Court Location
PALM BEACH	205 NORTH DIXIE HIGHWAY WEST PALM BEACH, FLORIDA 33401

Court	Court Phone	Court Appereance Date / Time	Court Fine
PALM BEACH COUNTY COURT	(561) 355-2996	09/26/2018 TBS	

Comments

Officer Name	Officer Rank	Involvement On Report	ID #	Org/Unit	Officer Agency
BRODBECK, JAMES J	OFFICER		WN957	FWSA\SO REGION A\PALM BEACH	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
9/1/2018 07:56 PM	C-1194AA	FWSA18OFF008316 /FWLR18 CAD014472	BRODBECK, JAMES J

Originating Agency ORI	Occur Date Time Range	Jurisdiction	Clearance
FL0488000	09/01/2018 17:41:36 -		

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
BRODBECK, JAMES J	OFFICER	WN957

Officer Agency

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Officer Signature

Sworn and subscribed before me, the undersigned authority

This the 1st day of September, 2018

DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

NANCY M. SCHAFER
MY COMMISSION # GG 183377
EXPIRES: March 12, 2022
Bonded Thru Notary Public Underwriters

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Field Sobriety Task Performance Report

Subject Name RICHARD GORMAN Start time 1755

PRE-TASK QUESTIONS (select)

	Y	N	Notes:
Do you have any physical defects or disabilities?	☐	☒	sinus
Do you have any defects with your eyes?	☐	☒	swelling
Are you sick or injured?	☐	☒	
Are you under the care of a doctor or dentist?	☐	☒	BP medicine
Are you taking any medication or drugs?	☒	☐	

GENERAL INSTRUCTIONS:

Please sit straight at the front edge of your seat. Put your arms down at your sides. Place your feet shoulder-width apart so you are comfortable and stable. Are you stable? *(Response)* **Do not move your feet until the tasks are over. Stay in this position and do not do anything else until I tell you to do so. Do you understand?** *(Response)*

HORIZONTAL GAZE NYSTAGMUS

Have the subject remove their eyeglasses, if worn.

Are you wearing contact lenses? ☒ *Yes* ☐ *No*

I am going to check your eyes. Hold your head still and follow the stimulus with your eyes only. Do you understand? *(Response)* Yes

Elevate the stimulus about 12-15" from the subject's nose. Check for equal pupil size, resting nystagmus and equal tracking.

	Left	Right
Lack of smooth pursuit	☐	☒
Distinct & sustained nystagmus at max. deviation	☒	☒
Onset of nystagmus prior to 45-degrees	☒	☒
	(2)	

Vertical nystagmus: Yes ☐ No ☒ moved head

FINGER TO NOSE

- **Make a fist with both hands, extend your index fingers and turn your palms forward. Remain in this position while I explain the task.** *(Demonstrate)* **Do you understand?** *(Response)* Yes
- **When I say begin, tilt your head back to about a 45° angle and close your eyes.** *(Demonstrate)*
- **When I tell you to, touch the tip of your nose with the tip of your index finger and immediately return it to your side.** *(Demonstrate and explain the fingertip, pad and side of fingers and demonstrate touching tip of the nose)*
- **When I say right, you must touch your right index finger to your nose; when I say left, you must touch your left index finger to your nose. Do you understand?** *(Response)* Yes
- **Begin.** *(After head tilt...)* **Left...Right...Left...Right...Right...Left** *(After performance...)* **Open your eyes and straighten your head.**

Unable to follow instructions	☐	Did not close eyes	☐	Wrong hand	☐	☐	☐	☐	☐	☐	Wrong hand
		Did not tilt head	☒		☐	☐	☐	☐	☐	☐	
Started at wrong time	☒	Opened eyes during task	☐	Hesitated	☐	☐	☒	☒	☒	☒	Hesitated
		Moved head during task (1"+)	☐	Not fingertip	☐	☒	☐	☐	☐	☐	Not fingertip
				Did not bring down	☒	☐	☐	☐	☐	☐	Did not bring down
											(1)

PALM PAT

- **Place your hands palm to palm with one hand up and one hand down, like this.** *(Demonstrate)* **Remain in this position while I explain the task. Do you understand?** *(Response)* Yes
- **When I tell you to begin, turn the top hand over and count out loud "one," then turn the hand back over and count out loud "two," counting only when the hands make contact, like this.** *(Demonstrate at least two sets)*
- **Repeat this, speed up as you go, and do not stop until told. Make sure to keep your hands and fingers parallel during each pat, like this.** *(Demonstrate)*
- **Do you understand?** *(Response)* **Begin.** *(If necessary, tell to speed up)*

Unable to follow instructions	☐
Started at wrong time	☐
Performance Steps	
Did not count as instructed	☒
Rolled hands	☐
Double pat	☒
Chopped pat	☒
Other improper pat (document)	☐
Did not increase speed	☒
Rotated hands	☐
Stopped before told	☐
Total Clues	(7)
Evaluation Criteria: 2 Or More Clues	

1, 2, 1, 1, 2, 1, 2, 2

HAND COORDINATION

- **Make fists with both hands, place your left fist at the center of your chest and your right fist against your left fist, like this.** *(Demonstrate)*
- **Remain in this position while I explain the tasks. Do you understand?** *(Response)* Yes
- **When I say begin, you must perform four tasks.**
- **The first task is to count out loud from one to four while you move your fists in a step-like fashion, making contact between your fists at each step.** *(Demonstrate while counting out loud 1, 2, 3, 4)*
- **The second task is to memorize the position of your fists after you have counted to four, clap your hands three times and return your fists to the memorized position.** *(Demonstrate)*
- **The third task is to move your fists in a step-like fashion in reverse order; counting out loud from five to eight and returning your left fist to your chest.** *(Demonstrate while counting out loud 5, 6, 7, 8)*
- **The fourth task is to open your hands with palms down and place them in your lap.** *(Demonstrate)*
- **Do you understand?** *(Response)* **Begin.**

Unable to follow instructions	☐
Started at wrong time	☐
Performance Steps	
Task 1 – Count	
Improper count	☐
Improper touch	☐
Did not perform	☐
Task 2 – Hand Clapping	
Improper count	☐
Improper touch	☐
Improper return	☒
Did not perform	☐
Task 3 – Return Steps	
Improper count	☐
Improper touch	☐
Did not return left fist to chest	☒
Did not perform	☐
Task 4 – End Position	
Improper position	☐
Did not perform	☐
Total Clues	(2)
Evaluation Criteria: 2 Or More Clues	

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Palm Beach County Sheriff's Office

BUI IMPLIED CONSENT WARNING

DEFENDANT'S NAME: RICHARD A. GORMAN CASE NO: FWSA18OFF008316

READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING

You are under arrest for operating a vessel 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 THE FOLLOWING:

I am JAMES BRODBECK N957 of the FWC
(Officer's Name & ID) (Agency)

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

9/5/18 1949
DATE TIME DEFENDANT'S SIGNATURE

JAMES J. BRODBECK
OFFICER'S NAME & ID (PRINT) OFFICER'S SIGNATURE

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SUBJECT: RICHARD A GORMAN CASE NUMBER: PBSA180FF005316

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? Y/S

WHERE WERE YOU GOING? HOME PALM BEACH GARDENS

WHAT ~~STREET OR HIGHWAY~~ WATERWAY WERE YOU ON? ICW

DIRECTION OF TRAVEL? S WHERE DID YOU START? SANDBAR N OF PEANUT ISL

WHAT TIME DID YOU START? 5 PM WHAT TIME IS IT NOW? 7:30 (7:50 now)

WHAT IS TODAY'S DATE? 9/1 WHAT DAY OF THE WEEK IS IT? SAT

WHAT COUNTY AND CITY ARE YOU IN NOW? PALM BEACH COUNTY WEST PALM

WHEN DID YOU LAST EAT? NOON WHAT DID YOU EAT? SNACKS

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? SANDBAR

HOW MUCH DO YOU WEIGH? 165 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? _____

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: JAMES BRODBECK

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TESTING FACILITY TASK REPORT

AGENCY: FWC

SUBJECT: Gorman, Richard Allen

CASE NUMBER: 18-115873

DATE: 09/01/2018

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 19:42

ENDING TIME: 19:49

BREATH TESTS RESULTS: 1) REF TIME 19:44 A.M.☐ P.M.☒ 2) — TIME — A.M.☐ P.M.☒

3) — TIME — A.M.☐ P.M.☒ 4) — TIME — A.M.☐ P.M.☒

BREATH OPERATOR: N. Schafer, #2644

MAINTENANCE TECHNICAN: J. Karlecke, #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Talkative

ATTITUDE: Cooperative

CLOTHING: Black trunks w/ yellow flowers, l/s light green shirt, gray boat shoes

MEDICAL CONDITIONS: High blood pressure

MEDICATIONS: Tenormin, Azor, Duexis (like ibuprofen)

OTHER:

Blood shot eyes.

COMMENTS:

Transporting FWC Officer B. Norbrothen observed subject for 20 minutes.

FWC Officer Brodbeck attested to 20 minute observation by Ofc. Norbrothen, where subject did not take anything by mouth or regurgitate during that time.

Subject said no to breath test.

Arresting officer read BUI Implied Consent.

Subject again refused breath test. Refusal called at 19:44 hours.

A/O read C/W and proceeded with Q & A. Subject answered some questions, then refused.

Subject was at the Sandbar, north of Tequesta, prior to heading back the house where the boat is kept.

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

PBSO CASE # 18-115873 PBSO ZONE A-11

AGENCY CASE # FWSA18OFF008316 CRASH CASE # _____

TIME OF STOP/CRASH 1745 DATE 9/1/18 DAY SATURDAY

SUBJECT'S NAME RICHARD A. GORMAN RACE W SEX M

HGT 5' 10" WGT 165 DOB 3/18/57

LOCATION JUPITER ICW

ARRESTING OFFICER'S NAME & ID J. BRODBECK N957 AGENCY FWC

DIVISION: SRA

NOTIFIED BY COMMO ✓

ARRIVAL AT FACILITY 19:08

ARREST TIME 18:04

BREATH RESULTS:

1. _____
2. _____
3. _____
4. _____

REFUSED

TESTING OFFICER'S ID 2644 PBSO VIDEOTAPE # N/A

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Incident Summary Report

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

Report Date / Time	Report Number	Report Case/Cad Number	Reporting Officer Rank / ID	Reporting Officer Name
9/1/2018 7:56:37 PM	ISR054079 (01)	FWSA18OFF008316 /F WLR18CAD014472	OFFICER / WN957	BRODBECK, JAMES J

Originating Agency ORI	Reported to Agency Date	Occur Date Range	Jurisdiction	Status: Clearance:
FL0508000		09/01/2018 17:41:36 -	State Waters	

Offense Description
S1B BUI - BOAT

LOCATION(S)

County	Location Type	Location Description
PALM BEACH	INCIDENT LOCATION	BRAMP BURT REYNOLDS WEST

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code	Phone Number	Ext.
954	BURT REYNOLDS PARK	FWC	JUPITER	FL	33477		

Person: DEFENDANT

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
RICHARD	ALLEN	GORMAN		WHITE	MALE	5'10"	165	BROWN	BLUE

MNI #	SSN	Date of Birth	Age	Place of Birth	Drivers License or other ID	State	ID Type
		03/18/1957	61	APPLETON, WI, USA	G655741570980	FL	E

Addresses
• RESIDENCE / 601 UNIVERSITY BLVD SUITE 104, FL 33458 /

Charge: STATE STATUTE

Counts	Charge	Arrest Offense Code Description
1	327.35215(1)	INFRACTION

Charge Degree	Charge Level	General Offense Code
N/A	INFRACTION COURT NOT REQUIRED	

Charge Description
REFUSAL TO SUBMIT TO BLOOD/BREATH/URINE TO PURSUANT TO FS327.352

UCR Code / UCR Description

Charge: STATE STATUTE

Counts	Charge	Arrest Offense Code Description
1	327.35(1)(a)	DUI-UNLAW BLD ALCH

Charge Degree	Charge Level	General Offense Code
FIRST DEGREE	MISDEMEANOR	

Charge Description
OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED

UCR Code / UCR Description

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SHARON R BOCK, CLERK
PALM BEACH COUNTY, FLORIDA
COUNTY CRIMINAL
2018 SEP 11 AM 11:57

Report Date / Time	Report Number	Report Case/Cad Number	Reporting Officer Rank / ID	Reporting Officer Name
9/1/2018 7:56:37 PM	ISR054079 (01)	FWSA18OFF008316 /FWLR18CAD014472	OFFICER / WN957	BRODBECK, JAMES J

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FL0508000		09/01/2018 17:41:36 -	State Waters	

Offense Description
S1B BUI - BOAT

Vessel: USED IN CRIME

Year	Make	Type	Color	Hull Material
1983	MAKO	OPEN MOTORBOAT	WHITE	FIBERGLASS

Vessel Name	State	Registration Number	Tag Expiration	Vessel HIN	Vessel Doc Number
	FL	FL4968FN	05/29/2020	MRK139830583M20C	

Owner Type	Vessel Value ($)	Length	Fuel Type	Propulsion	Number of Engines / Type	Total HP
PERSON		20	GAS	Propeller	1 / OUTBOARD	175

Vessel Owner	Vessel Released To Person	Vessel Released By Officer

Narrative: PROBABLE CAUSE

Narrative Date/Time	Narrative Synopsis
9/2/2018 11:13:14 AM	

Reporting Officer	Officer Rank	Officer ID No	Officer Org/Unit
BRODBECK, JAMES J	OFFICER	WN957	FWSA\SO REGION A\PALM BEACH

Officer Signature	Officer Agency
	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

WHO: RICHARD A. GORMAN (DOB 3/18/1957)
WHAT: BUI
WHERE: ICW Jupiter, Palm Beach County
WHEN: 9/1/2018

On Saturday, September 1, 2018, at approximately 1745 hours, I, Officer James Brodbeck of the Florida Fish and Wildlife Conservation Commission, was on vessel patrol in Jupiter, Palm Beach County. I observed a vessel, FL 4968 FN, operating at a speed causing the bow to rise and throw a large wake in a posted Slow Speed Minimum Wake zone. I initiated a stop to conduct a boating safety inspection as well as to address the violation. In plain view on board the vessel were multiple empty containers of "Stella Artois" brand beer. Operating the vessel was RICHARD A. GORMAN, identified by Florida DL. I asked GORMAN for his ID and he handed me the ID of the female passenger on board, identified as the registered owner. I detected the odor of an alcoholic beverage emitting from GORMAN's breath. I observed that his eyes were glassy and bloodshot. Based on my observations, I asked GORMAN if I could conduct Field Sobriety Tasks and he agreed.

HORIZONTAL GAZE NYSTAGMUS
During HGN, the subject displayed a lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation, and an onset of nystagmus prior to 45 degrees. The subject also

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did not keep his head still as instructed during the entire process.

FINGER TO NOSE
During the Instruction Stage, the subject started at the wrong time by closing his eyes and tilting his head back before being told to do so. During the Performance Stage, the subject did not tilt his head back as instructed. On the first left, the subject missed the tip of his nose by making contact with the left nostril and did not bring his finger down. On the first right, the subject used the pad of his finger and missed his nose, making contact with the side of his nose. On the second left, the subject hesitated and missed his nose, again making contact with the nostril. On the second right, the subject hesitated. On the third right, the subject hesitated. On the third left, the subject hesitated. All hesitations were the subject stopping approximately 2-3 inches from his nose.

PALM PAT
During the Performance Stage, the subject did not count as instructed (counted erratically 1, 2, 2, 1, 1, 2, 1, 2, 2, etc.), had multiple double pats by not turning the hand over as instructed, multiple chopped pats by making contact with the edge of his hand, and did not increase speed despite being told to do so.

HAND COORDINATION
During Task 2, the subject did not return to the proper position (right fist closest to chest). During Task 3, the subject did not return the left fist to chest as instructed.

At 1804 hours, I placed the subject under arrest for BUI. The vessel was turned over to the Registered Owner, who was also on board. GORMAN was transported by Ofc. B. Norbrothen to the Palm Beach County Jail, where he refused to provide a breath sample after being read implied consent at 1944 hours.

The subject was issued Uniform Boating Citations for the following:

327.35(1)(A) STATE STATUTE MISDEMEANOR FIRST DEGREE DUI-UNLAW BLD ALCH OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED

327.35215(1) STATE STATUTE INFRACTION COURT NOT REQUIRED N/A INFRACTION REFUSAL TO SUBMIT TO BLOOD/BREATH/URINE TO PURSUANT TO FS327.352

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Report Date / Time	Report Number	Report Case/Cad Number	Reporting Officer Rank / ID	Reporting Officer Name
9/1/2018 7:56:37 PM	**ISR054079 (01)**	**FWSA18OFF008316 /FWLR18CAD014472**	**OFFICER / WN957**	**BRODBECK, JAMES J**

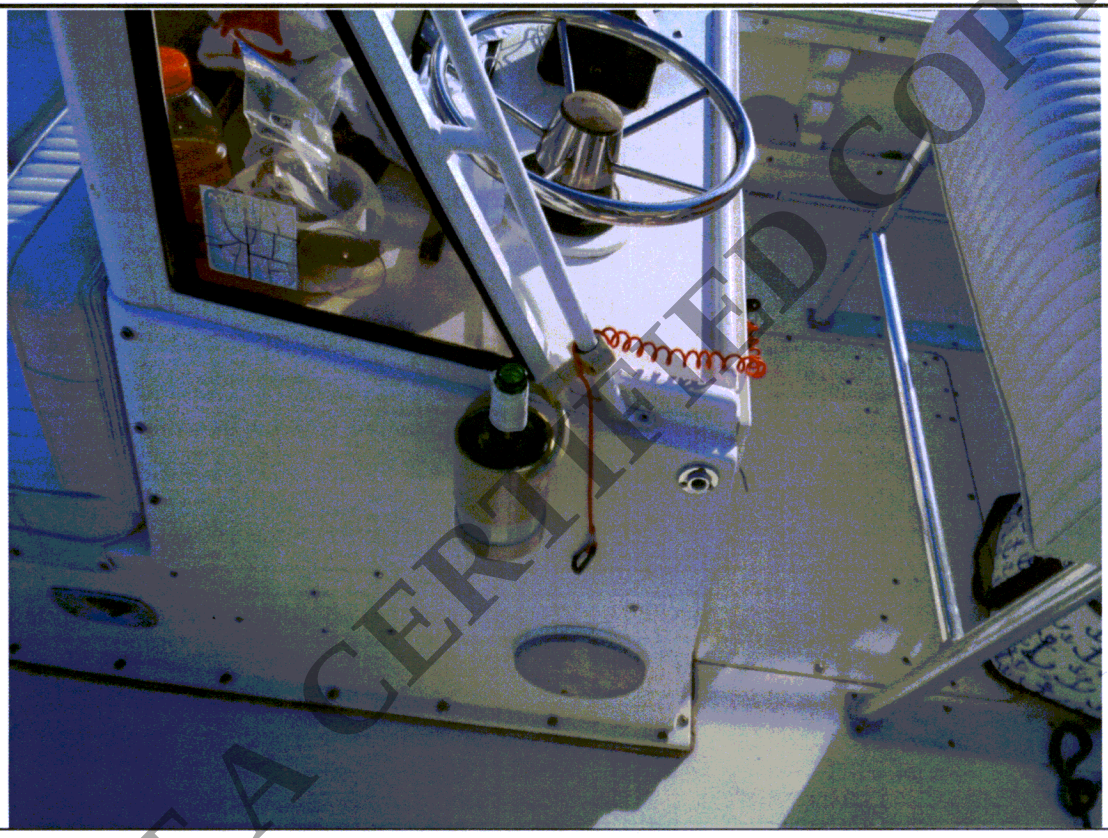
Originating Agency ORI	Reported to Agency Date	Occur Date Range	Jurisdiction	Status:
FL0508000		**09/01/2018 17:41:36 -**	**State Waters**	Clearance:

Offense Description
S1B BUI - BOAT

Picture

Picture Date Time	Picture Height	Picture Width	Picture Size	Resized
9/1/2018 6:36:25 PM	**1080**	**1440**	**888 KB**	**True**

Description
Open beer bottle at helm of vessel.



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Report Date / Time	Report Number	Report Case/Cad Number	Reporting Officer Rank / ID	Reporting Officer Name
9/1/2018 7:56:37 PM	**ISR054079 (01)**	**FWSA18OFF008316 /FWLR18CAD014472**	**OFFICER / WN957**	**BRODBECK, JAMES J**

Originating Agency ORI	Reported to Agency Date	Occur Date Range	Jurisdiction	Status:
FL0508000		**09/01/2018 17:41:36 -**	**State Waters**	Clearance:

Offense Description
S1B BUI - BOAT

Picture

Picture Date Time	Picture Height	Picture Width	Picture Size	Resized
9/1/2018 6:36:32 PM	**1080**	**1440**	**816 KB**	**True**

Description
3 empty beer bottles on port side of vessel.



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Report Date / Time	Report Number	Report Case/Cad Number	Reporting Officer Rank / ID	Reporting Officer Name
9/1/2018 7:56:37 PM	**ISR054079 (01)**	**FWSA18OFF008316 /FWLR18CAD014472**	**OFFICER / WN957**	**BRODBECK, JAMES J**

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FL0508000		**09/01/2018 17:41:36 -**	**State Waters**	

Offense Description
S1B BUI - BOAT

Picture

Picture Date Time	Picture Height	Picture Width	Picture Size	Resized
9/1/2018 6:36:40 PM	**1080**	**1440**	**845 KB**	**True**

Description
2 empty beer bottles on starboard side of vessel.



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Sup #	Officer Name	Officer Rank	Involvement On Report	Reporting Role	ID #	Org/Unit	Officer Agency
01	BRODBECK, JAMES J	OFFICER		REPORTING OFFICER	WN957	FWSA\SO REGION A\PALM BEACH	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Report Date / Time	Report Number	Report Case/Cad Number	Reporting Officer Rank / ID	Reporting Officer Name
9/1/2018 7:56:37 PM	**ISR054079 (01)**	**FWSA18OFF008316 /FWLR18CAD014472**	**OFFICER / WN957**	**BRODBECK, JAMES J**

Originating Agency ORI	Reported to Agency Date	Occur Date Range	Jurisdiction	Status:
FL0508000		**09/01/2018 17:41:36 -**	**State Waters**	Clearance:

Offense Description
S1B BUI - BOAT

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 narratives associated with this report:

Officer: Reporting Officer (Supplement01)

Officer Name	Office Rank	Officer ID No
BRODBECK, JAMES J	**OFFICER**	**WN957**

Officer Agency
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Officer Signature

Sworn and subscribed before me, the undersigned authority
This the 2nd day of Sept, 2018
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
LT. C.D. [illegible] C210

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PALM BEACH COUNTY
SHERIFF'S OFFICE
RIC L. BRADSHAW, SHERIFF

Implied Consent for BUI in a Vessel

(NOTE: Only read 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.

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.

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.

(Note: Only read the following paragraph if the subject does not comply with your request).

I am (your name) of the (your department). 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 if you have been previously fined 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.

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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)

V.

RICHARD A. GORMAN
DEFENDANT

Uniform Boating Citation No.
V445942

AFFIDAVIT

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

1. That on SATURDAY (Day of Week), SEPTEMBER 1, 2018 (Date (Month & Day) Year) at ~~5:45~~ 6:04 OR (Time) ☐ 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.

Officer's Signature — ID No 1957

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 9-02-18 DAY OF SEPT., 2018

LT. C. [illegible] C210
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
2nd 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

FWCDLE 108F (06/07)

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COURT RECORD

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

DATE	Court Action and Other Orders
	☐ Payment of $500.00 received; or ☐ Hearing requested
	Continuance to: _____ Reason: _____
	Continuance to: _____ Reason: _____
	Other: _____
	$500.00 civil penalty is: Sustained ☐ Dismissed ☐

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:

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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	☐		Other:	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2018029433	**Date:** 09/02/2018
	Specialist Name/ID: AM/31562