Arrest Report

2018MM010940 NB

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
9/21/2018 10:59 PM	C-1200AA	FWSA18OFF009049 /FWLR18 CAD015775	BRODBECK, JAMES J

Originating Agency ORI	Occur Date Time Range	Jurisdiction	Clearance
FL0488000	09/21/2018 19:53:57 -		

Location of Occurrence

County	Location Type	Location Description
PALM BEACH	PUBLIC PLACE	BRIDGE INDIANTOWN RD (706) ICW X2[E INDIANTOWN RD]

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code
	SR 706 MARKER 1006.2	FWC	JUPITER	FL	33477

Defendant

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
THOMAS	EDWIN JAMES	ASH		WHITE	MALE	5'11"	188	BROWN	HAZEL

MNI #	SSN	Date of Birth	Age	Place of Birth	Drivers License or other ID	State	ID Type
	[redacted]	11/04/1963	54	EVANSTON IL USA	A200825634040	FL	E

Address
* RESIDENCE / 712 SE HIBISCUS AVE , , FL 34996 /

Arrest

Arrest Date/Time	Arrest Location Type	Arrest Location Description
9/21/2018 8:08:57 PM	PUBLIC PLACE	ICW SOUTH OF INDIANTOWN BRIDGE

Street Number	Street	Apt/Lot/Bldg	County	City	State	Zip Code
	SR 706 MARKER 1006.2	FWC	PALM BEACH	JUPITER	FL	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

Bond Set by Court

Bond Amount	No Bond?
$0.00	No

Bond Type(s)

Probable Cause

WHO: THOMAS EDWIN JAMES ASH (DOB 11/4/1963)
WHAT: BUI NORMAL FACULTIES IMPAIRED
WHERE: ICW, South of Indiantown Bridge
WHEN: 9/21/2018

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FILED
SEP 22 2018
SHARON R. BOCK
Clerk & Comptroller

SEP 22 AM12:38

J# 05016603
DScollins7622

Received WB P#809
SEP 24 2018

Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
9/21/2018 10:59 PM	C-1200AA	FWSA18OFF009049 /FWLR18 CAD015775	BRODBECK, JAMES J

Originating Agency ORI	Occur Date Time Range	Jurisdiction	Clearance
FL0488000	09/21/2018 19:53:57 -		

On Friday, September 21, 2018, I, Officer James Brodbeck of the Florida Fish and Wildlife Conservation Commission, was on vessel patrol in Jupiter. At approximately 2000 hours, south of the Indiantown Bridge, I observed a vessel northbound with no white all around light and no green starboard navigation light visible. I activated my emergency lights to initiate a vessel stop and address the violation. I made contact with the vessel, FL1999MU, and the operator, identified by Florida ID card as THOMAS EDWIN JAMES ASH. Upon making contact with ASH, I detected an odor of an alcoholic beverage emitting from his breath, that he was sunburned, and had bloodshot, glassy eyes. I observed an open can of Bud Light at the helm, along with several empty containers in a bin directly under the helm seat. ASH stated he did not have the required Type IV throwable device on board, despite there being one present directly behind the helm seat. ASH was unable to produce a valid vessel registration as required by law. In speaking with ASH, his speech was slow and slurred. Based on my observations, I asked ASH if he would submit to Seated Field Sobriety Tasks, and he agreed.

HORIZONTAL GAZE NYSTAGMUS:
During HGN, ASH displayed a lack of smooth pursuit in both eyes, and a distinct and sustained nystagmus at maximum deviation.

FINGER TO NOSE:
During the Performance stage, ASH did not close his eyes and did not tilt his head back as instructed. On the first left, ASH hesitated and searched for the tip of his nose. On the first right, ASH hesitated, searched, and used the pad of his finger. On the second left, ASH hesitated, searched, and used the pad of his finger. On the second right, ASH hesitated, searched, and used the pad of his finger. On the third right, ASH hesitated, searched, used the pad of his finger, and touched the underside of his nose. On the third left, ASH hesitated, searched, used the pad of his finger, and touched the side of his nose.

PALM PAT:
During the Performance Stage, ASH rolled his hands, had multiple double pats, multiple chopped pats, did not increase speed (slowed down), and stopped several times during the task.

HAND COORDINATION:
During the Instruction Stage, I had to repeatedly tell ASH to remain in the demonstrated position. During Task 1, ASH did not move his hands in a step like fashion as instructed by rotating his fists in position. During Task 2, ASH only clapped twice and did not return to the proper position. ASH also clapped once, brought his fists together, clapped again, then brought his fists together. Task 3 was not performed. Task 4 was not performed.

At 2008 hours I placed ASH under arrest for BUI, Normal Faculties Impaired. The vessel was secured at Burt Reynolds west at the request of ASH. I transported ASH to the Palm Beach County Jail.

At the B.A.T. ASH provided BrAC samples of 0.023 g/210L and 0.024 g/210L. ASH made a spontaneous utterance on video about using marijuana. A sample of urine was obtained and final

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Report Date / Time	Report Number	Case Number/Cad Number	Reporting Officer Name
9/21/2018 10:59 PM	C-1200AA	FWSA18OFF009049 /FWLR18 CAD015775	BRODBECK, JAMES J

Originating Agency ORI	Occur Date Time Range	Jurisdiction	Clearance
FL0488000	09/21/2018 19:53:57 -		

charges will be pending toxicology.

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	10/24/2018 1:00 PM	

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

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 21st day of Sept 2018

DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

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FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

OPERATOR APPRAISAL & INTERVIEW

DEFENDANT'S NAME: THOMAS E.J. ASH CASE NO. FWSA18OFF009049

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. If you consent to answer questions now, without a lawyer present, you will still have the right to stop answering at anytime.

1. Do you understand each of these rights? ☒ YES ☐ NO
2. With these rights in mind, do you wish to talk to us now? ☒ YES ☐ NO

Defendant's Signature: [signature] 9/21

Were you operating a vehicle/vessel? YES		Where were you going? SOUTH HARBOR
Was the vehicle/vessel in good condition? If No, → YES		What is wrong with it?
What road/waterway were you on? LAKE WORTH CANAL		Where were you coming from? SINGER ISLAND
What time did you leave there? 6:52 PM		Without looking at a watch or clock, what time is it now? 10:15 Actual Time: 10:27
What is today's date? 9/19/2018 Actual Date: 9/21/18		What day of the week is it? FRIDAY Actual Day:
When did you last eat? 3:00 PM	What did you eat? FISH + SHRIMP	Where did you last eat? TWO DRUNKEN GOATS
What have you been drinking? BUD LIGHT	How much have you been drinking? 5 BEERS	Where have you been drinking? AT JOBSITE
Who were you drinking with and were they drinking? ONE WORKER		What time did you start drinking? 3:00 PM
What time did you stop drinking? 7:00 PM	Do you feel the effects of alcohol (or drugs)? NOT REALLY	Do you feel that you are impaired? NOT REALLY
Were you involved in an accident today? NO	When did you last sleep? LAST NIGHT	How much sleep did you get? 8 hrs
Are you currently under the care of a doctor or dentist? For what? NO		
Have you used any type of drugs recently, prescription, non-prescription or otherwise? NO (ADMITTED TO MJ USE)		
If so, what kind of drug did you take? What was your last dose and when? N/A		
Do you think you should have been operating a vehicle/vessel? NO	If yes, Why?	

[signature]
Interviewing Officer's Signature

JAMES BRODBECK N957
Interviewing Officer's Name (Printed)

FWCDLE 108E (11/05)

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

PBSO CASE # 18-124620 PBSO ZONE 3-11

AGENCY CASE # FWSA18OFF009049 CRASH CASE #

TIME OF STOP/CRASH 2000 DATE 9/21/18 DAY FRIDAY

SUBJECT'S NAME THOMAS EDWIN JAMES AS RACE W SEX M

HGT 5'11" WGT 188 DOB 11/4/63 / /

LOCATION JUPITER ICW

ARRESTING OFFICER'S NAME & ID JAMES BRODBECK N957 AGENCY FWC

DIVISION: SRA

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 2145

ARREST TIME 2008

BREATH RESULTS:

1. .023
2. .024
3. N/A
4. URINE

TESTING OFFICER'S ID 7909 PBSO VIDEOTAPE # N/A

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FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

FLORIDA BUI/DUI
IMPLIED CONSENT WARNING

DEFENDANT'S NAME: THOMAS E.J. ASH CASE NO.: FWSA18OFF009049

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 JAMES BRODBECK (Officer's Name) of the FWC (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

9/21/18	2215	X
DATE	TIME	DEFENDANT'S SIGNATURE
JAMES BRODBECK		
OFFICER'S NAME (PRINTED)		OFFICER'S SIGNATURE

FWCDLE 108D (09/05)

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TESTING FACILITY TASK REPORT

AGENCY: FWC

SUBJECT: ASH, THOMAS E. CASE NUMBER: 18-124620

DATE: 09/21/18 VIDEO TAPE NUMBER: N/A

BEGINNING TIME: 2207 ENDING TIME: 2228

BREATH TESTS RESULTS: 1) .023 TIME 2212 A.M./(P.M.) 2) .024 TIME 2215 A.M./(P.M.)

3) N/A TIME —— A.M./P.M. 4) N/A TIME —— A.M./P.M.

BREATH OPERATOR: G PACENT #7909

MAINTENANCE TECHNICIAN: KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: DELIBERATE, PRONOUNCED

ATTITUDE: CALM, QUIET,

CLOTHING: CAMO SHORTS, L/S LT BLUE T SHIRT BLACK SNEAKERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER: EYES GLASSY AND BLOODSHOT, STATED HE DOES SMOKE MARIJUANA AND ADMITTED TO DRINKING 5 BUD LIGHTS. (Q+A)

COMMENTS: ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 2145 HRS.

A AGREED TO TAKE TEST

TECH. READ BREATH TEST RESULTS A STATED SO I AM JUST OVER. TECH ADVISED HIM HE WAS UNDER THE LIMIT A/O REQUESTED A URINE SAMPLE

A STATED WOULD PROVIDE A URINE AT 2220 HRS

A/O READ I/C

A STATED HE UNDERSTOOD I/C AND AGAIN AGREED TO PROVIDE A URINE SAMPLE AT 2220 HRS

A/O READ RIGHTS

A STATED HE UNDERSTOOD RIGHTS

A/O CONDUCTED Q+A

A ANSWERED QUESTIONS

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SUBJECT: ASH, THOMAS E CASE NUMBER: _____

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY 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.

-OR-

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.

-OR-

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting its alcohol content and the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am _____ of the _____.

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 privilege has been previously suspended 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.

SUBJECT'S SIGNATURE: (X) _____

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: (X) READ ON CAMERA

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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
9/21/2018 10:59:09 PM	ISR058928 (01)	FWSA18OFF009049 /F WLR18CAD015775	OFFICER / WN957	BRODBECK, JAMES J

Originating Agency ORI	Reported to Agency Date	Occur Date Range	Jurisdiction	Status: Clearance:
FL0508000		09/21/2018 19:53:57 -	State Waters	

Offense Description
S1B BUI - BOAT

LOCATION(S)

County	Location Type	Location Description
PALM BEACH	INCIDENT LOCATION	BRIDGE INDIANTOWN RD (706) ICW X2[E INDIANTOWN RD]

Street Number	Street	Apt/Lot/Bldg	City	State	Zip Code	Phone Number	Ext.
	SR 706 MARKER 1006.2	FWC	JUPITER	FL	33477		

Person: DEFENDANT

First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
THOMAS	EDWIN JAMES	ASH		WHITE	MALE	5'11"	188	BROWN	HAZEL

MNI #	SSN	Date of Birth	Age	Place of Birth	Drivers License or other ID	State	ID Type
		11/04/1963	54	EVANSTON, IL, USA	A200825634040	FL	E

Addresses
• RESIDENCE / 712 SE HIBISCUS AVE, FL 34996 /

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

Vessel: USED IN CRIME

Year	Make	Type	Color	Hull Material
2005	A&M MANUFACTURING INC	OPEN MOTORBOAT	WHITE	FIBERGLASS

Vessel Name	State	Registration Number	Tag Expiration	Vessel HIN	Vessel Doc Number
	FL	FL1999MU	10/28/2018	ADM0P061A505	

Owner Type	Vessel Value ($)	Length	Fuel Type	Propulsion	Number of Engines / Type	Total HP
OTHER		30	GAS	Propeller	1 / OUTBOARD	300

Vessel Owner	Vessel Released To Person	Vessel Released By Officer

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SHARON R BOCK, CLERK
2018 SEP 27 PM 3:31
PALM BEACH COUNTY, FLORIDA
COUNTY CRIMINAL

Report Date / Time	Report Number	Report Case/Cad Number	Reporting Officer Rank / ID	Reporting Officer Name
9/21/2018 10:59:09 PM	ISR058928 (01)	FWSA18OFF009049 /FWLR18CAD015775	OFFICER / WN957	BRODBECK, JAMES J

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FL0508000		09/21/2018 19:53:57 -	State Waters	

Offense Description
S1B BUI - BOAT

Property: EVIDENCE

Biological Type	Quantity	Quantity Type
URINE	1	SAMPLES(S)

Description
URINE SAMPLE

Owner Type	Property Owner	Property Released To Person	Property Released By Officer
PERSON	THOMAS EDWIN JAMES ASH (DEFENDANT)		

Narrative: PROBABLE CAUSE

Narrative Date/Time	Narrative Synopsis
9/22/2018 12:44:44 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: THOMAS EDWIN JAMES ASH (DOB 11/4/1963)
WHAT: BUI NORMAL FACULTIES IMPAIRED
WHERE: ICW, South of Indiantown Bridge
WHEN: 9/21/2018

On Friday, September 21, 2018, I, Officer James Brodbeck of the Florida Fish and Wildlife Conservation Commission, was on vessel patrol in Jupiter. At approximately 2000 hours, south of the Indiantown Bridge, I observed a vessel northbound with no white all around light and no green starboard navigation light visible. I activated my emergency lights to initiate a vessel stop and address the violation. I made contact with the vessel, FL1999MU, and the operator, identified by Florida ID card as THOMAS EDWIN JAMES ASH. Upon making contact with ASH, I detected an odor of an alcoholic beverage emitting from his breath, that he was sunburned, and had bloodshot, glassy eyes, and his pupils were very constricted. I observed an open can of Bud Light at the helm, along with several empty containers in a bin directly under the helm seat. ASH stated he did not have the required Type IV throwable device on board, despite there being one present directly behind the helm seat. ASH was unable to produce a valid vessel registration as required by law. There was no sound producing device on board as required by law. In speaking with ASH, his speech was slow and slurred. Based on my observations, I asked ASH if he would submit to Seated Field Sobriety Tasks, and he agreed.

HORIZONTAL GAZE NYSTAGMUS:
During HGN, ASH displayed a lack of smooth pursuit in both eyes, and a distinct and sustained

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nystagmus at maximum deviation.

FINGER TO NOSE:
During the Performance stage, ASH did not close his eyes and did not tilt his head back as instructed. On the first left, ASH hesitated and searched for the tip of his nose. On the first right, ASH hesitated, searched, and used the pad of his finger. On the second left, ASH hesitated, searched, and used the pad of his finger. On the second right, ASH hesitated, searched, and used the pad of his finger. On the third right, ASH hesitated, searched, used the pad of his finger, and touched the underside of his nose. On the third left, ASH hesitated, searched, used the pad of his finger, and touched the side of his nose.

PALM PAT:
During the Performance Stage, ASH rolled his hands, had multiple double pats, multiple chopped pats, did not increase speed (slowed down), and stopped several times during the task and had to be prompted to continue.

HAND COORDINATION:
During the Instruction Stage, I had to repeatedly (three times) tell ASH to remain in the demonstrated position. During Task 1, ASH did not move his hands in a step like fashion as instructed by rotating his fists in position. During Task 2, ASH only clapped twice and did not return to the proper position. ASH also clapped once, brought his fists together, clapped again, then brought his fists together. Task 3 was not performed. Task 4 was not performed. ASH brought his right fist to his chest and stated "I think that's it."

At 2008 hours I placed ASH under arrest for BUI, Normal Faculties Impaired. The vessel was secured at Burt Reynolds west at the request of ASH. I transported ASH to the Palm Beach County Jail.

At the B.A.T. ASH provided BrAC samples of 0.023 g/210L and 0.024 g/210L. ASH made a spontaneous utterance on video in the Intoxalyzer room about using marijuana. A sample of urine was obtained and final charges will be pending toxicology.

I issued ASH one Uniform Boating Citation for the following violation:

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

I issued ASH three warnings for no sound producing device on board, no registration on board, and improper navigational lights.

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Originating Agency ORI	Reported to Agency Date	Occur Date Range	Jurisdiction	Status:
FL0508000		**09/21/2018 19:53:57 -**	**State Waters**	Clearance:

Offense Description
S1B BUI - BOAT

The vessel was docked at Burt Reynolds boat ramp at the request of ASH.

Picture

Picture Date Time	Picture Height	Picture Width	Picture Size	Resized
9/21/2018 8:41:42 PM	**1080**	**1440**	**888 KB**	**True**

Description
Open Bud Light at helm, cold Bud Light below.



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FL0508000		09/21/2018 19:53:57 -	State Waters	

Offense Description
S1B BUI - BOAT

Picture

Picture Date Time	Picture Height	Picture Width	Picture Size	Resized
9/21/2018 8:41:50 PM	1080	1440	991 KB	True

Description
5 empty Bud Light cans under helm seat.



NOT CERTIFIED COPY

RELATED REPORT(S)

Report Name	Report Number / Description
Charging Report	C-1200AA

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
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FL0508000		**09/21/2018 19:53:57 -**	**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 _____ day of _____, _____
DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER

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

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006476 Software: 8100.27
Date of Test: 09/21/2018

Date of Last Agency Inspection: 09/07/2018
Observation Period Began: 21:45
Subject's Name: THOMAS E ASH DOB: 11/04/1963 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	22:10
Air Blank	0.000	22:11
Control Test	0.080	22:11
Air Blank	0.000	22:11
Subject Sample #1	0.023	22:12
Air Blank	0.000	22:13
Air Blank	0.000	22:15
Subject Sample #2	0.024	22:15
Air Blank	0.000	22:16
Control Test	0.080	22:16
Air Blank	0.000	22:17
Diagnostics Check	OK	22:17

Cylinder Lot: 05218080A3
Exp: 05/05/2020

State of Florida, County of Palm Beach,

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

I GARY J PARENT, 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: 09/21/18
Signature

Sworn to (or affirmed) before me this 21 day of SEPTEMBER, 2018

_____ N957
Signature of Notary Public-State of Florida

OFC. J. BRODBECK
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

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FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

OPERATOR APPRAISAL & INTERVIEW

DEFENDANT'S NAME: THOMAS E.J. ASH CASE NO. FWSA18OFF009049

MIRANDA WARNING

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. If you consent to answer questions now, without a lawyer present, you will still have the right to stop answering at anytime.

After the warning, ask the following questions and secure an affirmative answer to each to obtain a waiver.

1. Do you understand each of these rights? ☒ YES ☐ NO
2. With these rights in mind, do you wish to talk to us now? ☒ YES ☐ NO

Defendant's Signature:

INTERVIEW (quote answers)Defendant advised of Miranda Warning on: DATE: 9/21/18 **TIME:** 2225

Were you operating a vehicle/vessel? YES	Where were you going? SOUTH HARBOR
Was the vehicle/vessel in good condition? If No, → YES	What is wrong with it?
What road/waterway were you on? LAKE WORTH CANAL	Where were you coming from? SINGER ISLAND
What time did you leave there? 6:52 PM	Without looking at a watch or clock, what time is it now? 10:15 Actual Time: 10:27
What is today's date? 9/19/2018 Actual Date: 9/21/18	What day of the week is it? FRIDAY Actual Day:

When did you last eat? 3:00 PM	What did you eat? FISH + SHRIMP	Where did you last eat? TWO DRUNKEN GOATS
What have you been drinking? BUD LIGHT	How much have you been drinking? 5 BEERS	Where have you been drinking? AT JOBSITE
Who were you drinking with and were they drinking? ONE WORKER		What time did you start drinking? 3:00 PM
What time did you stop drinking? 7:00 PM	Do you feel the effects of alcohol (or drugs)? NOT REALLY	Do you feel that you are impaired? NOT REALLY
Were you involved in an accident today? NO	When did you last sleep? LAST NIGHT	How much sleep did you get? 8 hrs

Are you currently under the care of a doctor or dentist? For what? NO

Have you used any type of drugs recently, prescription, non-prescription or otherwise? NO (ADMITTED TO MJ USE)

If so, what kind of drug did you take? What was your last dose and when? N/A

Do you think you should have been operating a vehicle/vessel? NO	If yes, Why?

Interviewing Officer's Signature

JAMES BRODBECK N957
Interviewing Officer's Name (Printed)

FWCDLE 108E (11/05)

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FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT

FLORIDA BUI/DUI
IMPLIED CONSENT WARNING

DEFENDANT'S NAME: THOMAS E.J. ASH CASE NO.: FWSA18OFF009049

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 JAMES BRODBECK 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

9/21/18 2215 [signature]
DATE TIME DEFENDANT'S SIGNATURE

JAMES BRODBECK [signature] N957
OFFICER'S NAME (PRINTED) OFFICER'S SIGNATURE

FWCDLE 108D (09/05)

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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	☐	539.001 FS	Other: All records relating to pawnbroker transactions.	
	☐	119.0712(2)	Other: Personal information contained within a motor vehicle record	

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REVIEW COMPLETED BY

Booking Number: 2018031786	**Date:**
	Specialist Name/ID: howardt/7185