



Arrest Report

0444129

2982

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

Report Date / Time 4/29/2018 8:58:06PM	Report Number C-0777AAAAAA	Case Number/CAD Number FWSA18OFF003649 / FWLR18CAD005921	Reporting Officer Name KYLE PATTERSON
Originating Agency ORI FL0488000	Occurrence Date Time Range 4/29/2018 8:22:13 PM -	Jurisdiction State Lands	Clearance

Location of Occurrence

Location Type PUBLIC PLACE	Location Description BRAMP SILVER PALM X2(S SPANISH TRL)						
Street Number E PALMETTO PARK RD	Apt/Lot/Bldg FWC						
County PALM BEACH	City BOCA RATON						
State FL	Zip 33432						
Offendant First Name WALDYR	Middle Name JUNIOR	Last Name FRANKLIN	Suffix	Date Of Birth 3/26/1984	Age 34	Race ORIENTAL <i>White</i>	Sex MALE
SSN	MNI#	Place of Birth BRAZIL	Height 5'08"	Weight 175	Hair BLACK	Eyes BROWN	
DL or ID Number F652890841060	ID State FL	ID Type E	Address Type				
Street Number 325	Street NE 38TH ST	Apt/Lot/Bldg					
County PALM BEACH	City BOCA RATON	State FL	Zip 33431	Phone Number 561-305-7876	Extension		
Location Description							

Arrest

Arrest Date/Time 4/29/2018 8:25:36PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description
Street Number E PALMETTO PARK RD	Apt/Lot/Bldg FWC	County PALM BEACH
City BOCA RATON	State FL	Zip 33432

Charge(s)

Counts 1	Charge 327.35(1)(a)	General Offense Code <i>BW</i>	Bond Amount \$ 0.00	No Bond
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	Arrest Offense Code Description DUI-UNLAW BLD ALCH		
Charge Description OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED				
Administrative Code	Administrative Code Description D/S B. SHATARA #7623			

Probable Cause

On 4/29/18, at approximately 2015 hours, I, Investigator Kyle Patterson of the Florida Fish and Wildlife Conservation Commission made contact with Waldyr Junoir Franklin. Franklin was operating a vessel registered as FL6288 KA. I observed Franklin exit the vessel and staggered onto the dock. He was very unsteady and was supporting himself against the pillings.

As I approached Franklin I could smell the odor of an alcoholic beverage. When I asked Franklin if he had been drinking he admitted to drinking a few beers. I asked to see his boating safety equipment and he was able to provide it to me. Franklin's fire extinguisher had expired and I warned him about needing to replace the fire extinguisher.

CERTIFIED COPY
2018 APR 30 AM 8:14
SPANISH HAVEN
PALMETTO BEACH
COUNTY
LOG BRANCH

SCANNED
MAY 01 2018
APR 29 PM 10:56

Report Date / Time 4/29/2018 8:58:06PM	Report Number C-0777AAAAAA	Case Number/CAD Number FWSA18OFF003649 / FWLR18CAD005921	Reporting Officer Name KYLE PATTERSON
Originating Agency ORI L0488000	Occurrence Date Time Range 4/29/2018 8:22:13 PM -	Jurisdiction	Clearance

At this time, I initiated a boating under the influence investigation. I asked Franklin to perform seated field sobriety task. The first task was the Horizontal Gaze Nystagmus. Franklin showed the following signs of impairment:

- Lack of smooth pursuit in both eyes
- Distinct and sustained nystagmus at maximum deviation in both eyes
- Onset of nystagmus prior to 45 degrees in both eyes

The second task performed was the Finger To Nose. Franklin showed the following signs of impairment:

- First left - Hesitated
- First right - missed nose and did not bring down
- Second left - not fingertip, missed nose, and did not bring down
- Second right - Searched, missed nose, and did not bring down
- Third right - wrong finger
- Third left - Missed nose

The third task performed was the Palm Pat. Franklin showed the following signs of impairment:

- Started at wrong time
- Rolled Hands
- Did not increase speed
- stopped before being told

The fourth task performed was the Hand Coordination. Franklin showed the following signs of impairment:

- Unable to follow instructions
- task 2 / hand clapping - improper return
- task three / return steps - improper count 1,2,3,4,5 and did not return left fist to chest
- task four / end position - improper position by his side not in his lap

At 2025 hrs I placed Franklin under arrest for boating under the influence. I asked Franklin to submit to a lawful test of his breathe and Franklin refused.

Franklin was transported to the Palm Beach County jail by FWC Officer Dave Bingham.

Jail Booking Facility

Booking Date/Time 4/29/2018 8:59:34PM	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone Number (561) 688-4800
Booking Facility Location 673 FAIRGROUNDS ROAD WEST PALM BEACH, FLORIDA 33411-3633			Booking Number
Booking Comments			

Court

Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court PALM BEACH COUNTY COURT AT GUN CLUB	Court Phone (561) 688-4640	Court Appearance Date	Court Fine
Comments			

SCANNED
MAY 01 2018

Report Date / Time 4/29/2018 8:58:06PM	Report Number C-0777AAAAAA	Case Number/CAD Number FWSA18OFF003649 / FWLR18CAD005921	Reporting Officer Name KYLE PATTERSON
Originating Agency ORI L0488000	Occurrence Date Time Range 4/29/2018 8:22:13 PM -	Jurisdiction	Clearance

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			Sworn and subscribed before me, the undersigned authority This the ____ day of _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Name KYLE PATTERSON	Officer Rank INVESTIGAT	Officer ID No WN042	
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			
Officer Signature 			

Approving Supervisor			
Officer Name	Officer Rank	Officer ID No	Officer Agency
	TRANSPORTER		
Officer Signature	DAVID BENJAMIN 0990		

NOT A CERTIFIED COPY

SCANNED
MAY 01 2018

Field Sobriety Task Performance Report

Subject Name _____

Start time _____

PRE-TASK QUESTIONS (select) Y N Notes: Do you have any physical defects or disabilities? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Do you have any defects with your eyes? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Are you sick or injured? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Are you under the care of a doctor or dentist? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Are you taking any medication or drugs? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	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)
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HORIZONTAL GAZE NYSTAGMUS Have the subject remove their eyeglasses, if worn. Are you wearing contact lenses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No I am going to check your eyes. Hold your head still and follow the stimulus with your eyes only. Do you understand? (Response) Elevate the stimulus about 12-15" from the subject's nose. Check for equal pupil size, resting nystagmus and equal tracking.	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Clues</th> <th style="text-align: center;">Left</th> <th style="text-align: center;">Right</th> </tr> <tr> <td>Lack of smooth pursuit</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Distinct & sustained nystagmus at max. deviation</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Onset of nystagmus prior to 45-degrees</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Total Clues</td> <td colspan="2" style="text-align: center;">6</td> </tr> <tr> <td>Vertical nystagmus: Yes <input type="checkbox"/> No <input type="checkbox"/></td> <td colspan="2">Evaluation Criteria: 4 or more clues</td> </tr> </table>	Clues	Left	Right	Lack of smooth pursuit	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Distinct & sustained nystagmus at max. deviation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Onset of nystagmus prior to 45-degrees	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Total Clues	6		Vertical nystagmus: Yes <input type="checkbox"/> No <input type="checkbox"/>	Evaluation Criteria: 4 or more clues	
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Total Clues	6																		
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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)
- 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)
- Begin. (After head tilt...) Left...Right...Left...Right...Right...Left (After performance...) Open your eyes and straighten your head.

Instruction Stage	Performance Stage	Clues	Left	Right	Left	Right	Right	Left	Clues
Unable to follow instructions	Did not close eyes	Wrong hand	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wrong hand
	Did not tilt head	Wrong finger	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Wrong finger
Started at wrong time	Opened eyes during task	Hesitated	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hesitated
		Searched	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Searched
		Not fingertip	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not fingertip
		Missed nose	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Moved head during task (1"+)	Did not bring down	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Did not bring down
Total Clues									11
Evaluation Criteria: 9 or more clues									

PALM PAT <ul style="list-style-type: none"> • 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) • 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) 	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Instruction Stage</th> <th style="text-align: left;">Performance Stage</th> <th style="text-align: left;">Clues</th> </tr> <tr> <td>Unable to follow instructions</td> <td></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Started at wrong time</td> <td></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td colspan="3">Performance Stage</td> </tr> <tr> <td>Did not count as instructed</td> <td></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Rolled hands</td> <td></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Double pat</td> <td></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Chopped pat</td> <td></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Other improper pat (document)</td> <td></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Did not increase speed</td> <td></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Rotated hands</td> <td></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Stopped before told</td> <td></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Total Clues</td> <td></td> <td style="text-align: center;">4</td> </tr> <tr> <td colspan="3">Evaluation Criteria: 2 or more clues</td> </tr> </table>	Instruction Stage	Performance Stage	Clues	Unable to follow instructions		<input type="checkbox"/>	Started at wrong time		<input checked="" type="checkbox"/>	Performance Stage			Did not count as instructed		<input type="checkbox"/>	Rolled hands		<input checked="" type="checkbox"/>	Double pat		<input type="checkbox"/>	Chopped pat		<input type="checkbox"/>	Other improper pat (document)		<input type="checkbox"/>	Did not increase speed		<input checked="" type="checkbox"/>	Rotated hands		<input type="checkbox"/>	Stopped before told		<input checked="" type="checkbox"/>	Total Clues		4	Evaluation Criteria: 2 or more clues			HAND COORDINATION <ul style="list-style-type: none"> • 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) • When I say begin, you must perform four tasks. • The <u>first</u> 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 <u>second</u> 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 <u>third</u> 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 <u>fourth</u> task is to open your hands with palms down and place them in your lap. (Demonstrate) • Do you understand? (Response) Begin.
Instruction Stage	Performance Stage	Clues																																										
Unable to follow instructions		<input type="checkbox"/>																																										
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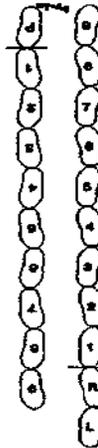
Instruction Stage	Performance Stage	Clues
Unable to follow instructions		<input checked="" type="checkbox"/>
Started at wrong time		<input type="checkbox"/>
Task 1 – Forward Steps		
Improper count		<input type="checkbox"/>
Improper touch		<input type="checkbox"/>
Did not perform		<input type="checkbox"/>
Task 2 – Hand Clapping		
Improper count		<input type="checkbox"/>
Improper touch		<input type="checkbox"/>
Improper return		<input checked="" type="checkbox"/>
Did not perform		<input type="checkbox"/>
Task 3 – Return Steps		
Improper count		<input checked="" type="checkbox"/>
Improper touch		<input type="checkbox"/>
Did not return left fist to chest		<input checked="" type="checkbox"/>
Did not perform		<input type="checkbox"/>
Task 4 – End Position		
Improper position		<input checked="" type="checkbox"/>
Did not perform		<input type="checkbox"/>
Total Clues		6
Evaluation Criteria: 3 or more clues		

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MAY 01 2018

WALK AND TURN

- Place your left foot on the line with your right foot in front of the left foot, with the heel of the right foot touching the toe of the left. (Demonstrate)
- Place your arms at your sides. Maintain this position until I have completed the instructions. Do not start to walk until I tell you to do so. Do you understand? (Response)
- When I tell you to begin, take nine heel-to-toe steps, turn and take nine heel-to-toe steps back. (Demonstrate 3 heel-to-toe steps)
- When you turn, keep the front foot on the line and turn by taking a series of small steps with the other foot, like this. (Demonstrate)
- While you are walking, keep your arms at your sides, watch your feet at all times and count your steps out loud. Once you start walking, do not stop until you have completed the task. Do you understand? (Response)
- Begin.



Instruction Stage	
Loses balance during instructions	<input type="checkbox"/>
Starts before told	<input type="checkbox"/>
Performance Stage	
Stops while walking	<input type="checkbox"/>
Does not touch heel-to-toe (1/2"+)	<input type="checkbox"/>
Steps off line	<input type="checkbox"/>
Uses arms to balance (6"+)	<input type="checkbox"/>
Improper turn	<input type="checkbox"/>
Wrong number of steps	<input type="checkbox"/>
Total Clues	
Cannot perform task (explain)	<input type="checkbox"/>
Evaluation Criteria: 2 or more clues	

ONE LEG STAND

- Stand with your feet together and your arms at your sides, like this. (Demonstrate)
- Do not start until I tell you to. Do you understand? (Response)
- When I tell you to start, raise one leg, either leg, approximately six inches off the ground, keeping your raised foot parallel to the ground. (Demonstrate)
- You must keep both legs straight, arms at your sides. While holding that position, count out loud in the following manner: one thousand and one, one thousand and two, one thousand and three, and so on until told to stop.
- Keep your arms at your sides at all times and keep watching the raised foot. Do you understand? (Response)
- Begin. (30 seconds)

Clues	
Sways while balancing	<input type="checkbox"/>
Uses arms to balance (6"+)	<input type="checkbox"/>
Hopping	<input type="checkbox"/>
Puts foot down	<input type="checkbox"/>
Total Clues	
Cannot perform task (explain)	<input type="checkbox"/>
Evaluation Criteria: 2 or more clues	

Phase I: Vessel in Motion – Document initial observations to describe vessel maneuvers or operator/occupant behaviors that may be associated with alcohol/drug influence prior to the stop. If no Phase I observations are made, describe initial contact.

Phase II: Personal Contact – Document observations made during face-to-face contact with the operator.

<p>Operator Actions</p> <input type="checkbox"/> Cannot find registration/wallet <input type="checkbox"/> Tries to conceal something <input type="checkbox"/> Produces wrong documents <input checked="" type="checkbox"/> Fumbles items <input type="checkbox"/> Excessive movement <input type="checkbox"/> Forgets to respond to request <input type="checkbox"/> Incorrect answers <input checked="" type="checkbox"/> Problem using fingertips <input type="checkbox"/> Avoids eye contact <input type="checkbox"/> Ignores questions <input type="checkbox"/> Lights cigarette or eats/chews <input type="checkbox"/> Angry/abusive language <input checked="" type="checkbox"/> Admits to drinking <input type="checkbox"/> Difficulty with safety equip. <input type="checkbox"/> Unusual statements	<p>Breath</p> <p>Alcoholic beverage:</p> <input type="checkbox"/> Strong <input checked="" type="checkbox"/> Moderate <input type="checkbox"/> None <input type="checkbox"/> Marijuana <input type="checkbox"/> Breath mint/cover odor	<p>Eyes</p> <input type="checkbox"/> Bloodshot <input checked="" type="checkbox"/> Watery <input type="checkbox"/> Glassy <input type="checkbox"/> Dilated pupils <input type="checkbox"/> Constricted pupils <input type="checkbox"/> Droopy eyelids <input type="checkbox"/> Normal	<p>Attitude</p> <input type="checkbox"/> Jovial <input type="checkbox"/> Talkative <input checked="" type="checkbox"/> Cooperative <input type="checkbox"/> Indifferent <input type="checkbox"/> Sleepy <input type="checkbox"/> Profanity <input type="checkbox"/> Combative <input type="checkbox"/> Belligerent <input type="checkbox"/> Insulting	<p>Balance</p> <input type="checkbox"/> Normal <input type="checkbox"/> Falling <input checked="" type="checkbox"/> Supports against object <input checked="" type="checkbox"/> Staggering <input type="checkbox"/> Wide stance <input checked="" type="checkbox"/> Swaying <input type="checkbox"/> Sits down <input checked="" type="checkbox"/> Unsteady <input type="checkbox"/> Needs assistance
<p>Face</p> <input type="checkbox"/> Pale <input type="checkbox"/> Flushed <input type="checkbox"/> Sweating <input type="checkbox"/> Sunburned <input type="checkbox"/> Normal	<p>Unusual Actions</p> <input type="checkbox"/> Hiccoughing <input type="checkbox"/> Belching <input type="checkbox"/> Vomiting <input type="checkbox"/> Gagging/dry heaves <input type="checkbox"/> Fighting <input type="checkbox"/> Laughing <input type="checkbox"/> Crying	<p>Clothing (describe)</p>	<p>Notes:</p>	

Phase III – Pre-Arrest Screening – Document any other observations made during field sobriety evaluation to describe finding of probable cause to place subject under arrest for operating while impaired.

SCANNED
MAY 01 2018

Officer: K PATTERSON	Agency: FWC	Case #:
Date: 4/29/18	Location: SILVER PALM BOAT RAMP	
Subject Name: WAIDUR FRANKLIN	D/O/B:	
Height: 5-08	Weight: 130	Eyes: BROWN
		Hair: BROWN
Time of arrest: 2025 Hrs	Evidentiary breath test results:	and completed @ hrs. REFUSED <input checked="" type="checkbox"/>



Incident Summary Report

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

Report Date / Time 4/29/2018 8:58:06 PM	Report Number ISR036052 (01)	Report Case/Cad Number FWSA18OFF003649 /F WLR18CAD005921	Reporting Officer Rank / ID INVESTIGAT / WN042	Reporting Officer Name KYLE PATTERSON
Originating Agency ORI FL0508000	Reported to Agency Date	Occur Date Range 04/29/2018 20:22:13 -	Jurisdiction	Status: Clearance:
Offense Description				

LOCATION(S)

County PALM BEACH	Location Type INCIDENT LOCATION	Location Description BRAMP SILVER PALM X2[S SPANISH TRL]						
Street Number	Street E PALMETTO PARK RD	Apt/Lot/Bldg FWC	City BOCA RATON	State FL	Zip Code	Phone Number	Ext.	

Person: DEFENDANT

First Name WALDYR	Middle Name JUNIOR	Last Name FRANKLIN	Suffix	Race ORIENTA L	Sex MALE	Height 508	Weight	Hair	Eyes
MNI #	SSN	Date of Birth 03/26/1984	Age 34	Place of Birth	Drivers License or other ID F652890841060	State FL	ID Type E		
Addresses • / 325 NE 38TH ST, BOCA RATON, FL 33431 /									

Charge: STATE STATUTE

Counts 1	Charge 327.35(1)(a)	Arrest Offense Code Description DUI-UNLAW BLD ALCH
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code
Charge Description OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED		
UCR Code / UCR Description		

Vessel: USED IN CRIME

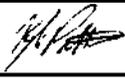
Evidence Exhibit Number:

Year 1967	Make HOMEMADE	Type	Color BLACK	Hull Material FBGLASS		
Vessel Name	State FL	Registration Number FL6288KA	Tag Expiration 07/23/2018	Vessel HIN FLZW2416H767	Vessel Doc Number	
Owner Type NOT APPLICABLE	Vessel Value (\$)	Length 13	Fuel Type	Propulsion	Number of Engines / Type /	Total HP
Vessel Owner		Vessel Released To Person		Vessel Released By Officer		

SHARON R. BOYK, CLERK
2018 MAY -4 PM 2:05
CRIMINAL JUSTICE

Report Date / Time 4/29/2018 8:58:06 PM	Report Number ISR036052 (01)	Report Case/Cad Number FWSA18OFF003649 / F WLR18CAD005921	Reporting Officer Rank / ID INVESTIGAT / WN042	Reporting Officer Name KYLE PATTERSON
Originating Agency ORI FL0508000	Reported to Agency Date	Occur Date Range 04/29/2018 20:22:13 -	Jurisdiction	Status: Clearance:
Offense Description				

Narrative: INITIAL

Narrative Date/Time 4/29/2018 9:25:13 PM		Narrative Synopsis PATTERSON'S REPORT		
Reporting Officer KYLE PATTERSON	Officer Rank INVESTIGAT	Officer ID No WN042	Officer Org/Unit FWSAISO RE	
Officer Signature 	Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			

On 4/29/18, at approximately 2015 hours, I, Investigator Kyle Patterson of the Florida Fish and Wildlife Conservation Commission made contact with Waldyr Junoir Franklin. Franklin was operating a vessel registered as FL 6288 KA. I observed Franklin exit the vessel and stagger onto the dock. He was very unsteady and was supporting himself against the pillings.

As I approached Franklin I could smell the odor of an alcoholic beverage. When I asked Franklin if he had been drinking he admitted to drinking a few beers. I asked to see his boating safety equipment and he was able to provide it to me. Franklin's fire exstinguisher had expired and I warned him about needing to replace the fire exstinguisher.

At this time, I initiated a boating under the influence investigation. I asked Franklin to perform seated field sobriety task. The first task was the Horizontal Gaze Nystagmus. Franklin showed the following signs of impairment:

- Lack of smooth pursuit in both eyes
- Distinct and sustained nystagmus at maximum deviation in both eyes
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The second task performed was the Finger To Nose. Franklin showed the following signs of impairment:

- First left - Hesitated
- First right - missed nose and did not bring down
- Second left - not fingertip, missed nose, and did not bring down
- Second right - Searched, missed nose, and did not bring down
- Third right - wrong finger
- Third left - Missed nose

The third task performed was the Palm Pat. Franklin showed the following signs of impairment:

- Started at wrong time
- Rolled Hands
- Did not increase speed
- stopped before being told

Report Date / Time 4/29/2018 8:58:06 PM	Report Number ISR036052 (01)	Report Case/Cad Number FWSA18OFF003649 /F WLR18CAD005921	Reporting Officer Rank / ID INVESTIGAT / WN042	Reporting Officer Name KYLE PATTERSON
Originating Agency ORI FL0508000	Reported to Agency Date	Occur Date Range 04/29/2018 20:22:13 -	Jurisdiction	Status: Clearance:
Offense Description				

The fourth task performed was the Hand Coordination. Franklin showed the following signs of impairment:

Unable to follow instructions

task 2 / hand clapping - improper return

task three / return steps - improper count 1,2,3,4,5 and did not return left fist to chest

task four / end position - improper position by his side not in his lap

At 2025 hrs I placed Franklin under arrest for boating under the influence. I asked Franklin to submit to a lawful test of his breathe and Franklin refused.

I photographed the vessel and the empty beer cans / bottles found in the vessel.

Franklin was the only occupant on the vessel at the time of the encounter. I photographed the vessel, and the empty beer cans / bottles found in the vessel. Franklin's vehicle and vessel were turned over to family members.

Franklin was transported to the Palm Beach County jail by FWC Officer Dave Bingham.

End of report

NOT A CERTIFIED COPY

Report Date / Time 4/29/2018 8:58:06 PM	Report Number ISR036052 (01)	Report Case/Cad Number FWSA18OFF003649 / F WLR18CAD005921	Reporting Officer Rank / ID INVESTIGAT / WN042	Reporting Officer Name KYLE PATTERSON
Originating Agency ORI FL0508000	Reported to Agency Date	Occur Date Range 04/29/2018 20:22:13 -	Jurisdiction	Status: Clearance:
Offense Description				

Picture

Picture Date Time 4/29/2018 9:40:33 PM	Picture Height 1080	Picture Width 1440	Picture Size 819 KB	Resized True
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Description
Franklin's vessel FL 6288 KA



NOT

Report Date / Time 4/29/2018 8:58:06 PM	Report Number ISR036052 (01)	Report Case/Cad Number FWSA18OFF003649 / F WLR18CAD005921	Reporting Officer Rank / ID INVESTIGAT / WN042	Reporting Officer Name KYLE PATTERSON
Originating Agency ORI FL0508000	Reported to Agency Date	Occur Date Range 04/29/2018 20:22:13 -	Jurisdiction	Status: Clearance:
Offense Description				

Picture

Picture Date Time 4/29/2018 9:40:47 PM	Picture Height 1080	Picture Width 1440	Picture Size 934 KB	Resized True
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Description

Empty beer can in koozie still cold



Report Date / Time 4/29/2018 8:58:06 PM	Report Number ISR036052 (01)	Report Case/Cad Number FWSA18OFF003649 /F WLR18CAD005921	Reporting Officer Rank / ID INVESTIGAT / WN042	Reporting Officer Name KYLE PATTERSON
Originating Agency ORI FL0508000	Reported to Agency Date	Occur Date Range 04/29/2018 20:22:13 -	Jurisdiction	Status: Clearance:
Offense Description				

Picture

Picture Date Time 4/29/2018 9:41:00 PM	Picture Height 1080	Picture Width 1440	Picture Size 999 KB	Resized True
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Description
empty beer bottles in cooler

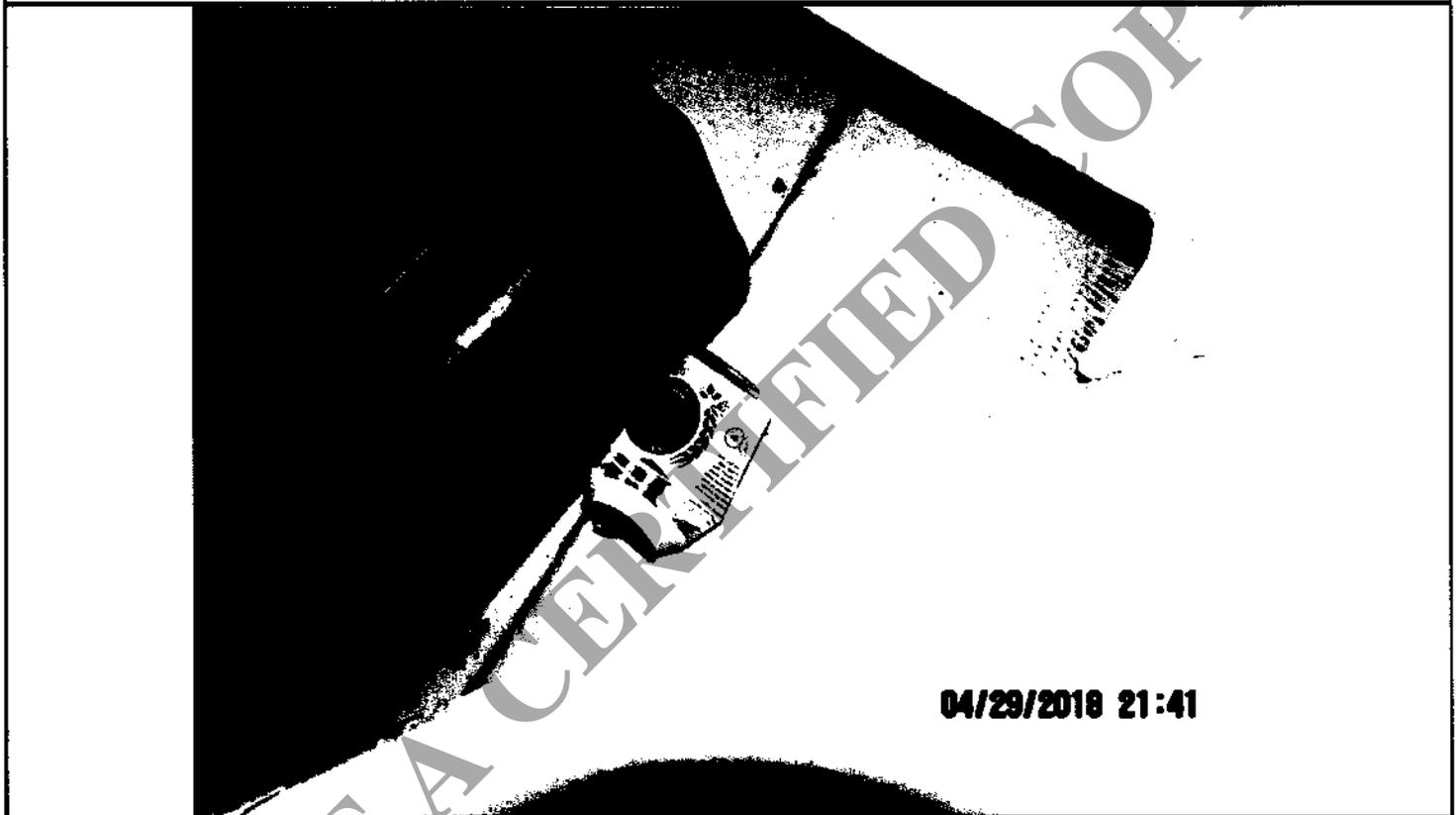


Report Date / Time 4/29/2018 8:58:06 PM	Report Number ISR036052 (01)	Report Case/Cad Number FWSA18OFF003649 /F WLR18CAD005921	Reporting Officer Rank / ID INVESTIGAT / WN042	Reporting Officer Name KYLE PATTERSON
Originating Agency ORI FL0508000	Reported to Agency Date	Occur Date Range 04/29/2018 20:22:13 -	Jurisdiction	Status: Clearance:
Offense Description				

Picture

Picture Date Time 4/29/2018 9:41:14 PM	Picture Height 1080	Picture Width 1440	Picture Size 836 KB	Resized True
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Description
empty beer can



Report Date / Time 4/29/2018 8:58:06 PM	Report Number ISR036052 (01)	Report Case/Cad Number FWSA18OFF003649 /F WLR18CAD005921	Reporting Officer Rank / ID INVESTIGAT / WN042	Reporting Officer Name KYLE PATTERSON
Originating Agency ORI FL0508000	Reported to Agency Date	Occur Date Range 04/29/2018 20:22:13 -	Jurisdiction	Status: Clearance:
Offense Description				

Picture

Picture Date Time 4/29/2018 9:41:27 PM	Picture Height 1080	Picture Width 1440	Picture Size 821 KB	Resized True
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Description
Empty beer bottle

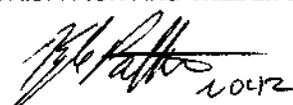


Sup #	Officer Name	Officer Rank	Involvement On Report	Reporting Role	ID #	Org/Unit	Officer Agency
01	KYLE PATTERSON	INVESTIGAT		REPORTING OFFICER	WN042	FWSAISO REGION AIST LUCIE	FLORIDA FISH AND WILDLIFE CONSERVATIO N COMMISSION

Report Date / Time 4/29/2018 8:58:06 PM	Report Number ISR036052 (01)	Report Case/Cad Number FWSA18OFF003649 / F WLR18CAD005921	Reporting Officer Rank / ID INVESTIGAT / WN042	Reporting Officer Name KYLE PATTERSON
Originating Agency ORI FL0508000	Reported to Agency Date	Occur Date Range 04/29/2018 20:22:13 -	Jurisdiction	Status: Clearance:
Offense Description				

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 KYLE PATTERSON	Office Rank INVESTIGAT	Officer ID No WN042	Sworn and subscribed before me, the undersigned authority This the _____ day of _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT OFFICER
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			
  Officer Signature			

NOT A CERTIFIED COPY



**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.
V331084

v.

WALDYR FRANKLIN
DEFENDANT

AFFIDAVIT

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

1. That on 29th APRIL, 2018 at 20:30 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] N042
Officer's Signature ID No

FLORIDA FISH AND WILDLIFE
Law Enforcement Agency

8535 NORTHLAKE BLVD
Mailing Address

WEST PALM BCH FL 33412
City State Zip Code

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 1 DAY
OF May, 2018
[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: WALDYR FRANKLIN CASE NO.: FWSA19OFF3649

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 KYLE PATTERSON 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

4/29/18 20:30 HRS [Signature]
DATE TIME DEFENDANT'S SIGNATURE

KYLE PATTERSON [Signature]
OFFICER'S NAME (PRINTED) OFFICER'S SIGNATURE