

## ARAPAHOE COUNTY SHERIFF'S OFFICE - ALCOHOL INFLUENCE/D.U.I. REPORT

CR NUMBER AC03-6662LOCATION: 8500 E Mississippi AveDISTRICT 5

GEO-CODE

DATE/TIME  
OCCURREDON OR  
BETWEENMONTH  
03DAY  
03YEAR  
03TIME  
0040

HOW RECEIVED?

ON VIEW ☒SUPERVISOR ☐CITIZEN ☐

OTHER

SUSPECT

NAME:

LAST,

FIRST

MIDDLE

SEX

RACE

AGE

DOB

OCCUPATION

RESIDENCE

PHONE

BUS. ADDRESS

BUS. PHONE

VEHICLE

YEAR

MAKE

MODEL

STYLE

LICENSE

LIS. STATE

COLOR

VIN.

## OBSERVATIONS:

EYES

CLEAR ☐WATERY ☐☒ BLOODSHOT ☒ OTHER:

CORRECTION:

GLASSES ☐CONTACTS ☐

BREATH

ODOR NOT DETECTED ☐ ODOR OF AN ALCOHOLIC BEVERAGE ☒

OTHER:

Strong

CLOTHING

OK ☒DIRTY ☐UNKEMPT ☐OTHER: ☐

SPEECH

OK ☐SLURRED ☒SLOW ☒THICK-TONGUED ☒

OTHER:

ATTITUDE

CO-OPERATIVE ☐EMOTIONAL ☐BELLIGERENT ☐

OTHER:

MANUEVER  
SURFACEFlat dry sidewalk

WEATHER

Clear and cold

## ROADSIDE BALANCE AND COORDINATION MANUEVERS:

HGN

Right Eye

Left Eye

Vertical Nystagmus?

☐ Yes☒ No

Lack of Smooth Pursuit

Maximum Deviation

Angle of Onset

WALK &amp; TURN

Had to explain test twice  
  
Stop

Cannot keep balance

Starts too soon

☒

1st Nine 2nd Nine

Stops Walking

Misses Heel-toe

Steps On Line

Raises Arms

Actual Steps Taken

Describe Turn

OK

Cannot do Test (explain)

ONE LEG STAND

  
L R

L

R

☐☐

Sways while balancing

Uses arms to balance

Hopping

Puts foot down

BALANCE (eyes closed)

  
L R

INTERNAL CLOCK:

Estimated as 30 sec.

ALPHABET

4 yrscollegeA-P, long pause, Q, R, F,H, I, TALCO-SENSOR POSITIVE ☒NEGATIVE ☐

READING:

SERIAL NO. 1091549 @ 0100

## ADVISEMENT - EXPRESS CONSENT

TYPE OF ADVISEMENT:

ALCOHOL ☒DRUG(S) ☐

TEST OFFERED:

BLOOD ☒BREATH ☒URINE (DRUGS ONLY) ☐

## REVOCATION OF LICENSE

REASON:

REFUSED CHEMICAL TESTS ☒TEST GREATER THAN .10 ☐

COMPLETE DR FORM 1576 TO INCLUDE THE REVERSE, HAVE NOTORIZED, AND MAIL COPIES OF ALL PERTINENT REPORTS TO DIV. OF MOTOR VEHICLES

## TEST RESULTS:

BLOOD TEST - . \_\_\_\_\_ GRAMS OF ALCOHOL PER HUNDRED MILLILETERS OF BLOOD

BREATH TEST - . \_\_\_\_\_ GRAMS OF ALCOHOL PER 210 LITERS OF BREATH.

URINE (DRUGS ONLY) ☐

## DISPOSITION OF SUSPECT:

RELEASED TO SOBER PERSON ☐JAILED ☐DETOXIFICATION CENTER ☒

OTHER: \_\_\_\_\_

SUMMONS NUMBER 424140

## DISPOSITION OF VEHICLE:

RELEASED TO SOBER PERSON ☐

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TOWED ☐

NAME OF TOW COMPANY: \_\_\_\_\_

(IF TOWED, ATTACH IMPOUND FORM, AND INSURE INFORMATION IS PLACED ON CCK)

ARRESTING OFFICER AND NUMBER

NA James 0168

SUPERVISOR INITIALS

DT

UCR ENTRY INITIALS

## SUPPLEMENT - ALCOHOL INFLUENCE REPORT

CR# AL03-6662

## Narrative:

On 030303 at about 0040 hours, I was parked in the 8000 block of E Mississippi Ave. observing eastbound traffic. A black, VW Jetta, Colo license \_\_\_\_\_, passed traveling at a high rate of speed which I visually estimated at 50-55 MPH in the 40 MPH posted zone.

I pulled out onto E Mississippi Ave. and attempted to catch up to the VW by accelerating to 60 MPH. I was not gaining on the car so I then sped up to 70 MPH which allowed me to gain on it. As I did so, the VW slowed to 40 MPH in the 8900 block of E Mississippi Ave. I then activated my overhead lights to stop the car. It did not attempt to move to the right-side of the road upon which there was no other traffic. Instead, it signalled a left turn and turned onto S Alton St into the entrance for "The Breakers" apartments. The driver of the car pulled up to a security gate, looked at me in his rearview mirror and waved as if to acknowledge me. He held a card out the window of his car, the gate opened and he continued through it. He travelled forward approximately 100 feet and made a right turn at an intersection. As he was still not yielding to me, I activated my siren. After travelling another approximate 100 feet, the VW yielded to the right and stopped, approximately 4 feet from the curb.

Upon contacting the driver, identified as David Bernard (DOB \_\_\_\_\_), I immediately detected the odor of an alcoholic beverage on his breath (strong). I also observed that he had bloodshot/watery eyes. I asked Mr. Bernard if he knew why I stopped him and he stated "yes", but then would not say why. I then asked him why he did not yield to my vehicle. He stated that he was "trying to get home". I asked him if he had consumed any alcohol tonight, but he did not answer. During our conversation, I observed that Mr. Bernard had slow, slurred and thick-tongued speech. I then went back to my car and requested a cover car.

NA James 0168  
Officer Signature

**SUPPLEMENT - ALCOHOL INFLUENCE REPORT****Advisement:**

- A. You have the right to remain silent.  
B. Anything you say may be used against you in court.  
C. You have the right to an attorney present during the time you are questioned.  
D. If you cannot afford to hire an attorney, one may be appointed to represent you before questioning.

**Waiver:**

1. Do you understand your rights? Yes \_\_\_\_\_ No \_\_\_\_\_  
2. Do you wish to waive your right to remain silent and answer questions? Yes \_\_\_\_\_ No \_\_\_\_\_  
3. Do you wish an attorney present before questioning?  
Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
Suspect Signature\_\_\_\_\_  
Verbal waiver given\_\_\_\_\_  
Witness**INTERVIEW: (quote answers)**

Were you driving a vehicle? \_\_\_\_\_  
Where were you going? \_\_\_\_\_  
Where were you stopped? \_\_\_\_\_  
Where did you start from? \_\_\_\_\_  
What is the date? \_\_\_\_\_ Day of week? \_\_\_\_\_ Time? \_\_\_\_\_  
When did you eat last? \_\_\_\_\_  
What did you eat? \_\_\_\_\_  
Have you been drinking? \_\_\_\_\_ How much? \_\_\_\_\_  
Where? \_\_\_\_\_  
Do you have any physical defects? \_\_\_\_\_ What? \_\_\_\_\_  
Are you diabetic? \_\_\_\_\_ Epileptic? \_\_\_\_\_  
Are you taking medication? \_\_\_\_\_ What? \_\_\_\_\_  
Prescribed by: \_\_\_\_\_  
Are you ill or injured? \_\_\_\_\_ Explain: \_\_\_\_\_  
When did you sleep last night? \_\_\_\_\_  
How much sleep did you get? \_\_\_\_\_

Time interview ended: \_\_\_\_\_

\_\_\_\_\_  
Officer signature

## ARAPAHOE COUNTY SHERIFF'S OFFICE

13101 E. Broncos Parkway  
Centennial, Colorado 80112

Report #	AC03-6662
Report Date:	030303
Connecting #	AC03-6667

☒ INCIDENT REPORT ☐ CUSTODY ☐ MISSING PERSON ☐ RUNAWAY  
☐ CONTINUATION ☐ SUPPLEMENTAL REPORT

Incident				Location				District		GEO-Code	
DUI Arrest				8500 E Mississippi Ave				5			
Date/Time Occured	On Or Between	Month	Day	Year	Time	Date/Time Reported	Month	Day	Year	Time	How Received
		03	03	03	0040		03	03	03	0041	Dispatched
							03	03	03	0010	On View <input checked="" type="checkbox"/>
											Citizen
											Supervisor

CODES: R/P-REPORTING PARTY W-WITNESS SB-SUBJECT P-PARENT

Code:	Name (Last, First, Middle)	Sex	Race	Age	DOB	Occupation
RP	N.A. James #0168					Deputy
	Residence				Zip	Telephone X=Day
	Business (Name & Address or School)				Zip	Telephone
	ALSO					303-725-4711
Code:	Name (Last, First, Middle)	Sex	Race	Age	DOB	Occupation
	Residence				Zip	Telephone X=Day
	Business (Name & Address or School)				Zip	Telephone
Code:	Name (Last, First, Middle)	Sex	Race	Age	DOB	Occupation
	Residence				Zip	Telephone X=Day
	Business (Name & Address or School)				Zip	Telephone

CODES: S-Suspect A-Arrestee J-Juvenile M-Missing Person R-Runaway

Code / #:	Name	Res Address	Res Phone
A	Bernard, David Seton		
DOB	POB	Occupation	Bus. Address
	Portland, OR	Federal Air Marshall	
Sex	Race	Age	HT
m	W	37	600
WT	Hair	Eyes	SSN
185	BRN	HAZ	
Clothing	S & C #/Warrant #	Additional Charges	Drivers License / State
	424140		
Arrest	Detention	Adult	Juv. Disp.
Released on Summons #	Released Pending Charges	Date/Time Arrested	
424140		030303/0101	
Multiple Arrest	Assist Other Agency	In Custody	Released to Other Agency
Injuries	Treated By	Where Treated	Date/Time Treated
None	N/A	N/A	
Released to (Signature)	Relation/Agency	Time Parent Notified	Date/Time Released
Foris Stancu	ETU - Aurora Detox		
Multiple Clearance Indicator: M	Arrestee H	Resident Status:	
<input type="checkbox"/> MULTIPLE	<input type="checkbox"/> HISPANIC	R <input type="checkbox"/> COUNTY RESIDENT (Unincorporated)	
C <input type="checkbox"/> COUNT ARRESTEE	Ethnicity: N <input checked="" type="checkbox"/> NON-HISPANIC	N <input checked="" type="checkbox"/> NONRESIDENT U <input type="checkbox"/> UNKNOWN	
N <input type="checkbox"/> NOT APPLICABLE	U <input type="checkbox"/> UNKNOWN		
Arrestee Was Armed With: (Check up to Two, Enter A in Box if Automatic)		Type of Arrest:	Disposition of Arrestee Under 18:
01. <input checked="" type="checkbox"/> UNARMED	14. <input type="checkbox"/> SHOTGUN	O <input type="checkbox"/> ON-VIEW	H <input type="checkbox"/> HANDLED WITHIN
11. <input type="checkbox"/> FIREARM (type not stated)	15. <input type="checkbox"/> OTHER FIREARM	S <input type="checkbox"/> SUMMONED/CITED	DEPARTMENT
12. <input type="checkbox"/> HANDGUN	16. <input type="checkbox"/> LETHAL CUTTING INSTRUMENT	T <input checked="" type="checkbox"/> TAKEN INTO CUSTODY	R <input type="checkbox"/> REFERRED TO
13. <input type="checkbox"/> RIFLE	(e.g. switchblade, knife, etc.)		OTHER AUTHORITY
35. <input type="checkbox"/> MOTOR VEHICLE	17. <input type="checkbox"/> CLUB, BLACKJACK, BRASS KNUCKLES		

Officer Signature &amp; Number

NA James 0168

Supervisor Initial

DT 8801030303

Reporting Party Signature

AC71 C

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## ARAPAHOE COUNTY SHERIFF'S OFFICE

13101 E. Broncos Parkway  
Centennial, Colorado 80112☒ CONTINUATION☐ SUPPLEMENTAL REPORT

Report #	AC03-6662
Report Date:	030303
Connecting #	AC03-6667

## NARRATIVE:

When my cover car arrived on scene, I went back up to Mr Bernard's car and asked him to step out. He complied and I then directed him to the sidewalk to the right-side of his vehicle. I advised Mr Bernard that I would like him to perform voluntary roadside maneuvers. He agreed and attempted to perform them. This was at about 0055 hours. I then placed Mr Bernard into custody for suspicion of DUI. I put him into my car and advised him of Colorado Express Consent law. He refused to make a decision at that time. I then transported him to the Aurora Detox Facility.

At the Detox Facility, I again advised Mr Bernard of Colorado Express Consent laws and explained to him the possible consequences of his decision. After thinking about it for about 5 minutes, he refused to submit to the tests. I issued him S/C # 424140 and a Notice of Revocation for his license. I released Mr. Bernard to detox staff.

For security purposes, I took a Federal Air Marshall badge and several identification cards belonging to Mr Bernard as found property. See CR# AC03-6667.

Officer Signature &amp; Number

NA James 0168

Supervisor Initial

DT

COURT

SUMMONS/  
O.B.T.S. NO. 424140

THE PEOPLE OF THE STATE OF COLORADO VS				(UNIFORM SUMMONS & COMPLAINT) OR PENALTY ASSESSMENT				Approx. Time of Violation		Violation on or about		
Defendant (Last Name) <u>Bernard, David Seton</u>				(First)	(Middle)	Age <u>37</u>	Date of Birth Mo. Day Yr. <u>12:40 Am 03/03/03</u>	Mo. Day Yr.				
Defendant's Address <u>US Government</u>				City	State	Zip Code	Home Telephone	Traffic Accident <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Injuries Involved <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Employer's Name <u>Air Marshall</u>				Employer Address		Occupation	Business Telephone	Property Damage Involved <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Driver's License No. <u>CO</u>				Commercial <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Driver's Lic. Presented <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	State <u>CO</u>	Race <u>W</u>	Sex <u>M</u>	Weight <u>185</u>	Height <u>600</u>	Eyes <u>BRN</u>	
Vehicle License No. <u>CO</u>				State	VIN	The offense occurred in the State of <u>Colorado</u> , in <u>Arapahoe</u> County at this approximate location: <u>8500 E Mississippi Ave</u>						
Vehicle Color (Top/Bottom) <u>BLK</u>				Commercial <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Vehicle Year <u>95</u>	Make <u>VW</u>	Type or Body Style <u>4DR</u>					
Registered Owner (Name and Address) <u>Same as above</u>				Placarded Nuclear Material <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Placarded Hazardous Material <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		List the violation address, street intersecting, or Highway mile marker locations with distance and direction from marker.				
BASIC FACTS IF PROVEN COULD CONSTITUTE: <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> A SEXUAL OFFENSE				Defendant Arrested <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Defendant Photographed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Defendant Fingerprinted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Agency Case Number: <u>AC</u>		
GANG AFFILIATION? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN				Gang Name		ARREST NO. <u>03-6662</u>		RIGHT THUMB				
WITNESS NAME, ADDRESS, PHONE NUMBERS (Home & Work), DATE OF BIRTH IN ADDITION TO OFFICER LISTED BELOW												
1 Name				D.O.B		Phone (H)		2 Name				
Address				Phone (W)		Address		Phone (W)				
3 Name				D.O.B		Phone (H)		4 Name				
Address				Phone (W)		Address		Phone (W)				
<input type="checkbox"/> ADDITIONAL WITNESSES LISTED ON REVERSE SIDE OF YELLOW COPY OF SUMMONS												
PENALTY ASSESSMENT ONLY:												
CHARGE No. 1	SECTION <u>42-4-1101 (1)(a)</u> CRS						COM. CODE	POINTS	FINE	SURCHARGE		
<u>Speeding (20-24 MPH over posted limit) 60/40</u>						<u>006</u>	<u>6</u>	<u>\$ Sum</u>	<u>\$ -</u>			
CHARGE No. 2	SECTION <u>42-4-705</u> CRS						COM. CODE	POINTS	FINE	SURCHARGE		
<u>Failed to yield to emergency vehicle</u>						<u>375</u>	<u>4</u>	<u>\$ Sum</u>	<u>\$ -</u>			
CHARGE No. 3	SECTION <u>42-4-1301 (1)(a)</u> CRS						COM. CODE	POINTS	FINE	SURCHARGE		
<u>Drove vehicle while under the influence of alcohol</u>						<u>800</u>	<u>12</u>	<u>\$ Sum</u>	<u>\$ -</u>			
CHARGE No. 4	SECTION CRS						COM. CODE	POINTS	FINE	SURCHARGE		
								\$	\$			
<input type="checkbox"/> ADDITIONAL CHARGES LISTED ON SUBSEQUENT SUMMONS						CO-DEFENDANT(S) <input type="checkbox"/> Yes <input type="checkbox"/> No	MAILED <input type="checkbox"/>	NRVC <input type="checkbox"/>	TOTAL POINTS <u>22</u>	TOTAL FINES <u>\$ Sum</u>	TOTAL SURCHARGE <u>\$ -</u>	
YOU ARE SUMMONED AND ORDERED TO APPEAR TO ANSWER CHARGES AS STATED ABOVE IN <u>Arapahoe Division B</u>						NAME OF COUNTY		COUNTY COURT				
LOCATED AT <u>15400 E 14th Pl.</u>						IN <u>Aurora</u>		COLORADO ON <u>April 14, 2003</u>		TIME <u>8:30 AM</u>		
IF THIS DATE IS A SATURDAY, SUNDAY OR HOLIDAY, OR IF FOR ANY REASON THE COURTHOUSE IS CLOSED YOUR MANDATORY APPEARANCE DATE IS THE NEXT COURT BUSINESS DAY.												
SUMMONS: TRAFFIC INFRACTION <input type="checkbox"/> MISD. TRAFFIC <input type="checkbox"/> MISD. PETTY <input checked="" type="checkbox"/>						PENALTY ASSESSMENT: TRAFFIC INFRACTION <input type="checkbox"/> MISD. TRAFFIC <input type="checkbox"/> MISD. PETTY <input type="checkbox"/>						
WITHOUT ADMITTING GUILT, I HEREBY PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED ABOVE. FAILURE TO APPEAR MAY CONSTITUTE A SEPARATE OFFENSE AND WILL RESULT IN A WARRANT BEING ISSUED FOR MY ARREST. SEE INSTRUCTIONS ON REVERSE SIDE. (REQUIRED COURT APPEARANCE - DO NOT MAIL.)						PENALTY ASSESSMENT ONLY. UPON PAYMENT OF THIS PENALTY ASSESSMENT, I ACKNOWLEDGE GUILT OF ALL CHARGES CONTAINED HEREON. I UNDERSTAND THAT THE POINTS INDICATED ABOVE (OR A REDUCED NUMBER OF POINTS AS DESIGNATED ON REVERSE SIDE) WILL BE ASSESSED AGAINST MY DRIVER'S PRIVILEGES. IF I DO NOT PAY, MY SIGNATURE IS A PROMISE TO APPEAR IN COURT. SEE INSTRUCTIONS ON REVERSE SIDE FOR POINT REDUCTIONS AND PAYMENT OF PENALTY ASSESSMENT.						
DEFENDANT <u>David Bernard</u>						DEFENDANT						
THE UNDERSIGNED SWEARS OR AFFIRMS THAT THERE IS PROBABLE CAUSE TO BELIEVE THE DEFENDANT COMMITTED THE ABOVE OFFENSE(S) AGAINST THE PEACE AND DIGNITY OF THE PEOPLE OF THE STATE OF COLORADO AND THAT A COPY OF THIS SUMMONS & COMPLAINT OR PENALTY ASSESSMENT WAS DULY SERVED UPON THE DEFENDANT.												
DATE SERVED <u>030303</u>						OFFICER <u>NSM</u>		OFFICER'S NO. <u>0168</u>				
OFFICER'S DEPT. <u>Arapahoe County Sheriff's Office</u>						OFFICER - PRINT LAST NAME <u>James</u>		DISTRICT <u>5</u>		TRPOOP <u>6</u>	PATROL <u>1</u>	

(REV. 10/01)

THIS IS A LEGAL DOCUMENT - READ BOTH SIDES