



ARIZONA DEPARTMENT OF PUBLIC SAFETY

OFFENSE / INCIDENT / ALCOHOL REPORT

● OFFENSE REPORT ○ INCIDENT REPORT ● ALCOHOL REPORT

DEC 18 2007 3 00 9

DR NUMBER

2007-067006

FORCE USED: <input type="checkbox"/> NONE <input type="checkbox"/> STRIKING TECHNIQUES <input type="checkbox"/> OLEORESIN CAPSICUM (O.C.) <input type="checkbox"/> ELECTRICAL ENERGY DEVICE	<input type="checkbox"/> IMPACT WEAPONS <input type="checkbox"/> LESS-LETHAL IMPACT MUNITIONS <input type="checkbox"/> DEADLY FORCE <input type="checkbox"/> INCIDENT VIDEO-TAPED	INJURY: <input type="checkbox"/> OFFICER ASSAULTED <input type="checkbox"/> OFFICER INJURED <input type="checkbox"/> TREATED AND RELEASED <input type="checkbox"/> HOSPITALIZED	Yes No <input type="checkbox"/> SUSPECT INJURED <input type="checkbox"/> TREATED AND RELEASED <input type="checkbox"/> HOSPITALIZED							
REPORTED: DATE (MO/DAY/YR) 12/08/07	REPORTED: TIME 2210	TYPE OF OFFENSE / INCIDENT DUI - BRAC .08 OR ABOVE		ARS CODE 28-1381A2	JURISDICTION SAN TAN					
OCCURRED: DATE (MO/DAY/YR) 12/08/07	OCCURRED: TIME 2210	LOCATION OF OCCURRENCE (MILE POST / STREET, ETC.) US60WB DOBSON		CITATION NUMBER (S) NONE						
LOCATION OF ARREST (MILE POST / STREET, ETC.) US60WB DOBSON		ARREST: DATE (MO/DAY/YR) 12/08/07	ARREST: TIME 2210	LOCATION BOOKED OR REFERRED TO PENDING LONG FORM COMPLAINT						
<input type="checkbox"/> VICTIM <input checked="" type="checkbox"/> SUSPECT	SOCIAL SECURITY NUMBER	DRIVER'S LICENSE NUMBER'S EXP. DATE		STATE	<input type="checkbox"/> OPERATOR <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> ACCIDENT <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> SUSPENDED/REVOKED Y <input type="checkbox"/> N <input type="checkbox"/> FATALITY <input type="checkbox"/>					
NAME: LAST MOYA	FIRST JOHN	MIDDLE JOHN	GENDER <input checked="" type="checkbox"/> M <input type="checkbox"/> F	WEIGHT 240	HEIGHT 600	EYES BR	HAIR BR	ORIGIN B	BIRTH DATE (M)	PLACE OF BIRTH
STREET ADDRESS			CITY			ST		ZIP		RESIDENCE PHONE NUMBER
EMPLOYER NAME			EMPLOYER ADDRESS			CITY		ST		ZIP CODE
SUSPECT VEHICLE:										
LICENSE NUMBER & EXP. DATE		STATE AZ	YEAR & MAKE 07 NISS	MODEL/TYPE 4DSD	COLOR BLU	VEHICLE IDENTIFICATION NO. (VIN)			TOWED <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	OWNER <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
VICTIM VEHICLE:										
LICENSE NUMBER & EXP. DATE		STATE	YEAR & MAKE	MODEL/TYPE	COLOR	VEHICLE IDENTIFICATION NO. (VIN)			TOWED <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	OWNER <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
ASSET FORFEITURE: <input type="checkbox"/> Vehicle <input type="checkbox"/> Currency <input type="checkbox"/> Real Property <input type="checkbox"/> Personal Property <input type="checkbox"/> Other:										
VICTIMS RIGHTS NOTIFICATION AND REFERRAL: <input type="checkbox"/> Victims Rights Notification Completed (forms attached) <input checked="" type="checkbox"/> Victims Rights Not Applicable										
OTHERS INVOLVED: V=Victim S=Suspect P=Passenger W=Witness N=Next of Kin PR=Person Reporting IL=Investigative Lead										
CODE	NAME			ADDRESS, CITY, STATE, ZIP CODE					PHONE	
ADDITIONAL INFORMATION SEE ATTACHED NARRATIVE										
MIRANDA WARNING										
<input type="checkbox"/> PENDING <input checked="" type="checkbox"/> CLOSED BY: <input checked="" type="checkbox"/> ARREST <input type="checkbox"/> OTHER	Do you understand these rights? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Juvenile was advised that the Juvenile may be remanded in Adult court? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N Will you waive these rights? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N Parent or juvenile parole/probation officer was contacted at Subject was read warnings at (Hour): 2237 (Hour): Subject was informed of the offense(s) for which he/she was arrested? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N									
OFFICER NAME J. LOGAN		ID NO. 6793		LOCATION CODE		REVIEWING SUPERVISORS SIGNATURE [Signature]			DATE 12/13/2007	

COPIES TO: DEPT. RECORDS (original); PROSECUTOR: WORKING COPY

DPS 802-04084 Rev. 03/2003

Arizona Department of Public Safety
CONTINUATION/ SUPPLEMENT REPORT
DR#2007-067006

Charges:

1. 28-1381A2 – DUI with a breath alcohol concentration over .08.
2. 28-1381A1 – DUI- Alcohol.

Subpoena List:

1. Ofc. J. Logan, #6793, _____

Attachments:

1. Alcohol Influence Report.
2. Admin per Se/Implied Consent Affidavit.
3. Arizona Department of Public Safety Independent Test Advisory/Release of Arrested Person.
4. Form 4.
5. Search Warrant.
6. Phlebotomy Blood Draw Report.
7. Scientific Analysis Request Form.

Evidence:

1. Pkg. JL, Item: #1., two (2) grey top vials of suspect's blood submitted to DPS Property and Evidence for Scientific Analysis for blood alcohol content.

Synopsis:

On 12/08/07, at 2210 hours, I arrested John Moya with a date of birth of _____ for the above listed charges. Signs/symptoms of impairment included: poor driving behavior, odor of an alcoholic beverage, admission to drinking, 6 clues of HGN, poor SFST's, mood swings, antagonistic, swaying, and bloodshot watery eyes. Moya refused Intoxilyzer 8000 breath test. A tele-fax search warrant was obtained and issued for his blood. Moya was later released to a responsible party.

Narrative:

On 12/08/07, at approximately 2145 hours, I was on routine patrol in my fully marked DPS patrol vehicle traveling in the HOV lane westbound on US60 near Country Club Road. I was traveling at about 80 miles per hour when I saw a vehicle come up behind my vehicle at a high rate of speed. At Alma School Road I sped up to 85 miles per hour and the vehicle began pacing me from about three car lengths back. The posted speed limit is 65 miles per hour. As I approached Dobson Road I slowed down and let the vehicle pass. As the vehicle passed me I observed only one occupant inside the vehicle. I immediately pulled in behind the vehicle and initiated my emergency lights. The vehicle yielded off to the right shoulder. The vehicle displayed an Arizona license plate of _____

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Driver Contact:

I contacted the driver on the passenger side of the vehicle and I asked him for his driver's license, which I identified him by the photo as John Moya with a date of birth of (). I asked Moya what the speed limit in this area was and he said, "65". I told him that I had paced him for nearly a mile at 85 miles per hour. He responded, "There's no damn way I was going that fast! Well you made an illegal lane change by going across three lanes without signaling!" I could tell that Moya was extremely agitated. I immediately could smell an odor of an alcoholic beverage emitting from the passenger compartment. I asked Moya to exit his vehicle and come back to the front of my patrol vehicle. I asked Moya how much he had to drink and he said, "Nothing." Sergeant A. Williams arrived on scene. Moya's fists were clenched and his posture was rigid in a very defensive manner. While speaking with Moya I could smell an odor of an alcoholic beverage emitting from his breath and his eyes were bloodshot and watery.

I administered HGN on Moya and I observed all 6 clues. Sergeant Williams asked Moya if he had any weapons on him and he said, "Yes."

I told Moya to place his hands on the adjacent concrete barrier wall so that I could secure his weapon. Moya did not respond. I once again told Moya to place his hands on the concrete barrier wall and Moya initially did not respond. After a few seconds, Moya placed his hands on the wall. I patted Moya down for the weapon and found a Sig Sauer P229 9mm handgun in the front of his waistband. Moya then produced a set of U.S. Federal Air Marshall credentials.

I once again asked Moya if he had anything to drink and once again he said that he had, "Nothing to drink." I advised him that false reporting to a law enforcement officer was a criminal offense and he then said, "I know." I advised him that from the HGN I performed and the smell of an alcoholic beverage I was detecting some alcohol in his presence. Moya then admitted that he, "had one beer."

I asked Moya if he would perform some Standardized Field Sobriety Tests (SFST's) for me and he said that he would. While performing the walk and turn test, Moya said, "This is hard to do sober, especially after a beer."

After performing the SFST's I asked Moya to perform a portable breath test but he was unable to complete the test after trying four separate blows.

Arrest:

Based on the signs/symptoms of impairments from alcohol ingestion, I told Moya he was under arrest for driving while under the influence. At 2210 hours, I arrested Moya.

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Disposition of Vehicle:

The vehicle was inventoried and towed from the scene.

Transport/Blood Alcohol:

While transporting Moya, I attempted to speak with him and explain the process of what was about to happen but Moya responded, "Lets cut the fucking small talk! Just do what the hell ya need to do!" I transported Moya to our mobile DUI van. At 2237 hours, I read Moya his Miranda Warnings from my department Miranda Warnings card and he said that he understood and waived his rights. At 2238 hours, I read the Admin Per Se/Implied Consent Affidavit to Moya. Moya refused the breath test by saying, "I'm not doing it!" At 2240 hours, Moya was served his order of suspension pursuant to ARS 28-1321. I explained to Moya that I was going to attempt to ascertain a search warrant from a judge for a blood draw. Moya responded, "I refuse to do your blood draw! You can't force me!" At 2338 hours, I read and explained the Independent Test Advisory to Moya. Moya refused to sign the independent test advisory by saying, "I'm not signing this!"

While I was writing the search warrant, Moya said, "What do you think you're the employee of the month?!"

I contacted Moya's U.S. Air Marshall supervisor, Harry Norman, to come to our location to take disposition of Moya's weapon rather than have it be entered into DPS Property and Evidence. Norman agreed and said that he would be there in about thirty minutes.

While waiting for the tele-fax search warrant to be signed, Moya said, "What are we waiting for?" I advised him that we were waiting for the search warrant to be signed by a judge for a blood draw. Moya responded by saying, "Well I refuse to do your blood draw!"

Tele-fax Search Warrant:

At 2250 hours, I completed a tele-fax search warrant. A search warrant was obtained through the Initial Appearance Court for Moya's blood. A copy of the search warrant was given to Moya. After being served his copy of the search warrant, Moya said, "I told you, I refuse to give you my blood!" I advised Moya that this was a court order, signed by a judge, ordering us to ascertain two vials of blood.

When D. Johnson asked Moya if he had any medical problems, Moya said, "Yeah! Ya about to stick me with a needle!" At 0015 hours, D. Johnson #2035, who is a certified phlebotomist, drew two grey top vials of blood from Moya's arm.

While escorting Moya to Norman's car for release, Moya stopped walking and began arguing about his suspension and he said, "How can you suspend my drivers license when you don't even have the

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results of my blood back?!" Moya kept repeating the same question over and over again which is a common symptom of alcohol ingestion.

Disposition of Suspect:

At 0023 hours, Moya was released to his supervisor, Harry Norman without further incident.

Disposition of Evidence:

At 0555 hours, the two vials of Moya's blood was submitted to DPS Property and Evidence for analysis.



ARIZONA DEPARTMENT OF PUBLIC SAFETY
ALCOHOL INFLUENCE REPORT

SUBJECT NAME (LAST, FIRST, MI)

MOYA, JUAN

DR NUMBER

2007-067000

DATE ADMINISTERED TIME (24 HR)

STANDARD FIELD SOBRIETY TEST GUIDELINES

1. Horizontal Gaze Nystagmus	2. Walk & Turn	3. One Leg Stand	4. Rhombberg-Modified	5. Finger to Nose	6. Finger Count
When I tell you: a. Remove glasses/nose contacts b. Head still c. Follow stimulus with eyes	When I tell you: a. Right foot in front of left foot b. Arms at sides c. Don't move d. Understand When I tell you: a. 9 heel/toe steps b. Count out loud, look at feet c. Turn as shown d. Do not stop until completed e. Understand	When I tell you: a. Feet together b. Arms at sides c. Lift leg six inches d. Count 1001, 1002, etc. until told to stop e. Understand	When I tell you: a. Feet together b. Arms at sides c. Eyes closed, head back d. Understand	When I tell you: a. Feet together b. Arms at sides c. Point index finger d. Eyes closed, head back e. Tip of finger to tip of nose then return f. Understand	When I tell you: a. Feet together b. Arms at sides c. Count out loud d. Proper finger to thumb e. Example: 1-2-3-4-4-3-2-1 f. Understand
OBSERVATION <input checked="" type="checkbox"/> Left eye does not follow smoothly <input checked="" type="checkbox"/> Distinct nystagmus at maximum deviation of the left eye <input checked="" type="checkbox"/> Left eye onset before 45 degrees <input checked="" type="checkbox"/> Right eye does not follow smoothly <input checked="" type="checkbox"/> Distinct nystagmus at maximum deviation of the right eye <input checked="" type="checkbox"/> Right eye onset before 45 degrees <input type="checkbox"/> Vertical nystagmus NAME: J. E. LOAN ID NUMBER: 10243 A certified HGN Technician	OBSERVATION <input type="checkbox"/> Cannot keep balance while listening to instructions <input checked="" type="checkbox"/> Starts before instructions are finished <input checked="" type="checkbox"/> Stops while walking <input checked="" type="checkbox"/> Does not touch heel to toe <input type="checkbox"/> Steps off line <input type="checkbox"/> Raises arms <input type="checkbox"/> Improper turn <input type="checkbox"/> Incorrect number of steps Shoes/Type: 4 	OBSERVATION <input checked="" type="checkbox"/> Sways while balancing <input type="checkbox"/> Uses arms to balance <input type="checkbox"/> Hopping <input checked="" type="checkbox"/> Puts foot down 	OBSERVATION <input type="checkbox"/> Required additional instruction during testing <input type="checkbox"/> Opened eyes during testing <input type="checkbox"/> Failed to keep heels together throughout <input type="checkbox"/> Failed to keep head back <input type="checkbox"/> Swayed front to back or side to side (Record below) <input type="checkbox"/> Error in alphabet (Record below) <input type="checkbox"/> Error in backward count (Record below) 	OBSERVATION <input type="checkbox"/> Required additional instruction during testing <input type="checkbox"/> Opened eyes during testing <input type="checkbox"/> Failed to keep heels together throughout <input type="checkbox"/> Failed to keep head tilted back <input type="checkbox"/> Used hand other than the one designated <input type="checkbox"/> Missed nose with fingertip (Record miss locations below) <input type="checkbox"/> Touched nose with other than fingertip <input type="checkbox"/> Swayed front to back or side to side RIGHT LEFT 2 1 4 3 5 6 Mark Positions Touched	OBSERVATION <input type="checkbox"/> Required additional instruction during testing <input type="checkbox"/> Used hand other than the one designated <input type="checkbox"/> Missed touching all the proper fingers (Record below) <input type="checkbox"/> Counted incorrectly (Record below)

NO PHYS. HAND ON NO 10362 FSP. AFTER A 3502-2202
NO CONTACT/CLUES M32:2237 NO HADA-1 ALMAN/432-302-0449

TYPE OF SURFACE USED FOR FIELD TEST
☒ LEVEL ☐ UNEVEN ☒ CEMENT ☐ ASPHALT ☒ DIRT ☐ GRAVEL ☐ STREET ☐ SIDEWALK ☐ WET

TRAFFIC CONDITIONS
☒ LIGHT ☐ MODERATE ☐ HEAVY

WEATHER CONDITIONS
☒ CLEAR ☐ WINDY ☐ RAIN ☐ OTHER

Were you operating the vehicle? ☐ YES ☐ NO
Does your vehicle have any mechanical defects? ☐ NO ☐ YES
Did you feel any effects of alcohol / drugs when stopped / accident? ☐ YES ☐ NO
Length of time you were driving before stopped / accident?

Where were you coming from? Where were you going to? Where have you been drinking? Type?

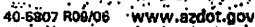
Amount? Time you started? Time you stopped? HAVE YOU HAD ANYTHING TO DRINK IN THE HOUR BEFORE STOPPED / ACCIDENT? ☐ NO ☐ YES
ARE YOU UNDER THE CARE OF A PHYSICIAN? ☐ NO ☐ YES

ALLERGIES? ☐ NO ☐ YES
PHYSICAL DISABILITIES? ☐ NO ☐ YES
DIABETIC? ☐ NO ☐ YES
WHEN DID YOU LAST EAT? WHAT? HOW MUCH? CURRENT WEIGHT? WHAT TIME IS IT? WHAT DATE IS IT?

ARE YOU SICK / INJURED? ☐ NO ☐ YES
MEDICATION OR DRUGS IN THE LAST 24 HOURS? ☐ NO ☐ YES Why? Type?

HOURS OF SLEEP LAST NIGHT? ARE YOU TIRED? ☐ NO ☐ YES
IF FELONY: DID YOU KNOW YOUR LICENSE WAS SUSPENDED / REVOKED? ☐ NO ☐ YES How did you know?

INTERVIEW START TIME INTERVIEW STOP TIME OFFICER NAME ID NUMBER



Mail Drop 533M
Driver Responsibility
Motor Vehicle Division
PO Box 2100
Phoenix, AZ 85001-2100

LE or DR Case Number: 207-067056

Complaint Numbers Issued

Charges: ☒ ARS 28-1381: ☐ 28-1382: ☐ 28-1383: ☐ 4-244.33

☐ Yes ☒ No: While transporting hazardous material? (ARS 28-101)

☐ Yes ☒ No: While operating a commercial motor vehicle?

Driver Name (first; mid.

Addr

On (date) 12/08/07 at (time) 2210 at (location) USCIB WB BORDON

☐ I had probable cause to believe that the person named, caused or was cited for an accident resulting in death or serious physical injury while driving a motor vehicle. Citation Number (If none issued, state probable cause on lines below)

10. I had reasonable grounds to believe the person named was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor and/or drugs; and I placed the named person under arrest therefor.

Among the facts leading to that belief were: VOOR SHOT, WATER EYES, INCLUDES HCN, POOR ORTAN, BENHART, MOOD, INTING, ANTAL, OSTER, DOOR, DEAN, AL, WOLFF, BEVERAGE, VOOR, TESTS, AWAITING, AMIT, STON, IT, INTAL, EN.

For the above stated reasons, I read the following to the person named above: 32 36

Arizona law requires you to submit to and successfully complete tests of breath, blood, or other bodily substance as chosen by the law enforcement officer to determine alcohol concentration or drug content. The law enforcement officer may require you to submit to two or more tests. You are required to successfully complete each of the tests.

10 If the results of the tests indicate your alcohol concentration is .08 or above or .04 or above in a commercial vehicle, your Arizona driver's license/permit or nonresident driving privilege will be suspended for not less than 90 consecutive days.

☒ If you refuse to submit or do not successfully complete the specified tests, your Arizona driver license/permit or nonresident driving privilege will be suspended for 12 months, or for 2 years if there is a prior implied consent refusal, within the last 84 months, on your record. You are, therefore, required to submit to the specified tests.

Will you submit to the specified tests? ☐ Yes ☒ No (If person unreasonably delays the completion of test, read the following to him or her.)

You are not entitled to further delay taking the tests for any reason. Further delay will be considered refusal to submit to the tests. Will you submit to the specified tests? ☐ Yes ☒ No

☒ The above admonitions were not read because the person was either unconscious or incapable of refusal.

☐ The person submitted to ☒ breath. ☐ blood tests and the results indicated an alcohol concentration of:

5. The person refused to take or did not complete the tests in the following manner: IM NOT TAKING ANY TESTS

☐ Yes ☒ No Did the person cause serious physical injury as defined in ARS 13-105 during this incident?

I certify, pursuant to ARS 28-1561, that the above is true and correct. I request that any hearing be held in OT/MESEA County.

ORDER OF SUSPENSION

Date Served

Time Served

Please see reverse side to request a Summary Review or Hearing.

Pursuant to ARS 28-1321, your Arizona driver license/permit or nonresident driving privilege is suspended effective 15 days from Date Served. The suspension is for 12 months, or 2 years if there is a prior implied consent refusal, within the last 84 months, on your record. This order is final unless a hearing is requested in writing and received within 15 days from Date Served. This action is a result of your failure to successfully complete or refusal to submit to tests to determine alcohol concentration or drug content. This suspension will not end until all reinstatement requirements are met.

☐ Pursuant to ARS 28-1385, your Arizona driver license/permit or nonresident driving privilege is suspended for not less than 90 consecutive days effective 15 days from Date Served. If a review of your driver record indicates that you are eligible for a 60-day restricted driving permit, one will automatically be mailed to your address of record within 45 days from Date Served. This order is final unless a summary review or hearing is requested in writing and received within 15 days from Date Served. This suspension is a result of tests to which you submitted that indicated an alcohol concentration of .08 or above. This suspension will not end until all reinstatement requirements are met.

SURRENDER OF ARIZONA DRIVER LICENSE

Pursuant to ARS 28-1321 and 28-1385, the law enforcement officer shall require the surrender of all Arizona driver licenses or permits in the person's possession. If no license or permit is attached, state reason: ☒ Lost ☐ Destroyed ☐ Nonresident ☐ Other: _____

TEMPORARY DRIVER PERMIT

This entire form will serve as a temporary driver permit which will expire 15 days from Date Served. However, if you request a summary review or hearing, then this permit will remain valid until the summary review or hearing decision has been made. If your Arizona driver license/permit is currently suspended or revoked, this permit does not authorize you to operate a motor vehicle.

Sex	Weight	Height	Eyes	Hair	Class	Restrictions
M	240	600	BK	BK	D	None
Permit Not Issued Because:					License Signature:	

Original - Motor Vehicle Division Pink and Yellow - Licensee Blue - Law Enforcement Agency

12/08/2007 23:58

NO.314 P01

DEC-08-2007 22:05

S E JAIL



ARIZONA DEPARTMENT OF PUBLIC SAFETY
**AFFIDAVIT IN SUPPORT OF
 TELE-FAX SEARCH WARRANT**

DOCKET NUMBER

CR NUMBER

P.01

SW2007005747

2007-0670000

JUDGE NAME HANNINER	FAX NUMBER 602-253-2644	PHONE NUMBER 602-676-8040
NAME OF SENDER S. LOGAN	FAX NUMBER 480-926-1405	PHONE NUMBER 480-281-0079
TODAY'S DATE 12/08/07	OFFICER NAME S. LOGAN	ID. NO. 6793
LOCATION CODE	SUPERVISOR T. MELE	NO. OF PGS. 3

JUDGE: This is Officer S. E. LOGAN I.D. No. 6793 of the Arizona Department of Public Safety.

I am faxing you this sworn affidavit to obtain a Tele-Fax search warrant in support of a:

- ☒ DUI
☐ Aggravated assault and/or
☐ Aggravated DUI
☐ Homicide investigation

Please sign below as documentation that you swore me in via telephone with Officer MEADOWS

I.D. No. 6514 standing by as a witness.

JUDGE: [Signature]
 Justice of the Peace: Judge or Magistrate
 HONORABLE BARBARA HANNINER
 of the MARICOPA COUNTY SUPERIOR COURT

Affiant: X

Witness: X

JUDGE: I have probable cause to believe that there is now in the blood or bodily fluids of (suspect's name):

JOHN MOYA

Date of birth 6

Located at: 1010 SE COMPLEX

The following substances, to wit: ☒ alcohol and/or
☐ drugs

Together with other evidence of the crime of: ☒ driving a motor vehicle while under the influence of intoxicating liquor or drugs
☒ actual physical control of a vehicle while under the influence of intoxicating liquor or drugs

As set forth in this affidavit, I, Officer S. LOGAN, your affiant, am a peace officer in the State of Arizona, employed by the Arizona Department of Public Safety. I have been a sworn peace officer for 1 years, and have the following

training and experience: ☐ A.L.E.T.A. ☒ The Arizona Law Enforcement Academy

I have graduated from: ☐ The Phoenix Police Academy

Training included identifying driver impairment due to alcohol or drugs. My duty assignments have included traffic, criminal and DUI investigations. I have specialized training in:

- ☒ H.G.N. Horizontal Gaze Nystagmus
☒ DUI investigation and apprehension
☐ D.R.E. Drug Recognition
☐ Phlebotomy

12/08/2007

23:58

22:00

S E JHIL

J.314 P02

F.02



ARIZONA DEPARTMENT OF PUBLIC SAFETY
AFFIDAVIT IN SUPPORT OF
TELE-FAX SEARCH WARRANT
(Continued)

DOCKET NUMBER

CR NUMBER

2007-067006

I am investigating the crime of:

☒ DUI☐ Aggravated DUI☐ Aggravated assault☐ Homicide

Which I believe to have been committed on the B day of DECEMBER, 2007, at the time of 2350 hours, at the location of US 60 WB POSEN in MARICOPA County, Arizona, based on the following reasons and circumstance:

☐ Accident (describe location and circumstances):

☒ Driving behavior (list violations or physical control): I WAS TRAVELING WEST BOUND ON US 60 WHEN AT POSEN WHEN I SAW A VEHICLE OBSCURELY BEHIND ME MOVING AT A HIGH RATE OF SPEED. I SPEED UP TO 65 MPH AND THE VEHICLE CONTINUED TO PACE ME AT THE SAME SPEED FOR A WHILE. POSTED BEHIND ME.

The status of SOON driver license is VALID

In addition, the following observations of symptoms of intoxication and / or impairment were made of LOAN WATKINS, ARIZONA, DOB 01/01/1973, date of birth 1, by S.A. LOAN 6713

of the ☒ Arizona Department of Public Safety☐ Other agency**EYES**☒ watery☒ bloodshot☐**FACE**☐ flushed☐ pale☒ dazed expression**ODOR OF ALCOHOL**☐ faint☒ moderate☐ strong**SPEECH**☐ slurred☐ incoherent☒ profanity**CLOTHING**☐ soiled☐ disarranged / messy☐ torn**BALANCE**☒ swaying 3-4"☐ staggering☐ lost balance / fell down**ATTITUDE**☒ antagonistic☐ combative☒ mood swings**UNUSUAL ACTIONS**☐ hiccup☐ vomiting☐ urinating**PUPILS**☐ poor reaction☐ dilated☐

In addition: SUBJECT WATKINS STATED THAT HE HAD NOTHING TO OBTAIN. I REQUESTED HIGH AND LOW 6 (LOW) I ASKED HIGH AGAIN AND HE ADMITTED TO DRIVING. I REPEAT SUBJECT WAS EXTREMELY HOSTILE AND DEFENSIVE. WHILE TRANSPORTING THE SUBJECT STATED "I DON'T WANT ANY SMELLING JUST TO HAVE THE NEW YANKEER TO DO." "SUBJECT REQUESTED THAT BY SAYING "NO TO DRINK IT." "AS FURTHER SAID, "WHAT DO YOU THINK YOU ARE EMPLOYER OF THE MONTH?" "SUBJECT IS A FEDERAL MARSHAL."

I believe that the property, substances, and behavior that I have described in this affidavit are evidence of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or drugs.

NIGHT TIME SEARCH WARRANT:

I believe that it is necessary to obtain this evidence after 10:00 PM and before 6:30 AM, for the reason that it is now 2350 hours, therefore, I cannot effectively serve and execute the warrant during the daytime. The evidence requested is of a perishable nature and a time delay would render it useless.

Based on the preceding facts, I, Officer S. LOAN, I.D. No. 6713, request that a Tele-Fax

☐ daytime ☒ Night Time search warrant to be issued. This concludes my affidavit Your Honor.

Affiant: XWitness: X

005 802-04218 (10-2001)

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JUL 00 2007 22:00

S E JAIL

ID. 314 003
P. 24

DOCKET NUMBER

518007005747 2007-067000

STANDARD DUPLICATE ORIGINAL SEARCH WARRANT

COUNTY OF MARICOPA, STATE OF ARIZONA
IN THE INITIAL APPEARANCE COURT COURT

Proof by affidavit having been made this day before me by Officer J. LOAN I.D. No. 2793 of the Arizona Department of Public Safety, I am satisfied that there is probable cause to believe that:

In the blood or bodily fluids of JOHN MOTA, date of birth _____

Located at: MESO SE COMPLEX in the County of MARICOPA

in the State of Arizona, there is now being possessed or concealed certain property or substance(s) described as:

☒ alcohol and / or ☐ drugs

together with other fruits, instrumentalities and evidence of a crime which property or things consist of any item or constitute any evidence which tends to show that a public offense has been committed such being more fully described in the affidavit, to wit:

☒ Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor and drugs

☐ Aggravated driving or in actual physical control of a vehicle while under the influence of intoxicating liquor and / or drugs

☐ Aggravated assault

☐ Homicide

Which offense occurred on or about the 8 day of DECEMBER, 2007, at or near the location of 4560 W. DOBSON, MARICOPA County, State of Arizona.

You are therefore commanded:

☐ in the DAYTIME (excluding the time period between 10:00 PM and 6:30 AM)

☒ in the NIGHT TIME (good cause therefore having been shown)

to make a search of the above named or described person(s), for the herein above described substances, and if you find the same or any part thereof, to retain such in your custody or in the custody of the agency that you represent, as provided by ARS §13-3920. Return this warrant to me within five (5) business days of the date thereof, as directed by ARS §13-3918.

Given under my hand and dated this 8 day of DECEMBER, 2007.

JUDGE Barbara Hammer
Justice of the Peace, Judge or Magistrate

of the HONORABLE BARBARA HAMMER Court.
MARICOPA COUNTY SUPERIOR COURT

Affiant: X [Signature]

Witness: X [Signature]



ARIZONA DEPARTMENT OF PUBLIC SAFETY
**STANDARD ARIZONA
INVENTORY, AFFIDAVIT AND
RETURN OF SEARCH WARRANT**

DOCKET NUMBER <u>2007-005747</u>	DR NUMBER <u>2007-067006</u>
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I, Officer S. LOGAN I.D. No. 6793, a Peace Officer in the State of Arizona, being first duly sworn upon oath, deposes and says:

That on the 8 day of DECEMBER, 2007, I executed this search warrant and the following described property

was seized:

- ☒ 2 tube(s) of blood
☐ urine sample
☐ other item(s) as described below

I further certify that the foregoing inventory is a true and detailed account of all property taken by me pursuant to ARS §13-3921 and that a detailed receipt for the property taken was ☒ given to: ☐ left at:

AZ DPS PROPERTY & EVIDENCE

Affiant: X [Signature] I.D. No. 6793
Rank: OFFICER Department: AZDPS

This warrant was returned, subscribed and sworn to before me this 9 day of Dec, 2007, pursuant to ARS §13-3918.A.

JUDGE: X [Signature]
Justice of the Peace, Judge or Magistrate
of the _____ Court.

HONORABLE BARBARA HAMNER
MARICOPA COUNTY SUPERIOR COURT



ARIZONA DEPARTMENT OF PUBLIC SAFETY
PHLEBOTOMY BLOOD DRAW REPORT

DR NUMBER 2007-067006
OTHER AGENCY DR NUMBER

SUSPECT	NAME JOHN MOYA		DATE OF BIRTH:	
	STREET ADDRESS			
CHARGES MUT	SEARCH WARRANT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		CONSENT DRAW <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
	FELONY (PRESSING CIRCUMSTANCES) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
OFFICER ID NUMBER 6793	OFFICER NAME (PRINT) J. LOGAN		AGENCY AZ DPS	
PHLEBOTOMIST ID NO. 2035	PHLEBOTOMIST NAME (PRINT) D. JOHNSON		AGENCY AZ DPS	
FIRST DRAW	DATE 12-9-07	TIME (24 HOUR) 0015	PHYSICAL LOCATION OF BLOOD DRAWN MCSO SE	BLOOD KIT MANUFACTURER TRI-TECH
	EQUIPMENT USED 2 GRAY TAPS - EQUIP ENCLOSED 2X2			BLOOD KIT LOT NO. 9847
SECOND DRAW	BLOOD DRAWN FROM <input checked="" type="checkbox"/> LEFT ANTECUBITAL FOSSA <input type="checkbox"/> RIGHT ANTECUBITAL FOSSA <input type="checkbox"/> LEFT WRIST <input type="checkbox"/> RIGHT WRIST <input type="checkbox"/> LEFT HAND <input type="checkbox"/> RIGHT HAND			BLOOD KIT EXPIRATION (MO/YR) JAN 31, 2009
	BLOOD DRAWN FROM <input type="checkbox"/> LEFT ANTECUBITAL FOSSA <input type="checkbox"/> RIGHT ANTECUBITAL FOSSA <input type="checkbox"/> LEFT WRIST <input type="checkbox"/> RIGHT WRIST <input type="checkbox"/> LEFT HAND <input type="checkbox"/> RIGHT HAND			
MEDICAL QUESTIONS	YES* NO <input type="checkbox"/> MEDICAL PROBLEMS <input type="checkbox"/> ALLERGIES <input type="checkbox"/> INFECTIOUS DISEASES <input type="checkbox"/> MEDICATIONS / BLOOD THINNERS <input type="checkbox"/> I.V. DRUG USE		TYPE OF NON-ALCOHOL SITE CLEANER USED: <input checked="" type="checkbox"/> PROVIDONE - IODINE <input type="checkbox"/> BETADINE <input type="checkbox"/> BENZALKONIUM CHLORIDE (BZK)	
	EXPLAIN "YES" RESPONSES IN THE AREA BELOW		BLOOD CLOTTED AT SITE WITHIN: 1 MINUTES	
REFUSED BREATH TEST AT TASK FORCE WARRANT THROUGH IA COURT DID NOT RESIST				
				RIGHT THUMBPRINT

I have granted permission for the blood sample to be taken.

X SUBJECT SIGNATURE		DATE		TIME (24 HOUR)	
PHLEBOTOMIST SIGNATURE X D. Johnson		ID NUMBER 6793	DATE 12-9-07	TIME (24 HOUR) 0025	
WITNESS SIGNATURE X [Signature]		ID NUMBER 6793	DATE 12/6/07	TIME (24 HOUR) 0025	

DISTRIBUTION: Copy 1 - OFFICER * Copy 2 - PHLEBOTOMIST * Copy 3 - LAB * Copy 4 - PHLEBOTOMY COORDINATOR



ARIZONA DEPARTMENT OF PUBLIC SAFETY
INDEPENDENT TEST ADVISORY /
RELEASE OF ARRESTED PERSON

CR NUMBER
2007 067006

INTOXILYZER: DUPLICATE BREATH TEST ADVISORY

AFTER COMPLETING THE TESTS OF YOUR BREATH, BLOOD, OR OTHER BODILY SUBSTANCE, YOU WILL BE GIVEN A REASONABLE OPPORTUNITY TO ARRANGE FOR ANY PHYSICIAN, REGISTERED NURSE OR OTHER QUALIFIED PERSON OF YOUR OWN CHOOSING TO OBTAIN AN INDEPENDENT TEST OR TESTS IN ADDITION TO ANY ADMINISTERED BY A LAW ENFORCEMENT OFFICER.

ACKNOWLEDGMENT

I UNDERSTAND THAT I HAVE THE RIGHT TO A REASONABLE OPPORTUNITY TO ARRANGE FOR AN INDEPENDENT TEST OF MY BLOOD, BREATH, OR OTHER BODILY SUBSTANCE.

X REFUSED - READ TO SUBJECT
SUBJECT(SIGNATURE)

12/08/07 2338
DATE/TIME

X [Signature]
OFFICER(SIGNATURE)

10793
ID. NO.

12/08/07 2338
DATE/TIME

RELEASE OF ARRESTED PERSON TO A RESPONSIBLE PARTY

I, HARRY NORMAN, age 41, agree to accept full responsibility for the release of JOHN MOVA who has been arrested by AZDPS (Agency) for driving while under the influence of intoxicating liquor or drugs.

I am aware that the above person represents a potential hazard to the public should he/she be allowed to drive. I, therefore, agree to PROHIBIT the above person from driving until this potential hazard ceases to exist.

I agree to release and indemnify the police agency listed below and the State of Arizona from all liability which may accrue by my acceptance of these responsibilities.

X [Signature]
RESPONSIBLE PARTY (SIGNATURE)

12/01/07 0023
DATE TIME

1
DRIVER'S LICENSE NUMBER & STATE

J. MOCAN
ADVISING OFFICER

AZDPS
AGENCY

1209 0023
DATE TIME

DISTRIBUTION: WHITE COPY - DEPARTMENT RECORDS UNIT;
YELLOW COPY - PROSECUTOR;
PINK COPY - WORKING COPY;
GOLDENROD COPY - RESPONSIBLE PARTY / DEFENDANT

