

Decatur Police Department

420 W TRINITY PL., DECATUR, GA 30030

Offense / Incident Report

Report Date 06/11/2015 0018	Type of Incident DRIVING UNDER THE INFLUENCE	Complaint No. 15-01470	Case Status CLEARED
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Occurred on **06/11/2015 0018** to **06/11/2015 0018**

Incident Location

Street Address E COLLEGE AV AT SAMS CROSSING		City DECATUR	State GA	Zip Code 30030
Sector SE	Precinct 1	Geo SE	Ward	Latitude
Neighborhood		Jurisdiction CITY OF DECATUR	Longitude	Primary Location HIGHWAY/ROAD/ALLEY

Dispatch Information

Received Date / Time 06/11/2015 0018	Call Received Via SELF INITIATED	Dispatched Date / Time 06/11/2015 0018	Call Dispatched As TRAFFIC STOP	
Arrived Date / Time 06/11/2015 0018	Departed Date / Time 06/11/2015 0230	Offense Category TRAFFIC	TTY Ref.#	TeleType Operator

Officers

ID	Name	Role	Primary	Arrived Scene	Departed Scene
575	JOHNS,M	REPORTING	<input checked="" type="checkbox"/>		
575	JOHNS,M	BOOKING	<input type="checkbox"/>		
575	JOHNS,M	TRANSPORTING	<input type="checkbox"/>		

Offenses

Charge	Cause Number	Local Code	Jurisdiction	State Statute Type/Class	State Charge Code	Category
DRIVING UNDER THE INFLUENCE			CITY OF DECATUR	40-6-391 MISD	40-6-391	TRAFFIC
FAILURE TO MAINTAIN LANE			CITY OF DECATUR	40-6-48 MISD	40-6-48	TRAFFIC

Modus Operandi

<u>Possible/Probable Motivation</u>	<u>Offender Suspected of Using</u>	<u>Chemical / Incendiary Agent</u>	<u>Special Skill</u>	<u>Weather Conditions</u> <input checked="" type="checkbox"/> CLEAR
<u>Point of Entry</u>	<u>Method of Entry</u>	<u>Characteristics of Entry</u>	<u>Malicious Mischief Events</u>	

Reporting Party / Complainant

Name (Last, First Middle Suffix)	Race	Sex	DOB	Age	Juvenile	SSN	Moniker
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Addresses

Type	Street Address	City	State	Zip Code	Country
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Phone Numbers

Type	Phone	Ext/PIN
Drivers License	Type	State Expires Restrictions

Email Addresses

Type	Email Address
Marital Status	Resident Status
Ethnicity	Language

Reporting Officer	575 JOHNS,M	Approving Officer	552 NEMBHEARD, P
		(Cover Pages Only)	

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Statement / Notes:

Offense Narrative

Video / 1048

On 06/11/15 (Thursday) at approximately 0018 hours, I, Officer Johns, was on patrol within the city limits of Decatur, DeKalb County, Georgia. I was traveling eastbound on East College Avenue near its intersection with Sam's Crossing when I observed a vehicle described as a 2002 Lexus SC430 (Georgia tag # PNQ5644) traveling southbound on Sam's Crossing. The Lexus made an improper right turn onto East College Avenue and failed to maintain its lane. I observed the Lexus make a wide right turn, enter into the center lane of travel, straddling the dotted white line and jerked back into the curb lane headed westbound. Based on my knowledge and experience, I know that drivers who are impaired have difficulty maintaining their lane due to the effects of impairment. I made a u-turn and caught up with the Lexus to further observe its driving behavior. While traveling in the 500 and 600 block of East College Avenue I observed the Lexus begin drifting heavily within its lane. While traveling in the curb lane, the Lexus began straddling the dotted white line and eventually entered into the center lane. During this time the Lexus never used its turn signal indicating its intention to change lanes. While traveling in the center lane, the Lexus crossed over the double solid yellow line, began straddling the yellow line with the center of the vehicle with both driver side tires in the opposite lane of travel. After traveling several feet, the Lexus drifted back into its own lane of travel. I initiated my patrol vehicle's emergency lights and conducted a traffic stop on East College Avenue near its intersection with Avery Street. The Lexus failed to immediately yield to the right of my emergency vehicle. The Lexus then proceeded to turn left into the rear parking lot of 313 East College Avenue (Trackside). I exited my patrol vehicle, made contact with the driver, later identified as Kecia Cunningham, who was the sole occupant and explained to her the reason for the stop.

Note, the model of the Lexus SC430 is a convertible. During this time the Lexus' top was down and I had an unobstructed view of Cunningham. While standing beside the driver side door, immediately smelled a strong odor of alcoholic beverage emitting from Cunningham's person. After informing Cunningham the reason for the stop, Cunningham replied, "Yeah I um.....". After a long pause between me and Cunningham, I asked her why she failed to maintain her lane. Cunningham replied, "Something happened near my feet." I observed Cunningham was not wearing any shoes during this time. I asked Cunningham where she was coming from and she stated she was coming from her office located on Johnson Ferry Road and then said something unintelligible. During this time Cunningham would not make eye contact with me. I observed Cunningham's speech was slurred and she

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was having difficulty articulating what she wanted to say. I asked Cunningham if she made any stops on the way home and she replied, "I stopped at the Capitol City Cigar Club." Capitol City Cigar Club is a cigar lounge/bar where you can purchase and consume alcoholic beverages. Capitol City is located approximately 19 miles from our current location. I asked Cunningham what occurred at the Cigar Club and she replied, "I had a cigar and a glass of wine." I asked Cunningham approximately how long ago she left the club and she stated it was about 45 minutes ago.

Based on Cunningham's driving behavior, her interactions with me, and her admission to drinking alcohol, I asked Cunningham to exit the Lexus and walk towards me. Upon exiting the Lexus, I immediately observed Cunningham had a drunk like appearance about her person. Cunningham was unsteady on her feet and did not walk towards me. I informed Cunningham of my observations and asked if she would perform in a series of field sobriety evaluations, which she agreed to. I observed the following:

Before beginning the evaluation, I asked Cunningham if she had any medical conditions that I needed to be aware of and she replied,

Horizontal Gaze Nystagmus: Cunningham was medically cleared to participate in the tests. Equal tracking was observed in both eyes and her pupils were the same size. I observed a lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation in both eyes, and onset of nystagmus prior to 45 degrees in both eyes. I observed a total of six clues during this evaluation. While standing in front of Cunningham, I could smell a strong odor of an alcoholic beverage emitting from her breath and her person. Cunningham was swaying back and forth during the evaluation. I observed Cunningham's eyes appeared to be bloodshot red and they were glazed over.

Walk and Turn Test: Cunningham was unable to remain balanced during the instructional phase. Cunningham began walking without being instructed to do so. On steps 1 and 3 of the first 9 heel-to-toe steps, Cunningham did not step in a heel-to-toe fashion and stepped off the line. Cunningham took a total of 11 steps during the first 9 heel-to-toe steps. Cunningham did an improper turn. Cunningham turned in a clockwise direction, using both feet while she turned. During the test, Cunningham had to stop walking in order to steady herself. On steps 1 and 3 of the last 9 heel-to-toe steps, Cunningham did not step in heel-to-toe fashion. Cunningham took a total of 11 steps during the last 9 heel-to-toe steps. After counting to 4 in the first 9 heel-to-toe steps, Cunningham stopped counting. I observed a total of seven out of eight clues.

One Leg Stand test: I had to explain the instructions to Cunningham twice. Cunningham

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began before being instructed to do so. I observed Cunningham was swaying during the evaluation. I observed a total of 1 out of 4 clues.

PBT test results: refused

After the evaluation I asked Cunningham again how many alcoholic beverages she consumed and she replied, " At least one, probably two". I questioned Cunningham about the type of drinks she had and she stated, "I had a glass of wine and a vodka with cranberry". Based on Cunningham's driving, her physical manifestations, and her poor performance on the field sobriety evaluations, she was taken into custody (double-locked and checked for fit) searched, and seat belted in the rear passenger seat of patrol vehicle 1048. I asked Cunningham how old she was and she stated "49". I immediately read Cunningham the implied consent notice for ages 21 and over (orange card). Cunningham did not respond with a yes or no. I re-read the implied consent notice a second time and afforded Cunningham the opportunity to read the implied consent notice herself. Cunningham verbally agreed to take the state's administered test of her breath. Cunningham was transported to the Decatur Police Department and seated in front of an Intox 9000 (serial number 90-001007). I, Operator Johns (permit number 950452) conducted the state's administered test. During the first sample, Cunningham had to be instructed several times on how to provide a breath sample. Cunningham did not follow my instructions and had an insufficient sample on the first attempt. Cunningham eventually provided a breath sample that showed an alcohol concentration of .147 of alcohol per 210L of breath. Cunningham was then transported and lodged at the DeKalb County Jail. Cunningham was charged with failure to maintain lane (citation #51354) and driving under the influence of alcohol (citation # 51355). I searched the Lexus for evidence of DUI and located a bottle opener inside of the center console. I impounded and inventoried the Lexus per departmental policy. During the inventory, I recovered a wine cork inside of the trunk. The cork was labeled with "Sycamore Lane Vineyards". The Lexus was towed from the scene by S & W towing. The cork and the bottle opener were placed into evidence at the Decatur Police Department.

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