

## Clark County Sheriff's Department Case Activity Report

Case Number 2009-9394		Report Date 10/25/2009		Case Type OWI	
Reporting Deputy: <b>Matthew Malovrh, #336</b>				Incident Location Granton Rd. / Miller Ave.	
<input type="checkbox"/> Comp <input type="checkbox"/> Victim <input checked="" type="checkbox"/> Susp <input type="checkbox"/> Wit		Last Name, First Name, MI Strey, Mary, M.		Race/Sex W/F	Date of Birth 08-17-1960
Street Address 415 Clark St.		Home Phone 715-937-0765-C		Work Phone 715-384-1330	
City, State, Zip Code Granton, WI 54436		Statement Taken <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Taken By	
<b>CHARGE</b>		<b>STATUTE</b>	<b>BOND</b>	Township/Village/City Grant Incident Date October 24, 2009 Incident Time 11:23pm	
OWI - 1 <sup>st</sup> Offense		346.63(1)(a)	Cited		
PAC - 1 <sup>st</sup> Offense		346.63(1)(b)	Cited		
<input type="checkbox"/> Comp <input type="checkbox"/> Victim <input type="checkbox"/> Susp <input type="checkbox"/> Wit		Last Name, First Name, MI		Race/Sex	Date of Birth
Street Address		Home Phone		Work Phone	
City, State, Zip Code		Statement Taken <input type="checkbox"/> Yes <input type="checkbox"/> No		Taken By	
<b>CHARGE</b>		<b>STATUTE</b>	<b>BOND</b>	Supplemental Reports <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Supplemental Reports other Officers:	
<input type="checkbox"/> Photos Taken		by whom:			
<input type="checkbox"/> Video		by whom:			
<input checked="" type="checkbox"/> Audio recording		by whom: Malovrh, #336			

**Disposition** (To be completed by Supervisor)

<input checked="" type="checkbox"/> To D.A. <input checked="" type="checkbox"/> File/Closed <input type="checkbox"/> File/Open <input type="checkbox"/> Refer To:			
Supervisor's Signature			Date 10/25/2009
Reviewed by: <b>111</b>	Reassigned by:	to: (specify)	Approved by:



<b>Activity Report</b>	<b>Deputy M. Malovrh, #336</b>	<b>Case # 2009-9394</b>
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On Saturday, October 24, 2009, at about 11:23pm I was dispatched to Granton Rd. near Miller Ave. to a possible intoxicated driver. Dispatch said the caller Mary M. Strey, F/W, 8-17-60, called stating she wanted to report a drunk driver which she said was herself. Dispatch informed me Mary said she pulled over along the road and turned her emergency flashers on.

I arrived at about 11:28pm and observed a silver Saturn parked in the eastbound lane about one half mile east of Miller Ave with the vehicle's flashers on. I approached the vehicle and met with the driver Mary. Mary had glassy blood shot eyes and I could smell the strong odor of an intoxicating beverage on her breath. Mary told me, "I called in I'm drunk". Mary said she had began drinking earlier in the day and drank seven or eight brandy and cokes at different bars in Neillsville and stopped drinking about thirty minutes before she called the Sheriff's Department. Mary said she then began driving home alone in her vehicle until she called the Sheriff's Department to report she was driving drunk. Mary also stated, "I am just drunk".

I asked to see Mary's Driver's License and she fumbled through several pieces of paper looking for her license. Mary then identified herself with a Wisconsin Driver's License. Mary had slurred speech. While I was talking to Mary she removed the keys from the vehicle's ignition. Deputy Ramberg also arrived to assist.

The vehicle was a silver 2003 Saturn L200 4dr with a Wisconsin Green Bay Packer License plate of 20718G.

I verified through dispatch that Mary's driver's license and vehicle registration were valid.

I asked Mary if she would be willing to perform field sobriety exercises. Mary said yes. I had Mary get out of the vehicle and walk behind it. Mary stumbled as she walked

The first exercise was the Horizontal Gaze Nystagmus (HGN). I told Mary to put her feet together, place her arms at her sides, and stay in that position. I then explained the exercise to Mary and she did not have any questions. While I was explaining the exercise to Mary she swayed back and forth. I detected three clues in each eye. I detected lack of smooth pursuit, nystagmus prior to 45 degrees, and distinct nystagmus at maximum deviation in each eye.

The next exercise was the walk and turn exercise. I told Mary to stand with her right foot in front of her left foot touching heel to toe and her arms at her sides. I also demonstrated the position. Mary asked if she could take her shoes off because they were new shoes and she said she could not walk a line with new shoes. I told Mary she could take her shoes off if she wanted to. Mary did not take her shoes off. Mary tried to stand in that position four times, but broke the heel to toe stance repeatedly. Mary lost her balance and stumbled a few steps away. Mary then said, "I'm drunk alright". I told Mary to stay in that position until I instructed her to begin. I then explained and demonstrated the exercise. When I was finished Mary said she could not do the exercise and refused to begin the exercise.

The next exercise was the one leg stand. I demonstrated and explained the exercise to Mary and she didn't have any questions. I told Mary to begin and she raised her right foot for one second,

lost balance, and put her foot down. Mary then replied, "I can't." and refused to continue the exercise.

I asked Mary to recite the alphabet from A-Z. Mary recited the alphabet correctly.

I asked Mary to count backward from 75-63. Mary began counting and counted 75, 74, 73, 72, 71, 70, 69, 68, 67, 66, 65, 64, 63, 62, 61, 60, 59, 58, 57.

I asked Mary if she would give me a sample of her breath and she said she would. Mary submitted to a preliminary breath test. The result was 0.190.

At about 11:44pm I told Mary she was under arrest for operating a motor vehicle while under the influence of and intoxicant. I handcuffed Mary behind her back, checked the handcuffs for tightness, and double locked the handcuffs. I searched Mary and secured her in the rear seat of my squad.

Mary gave Deputy Ramberg permission to move her vehicle and he parked her vehicle off the roadway and secured the vehicle.

I left the scene at about 11:48pm en route to the Clark County Jail. I arrived at about 11:56pm and escorted Mary to the booking area.

At 12:00am I began the twenty minute observation period. I issued Mary citation J101248-0 for operating a motor vehicle while under the influence of an intoxicant, first offense. At 12:23am I read to Mary the Informing the Accused form. Mary said she would submit to an evidentiary chemical test of her breath.

After completing the twenty minute observation period, I ran the Intoximeter EC/IR-II. I explained to Mary several times how to correctly blow into the machine. On Mary's first breath, she stopped breathing into the machine and the machine did not accept the sample. I explained how to blow into the machine correctly again and Mary made a second attempt. On the second breath, Mary did not blow correctly into the machine and the breath was not accepted. I again explained to Mary how to blow correctly into the machine and told her it would count as a refusal if she did not blow correctly. Mary then provided two acceptable breath samples. The test results showed Mary had a Prohibited Alcohol Concentration of 0.17 g/210L. I provided Mary with a copy of the results and explained the results to her.

I issued and explained to Mary citation J101249-1 for Operating a motor vehicle with a prohibited alcohol concentration of 0.10 or more. I also issued and explained the Notice of Intent to Suspend Operating Privilege and Administrative review form.

At 1:00am I read Mary her pre-interrogation warning and asked her if she would waive her rights and answer the questions on the form as I read them to her. Mary refused to sign to waive her rights.

Mary was released to jail staff to be booked into the jail.

I recorded the incident audibly and saved a copy on the Clark County Sheriff's Department J-Drive.

This is all the information I have at this time.

Deputy Malovrh, #336  
Clark County Sheriff's Department