

Incident/Investigation Report

Agency: UGA Police Department

Case Number: 10-1376

Incident Information

Date/Time Reported 06/25/2010 05:41	Date/Time Occurred 06/25/2010 02:58	Date/Time Found 06/25/2010 02:58	Officer (810248350) ROCKLEIN, DAVID
Incident Location Carlton Street, Athens, GA 30601			Supervising Officer (810136008) FULCHER, TY

Incident Types

1	Incident Type State	Description DUI - ALCOHOL	Statute 40-6-391	UCR 90D	<input type="checkbox"/> Att <input checked="" type="checkbox"/> Com	
Alcohol, Drugs or Computers Used <input checked="" type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computers		Location Type HIGHWAY/ROAD/ALLEY	Premises Entered	Forced Entry <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Weapons 1. 2. 3.	
Entry		Exit	Criminal Activity			
Bias Motivation		Bias Target	Bias Circumstances		Hate Group	
2	Incident Type State	Description FAILURE TO OBEY TRAFFIC CONTROL DEVICE	Statute 40-6-20	UCR 999	<input type="checkbox"/> Att <input checked="" type="checkbox"/> Com	
Alcohol, Drugs or Computers Used <input checked="" type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computers		Location Type HIGHWAY/ROAD/ALLEY	Premises Entered	Forced Entry <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Weapons 1. 2. 3.	
Entry		Exit	Criminal Activity			
Bias Motivation		Bias Target	Bias Circumstances		Hate Group	
3	Incident Type State	Description OPEN CONTAINER IN MOTOR VEHICLE	Statute 40-6-253	UCR 999	<input type="checkbox"/> Att <input checked="" type="checkbox"/> Com	
Alcohol, Drugs or Computers Used <input checked="" type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computers		Location Type HIGHWAY/ROAD/ALLEY	Premises Entered	Forced Entry <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Weapons 1. 2. 3.	
Entry		Exit	Criminal Activity			
Bias Motivation		Bias Target	Bias Circumstances		Hate Group	
4	Incident Type State	Description TRAFFIC STOP	Statute NO STATUTE	UCR 999	<input type="checkbox"/> Att <input checked="" type="checkbox"/> Com	
Alcohol, Drugs or Computers Used <input checked="" type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computers		Location Type HIGHWAY/ROAD/ALLEY	Premises Entered	Forced Entry <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Weapons 1. 2. 3.	
Entry		Exit	Criminal Activity			
Bias Motivation		Bias Target	Bias Circumstances		Hate Group	

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Victims								
Seq: 1	Type SOCIETY/ PUBLIC	Injuries None	Residency Status		Ethnicity			
Name(Last, First, M) STATE OF GEORGIA					Race	Sex	DOB	Age 0
Address							Home Phone	
Employer Name/Address							Business Phone	
Victim of Crimes 1,2,3								

Offenders							
Seq: 1	Type INDIVIDUAL	Name(Last, First, M) KLEBAN, MICHAEL DAVID					
AKA	Race W	Sex M	DOB	Age 23	Height 5'10"	Weight 145 lbs	
Address							Home Phone
Employer Name/Address							Business Phone
Scars, Marks, Tatoos or other distinguishing features							
Physical Characteristics							

Suspect Details

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Vehicles

Seq# 1	Year 2007	Color BLACK / BLACK	Style	Make MAZDA	Model CX7
VIN JM3ER293470160145		License Plate Type	License / State BLR7421 / GA	License Year 2010	Owner KLEBAN, MICHAEL DAVID
Status	Status Date		Value		
Vehicle Notes					

Assisting Officers

(810216631) ROBINSON, SETH

Notes/Narratives

NARRATIVE

On 062510 at 0258 hours I initiated a traffic stop on a black Mazda CX-7 (GA Tag: BLR7421) traveling west on Carlton Street at the intersection with Sanford Drive for failure to obey a traffic control device. The vehicle ran the red light at the intersection of Carlton Street and Sanford Drive. I was facing north on Sanford drive when I observed the violation. The final for the stop was in the Lyons Shops' parking lot on Lumpkin Street.

I then made contact with the driver. The driver took a moment to get his driver's license out. I noticed a slight odor commonly associated with alcoholic beverages coming from within the vehicle. I asked the driver where he was coming from, and he stated that he was coming from home. I asked the driver where he was going, and he stated that he was going to a friend's house. I then asked the driver how many alcoholic beverages he had consumed tonight, and he stated he had not had anything to drink. At this time I asked the driver to step to the rear of his vehicle. I once again asked the driver if he had consumed any alcoholic beverages tonight, and he stated no. At this time I could smell a moderate odor commonly associated with alcoholic beverages coming from the driver's breath and person. I could also see that the driver's eyes were glassy and bloodshot. I asked the driver if he would participate in voluntary field sobriety exercises. The driver agreed. I asked the driver if he had any head injuries or had taken any medications that would prevent me from checking his eyes. He stated he did not. I also asked the driver if he had any leg or back injuries that would prevent him from walking a straight line. He stated he did not.

The following evaluations were performed in the Lyons Shops' parking lot. The surface condition was dry, smooth and level asphalt. Lighting conditions consisted of my patrol vehicle front headlights, and a flashlight that was held by Officer Robinson. My patrol vehicle's front strobe lights were turned off. Each evaluation was explained and demonstrated prior to having the driver perform. The driver provided an affirmative response that he understood each evaluation before beginning. The driver was wearing a T-shirt, shorts and flip flops. I gave the driver the option of taking his flip flops off or leaving them on. He kept them on.

HORIZONTAL GAZE NYSTAGMUS

The driver displayed equal pupil size and equal tracking, and I did not observe resting nystagmus prior to beginning the HGN evaluation. I checked for lack of smooth pursuit, distinct and sustained nystagmus at maximum deviation and onset of nystagmus prior to 45 degrees in both eyes. The driver displayed the following clues:

1. Lack of smooth pursuit - both eyes for a total of 2 clues.

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2. Distinct and sustained nystagmus at maximum deviation - both eyes for a total of 2 clues.
 3. Onset of nystagmus prior to 45 degrees was not observed.
- The total number of clues observed was 4. I also checked vertical nystagmus and did not observe it.

WALK AND TURN

The driver displayed the following clues:

1. Missed heel to toe on the third step out.
2. Stepped off the line on the fifth and sixth step back.
3. The driver made an improper turn by taking his foot completely off the line and spinning around.
4. Used arms to balance.
5. Incorrect number of steps. He took ten steps on the way out.
6. Stopped while walking.

The total number of clues observed for this evaluation was 6.

ONE LEG STAND

The driver raised his left foot for this evaluation. The driver displayed the following clues:

1. Hopped.
2. Used his arms to balance.

The total number of clues observed for this evaluation was 2.

ROMBERG BALANCE

The driver estimated the passage of 30 seconds in 40 seconds. I also noticed the driver had eyelid tremors during this evaluation.

FINGER-TO-NOSE

I had the driver raise his fingers in the following order: R,L,R,R,L,L. During this evaluation after I gave the instruction for the first right hand touch and the first left hand touch, the driver held his finger on his nose for approximately 30 seconds each time.

CONCLUSION

Based on my knowledge, training, experience, and the totality of the circumstances, I placed the driver under arrest for DUI of alcohol (citation number: 021293), failure to obey a traffic control device (citation number: 021292), and having an open container within the drivers compartment of a moving motor vehicle (citation number: 021294). The driver was placed in double locked handcuffs, searched incident to arrest, and seat belted in the rear of my patrol vehicle. I then read the Georgia Implied Consent Notice for Suspects Age 21 and Over using my card (initialed D.R. and dated 01-08-2010). The driver refused to take the State's test of his breath.

The driver's vehicle was released to Henson, Daniel Alexander (GA OLN: 050609387) at the driver's request. The driver was then transported to the UGAPD for paperwork to be completed. The driver was then transported to the Athens-Clarke County Jail and released to jail personnel along with his belongings (wallet, phone and paperwork).

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CONTINUATION