

Lakewood Police

Report 07/20/2008 02:33

Report # 01-08-006008

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08-06008

I N C I D E N T	Report #	Report	Occurred From	Occurred To	Report Type	
	01-08-006008	07/20/2008 02:33	07/20/2008 02:33	07/20/2008 02:33	Original	
	Dept. Classification		Case Status	Date Report Completed	Cleared Scene	
	PHYSICAL CONTROL-DUI 5405B			07/21/2008	07/20/2008 04:25	
	Common Name					
MCCARTHY S ALE HOUSE - 16918 DETROIT LAKEWOOD, OH 44107						
Day of Week : Sunday						
Dispatched : 07/20/2008 02:38			Shift : Patrol Mids 1900 - 0700			
Responded : 07/20/2008 02:38			Zone : BEAT 200			
Arrived : 07/20/2008 02:41			Alcohol/Drug Related : Yes			
Map Reference : RD12			Additional Officers : 29, 53			
Zone : BEAT 200			Total Damaged Property Value : \$0.00			
Shift : Patrol Mids 1900 - 0700			Total Stolen Property Value : \$0.00			
			Total Recovered Property Value : \$0.00			

O F F E N S E	State/ Dept. Classification	INTOXICATION 5312		Attempted/ Committed
	Statute/Ordinance	Location Type	Disposition Date	
	509.03	Parking Lot	07/20/2008	
Evidence Collected : No		# of People Arrested : 02		

O F F E N S E	State/ Dept. Classification	PHYSICAL CONTROL-DUI 5405B		Attempted/ Committed
	Statute/Ordinance	Location Type	Disposition Date	
	4511.194	Parking Lot	07/20/2008	
Evidence Collected : Yes		# of People Arrested : 01		

P E R S O N	Person Type	Business/Person Name			Business Phone
	SUB - Subject	EMANUEL L RIVERA			
	Home Phone	Person Address			Map Reference
		11409 FOTUNE Cleveland, OH 44107 , CUYAHOGA County			
	Other Phone	Employer Address			Map Reference
	Race	Sex	SSN	DL Exp. Date	DL Number
Hispanic	Male	[REDACTED]			
Birth Date	Birth City				
Age : 22	Adult/Juvenile : ADULT				
Occupation : I	Booking Number : LK-08-005939				

P E R S O N	Person Type	Business/Person Name			Business Phone
	ARA - Arrested Adult	MARTIN D DONAHUE			
	Home Phone	Person Address			Map Reference
		4481 W 139TH Cleveland, OH 44135 , CUYAHOGA County			
	Other Phone	Employer Address			Map Reference
	Race	Sex	SSN	DL Exp. Date	DL Number
White	Male	[REDACTED]			
Birth Date	Birth City				
Age : 22	Adult/Juvenile : ADULT				
	Booking Number : LK-08-005955				

Reporting Officer	Department	Report Status:
PTL DUANE DAVID SR BROWN (1069)	LAKWOOD POLICE DEPARTMENT	Signed
Supervising Officer		Date/Time
<i>[Signature]</i>		
Supervising Officer	Department	Date / Time
<i>[Signature]</i>		

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P E R S O N 3 5312	Person Type ARA - Arrested Adult		Business/Person Name JOSHUA S GLASHAUCKAS			Business Phone	
	Home Phone		Person Address 1103 W MAPLE NORTH CANTON, OH 44720			Map Reference	
	Other Phone		Employer Address			Map Reference	
	Race White		Sex Male	SSN [REDACTED]	DL Exp. Date	DL Number	
	Birth Date		Birth City				
	Age : 21 Adult/Juvenile : ADULT				Booking Number : LK-08-005954		

P E R S O N 4 5312	Person Type VIC - Victim		Business/Person Name City Of Lakewood			Business Phone	
	Home Phone		Person Address			Map Reference	
	Other Phone		Employer Address			Map Reference	
	Race		Sex	SSN	DL Exp. Date	DL Number	
	Birth Date		Birth City				

P E R S O N 5	Person Type OIV - Others Involved		Business/Person Name BRANDY M SKERL			Business Phone	
	Home Phone		Person Address 1327 BONNIEVIEW Apt. 315 Lakewood, OH 44107 , CUYAHOGA County			Map Reference	
	Other Phone		Employer Address			Map Reference	
	Race White		Sex Female	SSN [REDACTED]	DL Exp. Date	DL Number	
	Birth Date		Birth City				
	Age : 21				Adult/Juvenile : ADULT		

V E H I C L E 1	Plate # EBF8170	Plate Expirati 10/12/2008	Year 2002	Make CADILLAC	Model	Vehicle Style StationWagon	
	Empty Field		Plate State OH	Vehicle Type Automobiles	VIN ARJ/ECHOLS, ARJ/SINE	Category OTHER	
	Model Free Form : ESCALADE				Vehicle Disposition : TOWED:KUFNER S TOWING		
	Top Color : RED				Association : Owner is EMANUEL RIVERA		
Bottom Color : RED							

P R O P E R T Y 1	Category EVIDENCE		Property Type Cassette tapes		Make	Model
	Serial #		Color	Description OVI BOOKING TAPE		Condition
	Quantity/Weight : 1				Value : \$, , 1.00	

Reporting Officer PTL DUANE DAVID SR BROWN (1069)		Department LAKEWOOD POLICE DEPARTMENT	Report Status: Signed
Supervising Officer			Date/Time
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Topic Original Report

MO/ By being voluntarily intoxicated and a danger to themselves and/or others.

On 7-20-08, at 0233 hours, I was detailed to 16918 Detroit on a report of parties fighting in the parking lot. On arrival I found the indexed Cadillac, LIC/EBF8170, parked and running behind McCarthy's. The vehicle was unoccupied. I could hear people arguing on the other side of the vehicle. I walked around the vehicle and observed three males and one female. The males were arguing at a level that caused a disturbance for the residents of the apartment building directly North of McCarthy's. The female in the group was identified as OIV/SKERL. She was trying to get everyone into the vehicle to leave.

In looking at the four it appeared as if they all had been drinking. They all had bloodshot, glassy eyes. The males all had slurred speech. All three males were staggering and unsteady on their feet. All 4 had a strong odor of an alcoholic beverage on their breath.

SKERL admitted she had been drinking. She stated she was in much better shape to drive than any of her friends. She wanted to know if she could drive and take her friends home. I began to test SKERL to determine if she was impaired.

The males got in the vehicle and continued arguing. A male, later identified as SUB/RIVERA, got into the running vehicle and got behind the wheel. I told him he had too much to drink and he was to not get behind the wheel. He moved out of the seat when he was ordered. I continued to talk to SKERL to establish if she was impaired. The males continued to argue and create a disturbance. RIVERA got behind the wheel of the vehicle again. SKERL observed RIVERA get behind the wheel and asked if she could address it. She went over and pushed him out of the driver's seat and told him to stay out of it.

While I was talking to SKERL further, RIVERA got behind the wheel a third time. He was told if he did it again he was going to be placed under arrest for Physical Control. He did not seem to understand the orders and got back in the passenger seat. I called for a backup units at this time.

RIVERA got behind the driver's seat a fourth time. When I approached the vehicle, I was yelled at by ARA/DONAHUE, who was sitting in the back seat. I got RIVERA out of the vehicle and placed him under arrest for Physical Control. He was handcuffed and secured in my unit. PO LEANZA and PO W. MCCARTHY arrived on scene to assist. I told them that DONAHUE and ARA/GLASHAUKAS were to be arrested for DCI. PO LEANZA arrested GLASHAUKAS and transported him to the station. He was issued CIT/M41166 for DCI and released to OIV/SHERILL. PO W. MCCARTHY arrested DONAHUE and transported him to the station. He was issued CIT/M41167 for DCI and released to SHERILL.

INV REGISTER responded to assist. I read RIVERA his rights in the presence of INV REGISTER. RIVERA advised he understood. RIVERA became upset and started questioning why he was arrested. He was told several times and he did not seem to comprehend the circumstances. He kept saying over and over that he didn't do anything to me and I violated his rights. He was not read the waiver of rights nor was he asked any questions about the incident.

RIVERA was transported to the station where he was booked by PO D. MCCARTHY for Physical

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Control. Due to a procedural error RIVERA was not read the ALS form. He refused the test prior to learning the consequences of a test and refusal. The refusal was at 0410 hours. RIVERA was issued CIT/D162057 for Physical Control.

SKERL did not meet the requirements for Intox or DCI. She was not charged with any violations. The vehicle was owned by RIVERA. It was towed to Kufner's where it will be held for OWN/LIC driver.

The OVI booking tape was tagged as evidence and secured in the property room.

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