

Lakewood Police

Report 01/14/2009 01:08

Report # 01-09-000318

5404

D

09-00318

I N C I D E N T	Report #	Report	Occurred From	Occurred To	Report Type
	01-09-000318	01/14/2009 01:08	01/14/2009 01:00	01/14/2009 01:08	Original
	Dept. Classification		Case Status	Date Report Completed	Cleared Scene
	DUI OF LIQUOR/DRUGS 5404			01/17/2009	01/14/2009 02:44
	Common Name MADISON LEWIS LAKEWOOD, OH 44107				
Day of Week : Wednesday Dispatched : 01/14/2009 01:08 Responded : 01/14/2009 01:08 Arrived : 01/14/2009 01:08 Map Reference : RD24 Zone : BEAT 300					
Shift : Patrol Mids 1900 - 0700 Zone : BEAT 300 Alcohol/Drug Related : Yes Total Damaged Property Value : \$0.00 Total Stolen Property Value : \$0.00 Total Recovered Property Value : \$0.00					

P E R S O N 1	Person Type	Business/Person Name			Business Phone
	SUB - Subject	NANCY PRIETO			
	Home Phone	Person Address 7400 GOODWALT AV Cleveland, OH 44102 , CUYAHOGA County			
	Other Phone	Employer Address			
	Race	Sex	SSN	DL Exp. Date	DL Number
	White	Female	[REDACTED]		
Birth Date	Birth City				
Age : 37		Booking Number : lk-09-000234			
Occupation :		Employer :			
Adult/Juvenile : ADULT		Body Marks:			
End of Person: 1					

V E H I C L E 1	Plate #	Plate Expirati	Year	Make	Model	Vehicle Style
	EMN3532	04/15/2009	1990	TOYOTA	COROLLA	4 Door
	Empty Field	Plate State	Vehicle Type		VIN	Category
		OH	Automobiles		1NXAE91A7LZ160807	OTHER
Top Color : WHITE			Vehicle Disposition : TOWED:KUFNER S TOWING			
Bottom Color : WHITE			Keys in Vehicle : Yes			
Permit/Decal # : 904EMN3532			Association : Owner is NANCY PRIETO			
End of Vehicle: 1						

P R O P E R T Y 1	Category	Property Type	Make	Model	
	EVIDENCE	Cassette tapes			
	Serial #	Color	Description		Condition
Quantity/Weight : 1		Value : \$, , 0.50			
End of Property: 1					

Reporting Officer	Department	Report Status:
ALAN CHRISTOPHER KREMS (1108)	LAKWOOD POLICE DEPARTMENT	Signed
Supervising Officer		Date/Time
Supervising Officer	Department	Date / Time
SGT EDWARD DANIEL GANNON (1048)	LAKWOOD POLICE DEPARTMENT	

01-09-00031

Lakewood Police

Report 01/14/2009 01:08

Report # 01-09-000318

P R O P E R T Y 2	Category EVIDENCE	Property Type Compact Disks	Make	Model
	Serial #	Color	Description VIDEO OF OVI STOP	Condition
	Quantity/Weight : 1		Value : \$, , 0.00	
End of Property: 2				

N A R R A T I V E 1	Topic	Original Report
<p>On 1/14/09, at approximately 0108 Hrs, I observed the listed vehicle driving on Madison heading east. The vehicle stop at Madison and Victoria for a blinking yellow light, when there was no other traffic in the area. I followed the vehicle, and after passing Madison near Belle The vehicle change from the left lane to the right lane without signaling, and then went back to the left lane without signaling. The vehicle swerved in the lane and crossed left of center between Bunts and Parkwood. I activated my overhead lights and the vehicle pulled into the parking lot at 13430 Madison.</p> <p>Upon approaching the vehicle I asked the driver for her License and Insurance. The driver stated that she did not have her license on her, and handed me her bank card when I asked again for her insurance. The driver gave me her social security number, and I verified that she was the owner of the vehicle, SUB/NANCY PRIETO. I asked PRIETO if she had been drinking, and she said she did have one drink. I asked PRIETO to recite the alphabet, and she slurred L M and N together. I then had PRIETO to step out of the vehicle and asked her to preform some standard field sobriety tests.</p> <p>The first test was the HGN. I explained the test to PRIETO, and she stated that she understood. It should be noted that I had PRIETO stand in the lot with her back to the road, so the overhead lights on the police cars would not effect her eyes. At first PRIETO followed the pen with her head, and I reminded her not to mover her head. After the first two attempts in which PRIETO moved her head, she preformed the test correctly the third time. PRIETO had lack of smooth pursuit, distinct nystagmus at maximum deviation, and onset of nystagmus prior to 45 degrees in both eyes.</p> <p>Due to the lot and sidewalk being covered in snow and ice, I escorted PRIETO to a safe area in the street for the next two tests.</p> <p>The next test was the one leg stand. I explained and demonstrated the test to PRIETO, and she said that she understood. On her first attempt PRIETO bent her right leg at the knee to pick it off the ground. I reminded her to put her foot out forward and point her toe, and she said that she understood. I told her to begin when she was ready, and she was hesitant to start the test. I had to ask her to begin a second time before she started the test. After the first count she put her foot down, and then picked it up and started over. The second time she put her foot down on the first count, and again on the fifth count. On the fifth count she left her foot down, swayed, and used her arms to balance herself. She continued counting with her foot on the ground until I told her to stop, on the count of eight.</p> <p>The final test was the walk and turn test. I had PRIETO get in the starting position, and I explained and</p>		

Reporting Officer ALAN CHRISTOPHER KREMS (1108)	Department LAKEWOOD POLICE DEPARTMENT	Report Status: Signed
Supervising Officer		Date/Time
Supervising Officer SGT EDWARD DANIEL GANNON (1048)	Department LAKEWOOD POLICE DEPARTMENT	Date / Time

01-09-000318

Lakewood Police

Report 01/14/2009 01:08

Report # 01-09-000318

demonstrated the test. PRIETO stated that she understood, and began the test. PRIETO used her arms to balance through the entire test, and stopped after every step to regain her balance. She stepped off the line on steps 2, 3, and 4, and she did not touch heel to toe on steps 5, 7, and 8. On step nine she stopped, did not turn, and I asked if she was finished. PRIETO stated that she was, and I told her that she could stand normal.

At this time based on my training, observation, her performance on the SFSTs, and the totality of the circumstances, PRIETO was placed under arrest for OVI. She was handcuffed and placed in the back of unit 221.

PRIETO was read her Miranda rights, and stated she understood them. PRIETO stated that she did not wish to answer any questions at that time.

The listed vehicle was inventoried, and towed by Kuffner's Towing, no property was removed.

PRIETO was transported to the Lakewood Police station, where she was booked in by PTL MISCH, DISP GRAHAM, and I. She was provided a copy of the ALS form, and it was read to her. PRIETO refused to submit to a breath test at 0214 Hrs, and was advised that her license was suspended. She was issued citation number D165215 for OVI.

A copy of the booking tape was made, tagged as evidence, and secured in locker 10 in the LPD evidence room. A copy of the video of the stop was made, tagged as evidence, and secured in locker 11 in the LPD evidence room.

It should be noted that due to her not having her license on her it was not seized.

End of Narrative: 1

Reporting Officer ALAN CHRISTOPHER KREMS (1108)	Department LAKEWOOD POLICE DEPARTMENT	Report Status: Signed
Supervising Officer		Date/Time
Supervising Officer SGT EDWARD DANIEL GANNON (1048)	Department LAKEWOOD POLICE DEPARTMENT	Date / Time

01-09-000318