

Incident Report

SELMA POLICE DEPARTMENT

Incident #00-0398

CFS #00-1899

Administrative:

Date Reported: 07/21/2000 CFS#: 00-1899
Location Address: 16000 IH-35 NB District: GUAD Beat: Grid:
Location: 16000 IH-35 NB
Occurance From: 07/21/2000 @ 2:16 To: 07/21/2000 @ 5:15 Day of Week: FRI
Status Date: 07/21/2000 Status: CA
Type: 00902 Description: INTOXICATED, DRIVING WHILE

Reportee: OSBORN, KEITH COOPER Address: 9375 CORPORATE DR
Race: Sex: SELMA, TX 78154
DOB: Age: Home Phone: () - Work Phone: (210)651-5368 7812
Mobile Phone: () -

Assigned Images:

Source of Call: Time Received: 02:16 Time Dispatched: 02:16 Time Arrived: 02:16 Time Cleared:
Reporting Officer 1 ID: 0025 Name: OSBORN, KEITH COOPER
Reporting Officer 2 ID: 0024 Name: BROWN, AARON PHILLIP
Investigating Officer ID: Name:

Offense:

Offense: DRIVING WHILE INTOXICATED 49.04 PC MB
UCR Code: IBR Code: 90D CJIS Arrest Code: 5404 0009

Offense M.O.

Type of Location: PUBLIC HIGHWAY/ROAD Forced: No
Point of Entry: Offender Used: Alcohol Computer Equip.
Method of Entry: Bias Motivation:
Family Violence: No Weapons Involved:
Offense Note:

Victim:

Victim Type: SOCIETY / PUBLIC Business:
Name: STATE OF TEXAS, Address:
Race: Sex:
DOB: Age: Home Phone: Work Phone:
Mobile Phone:
Injuries: - - - -
Victim Note:

Offender:

Relationship of Victim to Offender: NONE Address: 1523 BEVERLY ANN
Name: GONZALEZ, ADRIANNE REBECA SAN ANTONIO, TX 78224

Race: W Sex: F Home Phone: (210)927-4488 Work Phone: (210)924-9254
DOB: 05/13/1969 Age: 31 Mobile Phone: () -
Juvenile: N Caution:

Hgt: 504 Wgt: 195 Skin Tone: MED Face Hair:
Hair: BLK Eyes: BRN Resident: Y Citizen: Y
DL State: TX DL Type: C

07 Year: 1997 Make: GMC
License State: TX Color: GRN Model: 150C
License Year: 2001 Style: PK
Offender Note:

Property:

Quantity	Type	Description	Brand / Model / Color	VIN / Serial#	Loss Value	Recovered
1	IMPOUNDED	AUTOMOBILES	GMC / 1500 / GRN			
1	EVIDENCE	RECORDINGS-AUDIO/VISUAL	JVC / VHS /	03(B)061900		
		Stolen: \$0.00	Recovered: \$0.00	Damaged: \$0.00		

Involved:

Code: POLICE OFFICER Address: 2117 8TH ST. E.
Name: **BROWN, AARON PHILLIP** AUSTIN, TX 78702
Race: W Sex: M Home Phone: (512)389-2552 Work Phone: () -
DOB: 09/28/1976 Age: 23 Mobile Phone: () -
DL#: DL State: Employer: Occupation: LABCRER

Involved:

Code: PASSENGER Address: 13611 BRIDGEVIEW
Name: **ANTUNA, GEORGE JR** SAN ANTONIO, TX 78247
Race: W Sex: M Home Phone: (210)297-4950 Work Phone: (210)463-0258
DOB: 05/04/1968 Age: 32 Mobile Phone: () -
Employer: TEXAS LT. GOVERNOR'S OFFI Occupation: ASSISTANT

Involved:

Code: OTHER RELATED PERSONS Address: 526 WEST KINGS HWY
Name: **RESENDEZ, VICTOR ANTHONY III** SAN ANTONIO, TX 78212
Race: W Sex: M Home Phone: (210)734-5377 Work Phone: (210)225-0001
DOB: 12/02/1969 Age: 30 Mobile Phone: () -
Employer: ESCAMILLA AND PONECK LAW Occupation: ATTORNEY

Arrest:

Arrest#: 00-0398 Date Arrested: 07/21/2000 Time Arrested: 2:16 Cell No: Date Released: 07/21/2000
Name: **GONZALEZ, ADRIANNE REBECA** Address: 1523 BEVERLY ANN
Race: W Sex: F SAN ANTONIO, TX 78224
DOB: 05/13/1969 Age: 31 Home Phone: (210)927-4488 Work Phone: (210)924-9254
Juvenile: N Caution: Mobile Phone: () -
Employer: EL CENTRO DEL BARIO Occupation: SOCIAL WORKER

Agency: SELMA POLICE DEPARTMENT

Arresting Officer: 0025 OSBORN, KEITH COOPER

Booking Officer: OSBORN, KEITH COOPER

Transfer Officer:

Charge(s):

DRIVING WHILE INTOXICATED

UCR:

IBR: 90D

Incident#: 00-0398

Charge Note:

Arrest Narrative:

Narrative:

ON 07/21/2000 AT 0216 HOURS I WAS MONITORING TRAFFIC FROM A STATIONARY POSITION IN THE 14000 BLOCK IH-35 NORTHBOUND. I OBSERVED A GREEN 1997 GMC 1500 TRUCK TRAVELING NORTHBOUND IN THE MIDDLE TRAVEL LANE OF THE 14000 BLOCK IH-35. THE TRUCK APPEARED TO BE TRAVELING FASTER THAN THE POSTED 65 MILE PER HOUR SPEED LIMIT. I CHECKED THE SPEED OF THE TRUCK BY RADAR, REAR ANTENNA AND THEN BY FRONT ANTENNA AS THE TRUCK PASSED MY POSITION, AT 78 MILES PER HOUR.

I PURSUED THE TRUCK AND POSITIONED MY PATROL UNIT BEHIND THE TRUCK IN THE 16000 BLOCK IH-35 NORTHBOUND. I ACTIVATED MY PATROL UNITS RED AND BLUE EMERGENCY LIGHTS. THE TRUCK PROPERLY MOVED TO THE RIGHT SIDE SHOULDER OF THE ROADWAY. THE TRUCK CAME TO A COMPLETE STOP ON THE RIGHT SIDE SHOULDER OF THE ROADWAY IN THE 16000 BLOCK IH-35 NORTHBOUND, CITY OF SELMA, COUNTY OF GUADALUPE, STATE OF TEXAS. WHEN THE TRUCK STOPPED IT DID SO WITH BOTH OF THE TRUCKS RIGHT SIDE TIRES OFF OF THE SHOULDERS RIGHT SIDE AND ON THE GRASS.

I APPROACHED THE DRIVERS DOOR OF THE TRUCK AND OBSERVED THE DRIVERS DOOR WINDOW OPENED. THE OPERATOR OF THE TRUCK WAS LOOKING THROUGH SOME PAPERWORK IN THE TRUCKS ARMREST STORAGE COMPARTMENT. THE OPERATOR LOOKED AT ME AND I IDENTIFIED MYSELF TO THE OPERATOR. I ASKED THE OPERATOR FOR HER DRIVERS LICENSE AND PROOF OF VEHICLE INSURANCE. THE OPERATOR HANDED ME HER TEXAS DRIVERS LICENSE. THE LICENSE IDENTIFIED THE OPERATOR TO ME AS ADRIANNE REBECA GONZALEZ. GONZALEZ THEN LOOKED THROUGH SOME MORE PAPERWORK IN THE TRUCKS GLOVEBOX. GONZALEZ THEN LOCATED THE PROOF OF INSURANCE FOR THE TRUCK AND HANDED IT TO ME. GONZALEZ THEN TURNED AWAY AND CONTINUED LOOKING THROUGH SOME PAPERWORK INSIDE OF THE TRUCK. DURING THE TIME I WAS AT THE TRUCK'S DOOR GONZALEZ WOULD NOT LOOK AT ME AND KEPT HER ATTENTION DIRECTED ELSEWHERE. THIS APPEARED TO BE STRANGE TO ME. DURING THE TIME I WAS AT THE TRUCK'S DOOR AND WHILE GONZALEZ WAS LOOKING THROUGH THE PAPERWORK IN THE TRUCK I DETECTED A VERY STRONG ODOR OF AN ALCOHOLIC BEVERAGE FROM THE INTERIOR OF THE TRUCK. I ASKED GONZALEZ IF I COULD SPEAK WITH HER AT THE REAR OF THE TRUCK. GONZALEZ EXITED THE TRUCK AND WALKED TO THE REAR OF THE TRUCK.

I CONTACTED GONZALEZ AT THE REAR OF THE TRUCK AND EXPLAINED THE REASON FOR THE TRAFFIC STOP TO HER. I ASKED GONZALEZ IF THERE WAS A REASON SHE WAS SPEEDING TONIGHT. GONZALEZ TOLD ME "AHHMM, NO (AND THEN GIGGLED)". I ASKED GONZALEZ IF THE ADDRESS ON HER DRIVERS LICENSE WAS CORRECT. GONZALEZ TOLD ME THE ADDRESS WAS CORRECT. I ASKED GONZALEZ WHERE SHE WAS GOING TONIGHT. GONZALEZ TOLD ME SHE WAS GOING TO VISIT A FRIEND. I DETECTED A STRONG ODOR OF AN ALCOHOLIC BEVERAGE ON GONZALEZ'S BREATH AS SHE WAS SPEAKING TO ME. I ALSO OBSERVED GONZALEZ'S EYES WERE BLOODSHOT AND GLOSSY. GONZALEZ'S SPEECH WAS FAIR. I ASKED GONZALEZ IF SHE HAD BEEN DRINKING. GONZALEZ TOLD ME "AH, I'VE HAD A CUP, A COUPLE OF DRINKS". I ASKED GONZALEZ IF THE PASSENGER IN THE TRUCK HAD BEEN DRINKING. GONZALEZ TOLD ME THE PASSENGER HAD MORE TO DRINK THAN SHE HAD.

I ASKED GONZALEZ IF SHE WOULD COMPLETE A SERIES OF FIELD SOBRIETY TESTS. GONZALEZ PAUSED AND THEN MOTIONED FOR THE TRUCK'S PASSENGER TO EXIT THE TRUCK. I MOTIONED FOR THE TRUCK'S PASSENGER

TO REMAIN IN THE TRUCK AND EXPLAINED TO GONZALEZ IT WAS HER DECISION TO COMPLETE THE FIELD SOBRIETY TESTS. GONZALEZ THEN PAUSED AND ASKED ME IF SHE COULD REFUSE THE TESTS. I TOLD GONZALEZ IT WAS HER CHOICE IF SHE WANTED TO COMPLETE THE FIELD SOBRIETY TESTS. GONZALEZ THEN POINTED TO THE PASSENGER OF THE TRUCK AND TOLD ME THE PASSENGER WORKS FOR RICK PERRY, THE TEXAS LIEUTENANT GOVERNOR. I AGAIN ASKED GONZALEZ IF SHE WOULD COMPLETE A SERIES OF FIELD SOBRIETY TESTS. GONZALEZ PAUSED AND THEN AGREED TO COMPLETE THE TESTS.

THE FIRST TEST ADMINISTERED WAS THE HORIZONTAL GAZE NYSTAGMUS TEST. I OBSERVED THE LACK OF SMOOTH PURSUIT, DISTINCT NYSTAGMUS AT MAXIMUM DEVIATION AND THE ON-SET OF NYSTAGMUS PRIOR TO 45 DEGREES IN BOTH OF GONZALEZ'S EYES. I DID NOT OBSERVE VERTICAL NYSTAGMUS IN EITHER OF GONZALEZ'S EYES.

THE SECOND TEST ADMINISTERED WAS THE WALK AND TURN TEST. I OBSERVED GONZALEZ WAS WEARING SHOES WITH SMALL HEELS. I ASKED GONZALEZ IF SHE WANTED TO REMOVE HER SHOES FOR THE TEST. GONZALEZ DID NOT WANT TO REMOVE HER SHOES FOR THE TEST. I OBSERVED 7 CLUES FROM THIS TEST. DURING THE INSTRUCTIONAL PHASE OF THE TEST GONZALEZ STEPPED OUT OF THE INSTRUCTIONAL POSITION 2 TIMES. AFTER THE FIRST TIME GONZALEZ STEPPED OUT OF THE INSTRUCTIONAL POSITION SHE REMOVED HER SHOES. DURING THE FIRST NINE STEP PHASE GONZALEZ STEPPED OFF LINE ON STEPS 1 THROUGH 4 AND THEN STOPPED. WHEN GONZALEZ STOPPED SHE SIGHED HEAVILY. GONZALEZ CONTINUED AND MISSED TOUCHING HEEL TO TOE ON STEPS 5 THROUGH 9. GONZALEZ USED HER ARMS FOR BALANCE ON STEPS 1 THROUGH 9. GONZALEZ TOOK A TOTAL OF 9 STEPS AND TURNED IMPROPERLY TO THE LEFT. GONZALEZ STAGGERED AS SHE TURNED AND DID NOT TAKE A SERIES OF SMALL STEPS AS INSTRUCTED. GONZALEZ THEN STOPPED AND ASKED HOW MANY STEPS SHE WAS SUPPOSED TO TAKE DURING THE SECOND NINE STEP PHASE. I RE-INSTRUCTED GONZALEZ TO TAKE NINE STEPS. DURING THE SECOND NINE STEP PHASE GONZALEZ USED HER ARMS FOR BALANCE AND STEPPED OFF LINE ON STEPS 1 THROUGH 2. GONZALEZ THEN STOPPED. GONZALEZ THEN WALKED BACK TO ME AND TOLD ME SHE DID WANT TO CONTINUE THIS TEST.

THE THIRD TEST ADMINISTERED WAS THE ONE LEG STAND TEST. I INSTRUCTED GONZALEZ ON THE TEST AND SHE THEN TOLD ME SHE HAD BAD BALANCE. I ASKED GONZALEZ IF THERE WAS ANY REASON SHE HAD BAD BALANCE. GONZALEZ TOLD ME SHE HAS HAD BAD BALANCE SINCE SHE WAS 13 YEARS OF AGE. GONZALEZ CONTINUED TO TELL ME SHE HAD BAD BALANCE FOR A TOTAL OF 5 TIMES. I TOLD GONZALEZ I UNDERSTOOD HER CONCERNS THAT SHE HAD BAD BALANCE. I TOLD GONZALEZ SHE HAD ALREADY TOLD ME SHE HAD BAD BALANCE 5 TIMES. GONZALEZ TOLD ME SHE ONLY TOLD ME 2 TIMES THAT SHE HAD BAD BALANCE. GONZALEZ WOULD NOT COMPLETE THIS TEST.

I THEN ADMINISTERED A FINGER DEXTERITY TEST TO GONZALEZ. I INSTRUCTED AND DEMONSTRATED TO GONZALEZ I WANTED HER TO TOUCH HER THUMB TO HER INDEX FINGER, THEN MIDDLE FINGER, THEN RING FINGER AND THEN PINKY FINGER. I THEN INSTRUCTED AND DEMONSTRATED TO GONZALEZ TO TOUCH HER THUMB TO HER PINKY FINGER, THEN RING FINGER, THEN MIDDLE FINGER AND THEN INDEX FINGER. I INSTRUCTED AND DEMONSTRATED TO GONZALEZ TO COUNT 1, 2, 3, 4, 4, 3, 2, 1, WHILE SHE COMPLETED THIS TASK. I INSTRUCTED AND DEMONSTRATED TO GONZALEZ I WANTED HER TO COMPLETE THIS TASK 3 TIMES. GONZALEZ TOLD ME SHE UNDERSTOOD THIS TASK. GONZALEZ COMPLETED THE TASK BUT COUNTED 4, 3, 2, 1, 4, 3, 2, 1 FOR THE ENTIRE TEST.

I ASKED GONZALEZ IF SHE KNEW HER ALPHABET. GONZALEZ TOLD ME SHE KNEW HER ALPHABET. I INSTRUCTED GONZALEZ TO SAY HER ALPHABET FROM THE LETTER E THROUGH THE LETTER N. GONZALEZ ASKED ME WHAT LETTER SHE WAS SUPPOSED TO STOP ON. I RE-INSTRUCTED GONZALEZ TO STOP ON THE LETTER N. GONZALEZ RECITED HER ALPHABET FROM THE LETTER E THROUGH THE LETTER P.

I ARRESTED GONZALEZ FOR "DRIVING WHILE INTOXICATED". GONZALEZ PUT HER SHOES BACK ON HER FEET. GONZALEZ REMOVED THE CONTENTS OF HER PANTS POCKETS AND SHOWED THE CONTENTS TO ME. I INSTRUCTED GONZALEZ TO REMOVE HER WATCH AND BRACELET AND TO PLACE THEM IN HER PANTS POCKET. GONZALEZ COMPLIED WITH MY REQUEST. I HANDCUFFED GONZALEZ WITH HER HANDS BEHIND HER BACK AND THE HANDCUFFS WERE DOUBLE LOCKED. I SECURED GONZALEZ IN THE REAR PASSENGER AREA OF MY PATROL UNIT. I BEGAN TO ADVISE GONZALEZ OF HER MIRANDA WARNINGS AND GONZALEZ TOLD ME MY PATROL UNIT'S STEREO WAS TOO LOUD. I TURNED DOWN THE STEREO AND ADVISED GONZALEZ OF HER MIRANDA WARNINGS.

I CONTACTED THE TRUCK'S PASSENGER WHO WAS ASLEEP IN THE FRONT RIGHT PASSENGER SEAT OF THE TRUCK. THE PASSENGER WOKE UP AND IDENTIFIED HIMSELF TO ME WITH HIS TEXAS DRIVER'S LICENSE AS

GEORGE ANTUNA JR. I DETECTED A STRONG ODOR OF AN ALCOHOLIC BEVERAGE FROM ANTUNA. I ASKED ANTUNA IF HE BELIEVED HE WAS CAPABLE TO OPERATE THE TRUCK. CANTU TOLD ME HE BELIEVED HE WAS CAPABLE OF OPERATING THE TRUCK. I PERFORMED THE HORIZONTAL GAZE NYSTAGMUS TEST ON ANTUNA. I OBSERVED THE LACK OF SMOOTH PURSUIT, DISTINCT NYSTAGMUS AND THE ON-SET OF NYSTAGMUS PRIOR TO 45 DEGREES IN BOTH OF ANTUNA'S EYES. I ALSO OBSERVED VERTICAL NYSTAGMUS IN BOTH OF ANTUNA'S EYES. ANTUNA'S SPEECH WAS SLURRED AND MUMBLED. ANTUNA'S EYES WERE BLOODSHOT AND GLOSSY. I BELIEVED ANTUNA WAS INTOXICATED AND UNABLE TO OPERATE THE TRUCK.

SELMA POLICE OFFICER BROWN ARRIVED AT THE LOCATION. OFFICER BROWN INVENTORIED THE TRUCK. THE TRUCK WAS IMPOUNDED AT JOHNNY'S GARAGE, 315 PAT BOOKER ROAD, UNIVERSAL CITY, TEXAS. OFFICER BROWN THEN PROVIDED A COURTESY RIDE FOR ANTUNA TO THE SELMA POLICE DEPARTMENT SO ANTUNA COULD CONTACT A FRIEND FOR TRANSPORTATION HOME.

I TRANSPORTED GONZALEZ TO THE LIVE OAK POLICE DEPARTMENT. I ADMINISTERED, VERBALLY AND IN WRITING, THE DIC-24 STATUTORY WARNING FORM TO GONZALEZ. GONZALEZ REFUSED TO PROVIDE A SPECIMEN OF HER BREATH. REFER TO INTOXILYZER RESULT CARD #II00109. GONZALEZ SIGNED THE STATUTORY WARNING FORM INDICATING HER REFUSAL. I ADMINISTERED, IN WRITING, THE DIC-25 NOTICE OF SUSPENSION FORM TO GONZALEZ.

I TRANSPORTED GONZALEZ TO THE SELMA POLICE DEPARTMENT. I PROCESSED GONZALEZ FOR THE CHARGE. GONZALEZ REQUESTED TO CONTACT HER ATTORNEY. I ALLOWED GONZALEZ TO CONTACT HER ATTORNEY BY TELEPHONE. I COMPLETED THE SELMA POLICE DEPARTMENT DUI/DWI TRAFFIC CASE REPORT FORM AND QUESTIONNAIRE. I SECURED GONZALEZ IN HOLDING CELL #1.

GONZALEZ'S ATTORNEY ARRIVED AT THE SELMA POLICE DEPARTMENT. THE ATTORNEY IDENTIFIED HIMSELF TO ME WITH HIS TEXAS DRIVERS LICENSE AS VICTOR ANTHONY RESENDEZ III. RESENDEZ SIGNED A PRISONER RELEASE FORM ON GONZALEZ. I FILED GONZALEZ'S CHARGE AT LARGE AND RELEASED GONZALEZ TO RESENDEZ.

I RECOVERED VIDEO TAPE #03(B)061900 FROM THE MOBILE VIDEO SYSTEM OF MY PATROL UNIT. I MARKED THE VIDEO TAPE AS EVIDENCE. THE EVIDENCE WAS SECURED IN LOCKER #7 AT THE SELMA POLICE DEPARTMENT.

NO FURTHER ACTION TAKEN

Reporting Officer Signature: _____

Officer's Signature: _____

Date: _____

Supervisor's Signature: _____

Date: _____