

ARREST REPORT

A G E N C Y	Agency Name Morganton Department Public Safety		ORI 0120100 B0003		Date/Time Arrested 07/06/2014 21:11		OCA 201404346				
	<input checked="" type="checkbox"/> Taken <input checked="" type="checkbox"/> Prints <input checked="" type="checkbox"/> Photos	Fingerprint Card Check Digit # (CKN)		Arrest Tract 2600		Residence Tract 9999		Arrest Number 105370			
A R R E S T E E	Name (Last, First, Middle) BRACKETT, DANNY RAY			D.O.B. 09/12/1976	Age 37	Race W	Sex M	Place of Birth GEORGIA, GA	Country of Citizenship US		
	Current Address 1913 Canoe Creek Way, MORGANTON, NC			Phone 828-438-3993		Occupation		<input checked="" type="checkbox"/> Resident <input type="checkbox"/> Unknown <input type="checkbox"/> Non-Resident			
	Employer's Name			Address			Phone				
	Also Known As (Alias Names) BRACKETT, DANNY RAY			Hgt 6'00	Wgt 175	Hair BRO	Eyes BRO	Skin Tone MED	Consumed Drug/Alcohol <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk		
	Scars, Marks, Tattoos			Social Security #		OLN and State		Misc. # and Type			
	Nearest Relative Name PHILLIPS, MARRY			Address 111 KIRKSEY DR., MORGANTON, NC 28655			Phone 828-438-3993				
A R R E S T	If Armed, Type of Weapon NOT APPLICABLE/NONE		<input checked="" type="checkbox"/> On-View <input type="checkbox"/> Criminal Summons <input type="checkbox"/> Order for Arrest <input type="checkbox"/> Citation <input type="checkbox"/> Warrant		Place of Arrest 299 LENOIR RD/WEDGEWOOD DR,						
	Charge #1 Dwi	<input type="checkbox"/> Fel <input checked="" type="checkbox"/> Misd	Counts 1	DCI Code 2100	Offense Jurisdiction (if not arresting agency)		Statute # 20-138.1	Warr. Date 07/06/2014			
	Charge #2 Driving During Revocation	<input type="checkbox"/> Fel <input checked="" type="checkbox"/> Misd	Counts 1	DCI Code 4010	Offense Jurisdiction (if not arresting agency)		Statute # 20-28(A)	Warr. Date 07/06/2014			
	Charge #3 Possess Or Consume Alcoholic Bev In Passenger Area Of Veh Wh	<input type="checkbox"/> Fel <input checked="" type="checkbox"/> Misd	Counts 1	DCI Code 4010	Offense Jurisdiction (if not arresting agency)		Statute # 20-138.7(A1)	Warr. Date 07/06/2014			
V E H I C L E	VYR 1993	Make BUIC	Model CENTURY	Style 4S	Color WHI	Plate #/State CJC3121 NC 2015	VIN 3G4AG55N1PS628326				
	Vehicle 1. <input type="checkbox"/> Left at Scene <input type="checkbox"/> Secured <input type="checkbox"/> Unsecured 2. <input type="checkbox"/> Released to other at owners request <input type="checkbox"/> Name of Other 3. <input type="checkbox"/> Impounded <input checked="" type="checkbox"/> Place of storage BUFFS BODY SHOP Inventory on File? Y										
C O N F I N E D	Date/Time Confined 07/07/2014 00:20:00		Place Confined BURKE CATAWBA			Committing Magistrate R.A. CLARK					
	Type Bond <input type="checkbox"/> Written Promise <input type="checkbox"/> Unsecured <input checked="" type="checkbox"/> Secured <input type="checkbox"/> No Bond <input type="checkbox"/> Other		Bond Amount \$1,000.00	Trial Date 09/03/2014 09:00		Court Of District City MORGANTON					
	Assisting Officer Name/ID # CONNOR, E. W. 5			Released By (Name/Department/ID #)			Date/Time Released				
Status Codes	L - Lost S - Stolen R - Recovered D - Damaged Z - Seized B - Burned C - Counterfeit / Forged F - Found										
D R U G S	DCI	Status	Quantity	Type Measure	Suspected Type		Check up to 3 types of activity for each				
						Possess	Buy	Sale	Mfg.	Importing	Operating
C O M P	Name: Complainant <input checked="" type="checkbox"/> Victim <input type="checkbox"/>			Address				Phone:			
	On July 6th, 2014 at 2111 hours I was assigned to the East Rove District for patrol duties. I observed a white Buick passenger car in the PVA of Holiday to go with multiple subjects inside. All the subjects watched me as I drove by in my patrol car. Once the vehicle left the PVA, I pulled in behind it and ran a check on the registration plate. The plate (CJC3121) came back to a Danny Ray Brackett with a suspended drivers license. The vehicle turned right onto Wedgewood Drive <div style="text-align: right;">** Continued **</div>										
S T A T U S	Arresting Officer Signature/ID # BEAVER, J. P. (B1619)			Date/Time Submitted 07/07/2014 02:22			Supervisor Signature MOSS, T.				
	Case Status: <input type="checkbox"/> Further Inv. <input type="checkbox"/> Inactive <input checked="" type="checkbox"/> Closed		Case Disposition: <input checked="" type="checkbox"/> Cleared By Arrest / No Supplement Needed <input type="checkbox"/> Arrest / No Investigation			Arrestee Signature					

ARREST REPORT (Additional Narrative)

Agency Name	ORI	Date/Time Arrested	OCA
Morganton Department Public Safety	0120100 B0003	07/06/2014 21:11	201404346
Arrestee Name	Arrest Number		
BRACKETT, DANNY RAY	105370		

as I turned on my emergency lights. The vehicle traveled approximately 100 yards down Wedgewood Drive and came to a complete stop in the roadway. All tires of the vehicle remained on the asphalt.

As I approached the driver side door, I noticed there were 5 occupants in the vehicle. The driver began to open his door and I told him to shut it back and roll down his window. The driver informed me that the window was broken. I allowed the driver to partially open the door while I spoke with him. I informed the driver that I had stopped him for an investigation due to the registered owner's drivers license being revoked. The driver told me that he was not the owner and he had a drivers license, however he left them in his brother's car. While speaking to me, I noticed a very strong odor of an alcoholic beverage coming from the driver's breath as he spoke to me. I asked the driver for the registration card as he turned toward the glove compartment. The driver then pushed the door open and stated "you might as well go ahead and take me". I told the driver to stay in the car. The driver made a motion to step out. I told the driver to sit back down. The driver took a brief pause and looked at me. I told the driver "do it now" to avoid anymore hesitation. The driver then sat back down in the car and I shut the car door. I began to ask the drive where he wanted me to take him. The driver had difficulty finishing his sentences, saying "I don't have a license". Another subject in the vehicle stated "I have a license". The other subjects in the vehicle then broke eye contact with me and began to mumble. Due to being out numbered by the subjects in the vehicle, I told the driver to step out and face away from me.

I detained the driver at the rear of his vehicle and watched the other 4 subjects from behind them. The driver stated that there was a knife inside the vehicle. I waited for another unit (PSO Conner) to arrive on scene before turning my back to the vehicle and placing the driver in my patrol car. It was at this time the driver informed me of his name, Danny Ray Brackett. I confirmed with Brackett that the vehicle did belong to him and he had a revoked drivers license due to a previous conviction of a DWI. Brackett stated the he had 3 beers earlier before I had stopped him. A DCI check of Brackett's license revealed that he had been convicted twice of driving while impaired. I asked Brackett if he would consent to a road side preliminary breath test (PBT). Brackett stated that he refused all tests. An open (nearly empty) 12oz can of Milwaukee's Best Beer was located in the front passenger area of the vehicle.

I informed Brackett that he was under arrest at this time and transported him to MDPS HQ to perform a battery of SFST's. I first administered the HGN (Horizontal Gaze Nystagmus) Test. There was a lack of smooth pursuit in both of Brackett's eyes as well as distinct and sustained nystagmus at maximum deviation in both eyes. The second test I administered was the walk and turn test. During this test, Brackett started too soon, missed heel to toe on steps 5,6,7,8 (first set of 9) and on 2,3,4,5,6,7,8,9 (second set of 9). Brackett also used his arms to balance and used both feet to complete an improper turn. The third test I administered to Brackett was the one leg stand test. During this test, Brackett began with his right foot and swayed while he balanced. Brackett also used his arms for balance, hopped, and placed his foot down once. I informed Brackett that he may use his left leg if he felt that he may perform better. Using his left leg, Brackett swayed while balancing, used his arms for balance, and put his foot down. After viewing the totality of circumstances surrounding the investigation of DWI, I formed the opinion that Brackett had consumed a sufficient quantity of an impairing substance such that his mental and physical faculties were appreciably impaired.

Due to Brackett's refusal of a alco-sensor test on the roadside, I asked Brackett if he would consent to a chemical analysis of his breath, Brackett replied "no". I asked Brackett if he would consent to a blood test. Brackett replied "no". I escorted Brackett to a holding room while I applied for a search warrant for Brackett to have his blood drawn. I transported Brackett to the Magistrates office where the Magistrate issued me the search warrant. Myself and PSO Storie transported Brackett to CMC Morganton where a sample of his blood was collected at 2245 hours without incident. I transported Brackett back to the Magistrates office where he received a copy of his charges which are as follows:

- Driving while impaired
- Driving while license revoked (Impaired driving revocation)
- Operate motor vehicle while possessing open container of alcohol

Brackett was given a court date and a \$1,000 secured bond. I transported Brackett to Burke Catawba

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where he was confined.

An affidavit for seizure and impoundment for the vehicle that Brackett was driving was completed and issued due to his charge and previous conviction of DWI by the Magistrate. Buff's Towing seized the car from the scene and transported it to their lot.