

## ARREST REPORT

A G E N C Y	Agency Name <b>Morganton Department Public Safety</b>		ORI <b>0120100 B0003</b>		Date/Time Arrested <b>09/13/2014 17:16</b>		OCA <b>201406143</b>					
	<input type="checkbox"/> Taken <input type="checkbox"/> Prints <input type="checkbox"/> Photos	Fingerprint Card Check Digit # (CKN)		Arrest Tract <b>1900</b>		Residence Tract <b>9999</b>		Arrest Number <b>107219</b>				
A R R E S T E E	Name (Last, First, Middle) <b>COOK, KATHY BENFIELD</b>			D.O.B. <b>11/23/1957</b>	Age <b>56</b>	Race <b>W</b>	Sex <b>F</b>	Place of Birth <b>BURKE CO, NC</b>	Country of Citizenship <b>US</b>			
	Current Address <b>405 Mountain View Dr, MORGANTON, NC 286557882</b>			Phone <b>828-430-8757</b>		Occupation <b>Unemployed</b>		<input checked="" type="checkbox"/> Resident <input type="checkbox"/> Unknown <input type="checkbox"/> Non-Resident				
	Employer's Name <b>DISABLED</b>			Address				Phone				
	Also Known As (Alias Names)			Hgt <b>5'01</b>	Wgt <b>112</b>	Hair <b>BRO</b>	Eyes <b>BRO</b>	Skin Tone <b>FAIR</b>	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 <b>BENFIELD, POLLY</b>			Address <b>203 SHUFFLER RD, MORGANTON, NC</b>				Phone <b>828-433-7760</b>				
A R R E S T	If Armed, Type of Weapon <b>NOT APPLICABLE/NONE</b>		<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 <b>SHUFFLER RD &amp; BOST RD, MORGANTON</b>							
	Charge #1 <b>Simple Possession Of Schedule Ii</b>		<input type="checkbox"/> Fel <input checked="" type="checkbox"/> Misd	Counts <b>1</b>	DCI Code <b>1810</b>	Offense Jurisdiction (if not arresting agency)		Statute # <b>90-95(A)(3)</b>	Warr. Date <b>09/13/2014</b>			
	Charge #2 <b>Simple Possession Of Schedule V</b>		<input type="checkbox"/> Fel <input checked="" type="checkbox"/> Misd	Counts <b>1</b>	DCI Code <b>1810</b>	Offense Jurisdiction (if not arresting agency)		Statute # <b>90-95(A)(3)</b>	Warr. Date <b>09/13/2014</b>			
	Charge #3 <b>Simple Possession Of Schedule Iv</b>		<input type="checkbox"/> Fel <input checked="" type="checkbox"/> Misd	Counts <b>1</b>	DCI Code <b>1810</b>	Offense Jurisdiction (if not arresting agency)		Statute # <b>90-95(A)(3)</b>	Warr. Date <b>09/13/2014</b>			
V E H I C L E	VYR <b>1993</b>	Make <b>OLDS</b>	Model <b>BRAVADA</b>	Style <b>4D</b>	Color <b>GRY</b>	Plate #/State <b>YTB5680 NC 2013</b>	VIN <b>1GHDT13W7P2705921</b>					
	Vehicle 1. <input checked="" type="checkbox"/> Left at Scene <input checked="" type="checkbox"/> Secured <input type="checkbox"/> Unsecured Date/Time <b>09/13/2014 00:00</b> 2. <input type="checkbox"/> Released to other at owners request <input type="checkbox"/> Name of Other _____ 3. <input type="checkbox"/> Impounded <input type="checkbox"/> Place of storage _____ Inventory on File? _____											
C O N F I N E D	Date/Time Confined		Place Confined			Committing Magistrate <b>DAVID WHITESIDES</b>						
	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 <b>\$1,500.00</b>		Trial Date <b>11/12/2014 09:00</b>		Court Of <b>District</b> City <b>MORGANTON</b>					
	Assisting Officer Name/ID # <b>0</b>			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:				
	I was working a checkpoint at Bost Rd and Shuffler Rd with PSO's Coward, Carswell and Davis. I had my patrol cars red/blue lights on and each officer had on safety vests. We were stopping every vehicle and checking license and registration. I had notified Sgt Massey of the checkpoint and the expected duration (1615 - 1715 hrs).											
S T A T U S	Arresting Officer Signature/ID # <b>GILLSTRAP, J. L. (G3628)</b>			Date/Time Submitted <b>09/13/2014 17:16</b>			Supervisor Signature <b>BUCHANAN, J. B.</b>					
	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							

\*\* Continued \*\*

**ARREST REPORT (Additional Narrative)**

Agency Name	ORI	Date/Time Arrested	OCA
<b>Morganton Department Public Safety</b>	<b>0120100 B0003</b>	<b>09/13/2014 17:16</b>	<b>201406143</b>
Arrestee Name			Arrest Number
<b>COOK, KATHY BENFIELD</b>			<b>107219</b>

The defendant approached my position at the checkpoint on Shuffler Rd. I asked her for her license and she provided it to me. I noticed her eyes were bloodshot and there was an odor of alcoholic beverages coming from the inside of the vehicle. I asked her and the passenger if they had been drinking. The passenger stated he had been drinking. I asked if there were any open containers in the vehicle and they both told me that there wasn't. I could however see 2 open beer cans in the back floorboard, which was easily accessible by both the passenger and driver.

I went to the passenger side and asked the passenger (Abraham Stamey) if he had an open beer. I explained about seeing the open ones in the back and that I would be checking further. He then admitted he had an open beer and got it for me. He had it stuffed between the door and his seat. It was a 12 oz Busch Lite (cold and 3/4 full). I then asked the driver to pull her vehicle off the road so I could cite the passenger.

I administered an alcosensor test to the defendant and it was positive for the presence of alcohol. I had her perform a battery of field sobriety tests ( HGN/VGN, sway test, finger to nose test and alphabet recitation, G-Y). I noticed indicators of impairment during her performance of the tests. I administered another alcosensor test, more than 5 minutes from the time of the first, and it was the same positive result for the presence of alcohol.

I formed the opinion that she had consumed a sufficient amount of an impairing substance to appreciably impair her mental and physical abilities. I believe that she was impaired by alcoholic beverages. I placed her under arrest for DWI at that time.

I searched the defendants vehicle for impairing substances before securing it at the scene. I located another Busch Lite in grayish colored gel koozie under the passenger seat. It was 1/2 full and also cold. This led me to believe that both the driver and passenger were drinking as they traveled on the road. In the defendants purse was a small metal tin (red bottom and Christmas type scene on lid). In it was numerous pills. Most were non scheduled prescription medications such as Tramadol. There were some Clonazepams 1mg that were prescribed to the defendant. However there was 1 dosage unit of Clonazepam 2mg (Schedule IV) that was not prescribed to the defendant (by her admission). There was 1 dosage unit of Dolophine (Schedule II) that belonged to her brother. There was 3 dosage units of Lyrica (Schedule V). I also located a red straw with powder residue inside it in her purse. The defendant told me that the medication she was prescribed was Welbutrin, Klonopin (Clonazepam) 1 mg and Cymbalta.

I brought the defendant to BCDF and administered an intoximeter test. The test result was below the .08 legal per se limit. I did not see any indications of other impairment from controlled substances. I amended the charge to driving while consuming an alcoholic beverage.

We went before the magistrate and she was given a secured bond. She spoke to a bondsman who was there and he bonded her out at the magistrates office. The pills and straw was placed into evidence under tag # 21341.

**ARREST REPORT (Additional Charges)**

Agency Name <b>Morganton Department Public Safety</b>	ORI <b>0120100 B0003</b>	Date/Time Arrested <b>09/13/2014 17:16</b>	OCA <b>201406143</b>
Arrestee Name <b>COOK, KATHY BENFIELD</b>			Arrest Number <b>107219</b>

Charge	Fel/Misd	Counts	DCI Code	(if not arresting agency) Offense Jurisdiction	Statute #	Warr. Date
4) Poss Drug Paraphernalia	M	1	1834		90-113.22	
5) Possess Or Consume Alcoholic Bev In Passenger Area Of Veh	M	1	4010		20-138.7(A1)	