

ARREST REPORT

A G E N C Y	Agency Name Morganton Department Public Safety		ORI 0120100 B0003		Date/Time Arrested 07/12/2014 00:07		OCA 201404497					
	<input type="checkbox"/> Taken <input type="checkbox"/> Prints <input type="checkbox"/> Photos	Fingerprint Card Check Digit # (CKN)		Arrest Tract 2700		Residence Tract 2700		Arrest Number 105532				
A R R E S T E E	Name (Last, First, Middle) TUMAX, FERNANDO SANTIAGO YAX YAX			D.O.B. 03/29/1980	Age 34	Race W	Sex M	Place of Birth	Country of Citizenship GT			
	Current Address 203 Powe St, MORGANTON, NC 28655			Phone 828-391-3719		Occupation Laborer		<input checked="" type="checkbox"/> Resident <input type="checkbox"/> Unknown <input type="checkbox"/> Non-Resident				
	Employer's Name UNEMPLOYED			Address				Phone 828-433-0042				
	Also Known As (Alias Names)			Hgt 5'04	Wgt 138	Hair BLK	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 CANSTUJ, FERMIN			Address 203 POWE ST, MORGANTON, NC 28655				Phone				
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 203 POWE ST, MORGANTON							
	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 07/12/2014				
	Charge #2	<input type="checkbox"/> Fel <input type="checkbox"/> Misd	Counts	DCI Code	Offense Jurisdiction (if not arresting agency)		Statute #	Warr. Date				
	Charge #3	<input type="checkbox"/> Fel <input type="checkbox"/> Misd	Counts	DCI Code	Offense Jurisdiction (if not arresting agency)		Statute #	Warr. Date				
V E H I C L E	VYR 2007	Make HOND	Model PILOT	Style MP	Color GRY	Plate #/State BMF7994 NC	VIN 2HKYF18427H506831					
	Vehicle 1. <input checked="" type="checkbox"/> Left at Scene <input checked="" type="checkbox"/> Secured <input type="checkbox"/> Unsecured Date/Time 07/12/2014 00:00 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 NOT CONFINED			Committing Magistrate DEBBIE CARSWELL						
	Type Bond <input type="checkbox"/> Written Promise <input type="checkbox"/> Unsecured <input type="checkbox"/> Secured <input type="checkbox"/> No Bond <input checked="" type="checkbox"/> Other		Bond Amount \$0.00	Trial Date 09/24/2014 09:00		Court Of District City MORGANTON						
	Assisting Officer Name/ID # LACKEY, W. D. 1			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 came in contact with Fernando Tumax while assisting SBI Agent Charlie Morris at a vehicle stop. Agent Morris told me that Tumax almost struck his patrol vehicle while they were both traveling on the roadway. Agent Morris stopped the vehicle Tumax was driving, a dark grey 2007 Honda Pilot, in the drive way of Tumax's residence at 203 Powe Street. When I arrived I walked up to speak with Tumax and immediately could smell a strong odor of alcohol. I asked Tumax how much he											
S T A T U S	Arresting Officer Signature/ID # PUCKETT, K. M. (P3229)			Date/Time Submitted 07/12/2014 00:07		Supervisor Signature LACKEY, W. D.						
	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
Morganton Department Public Safety	0120100 B0003	07/12/2014 00:07	201404497
Arrestee Name			Arrest Number
TUMAX, FERNANDO SANTIAGO YAX YAX			105532

had to drink and he said about two beers. I asked him to then step out of the vehicle to talk to me. While Tumax was exiting the vehicle he almost fell over and immediately had to lean up on his vehicle to catch his balance. I noticed Tumax's eyes were extremely blood shot and his speech was slurred. I asked him again how much he had to drink and he said about two beers but he has never drank before. Tumax was very unsteady on his feet the entire time and almost fell over several times while talking to me. I asked Tumax to walk up to my patrol car to give me a breath sample into an Alcosensor. Once again Tumax almost fell while walking and I had to assist him up the driveway. When we got to my patrol car Tumax leaned up against the front of my car to keep his balance. Tumax then gave a breath sample into the Alcosensor and it registered a .20. There was somewhat of a language barrier so I called for a Spanish interpreter to meet me at Burke/Catawba Jail to do field sobriety tests. I place Tumax under arrest for driving while impaired and transported him to Burke/Catawba Jail.

When we arrived at Burke/Catawba I asked Tumax to perform three field sobriety tests. I asked Tumax to perform HGN (horizontal gaze nystagmus), walk and turn, and one leg stand. During HGN Tumax would not follow directions or follow the pin with his eyes. At first he kept turning his head and looking the opposite way. Then Tumax completed the test after having to stop and explain the test several times. Tumax then performed the walk and turn test. He performed poorly and missed every step heel to toe, stepped off line every step, and took ten steps in the first series of nine steps. Tumax then performed the one leg stand. He was unable to perform this test because he could not lift his foot off the ground without falling over. He attempted it several times but could not pick his foot up. Tumax performed poorly on all three tests.

I then read Tumax his rights and began his observation period. Tumax called one witness but they did not arrive within the thirty minutes. I requested Tumax to give a breath sample into the Intox EC/IR II. Tumax registered a .24 in both breath samples.

Tumax told me he was sorry and that he has never drank any alcohol before tonight. I also asked him if he thought he was drunk and he said yes.

I transported Tumax to the Burke County Magistrates Office where he was given a custody release to his cousin. I advised Tumax of his court date and told him he must appear. He told me he never misses court and would be there.

Tumax spoke some English but a Spanish interpreter was used. All information was updated for this report.