

ARREST REPORT

A G E N C Y	Agency Name Morganton Department Public Safety		ORI 0120100 B0003		Date/Time Arrested 08/19/2014 21:40		OCA 201405488					
	<input type="checkbox"/> Taken <input type="checkbox"/> Prints <input type="checkbox"/> Photos	Fingerprint Card Check Digit # (CKN)		Arrest Tract 6400		Residence Tract 1700		Arrest Number 106553				
A R R E S T E E	Name (Last, First, Middle) MCMAHAN, NAN PATE			D.O.B. 03/09/1966		Age 48	Race W	Sex F	Place of Birth WILMINGTON, NC	Country of Citizenship US		
	Current Address 180 Bost Rd, MORGANTON, NC 28655			Phone 828-443-5779		Occupation Laborer		<input checked="" type="checkbox"/> Resident <input type="checkbox"/> Unknown <input type="checkbox"/> Non-Resident				
	Employer's Name BURKE ANIMAL CLINIC			Address E.UNION ST.MORGANTON,NC 28655			Phone 828-437-0481					
	Also Known As (Alias Names)			Hgt 5'00	Wgt 125	Hair BRO	Eyes GRE	Skin Tone		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 MCMAHON, MARK			Address 180 BOST RD, MORGANTON, NC 28655			Phone 828-443-7122					
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 108 E MEETING 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 08/20/2014			
	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 TOYT	Model LAND	Style 4D	Color WHI/WHI	Plate #/State CCY5207 NC 2014	VIN JTEHT05J172110769					
	Vehicle 1. <input checked="" type="checkbox"/> Left at Scene <input checked="" type="checkbox"/> Secured <input type="checkbox"/> Unsecured Date/Time 08/19/2014 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			Committing Magistrate						
	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 10/22/2014 09:00		Court Of District		City MORGANTON			
	Assisting Officer Name/ID # CUNNINGHAM, B. A. 4			Released By (Name/Department/ID #) JOHNSON, T. L.			Date/Time Released 08/20/2014 00:28:00					
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 dispatched to a report of a hit and run that occurred in the side PVA of Wisteria Restaurant. Upon my arrival I spoke with the person renting the vehicle (Unit 2). He stated that two women were outside and saw a black in color SUV (possibly a Land Rover with a registration of CCY-5507) back into his vehicle and leave the area traveling East on East Meeting Street. Other officers were in the area but were unable to locate. I gathered my information for the initial											
S T A T U S	Arresting Officer Signature/ID # JOHNSON, T. L. (J5177)			Date/Time Submitted //			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
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Arrestee Name			Arrest Number
MCMAHAN, NAN PATE			106553

report and then cleared. The two female witnesses were not on scene anymore, but they did leave a name and number for me, both of which are included in the report.

A couple hours later I was sent back to the side PVA of Wisteria Restaurant because employees said the suspect vehicle and suspect from my prior Hit and Run were on scene and attempting to actively leave. The caller stated that the driver may be impaired. I arrived and spoke with the driver of Unit 1 (A White Toyota Land Cruiser bearing CCY5207), McMahon. She stated she left her phone at the business and drove back to retrieve it (She had the keys to the vehicle in her hand at that time and the drivers side door was open). Only then did she realize that there was vehicle damage but she was unsure where it came from. I gathered her information and added it to my report, placing her as the suspect vehicle.

McMahon stated she was parked facing the brick wall of the business approximately "3 spots down from the double doors." She told me she only had "two glasses of wine" (according to her that were four ounces a piece).

While I was trying to explain what was going on to McMahon in regards to the investigation and the status of her vehicle registration (Revoked and No Insurance), I noticed that she had trouble maintaining her balance and following simple directions. I requested that she did not use the phone while I was trying to talk to her but she insisted on continuing talking, and then asking questions that I answered numerous times prior. I could smell an odor of alcohol coming from her breath and person, and also noticed heavy perfume as well (possibly a cover up scent).

I then asked McMahon if she would like to submit to an AlcoSensor test and she "Refused, but would do a blood test." I then asked her if she wanted to do Standardized Field Sobriety Tests to which she refused as well. At that point in time she was on the phone again, asking for someone to respond to the scene and "Help her, because she didn't know what was going on." I told McMahon if she would get off the phone and listen to me that I would once again explain her options, and what was going on. I asked McMahon one more time if she wanted to submit to an AlcoSensor or SFST's and she told me she wasn't doing anything until her lawyer arrived.

I told McMahon to turn around and place her hands behind her back and placed her under arrest for suspicion of Driving While Impaired. I placed her in the rear seat of my car and asked her if she wanted any items before we left. Per her request I gathered her pocket book, wallet, and cell phones (A black one and a white one), and I grabbed her keys as well. PSO Gragg stayed on scene to do an Inventory Sheet and leave the vehicle secured in the PVA of Wisteria/Chamber of Commerce. I then transported her to Burke-Catawba for the rest of my procedures.

We arrived and McMahon was read her Chemical Test Rights and her Miranda Rights. She called her lawyer and while we waited for him to arrive I did paperwork. McMahon asked for some water and I told her she could get some later after the test. She then said she had health issues that required her to have water constantly during the day. I asked her if she needed EMS or medical attention and she stated "No, but I am documenting that you are refusing me water at this time." I told her we would get her some water later.

Her lawyers arrived shortly after. I told them that only one could be inside the Intox Room. The other was outside the door. I told her Lawyer inside the Intox Room what was going on, and what part of the process we were at. He then asked to speak with his client alone but I told him that I had to have her in my sight to align with the requirements for the Observation Period. They talked in the Intox room while I continued to work on filling out all my required forms. McMahon told her lawyer that I was refusing her water and he tried to explain to her that she was unable to eat or drink anything during the observation period.

I then asked McMahon if she was willing to submit a sample of her breath for the Intoximeter EC/IR 2. She did and first blew a .15. McMahon asked "What did that mean?" I told her that the legal limit is .08 BAC and she almost blew twice the legal limit. I then told her that all we needed was one more breath sample and we would be done as long as it was within .02 of the first sample. I asked McMahon a second time if she would submit a second breath and she did but it was an insufficient sample.

After the instrument reset and went through its normal diagnostic test, I asked McMahon if she

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would be willing to submit another sample of breath and she did. That time she blew a .14. I printed out the test tickets and then filled out some more paperwork. I told her that I was going to ask her some questions regarding specific details of the arrest. I reminded her that we have already read her Miranda Rights and advised her she can answer questions or refuse. Her lawyer stated that she would answer questions depending on what they were and I reminded them that they could stop at any time. I then asked the first question "Were you operating a vehicle." Her Lawyer stepped in and said that they were not going to answer questions at 0017 hrs on 08-20-14.

I asked McMahon on our way out of the Intox room if she would like some water and she said yes. The Jailer opened up the strip search room in the jail (where their water fountain is), McMahon stepped inside the doorway and then said she no longer wanted any water. I told her there was a water fountain at the Magistrate`s Office.

I transported her to the Magistrate`s Office where I gathered my information for my arrest report and spoke with Magistrate Carswell. There I allowed McMahon to use the water fountain. She received a Custody Release and the older Lawyer that was present took custody of her and made sure she made it home safe.