

## 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>08/23/2014 18:49</b>		OCA <b>201405554</b>		
	<input type="checkbox"/> Taken <input type="checkbox"/> Prints <input type="checkbox"/> Photos	Fingerprint Card Check Digit # (CKN)		Arrest Tract <b>6800</b>		Residence Tract <b>4600</b>		Arrest Number <b>106670</b>	
A R R E S T E E	Name (Last, First, Middle) <b>MEJIA, EVARISTO LOPEZ</b>			D.O.B. <b>04/22/1985</b>	Age <b>29</b>	Race <b>W</b>	Sex <b>M</b>	Place of Birth <b>GUATEMALA,</b>	Country of Citizenship <b>US</b>
	Current Address <b>112 Crayton St, MORGANTON, NC 28655</b>			Phone <b>828-455-6205</b>		Occupation <b>Bus Boy</b>		<input checked="" type="checkbox"/> Resident <input type="checkbox"/> Unknown <input type="checkbox"/> Non-Resident	
	Employer's Name <b>HARBOR INN</b>			Address				Phone <b>828- -</b>	
	Also Known As (Alias Names)			Hgt <b>5'02</b>	Wgt <b>145</b>	Hair <b>BLK</b>	Eyes <b>BRO</b>	Skin Tone <b>MED</b>	Consumed Drug/Alcohol <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk
	Scars, Marks, Tattoos <b>MOLE RIGH CHIN / BLACK</b>			Social Security #		OLN and State		Misc. # and Type	
	Nearest Relative Name <b>CRISTOBAL,ALBERTO</b>			Address <b>STACEY ST, MORGANTON, NC 28655</b>				Phone	
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>100 COX ST, MORGANTON</b>			
	Charge #1 <b>Dwi</b>	<input type="checkbox"/> Fel <input checked="" type="checkbox"/> Misd	Counts <b>1</b>	DCI Code <b>2100</b>	Offense Jurisdiction (if not arresting agency)		Statute # <b>20-138.1</b>	Warr. Date <b>08/23/2014</b>	
	Charge #2 <b>No Operators License</b>	<input type="checkbox"/> Fel <input checked="" type="checkbox"/> Misd	Counts <b>1</b>	DCI Code <b>4010</b>	Offense Jurisdiction (if not arresting agency)		Statute # <b>20-7(A)</b>	Warr. Date <b>08/23/2014</b>	
	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 <b>2004</b>	Make <b>NISS</b>	Model <b>XTERRA</b>	Style <b>MP</b>	Color <b>RED/RE</b>	Plate #/State <b>AHD2464 NC</b>	VIN <b>5N1ED28YX4C656755</b>		
	Vehicle 1. <input checked="" type="checkbox"/> Left at Scene <input checked="" type="checkbox"/> Secured <input type="checkbox"/> Unsecured Date/Time <b>08/23/2014 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 <b>NOT CONFINED</b>			Committing Magistrate <b>DEBBIE CARSWELL</b>			
	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 <b>\$0.00</b>	Trial Date <b>10/27/2014 09:00</b>		Court Of <b>District</b> City <b>MORGANTON</b>			
	Assisting Officer Name/ID # <b>LACKEY, W. D. 2</b>		Released By (Name/Department/ID #) <b>HALL, T. L.</b>			Date/Time Released <b>08/23/2014 04:35:00</b>			
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 type="checkbox"/> Victim <input checked="" type="checkbox"/>			Address			Phone:		
	On the above date and time, I was driving on W. Fleming Dr when I seen a suspicious vehicle attempting to pull out of China Buffet at around 1:00 am. Morganton has had a problem with breaking and enterings in the area lately so I turned around and got behind the vehicle. As I was behind the vehicle, the driver took a left on Cox St. I observed a hispanic male, with no shirt and a black back pack on, also walking on Cox St. I drove to Tannery Square to wait a minute to								
S T A T U S	Arresting Officer Signature/ID # <b>HALL, T. L. (H5414)</b>			Date/Time Submitted <b>08/23/2014 18:49</b>		Supervisor Signature <b>LACKEY, W. D.</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>08/23/2014 18:49</b>	<b>201405554</b>
Arrestee Name			Arrest Number
<b>MEJIA, EVARISTO LOPEZ</b>			<b>106670</b>

see if the vehicle would come back out. I then went to China Buffet to locate any windows broken or doors open but I was unsuccessful in finding anything. The vehicle never did pull back out so I drove up Cox St. trying to locate it. I found the vehicle at the dead end of Cox St. and the hispanic male with the black back pack on opened up the driver's side door and started speaking with the subject driving. I got the license plate number and then went back to the bottom of Cox St. to see what and who the vehicle came back to. While I was at the bottom of the hill I decided to call in the suspicious vehicle so I didn't have to risk my safety doing it behind the vehicle. I then made my way back to the dead end when I noticed the vehicle was backing up. I initiated my blue lights and the vehicle still continued to back up. The vehicle got within about 3 feet of my patrol car and that is when I pressed my horn to try to get the driver's attention. The driver heard the horn and drove to the vacant lot on the left side of the dead end.

I got out of my patrol car and that is when I came in contact with the driver, Evaristo Mejia. There were three other subjects in the car as well. I asked the driver who was the other hispanic male with the back pack and he stated that he was a friend. I was never able to get anymore information about that subject. The driver had very glassy and bloodshot eyes and was not being very cooperative when I was asking him questions. The driver asked me why I stopped them and I explained to him about the breaking and entering situation and that it seemed very suspicious of a vehicle to be pulling out of the China Buffet at 1:00 in the morning. I tried getting the back passenger's information but their handwriting was so bad that I could not read it. While I was getting the passenger's information I noticed that everybody else's eyes were glassy and bloodshot. All of the subjects kept laughing and speaking spanish to each other as I was trying to ask them questions. I would get their attention for a few seconds and then they would all start cutting up again.

PSO Johnson then arrived and I explained the situation to her. We got each subject out of the car one by one and asked them what they were doing at China Buffet and they all said that they were meeting a friend over there. Again we tried to get the passenger's names and dates of birth but we were unable to ascertain the information that we needed. The subjects were asked several times to get there hands out of their pockets and to stop talking over us but they would not listen. It was apparent that everyone in the vehicle had been drinking due to every one staggering around and slurred speech. We told everyone to sit down on the ground and that is when Sgt. Lackey arrived. PSO Johnson then administered an alcosensor test. Mejia stated that he had five beers 3 hours prior and that was all. I then placed Mejia under arrest for driving while impaired. I let the other subjects go to a friends house next door and left the vehicle secured at the scene.

I then transported Mejia to Burke Catawba where a spanish interpreter soon arrived. Sgt. Lackey administered the intoximeter EC/IRII. Mejia blew a .24 both times. I transported the subject to the Magistrate's Office where he got a custody release. I also read him his rights at the Magistrate's Office and he advised that he wanted his lawyer before answering any questions. I then administered Standardized Field Sobriety Tests(SFSTs) at which he performed very poorly on. I waited to do the SFSTs at the Magistrate's Office so I could have a spanish interpreter present to make sure Mejia was very clear on everything that I was telling him.

The subject did have his belongings still at Burke Catawba so I transported Mejia back there and he we was able to make a phone call to leave.