

ARREST REPORT

A G E N C Y	Agency Name Morganton Department Public Safety		ORI 0120100 B0003		Date/Time Arrested 07/11/2014 23:30		OCA 201404496	
	<input type="checkbox"/> Taken <input type="checkbox"/> Prints <input type="checkbox"/> Photos	Fingerprint Card Check Digit # (CKN)		Arrest Tract 4500		Residence Tract 3000		Arrest Number 105531
A R R E S T E E	Name (Last, First, Middle) CARDENAS, MARISELA A			D.O.B. 10/15/1989		Age 24	Race W	Sex F
	Current Address 908 E Union St, MORGANTON, NC 28655			Phone		Occupation		<input checked="" type="checkbox"/> Resident <input type="checkbox"/> Non-Resident
	Employer's Name			Address			Phone	
	Also Known As (Alias Names)			Hgt '	Wgt 0	Hair	Eyes	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 CARDENAS, MAURIO			Address 908 E UNION ST, MORGANTON, NC 28655			Phone 828-448-4569	
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 100 E FLEMING DR, 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 2008	Make JEEP	Model LIBERTY	Style 4D	Color WHI/WHI	Plate #/State ZYD5881 NC 2014	VIN 1J8GN28K88W247589	
	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			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 08/18/2014 09:00		Court Of District City MORGANTON		
	Assisting Officer Name/ID # EDWARDS, W. D. 3		Released By (Name/Department/ID #) JOHNSON, T. L.			Date/Time Released 07/12/2014 02:52:00		
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 traveling on South Sterling toward East Parker Rd when I noticed a silver passenger car and white SUV make a very wide turn out of the PVA of Las Salsas Restaurant. The white SUV used two (almost three) lanes to make their turn out of the PVA, then made a very abrupt lane change back into the lane closest to the curb without using a turn signal. I got behind this vehicle and ran the registration plate and continued to observe its driving as I suspected that the driver may be							
S T A T U S	Arresting Officer Signature/ID # JOHNSON, T. L. (J5177)			Date/Time Submitted //		Supervisor Signature MCNEELY, M. A.		
	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	07/11/2014 23:30	201404496
Arrestee Name	Arrest Number		
CARDENAS, MARISELA A	105531		

intoxicated.

As we traveled down South Sterling back toward town, the white Jeep Liberty was weaving back and forth within its lane, drifting to the right far enough to where I was afraid they were going to hit the curb. The white Jeep Liberty continued down South Sterling and was following the silver passenger car to where there was what appeared to be less than a car length between the two. They were almost bumper to bumper. At this time, concerned for the safety of the driver and based on several traffic violations, I performed a traffic stop on the white Jeep Liberty.

The vehicle pulled over to the right into the entrance of the Plaza Shopping Center. Rather than continuing to the open PVA with no vehicles in it, the driver of the Jeep stopped directly in the entrance.

I got out of my car and spoke with the driver, Cardenas. As she rolled down her driver side window I immediately smelled a very strong odor of alcohol in addition to noticing that her eyes were bloodshot and red. I asked Cardenas if she could get me her license and registration and asked her several questions to include where she was coming from, if she had anything to drink, and if so, how much. Cardenas handed me a debit card and her registration. She then told me that she was coming from Las Salsas and was on her way to a place on East Fleming, but couldn't remember the name of it. I asked her if she was going to the IceHouse Bar and she said "Oh yea, thats it." She said she had one 32 oz beer about an hour and a half ago. Cardena's words were extremely slurred while she was answering my questions. I asked her where she lived, and Cardenas then gave me license after we talked about her address at 908 East Union St.

I then went back to my patrol car and ran her information on my MDT.

I then went back up to Cardenas and asked her if she would step out of her vehicle. I asked her if she would perform some Field Sobriety Tests so I could make sure she was good to drive. Cardena's answered with "I live just up the road, can't you guys just follow me home?" I asked Cardenas several more times if she would be willing to perform Field Sobriety Tests and she continued to ask us if we could "Follow her home."

Cardenas finally said she would do the Field Sobriety tests. During the HGN she showed signs of all three clues in both eyes, totaling 6 clues. In addition, she could not keep her head still while following the tip of my pen as instructed in my directions.

During the Walk and Turn Test I asked Cardenas if she had any physical issues with her legs that would hinder her from doing the next two Field Sobriety Tests and she said that she "pulled her shoulder and was taking Hydrocodone and high strength Tylenol for it." During the Walk and Turn she did not follow instructions and place her right foot in front of her left, as I asked, instead placing her left foot in front of her right. While I was explaining what to do she stepped off line four times, and started early four times without me telling her to start. During the test she missed heel to toe on all her first nine steps and walked more of a slanted line than a straight one. During her second nine steps, she missed heel to toe on all of her steps and did eight steps instead of nine. The second set of steps were also more of a slanted line than a straight one.

During the One Leg Stand she used her arms to balance, swayed, hopped, and put her foot down two times. Cardenas did not count out loud as requested and when I asked her how she counted she looked at me and said her "ABC's."

I then asked if Cardenas would submit voluntarily to an alco-sensor test to which she said "Yes." Both times Cardenas tested positive for alcohol. She was placed under arrest and transported to Burke-Catawba for further testing. Her vehicle was secured in the PVA of Subway and left there. An inventory form was completed.

Cardenas was read both her Chemical Test Rights (0022hrs on 07-12-14) and her Miranda rights (0228hrs on 07-12-14). She stated she wanted to contact an attorney so I gave her a phone book and sat her by the phone while I continued my paperwork.

At 0056hrs Cardenas stated that she wanted to call an attorney but she couldn't get the phone to work. I dialed the number on my phone and allowed her to leave a message as no one answered. We

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then started the procedures for the Intoximeter EC/IR 2. Cardenas failed to give a sufficient sample in the allotted time, resulting in a "test time out". I printed the tickets out and told her if she did not give a sufficient breath sample that I would refuse her. I entered in the information again in the instrument and asked her if she would provide a sample. The sample did not read so I refused Cardenas and asked her if she would be willing to give a sample of her blood. Cardenas said she would.

I asked Sgt. Lackey to meet me at Grace Hospital with a blood kit and transported Cardenas down there. Blood was drawn and Cardenas was then transported to the Magistrate's Office where she received a custody release. Her brother, Mauricio Cardena's, of the same residence, arrived to pick her up.