

ARREST REPORT

A G E N C Y	Agency Name Morganton Department Public Safety		ORI 0120100 B0003		Date/Time Arrested 07/22/2014 20:16		OCA 201404794		
	<input type="checkbox"/> Taken <input type="checkbox"/> Prints <input type="checkbox"/> Photos	Fingerprint Card Check Digit # (CKN)		Arrest Tract 1100		Residence Tract 1100		Arrest Number 105799	
A R R E S T E E	Name (Last, First, Middle) ALLEN, RANDALL FRANKLIN			D.O.B. 06/05/1959	Age 55	Race W	Sex M	Place of Birth BURKE COUNTY, NC	Country of Citizenship US
	Current Address 111 Normandy Dr, MORGANTON, NC 28655			Phone 828-390-4644		Occupation Unemployed		<input checked="" type="checkbox"/> Resident <input type="checkbox"/> Unknown <input type="checkbox"/> Non-Resident	
	Employer's Name UNEMPLOYED			Address				Phone	
	Also Known As (Alias Names)			Hgt 5'09	Wgt 120	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 ALLEN, BETTY			Address 1111 NORMANDY DRIVE, MORGANTON,				Phone 828-584-2235	
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 111 NORMANDY 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 07/22/2014	
	Charge #2 Open Container After Consuming	<input type="checkbox"/> Fel <input checked="" type="checkbox"/> Misd	Counts 1	DCI Code 2100	Offense Jurisdiction (if not arresting agency)		Statute # 20-138.7(A)	Warr. Date 07/22/2014	
	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 2002	Make CHEV	Model AVALANCH	Style 4D	Color RED	Plate #/State BAA9196 NC 2015	VIN 3GNEK13T42G281219		
	Vehicle 1. <input type="checkbox"/> Left at Scene <input type="checkbox"/> Secured <input type="checkbox"/> Unsecured 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 _____ Date/Time 07/22/2014 00:00 Inventory on File? NONE								
C O N F I N E D	Date/Time Confined		Place Confined NOT CONFINED			Committing Magistrate LYNN WEBB			
	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 08/04/2014 09:00		Court Of District City MORGANTON			
	Assisting Officer Name/ID # HALL, T. L. 4		Released By (Name/Department/ID #) GABRYSZEWSKI, D. E.				Date/Time Released 07/22/2014 22:40:00		
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 responding to 234 Reep Dr in reference to threats being made. MDPS dispatchers advised that the suspect left the scene in a red Chevy avalanche. While I was traveling on Carbon City Rd toward Reep Dr, I observed a red Chevy avalanche headed in the opposite direction. I advised MDPS dispatch that I was diverting to catch the vehicle and conduct an investigative traffic stop. The vehicle pulled onto Normandy Dr. I turned my blue lights on, while we were traveling on <div style="text-align: right;">** Continued **</div>								
S T A T U S	Arresting Officer Signature/ID # GABRYSZEWSKI, D. E. (G0294)			Date/Time Submitted 07/22/2014 20:16		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			

ARREST REPORT (Additional Narrative)

Agency Name	ORI	Date/Time Arrested	OCA
Morganton Department Public Safety	0120100 B0003	07/22/2014 20:16	201404794
Arrestee Name	Arrest Number		
ALLEN, RANDALL FRANKLIN	105799		

Normandy Dr and the vehicle continued until it reached the driveway of 111 Normandy Dr. I began to call in the traffic stop when a white male exited the vehicle. I exited the vehicle and ordered the man to stay near the vehicle and to show me his hands. The man was identified as Randall Allen.

I asked Allen if he had any weapons on him and he began to reach into his front right pocket. I ordered him to stop and to not reach inside. He stated he only had a knife. I retrieved a closed switch blade from Allen's front right pocket. I also conducted a quick pat down of Allen to see if he had any more noticeable weapons on him.

While I was speaking with Allen I could smell a strong odor of alcohol coming from Allen. Allen stated that the argument he was in at Reep Dr was over a female and drugs. When my back up officer, PSO Hall, arrived I asked Allen for consent to search his vehicle. Allen consented to a vehicle search. I could smell a strong odor of alcohol coming from inside the vehicle. In the backseat, in a plastic bag, I observed four empty and crushed beer cans. When I was through searching the vehicle, I asked how much alcohol Allen had to drink, he stated about 4-5 beers since 9 am that morning.

I noticed Allen's eyes were red in color and glazed over. I then performed the horizontal gaze nystagmus on Allen. At the first attempt Allen moved his head. I instructed Allen to touch the tip of my pen so I knew he was aware of what part of my pen to follow. Allen missed the tip of my pen two times. I instructed him to follow my pen with his eyes and his eyes only. During the test I had to instruct Allen two more times to stop turning his head during the test. Allen also showed multiple indicators of impairment. I asked Allen if he had any problems walking down a hallway or down a flight of stairs and he stated yes.

I asked Allen if he had any problems with his hands or fingers and he said yes due to carpal tunnel surgery. I asked him if he could move his fingers around and close a fist. Allen was able to. I demonstrated using my thumb to touch each of my fingers individually, while counting each one out loud. After each finger was touched once, I demonstrated it again from the last finger back to the index finger. While I was demonstrating this test I had to tell Allen to not start until I said to three times. Allen would say he understood the test and kept starting after being told not to. Allen was able to touch each finger and did count out loud.

The next test I asked Allen to perform was the finger to nose test. I demonstrated to Allen to stand straight and to close his eyes and tilt his head back. Also for him to hold his arms out horizontally to his side with his index fingers extended. I instructed that when I said right, he would take his right index finger and touch the tip of his nose. When I instructed left, he would take his left index finger and touch his nose. During the test, Allen missed the tip of his nose once on his right side and twice on his left.

PSO Thompson asked Allen to consent to a alcosensor test. Allen refused. I formed the opinion that Allen was appreciably impaired on a impairing substance, that substance being alcohol. I ordered Allen to place his behind his back while I withdrew my handcuffs. Allen stated "NO!" and turned facing me. Allen then pulled away. I grabbed Allen and used my body weight to hold him down to prevent him from resisting any further. When Allen was on the ground he tucked both arms underneath his body. PSO Thompson and PSO Hall tried to remove his arms out from underneath him. Due to me removing a knife from Allen previously, I was concerned that he could possibly retrieve another weapon that I could of missed during a pat down. I struck Allen in the center of his back with a closed fist. I gave loud verbal commands for Allen to stop resisting. Allen did not comply with my commands. I struck Allen again in the center of his back with a closed fist. PSO Thompson and PSO Hall were then able to pull his arms out from underneath him. I placed Allen into my custody.

I transported Allen to the Burke Catawba jail facility to perform a chemical breath test. Allen did not wish to call a witness or an attorney and consented to the test. The test resulted Allen's bac to be .20 on both tests. I then transported Allen to the Magistrates office. I explained to Magistrate Webb in detail of the events that happened on 111 Normandy Dr. Allen was charged with DWI and open container. Allen was issued a custody release at the Magistrates office, in the custody of his sister. Allen's court date is set above.