

Arrest # 22-149128	D.A. #	Court #	Misc.
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LOCAL CRIMINAL COURT: CITY OF: ROCHESTER

STATE OF NEW YORK: COUNTY OF MONROE
THE PEOPLE OF THE STATE OF NEW YORK
against

- ☒ SUPPORTING DEPOSITION
☒ DWI BILL OF PARTICULARS

BRYANT LADELL D DEFENDANT
(Last) (First) (Middle)

The above "DEFENDANT" is charged by Simplified Traffic Information (TSLED) Numbers(s): **WS99FNZNPO, WS99FNZP2S, WS17FNZVFK, WS99FNZP8K, W**
(or attached accusatory instrument) with OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS contrary to Section 1192 of the Vehicle and Traffic Law. A Supporting Deposition and/or Bill of Particulars pursuant to Sections 100.25 & 200.95, respectively, of the Criminal Procedure Law are hereby provided, as follows:
THE UNDERSIGNED COMPLAINANT, upon direct knowledge unless otherwise specified, avers that the defendant, on or about **07/20/2022**, at or about **00:14**, operated a (color) **RED** YR **2003** (make) **HOND** motor vehicle, bearing State of registration number

in a **NORTHERLY** direction on **LAKE AVE/CORRIGAN ST** a public highway/parking lot in the County of **MONROE**, State of New York, while in an intoxicated condition and/or having a

CITY of **ROCHESTER**

blood alcohol content.

- ☐ Blood (Results to be delivered later)
☐ BREATH TEST B.A.C.

Breath Test Operator **JAMES THUERCK**

☐ Other Test B.A.C.

Inst. # Model #

Sim. Lot # Yes No

Agreed to take blood test? ☐ ☐

Implied consent of blood test? ☐ ☐

Blood Test Drawn By:

☐ Nurse ☐ Physician ☐ EMT ☐ Lab Tech

☐ Court ordered blood test:

Judge:

Location of lab for analysis:

- ☒ Refusal ☐ No Test Administered

7. PRESENT CHARGES:

- | | |
|--|--|
| <input type="checkbox"/> DWAI | 1192.1 |
| <input type="checkbox"/> DWI 0.08% BAC or Greater | 1192.2 |
| <input type="checkbox"/> AGGRAVATED DWI | 1192.2(a)(a) |
| <input type="checkbox"/> FELONY DWI - CHILD IN VEHICLE | 1192.2(a)(b) |
| <input checked="" type="checkbox"/> DWI INTOX | 1192.3 |
| <input type="checkbox"/> DWAI DRUGS | 1192.4 |
| <input type="checkbox"/> COMBINED INFLUENCE | 1192.4(a) |
| <input type="checkbox"/> CMV w/ Hazmat 0.04% - 0.06% BAC | 1192.5 |
| <input type="checkbox"/> CMV w/ Hazmat 0.06% - 0.08% BAC | 1192.6 |
| <input type="checkbox"/> Felony 0.08% BAC or Greater | |
| <input type="checkbox"/> Felony DWI | [1192.2 and 1193.1(c)]
[1192.3 and 1193.1(c)] |
| <input type="checkbox"/> Consumed Alcohol-Under 21 | [1192.a] |
| <input checked="" type="checkbox"/> Other VTL Violation(s) | |

5111A, 5091, 4011A, 1163B

☐ Other Offense(s)

- ☒ Current Susp./Revoc (Sec. 511)

8. VERIFICATION:

False Statements made herein are punishable as a Class "A" misdemeanor pursuant to Section 210.45 of the Penal Law.

ROCHESTER POLICE DEPARTMENT

Police Agency



Arresting Officer (Signature)

JAMES

THUERCK

Arresting Officer (Print Name)

2090

Shield # Precinct/Troop/Zone/Station

☐ Supporting Deposition Served on Defendant

Date Officer's Initials Defendant's Initials
DCJS - 3204

1. GENERAL INFORMATION

Arrest Date: **07/20/2022** Arrest Time: **00:26**

Date of Birth: Sex: **MALE**

License State: ID #:

Address:

City: State:

Zip Code: Phone:

Vehicle Status: **LEFT AT SCENE**

Road Conditions: **DRY**

Traffic: **LIGHT** Weather: **CLEAR**

- ☒ PRIOR CONVICTIONS

Sections	How Many	Last Date	As a Felony
1192.1			
1192.2			
1192.2(a)			
1192.2(a)(a)			
1192.2(a)(b)			
1192.3	2	06/30/2011	
1192.4			
1192.4(a)			
1192.5			
1192.6			
Out of State			

2. REASONS FOR STOP / DESCRIPTION OF VIOLATIONS

- ☐ Erratic Operation:

- ☒ VTL Violation of Section(s):

1163B, 4011A

☐ Accident: ☐ Property Damage ☐ Injury

☐ Injury to Other than Driver

☐ "SPI" (Serious Physical Injury)

☐ "D" Fatality

☐ Civilian Complaint

☐ Roadblock

☐ Other:

Time of Stop: **00:14**

3. VEHICLE OPERATION SHOWN BY:

☐ Complainant's Observations

☐ Civilian Witness(es) Identification

☐ Admissions (see Number 9)

☒ Further Observations as follows:

☒ Defendant at the Wheel

☐ Defendant near the Vehicle

☒ Keys in the Ignition

☒ Motor Running

☐ Defendant Injured in Crash

☐ Other:

4. PROBABLE CAUSE FOR ARREST:

A. Observation of the Defendant's:

- ☒ Driving
☒ Odor of Alcoholic Beverage
☐ Odor of Marijuana
☒ Glassy Eyes
☒ Impaired Speech
☒ Impaired Motor Coordination
☐ Other Odors:

- ☒ Performance of Field Test(s) ☐ Refused

Fail Pass Clues

- | | | | |
|---|-------------------------------------|--------------------------|----------|
| <input checked="" type="checkbox"/> Horizontal Gaze Nystagmus | <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6 |
| <input type="checkbox"/> Walk and Turn | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> One Leg Stand | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Romberg Balance | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Finger to Nose | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input type="checkbox"/> Finger Count | <input type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> Reciting the Alphabet | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> Other: COUNTING | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| <input checked="" type="checkbox"/> Defendant Disabled PROSTHETIC RIGHT KNEE | | | |

B. Admissions By The Defendant

- ☒ Oral (see Number 9)
☒ Conduct: ☒ Screening Test Refusal
☒ Chemical Test Refusal
☐ Resisted Apprehension

☐ Other:

C. Other Evidence as Follows:

- ☐ Open Container of an Alcoholic Beverage
☐ Drug Paraphernalia
☐ Positive Breath Screening Test

Time:

☐ Civilian Witness(es)

☐ Other:

5. NO ALCOHOL AFTER STOP SHOWN BY:

- ☒ Continual Police Observation
☐ Admissions (See Number 9)
☐ Civilian Witnesses
☒ Video
☐ Other:

6. CHEMICAL TEST INFORMATION

Time of Test: **00:55**

Location of Test: **1 BEACH AVE**

Witness to Test:

PEOPLE V.

BRYANT

LADELL

D

(Last)

(First)

(Middle)

Arrest #

22-149128

PLEASE TAKE NOTICE THAT THE PEOPLE, PURSUANT TO SECTION 710.30 OF THE CRIMINAL PROCEDURE LAW, INTEND TO USE ALL STATEMENTS OR ADMISSIONS REFLECTED HEREIN MADE BY THE DEFENDANT TO A LAW ENFORCEMENT OFFICIAL.

A. CONVERSATION AT ARREST SCENE

Time: 00:14Date: 07/20/2022

To Whom: JAMES THUERCK

DEFENDANT SAID THAT HE/SHE:

☒ Had been drinking: How Many 2

Type BEER

Where DAUGHTER'S HOUSE

☒ Operated the Vehicle

☐ Did Not Drink since Operation of Vehicle Ceased

☒ Was Driving to: THE BEACH

☒ Was Driving from: DAUGHTER'S HOUSE

☒ Had Prior Alcohol Convictions

☒ Is Currently DWI Susp/Revoc

☒ Would Not Take a Screening Test

☒ Would Not Take a Chemical Test

☒ AS IN ATTACHMENT HERETO

☐ OTHER

B. CONVERSATION AT

Time:Date:

To Whom:

DEFENDANT SAID THAT HE/SHE:

☐ Had been drinking: How Many

Type

Where

☐ Operated the Vehicle

☐ Did Not Drink since Operation of Vehicle Ceased

☐ Was Driving to:

☐ Was Driving from:

☐ Had Prior Alcohol Convictions

☐ Is Currently DWI Susp/Revoc

☐ Would Not Take a Screening Test

☐ Would Not Take a Chemical Test

☐ AS IN ATTACHMENT HERETO

☐ OTHER

C. IDENTIFICATION OF DEFENDANT

☐ Confirmation (at or near scene)

☒ Observation (of operation or upon other occasion)

D. VIDEO

☒ Yes☐ No

E. WARNINGS GIVEN

DWI Refusal Warning Time: 00:34

Given by: JAMES THUERCK

Location 1 BEACH AVE

Miranda Time: 00:57

Given by: JAMES THUERCK

Location 1 BEACH AVE

F.710.30 Notice served on Defendant

Date

Officer's Initials

Defendant's Initials

CONVERSATION NARRATIVE:

ON JUNE 20TH, 22 AT APPROXIMATELY 0013 HOURS WHILE WORKING A 4TH PLATOON TEU SHIFT I WAS OPERATING MY PARTOL CAR NORTHBOUND ON LAKE AVE AND STOPPED BEHIND A RED HONDA PILOT AT THE RED LIGHT AT THE INTERSECTION OF LAKE AVE AND PORTSIDE DR. WHEN THE LIGHT TURNED GREEN THE HONDA TOOK APPROXIMATELY 10 SECONDS TO REACT TO THE GREEN LIGHT THEN BEGAN TO SLOWLY DRIVE NORTH ON LAKE AVE. THE VEHICLE THEN APPROACHED THE INTERSECTION OF CORRIGAN ST AND MADE A RIGHT TURN ONTO EASTBOUND CORRIGAN ST, THE VEHICLE DID NOT SIGNAL IT'S INTENTION TO TURN UNTIL IT WAS INTO IT'S RIGHT TURN. I TURNED BEHIND THE VEHICLE AND RAN THE LICENSE PLATE NYR [REDACTED] WHICH RETURNED TO A 2003 HONDA THATS REGISTRATION HAD EXPIRED AS OF 07/01/22. DUE TO THESE OBSERVATIONS I FOLLOWED THE VEHICLE AFTER IT STOPPED AT THE STOP SIGN OF CORRIGAN ST AND N RIVER ST INTO THE PARKING AREA OF CHARLOTTE BEACH AND AT THIS TIME I ACTIVATED MY EMERGENCY LIGHTS TO INITIATE A TRAFFIC STOP. THE VEHICLE WAS SLOW TO REACT TO MY EMERGENCY EQUIPMENT AND THEN PULLED TO THE RIGHT CURB (APPROXIMATELY 2 FEET FROM THE CURB). I APPROACHED THE VEHICLE AND ALL THE WINDOWS WERE DOWN. I OBSERVED THREE OCCUPANTS IN THE VEHICLE TO INCLUDE A FEMALE IN THE BACK SEAT BEHIND THE PASSENGER SEAT, A FEMALE PASSED OUT IN THE FRONT PASSENGER SEAT AND A MALE DRIVER. I ADVISED THE DRIVER WHY I WAS STOPPING HIM AND HE PROVIDED ME WITH A NEW YORK STATE NON DRIVER IDENTIFICATION IDENTIFYING HIMSELF AS LADELL D. BRYANT DOB [REDACTED]. DO TO THIS I ASKED THE DRIVER IF HE HAD A LICENSE AND HE SAID "I DO." I THEN ASKED IF IT WOULD BE VALID AND HE STATED "NO, I'M BEIN' HONEST, I OWE \$100." I ASKED BRYANT WHERE HE WAS COMING FROM AND HE TOLD ME HIS DAUGHTER'S HOUSE. WHILE BRYANT SPOKE I COULD SMELL A STRONG ODOR OF ALCOHOLIC BEVERAGE COMING FROM HIS BREATH AND I ALSO NOTICED HIS EYES TO BE BLOODSHOT, WATERY AND GLASSY AND HE HAD SLURRED SPEECH. I ASKED BRYANT IF HE HAD BEEN DRINKING AND HE RESPONDED "EARLIER...BUT" THEN I ASKED HOW LONG AGO AND HE SAID ABOUT A COUPLE OF HOURS AGO. I WENT BACK TO MY PATROL CAR AND CONFIRMED THAT BRYANT'S LICENSE WAS IN FACT REVOKED A TOTAL OF FOUR TIMES DO TO DWI OFFENSES.

I RETURNED TO BRYANT AND ASKED HIM TO STEP OUT OF THE VEHICLE AS I WANTED TO MAKE SURE HE WAS OK TO OPERATE THE VEHICLE DO TO MY OBSERVATIONS. BRYANT AGREED AND STEPPED OUT OF THE VEHICLE, BRACING HIMSELF ON THE BACK DOOR WITH HIS LEFT ARM AS HE EXITED THE VEHICLE. I HAD BRYANT ACCOMPANY ME TO THE SIDEWALK AT THE LOCATION THAT WAS LEVEL, IN GOOD CONDITION AND FREE OF ANY DEBRIS OR DEFECTS. WHILE WE WERE WALKING TO THE SIDEWALK BRYANT GESTURED TO THE FRONT SEAT PASSENGER WHO WAS STILL PASSED OUT AND STATED "SHE WAS SUPPOSED TO BE THE DESIGNATED DRIVER." BRYANT DID ADVISE ME THAT HE HAD A PROTHETIC KNEE AND POINTED TO A SCAR ON HIS RIGHT KNEE. I HAD BRYANT PARTICIPATE IN THE HORIZONTAL GAZE NYSTAGMUS TEST, RECITING THE ALPHABET AND COUNTING. BRYANT REFUSED TO ATTEMPT THE WALK AND TURN AND ONE LEG STAND AND WOULD NOT PARTICIPATE IN A PRESCREEN. SEE ATTACHED DWI NOTES CARD FOR SPECIFICS ON BRYANT'S PERFORMANCE ON THESE TESTS. AFTER THESE TESTS I FORMULATE THE OPINION THAT BRYANT WAS INTOXICATED AND HE WAS PLACED INTO CUSTODY AT 0026. BRYANT ADVISED ME HE WOULD NOT PARTICIPATE IN A BREATH TEST AND DUE TO THIS I READ HIM HIS DWI REFUSAL WARNING DIRECTLY OFF RPD FORM 1275 WHILE HE WAS SEATED IN THE REAR OF MY PATROL CAR AT THE LOCATION. BRYANT PERSISTENTLY REFUSED TO PARTICIPATE IN A BREATH TEST WHEN READ THE WARNINGS AT 0034 HOURS, 0050 HOURS AND 0055 HOURS. AT 0057 HOURS I READ BRYANT HIS MIRANDA WARNINGS OFF RPD FORM 1185 AND HE AGREED TO SPEAK WITH ME. BRYANT ADVISED ME AGAIN THAT HE HAD TWO DRINKS, SPECIFICALLY BEER A COUPLE HOURS AGO AT HIS DAUGHTER'S HOUSE AT 4575 LAKE AVENUE. BRYANT TOLD ME HE DID NOT FEEL LIKE HE WAS TOO DRUNK TO BE OPERATING A VEHICLE AND THAT HE WAS DRIVING TO THE BEACH TO WALK THE PIER.

THE PASSENGERS IN THE VEHICLE WERE IDENTIFIED AS ASHANTE DUNBAR [REDACTED] - FRONT SEAT PASSENGER AND JASMINE JOHNSON [REDACTED] - REAR SEAT PASSENGER. WHILE I WAS SPEAKING WITH BRYANT IN MY VEHICLE BRYANT'S BROTHER, ROBERT ROBERSON DOB: [REDACTED] OF 8 [REDACTED] ARRIVED AT THE LOCATION WITH SEVERAL OTHER FAMILY MEMBERS . ROBERSON WAS ABLE TO CONTACT HIS MOTHER, LINDA SINGLETON DOB [REDACTED] WHO WAS THE REGISTERED OWNER OF THE HONDA PILOT AND SINGLETON REQUESTED THE VEHICLE BE TURNED OVER TO ROBERSON. BRYANT WAS ISSUED UTTS TO APPEAR 08/03/22@0930 AND TURNED OVER TO ROBERSON @ 0107.