

Arrest # <b>21-258884</b>	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

**YAS-PENA** **LEONEL** **A** DEFENDANT  
(Last) (First) (Middle)

The above "DEFENDANT" is charged by Simplified Traffic Information (TSLED) Numbers(s):

**WS99DTT6WD**

(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 **11/25/2021**, at or about **03:11**, operated a (color) **GREY** YR **2011** (make) **NISS** motor vehicle, bearing State of

in a **SOUTHERLY** direction on **31 PRINCE 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.

#### 1. GENERAL INFORMATION

Arrest Date: **11/25/2021** Arrest Time: **03:37**  
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: **CLOUDY**

#### ☒ PRIOR CONVICTIONS

Sections	How Many	Last Date	As a Felony
1192.1	<b>1</b>	<b>01/22/2013</b>	<input type="checkbox"/>
1192.2			<input type="checkbox"/>
1192.2(a)			<input type="checkbox"/>
1192.2(a)(a)	<b>1</b>	<b>10/28/2019</b>	<input type="checkbox"/>
1192.2(a)(b)			<input type="checkbox"/>
1192.3	<b>1</b>	<b>10/29/2019</b>	<input type="checkbox"/>
1192.4			<input type="checkbox"/>
1192.4(a)			<input type="checkbox"/>
1192.5			<input type="checkbox"/>
1192.6			<input type="checkbox"/>
Out of State			<input type="checkbox"/>

#### 2. REASONS FOR STOP / DESCRIPTION OF VIOLATIONS

☐ Erratic Operation:

☒ VTL Violation of Section(s):

**1160 0A, 1163B, 1128B, 1144A**

- ☐ Accident: ☐ Property Damage ☐ Injury  
☐ Injury to Other than Driver  
☐ "SPI" (Serious Physical Injury)  
☐ "D" Fatality  
☐ Civilian Complaint  
☐ Roadblock  
☐ Other:

Time of Stop: **03:11**

#### 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

- ☒ Horizontal Gaze Nystagmus ☐ ☒ **2**  
☒ Walk and Turn ☒ ☐ **5**  
☐ One Leg Stand ☐ ☐  
☐ Romberg Balance ☐ ☐  
☐ Finger to Nose ☐ ☐  
☐ Finger Count ☐ ☐  
☐ Reciting the Alphabet ☐ ☐  
☐ Other: ☐ ☐  
☒ Defendant Disabled **NONE**

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:   
Location of Test:   
Witness to Test:

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

Breath Test Operator

☐ 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:

- ☐ DWAI 1192.1  
☐ DWI 0.08% BAC or Greater 1192.2  
☐ AGGRAVATED DWI 1192.2(a)(a)  
☐ FELONY DWI - CHILD IN VEHICLE 1192.2(a)(b)  
☐ DWI INTOX 1192.3  
☐ DWAI DRUGS 1192.4  
☐ COMBINED INFLUENCE 1192.4(a)  
☐ CMV w/ Hazmat 0.04% - 0.06% BAC 1192.5  
☐ CMV w/ Hazmat 0.06% - 0.08% BAC 1192.6  
☐ Felony 0.08% BAC or Greater  
☒ Felony DWI [1192.2 and 1193.1(c)]  
☐ Consumed Alcohol-Under 21 [1192.3 and 1193.1(c)]  
☒ Other VTL Violation(s) [1192.a]  
**WS99DTT6R9,WS99DTT6MK,WS17DTP Q26,WS17DTPQ26,WS99DTT8FMW,WS**  
☐ 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)

**JOSEPH J LAIOSA**

Arresting Officer (Print Name)

**1180 5 1 125**

Shield # Precinct/Troop/Zone/Station

☐ Supporting Deposition Served on Defendant

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

PEOPLE V.

YAS-PENA

LEONEL

A

Arrest #  
21-258884

(Last)

(First)

(Middle)

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: 03:30Date: 11/25/2021

To Whom: SGT LAIOSA

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: WORK AT EAST END

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

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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: 04:19

Given by: LAIOSA

Location 630 N. CLINTON AVE

Miranda Time:

Given by:

Location

F.710.30 Notice served on Defendant

Date

Officer's Initials

Defendant's Initials

CONVERSATION NARRATIVE: