

Location Offense Occurred:

WURZBACH PKWY/ NACOGDOCHES

San Antonio, Bexar County, Texas

Date of Occurrence: 01/13/2018

Day of Week: Saturday

Time: 2201

Patrol District: 3210

Weather Conditions: DRY / CLEAR

Street Conditions: Paved / Dually lit / Dry / Marked roadway

TYPE OF ACCIDENT INVOLVED (Check One)

☒ Non-Fatal Accident ☐ Fatal Accident ☐ No Accident ☐ Private Property Accident

DRIVER'S DESCRIPTION

Name: JAMES PRESTON GREEN

(Last, First, Middle)

Address: SAN ANTONIO TX

(Street, City, State, ZIP Code)

Place or Employment:

(Full Address or Business Name)

Date of Birth: 03/11/1981

(Month / Day / Year)

Race:

☒ W ☐ B ☐ I
☐ A ☐ H ☐ M

Sex: M

Height: 5 09

Weight: 185

Hair: BLU

Driver's License or Other ID Number:

18510871

State

TX

Restrictions:

NONE

VEHICLE DESCRIPTION

License Year: 2018

License State

TEXAS

License Number

Vehicle Year: 2014

Vehicle Make

KIA

Vehicle Disposition

GROWDON

Vehicle Style: 4DR

Vehicle Color

GRN

Vehicle Model

SOUL

Elements to which officer or witness may testify (Answer YES or NO)

Subject was driving motor vehicle?

YES

Subject was intoxicated or under the influence of drugs?

YES

Accident was a result of subject's intoxicated condition?

YES

Arresting Officer 1

C. BENDELE

Badge Number

1705

Unit

TWI

Arresting Officer 2

D. JONES

Badge Number

1746

Unit

NPT

OBSERVATIONS BY OFFICER OF SUBJECT (Check Appropriate Boxes)

Clothes	Breath	Attitude	Speech	Body Control	Balance	Walking	Turning
Disorderly	Strong	Cooperative	Stuttered	Falling			
Orderly	Moderate	Excited	Confused	Staggering			
Soiled	Faint	Combative	Stuttered	Hesitant			
	None	Indifferent	Accent	Swaying			
		Hilarious	Fair	Unsure			
		Talkative	Good	Sure			
		Carefree					
		Polite					

Other Observations:

(100) Driver	CONTACT DATA	0	1	2	3	4	5
0	Race / Ethnicity known prior to contact	No	Yes				
0	Reason for Stop	Moving Traffic Violation	Vehicle Traffic Violation (Equip. Inspection or Registration)	Violation of Law other than Traffic	Pre-existing Knowledge (i.e. warrant, etc.)		
5	Search / Reason	No	Yes - Consent	Yes - Contraband/Evidence in Plain View	Yes - Probable Cause or Reasonable Suspicion	Yes - Inventory due to Towing	Yes - Arrest
1	Custodial Arrest Made	No	Yes - Viol of Penal Code	Yes - Viol of Traffic Law	Yes - Viol of Ordinance	Yes - Warrant	
0	Location of Stop	City Street	Highway (inc. Access Rd.)	County Road	Private Property or Other		
0	Citation Issued	None	Written Warning	Written Traffic Citation	Misdemeanor Citation		
CODES (CHOOSE ONLY ONE)							
5	Contraband or Evidence	N/A (no search)	None	Drugs/Paraphernalia	Money	Weapon(s)	Alcohol
							Stolen Property
							Other

SUBJECT'S DISPOSITION (Check Appropriate Box)

☒ Booked for DWI 3RD/MORE EVADE ARREST FAIL STOP GIVE INFO > \$200

☐ Ticketed for

☐ Other

☐ Released to Hospital with Form 52-X

☐ Released outright

Signature of Investigation Officer:

Badge #

1705

Date of Report:

01/13/2018

PUBLIC

Location offense occurred: WURZBACH PKWY/ NACOGDOCHES

Date: 01/13/2018

SUMMARY (Describe what you did and what you found, showing information such as why you started the case, manner of driving, condition of vehicle and defendant, possession of specific driver's license by number, pertinent remarks of defendant, witnesses, doctor, physical condition of road, traffic, weather and disposition of vehicle and defendant. (DO NOT USE NAMES OR ADDRESSES OF INDIVIDUALS OR SHOW TEST RESULTS IN THIS PART OF REPORT.)

I was responding to a crash that had occurred at the above location. On the way to the crash I read on the call screen that the driver had fled the scene. Soon after I observed that the driver had fled the scene on foot I heard that a North Patrol officer was chasing him. Upon arrival I saw multiple EMS/Fire personnel and several people that were involved in the crash or a witness to the crash. I went to assist the officer that had gone after the suspect. We walked back to the scene with the suspect after AO2 had found him. While speaking to AO2 throughout the investigation he stated that he smelled a strong odor of intoxicants on the suspects breath, he was unsteady on his feet and lost his balance several times and his statements were not making sense. The witness, W1 advised Officer Jones that the suspect was wearing a brown jacket and was the only one in the vehicle.

I made contact with the suspect as AO2 was walking him back to the scene of the crash. As we were walking back out from under the bridge the suspect had to be assisted to maintain his balance. He had been non compliant and had ran from AO2 and had been pepper sprayed (see offense report under same case number). EMS personnel evaluated him and cleaned him up. Once we walked back to the scene I had the suspect stay against the concrete barrier. He lost his balance multiple times as we spoke to one another. Since the suspect was in handcuffs based on what had just occurred I read him his Miranda Warning. The suspect stated that he was carjacked while at Sam's Burger Joint after he walked out. He claims that he had a gun to his head before he grabbed the wheel of his own car and forced the wreck. He also claimed that he was in a fight with some of the people involved in the crash. The call screen showed that a fight had occurred. I listened to the suspect but his story of being carjacked was not believable since he was headed to his parents house which was down the road from where he had crashed. As he spoke to me I smelled a strong odor of intoxicants emitting from him and he had slurred speech. He continued to say he was not driving the entire time we were talking but why would a carjacker drive from Sam's Burger Joint towards his parents house? W1 and the others involved in the crash Since I made the above observations I asked how much he had to drink? He obviously would not tell me. He was not cooperative most of the conversation and yelling as we spoke. The suspect moved away from the wall he was leaning on and I had to grab him to ensure he did not fall. Based on my observations, training and experience determined the suspect was intoxicated. He was advised he was placed under arrest for DWI.

His vehicle was sent to Growdon for storage and he was transported to 401 S. Frio. Upon arrival I read him the Statutory Warning on video. He refused to provide a specimen of breath and blood. O1 was notified of the arrest and refusal. Since he refused to provide a specimen I obtained a search warrant to gather a specimen. Once the warrant was signed I took the AP to the infirmary where I observed the blood draw. Following the blood draw the AP was booked for DWI 3rd/More, Evading Arrest/Detention 2nd and Fail Stop and Give Info > \$200.


Investigator's Signature and Badge Number

1705

PUBLIC

WITNESS/PASSENGER INFORMATION

indicate which with either a W or P in box)

1 01	Name (Last, First, Middle)	SGT D. BORNHAUSER #3195 TWI	DOB (Mo/Day/Yr)	
	Home Address (Street, City, State, ZIP Code)		Home Phone	
	Business Address (Street, City, State, ZIP Code)		Business Phone	
2	Name (Last, First, Middle)		DOB (Mo/Day/Yr)	
	Home Address (Street, City, State, ZIP Code)		Home Phone	
	Business Address (Street, City, State, ZIP Code)		Business Phone	
3	Name (Last, First, Middle)		DOB (Mo/Day/Yr)	
	Home Address (Street, City, State, ZIP Code)		Home Phone	
	Business Address (Street, City, State, ZIP Code)		Business Phone	
4	Name (Last, First, Middle)		DOB (Mo/Day/Yr)	
	Home Address (Street, City, State, ZIP Code)		Home Phone	
	Business Address (Street, City, State, ZIP Code)		Business Phone	
5	Name (Last, First, Middle)		DOB (Mo/Day/Yr)	
	Home Address (Street, City, State, ZIP Code)		Home Phone	
	Business Address (Street, City, State, ZIP Code)		Business Phone	

CHEMICAL TESTING (Check Appropriate Boxes)

Test Offered (Alcohol)	Test Given (Alcohol)		Yes	No
<input checked="" type="checkbox"/> Breath	<input type="checkbox"/> Breath	Blood submitted for drugs?	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Blood	<input checked="" type="checkbox"/> Blood	Refusal form (DIC-23) submitted?	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> None	<input type="checkbox"/> None	Is report complete?	<input type="checkbox"/>	<input type="checkbox"/>

Found evidence of intoxicants STRONG ODOR OF INTOXICANTS, OPEN BOTTLE OF WHISKEY

Type of field sobriety test NONE/ REFUSAL

Submitted video tape number Coban / BWC

Signature of Officer/Operator Coban / BWC **TEST RESULT** /

Badge Number REFUSAL

INTERVIEW - Interviewer - Fill in Actual

 Rights warning given? (Yes or No) YES

Time 2201 Day of Week Saturday Date 01/13/2018 Interviewer's Name C. BENDELE 1705

Were you operating a motor vehicle? HE CLAIMS NO BUT HE WAS

Which direction were you going? HOME

On what street or highway were you? WURZBACH PKWY

From where did you start? SAMS BURGER JOINT

What time is it now? _____

What were you doing the last three hours? BEEN AT THE LIVE CONCERT AT SAMS BURGER JOINT

When did you eat last? _____

Have you been drinking alcoholic beverages and if so what and how much? HE NEVER STATED HE DID

Where were you drinking? _____

What time did you start drinking? _____

What time did you stop drinking? _____

Are you under the influence of an alcoholic beverage now? _____

Do you have any physical defects and if so what? JUST MINOR INJURIES FROM CRASH AND RUNNING

Are you ill now and if so what is wrong? NONE

Have you been injured recently and if so what is wrong? _____

Are you under a doctor's care; if yes, for what reason? NO

Are you taking tranquilizers, pills or medicines of any kind and if so what? (If DUID suspected get a sample.) NO

When did you take the last dose? _____

Do you have epilepsy or diabetes and if so which? _____

Do you take insulin and if so, when was the last dose? NONE

Have you had any injections of any other drugs recently and if so, for what? _____

What kind of drug was it and when was the last dose? NONE

When did you sleep last and how long? _____

Are you wearing any of the following items (false teeth, glass eye, glasses or contact lenses) and if so which? NONE

IF AN ACCIDENT IS INVOLVED ASK THE FOLLOWING QUESTIONS.

Were you involved in an accident today? YES

Have you had any alcoholic beverages since the accident and if so what and where? NONE

How much did you drink? _____

STAPLE BREATH TESTING MACHINE TEST RESULT PRINTOUT HERE.

NON-PUBLIC

SAN ANTONIO POLICE DEPARTMENT
DWI/TRAFFIC CASE REPORT (SUPPLEMENT)

Case Number: SAPD18009049
Page _____

Location offense occurred: WURZBACH PKWY/ NACOGDOCHES Date: 01/13/2018 Time: 2201
Driver's Name: JAMES PRESTON GREEN Birth: 03/11/1981
Driver's Address: [REDACTED] SAN ANTONIO TX 78216
Vehicle Description: [REDACTED] KIA SOUL 2014 GRN

OFFICER'S FIELD SOBRIETY CHECKLIST

RHOMBERG BALANCE (Check as applicable)

____ Refused
____ Kept opening eyes
____ Inches sway side to side
____ Inches sway front to back
____ Circular sway
____ Actual seconds (Timed by Officer)
____ Test stopped/reason

WALK AND TURN (Check as many as you observe)

____ ☒ Refused
____ Cannot keep balance during instructions
____ Starts before told to start Return
____ Stops while walking
____ Does not touch heel to toe
____ Steps off line
____ Raised arms for balance (over 6 inches)
____ Turns incorrectly
____ Steps going / _____ Steps returning
____ Test stopped / reason: _____

ONE LEG STAND (Check as many as you observe)

____ Left raised _____ Right raised
____ ☒ Refused
____ Uses arms for balance
____ Hops
____ Puts foot down (number of times)
____ Sways

ALTERNATIVE TEST

HORIZONTAL GAZE NYSTAGMUS (HGN)

****I AM CERTIFIED TO USE HGN (Please Initial)

CB

Refused ☒ Yes _____ No _____
Head Injury? _____ Yes _____ No _____
Left Right

Contact lens worn? _____ Yes _____ No

____ Lack of smooth pursuit
____ Distinct and sustained nystagmus at maximum deviation
____ Onset of nystagmus prior to 45 degrees

VERTICAL NYSTAGMUS

____ Yes _____ No

OBSERVATIONS: STRONG ODOR OF INTOXICANTS, SLURRED SPEECH

Investigating Officer's Signature and Badge Number

g3ll

1705