

**SOBRIETY EXAMINATION
DENVER POLICE DEPARTMENT**

Defendant
BRANDON MARSHALL

DOB
03- -84

PERFORMANCE TESTS

Roadside by # *7102*
Time Test Started *0720*
Time Test Ended *0725*
Location *SIDE OF ROAD*

If unable to do roadside maneuvers, explain

WEATHER CONDITIONS
 Clear Cloudy
 Cold Warm
 Rain Snow
 Hot Fog

ROAD CONDITIONS
 Dry Wet
 Paved Not Paved
 Other Icy

HORIZONTAL GAZE NYSTAGMUS
 Note: suspect hard contacts? No Yes-DO NOT TEST

	Left	Right
	Yes No	Yes No
Lack of Smooth Pursuit	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Distinct Nystagmus at Max. Deviation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Nystagmus onset before 45 degrees	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other:		
	Total Clues <i>4</i>	

WALK AND TURN
 Instructions Stage
 Cannot Keep Balance Starts Too Soon

Walking Stage	1 st 9 Steps	2 nd 9 Steps
Stops Walking		
Misses Heel - Toe		
Steps Off Line	<input checked="" type="checkbox"/>	
Raises Arms		
Actual Steps Taken	<i>12</i>	
The Turn (Describe)	<i>NOT SHOWN!</i>	
Cannot Complete (Explain)		
	Total Clues <i>4</i>	

ONE LEG STAND

	0 to 10 seconds	11 to 20 seconds	21 to 30 seconds
Sways			
Raises Arms	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Hops			
Foot Down		<i>160</i>	
Cannot Complete (Explain)			
Other:			
	Total Clues <i>2</i>		

OTHER TESTS - (Alphabet, Counting) - Explain

ADM Investigating Officer *Sgt KASTERSSEN* Ser. # *7102* Assignment *6* Investigating Officer Ser. #

Additional Information

Δ PULLED OUT OF ALLEY BEHIND "OLD CHICAGO" & WENT NORTH ON 14 STREET - 14 STREET IS ONE WAY SOUTH
Δ THEN WESTWARD ON AURARIA, WEAVING IN/ OUT OF HIS LANE OF TRAFFIC
Δ ADMITTED A COUPLE OF DRINKS, BUT INSISTED HE WAS "OK"
Δ WOULD NOT LET ME COMPLETE INSTRUCTIONS ON WALK-TURN
857 AM AT SCENE

SOBRIETY CASE SUMMARY

DENVER POLICE DEPARTMENT

Log. No. 185416 Acc. nt No. _____ INJ.
Final Charges Filed DUI, DUI PER SE, WRONG WAY ON ONE WAY
FAILURE TO DRIVE IN SINGLE LANE

DEFENDANT	Defendant <u>MARSHALL, BRANDON TYRON</u> DOB <u>3/23/84</u> SSN# _____
	Home Add. <u>1 GOLD PEAK LN</u> ^{Last} <u>HIGHLAND</u> ^{First} <u>RETIRO</u> ^{M.I.} <u>20130</u> Home Ph. (_____) _____
	Business Add. _____ City _____ Cnty _____ State _____ ZIP _____ Bus. Ph. (_____) _____
	Sex <u>M</u> Race <u>B</u> Hgt. <u>6'05</u> Wgt. <u>225</u> Hair <u>BRO</u> Eyes <u>BRO</u>
	CORR. LENSES: <input type="checkbox"/> Glasses <input type="checkbox"/> Hard Contacts <input type="checkbox"/> Sft Contacts FACIAL HAIR: <input type="checkbox"/> Full Beard <input checked="" type="checkbox"/> Moustache <input type="checkbox"/> Goatee

VEH	Veh. Make <u>MERC</u> Model <u>Mountainair</u> Yr. <u>2007</u> Style <u>SUV</u> Color <u>Red</u>
	Veh. Lic. # <u>848046</u> State <u>CO</u> Yr <u>2008</u> VIN _____
	Veh. P/L: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Towed: <input type="checkbox"/> Yes <input type="checkbox"/> No Towed By _____
	Keys: <u>w pass #1</u> Veh. Loc. <u>Rel</u> <input checked="" type="checkbox"/> Rel. to <u>DENEISHIA OVERTON</u>

OFFNS	Offense (Reason for Contact) <u>Wrong way on one-way, Failure to Drive in Single Lane</u>
	Loc. of Offense <u>14th & Blake to 17th & Arapahoe</u> Precinct _____
	Proof of Ins.: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Offense Date <u>10/22/07</u> Time <u>0217</u> Day of Week <u>Monday</u>

TEST	Visual Sobriety <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No By <u>Sgt. Kasperen (91062)</u> Witness _____
	Breathalyzer Test: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No By <u>J. LOVATO 00028</u> Time <u>0331</u> Result <u>.116</u>
	B.A. By (Print Name) _____ Witness _____ Time _____
	Blood Drawn From (part of body) _____ Result _____

WITNESS	Wit. #1 _____ Add. _____ Phone _____
	Wit. #2 _____ Add. _____ Phone _____
	Wit. #3 _____ Add. _____ Phone _____
	Wit. #4 _____ Add. _____ Phone _____
	Wit. #5 _____ Add. _____ Phone _____
	Passenger's/Def.'s Veh. <u>#1 DENEISHIA OVERTON, #2 JUDY NASH.</u>

NARRATIVE

Facts of the Case (What Occurred?) I MADE OUT W/D AS SCENE. I ADVISED D OF E/C D STATED "I WANT TO TALK TO MY LAWYER BEFORE I MAKE A CHOICE" I TOLD D THAT HE HAS TO MAKE A CHOICE AND CAN NOT TALK TO YOUR LAWYER FIRST. D WAS ASKED 5 MORE TIMES TO PICK A TEST BLOOD OR BREATH D JUST KEPT REPEATING "I WANT TO GO HOME, HOW BOUT THAT?" I THEN TOLD D THAT HE WILL BE PROCESSED AS A REFUSAL. I TRANSFERRED PARTY TO DUI ROOM, WHILE TRANS D TO DUI ROOM HE STATED "WHY CANT I TALK TO MY LAWYER FIRST" I VERBALLY ADVISED HIM OF E/C AGAIN D REFUSED TO BELIEVE WHAT HE WAS BEING TOLD AND SAID "THATS BULLSHIT, THATS A LIE, WHY AINT YOU GUYS OUT LOOKING FOR WILLIAMS KILLER? I HATE DENVER, I HOPE I GET TRADED I HATE THIS FUCKIN CITY," ONE AS HQ. IN THE DUI ROOM D WAS HEARD THE E/C FROM D CHOSE A BREATH TEST. AND SIGNED THE CONSENT FORM @ 0302HRS. AT 0331 A TEST WAS COMPLETED AND SHOWED D HAD .116 grams of alcohol for 210 Liters of BREATH.

ADM	Inv. Officer <u>JLamo</u> Ser. # <u>00028</u> Assignment <u>857</u> Inv. Ofcr. _____ Ser. # _____
	Det. Assigned _____ Ser. # _____ Case Filed By: _____ Ser. # _____

DUI SHORT FORM

07-719528

SUSPECT

Name BRANSON TYRONE MARSHALL DOB 3-84

Operator's License? No Yes License Number 06-296-0833

Insurance? No Yes

PASSENGERS

Name - Passenger #1 JENESHIA OVERTON

Passenger #2 JUDY NASH 2-21-82

OFFICERS

Officer #1 SGT RYAN KASPERSEN Badge 9106Z

Officer #2 _____ Badge _____

Roadside by Officer # 9106Z

STOP

Location of Violation 14 STREET BLAKE TO 7th AURARIA

Describe Reason for Stop 1) WRONG WAY ON 14 STREET
2) THEN LEAVING OUT OF HIS LANE ON AURARIA

Stop by Car # 6020 In Precinct # 6026

Date and Time of Violation 10-22-07 0217

Driver Suspected of: DUI DUID DUI / DUID

Describe Mannerisms of Alcoholic Intoxication (Probable Cause for Arrest) 1) BREATH SAMPLES OF ALCOHOLIC BEV 1 UNSTEADY ON HIS FEET, 2) EYES GLASSY, 3) DID POORLY ON ROADSIDES
SMELL OF ALCOHOL MODERATE

VEHICLE

Make MERCURY Model MOUNTAINEER Body Type SUV Yr. 07 Color RED

License Plate # 848-076 State CO Year 08

Location of Vehicle W/ PASSENGERS Keys? SAFELY

Officer's Signature SGT RYAN KASPERSEN 9106Z

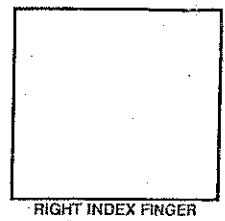
DUI Officer [Signature] Badge 0008

INTERPRETER NEEDED: Language _____

INDICATE IF CO-DEFENDANT BY IN BOX

DOCKET NO.	07M1135
ACCIDENT CASE NO.	
CAD NO.	070719528

CDL
 CMV
 HMC



CRIMINAL SUMMONS AND COMPLAINT
DENVER COUNTY COURT ROOM 111-AA (720) 865-7820
 CITY AND COUNTY BUILDING, DENVER COLORADO 80202
 In the County Court in and for the City and County of Denver, State of Colorado, The People of the State of Colorado, Plaintiff, vs.

DEFENDANT'S NAME (Last, First, Middle) MARSHALL, BRANDON TYRONE		SSN ---	DOB 03/1984	APPROX. DATE & TIME OF VIOLATION 22-OCT-2007 02:17AM	HOME PHONE ---				
DEFENDANT'S ADDRESS 0 GOLD PEAK LN		CITY HIGHLANDS RANCH	COUNTY ARAPAHOE	STATE CO	ZIP 80130				
EMLOYERS NAME / ADDRESS			CITY	STATE	BUSINESS PHONE				
DRIVERS LIC. NO. 062960833	CLASS R	STATE CO	RACE B	SEX M	HGT. 605	WGT. 225	EYES BRO	HAIR BLK	OCCUPATION
VEHICLE LIC. NO. 8480YG	TYPE PC	STATE CO	MAKE MERC	MODEL MTN	VEH YR. 2007	BOTTOM COLOR RED	TOP COLOR RED	APPROXIMATE LOCATION OF VIOLATION From: 14TH ST & BLAKE ST To: 7TH ST & AURARIA ST	
REGISTERED OWNERS NAME / ADDRESS		VICTIM'S PROPERTY							
PRIMARY VICTIM INVOLVED NAME			PRIMARY VICTIM INVOLVED ADDR			PRIMARY VICTIM PHONE			

YOU ARE SUMMONED AND ORDERED TO APPEAR BEFORE THE COURT AT ^{10:30} 9:30 AM ON 11/21/2007

IF THIS DATE IS A SATURDAY, SUNDAY OR HOLIDAY, YOU ARE TO APPEAR ON THE NEXT COURT BUSINESS DAY, IN COURTROOM 124D, PRE-ARRAIGNMENT DETENTION FACILITY, 1437 BANNOCK STREET, DENVER, COLORADO TO ANSWER CHARGES(S) OF VIOLATING THE COLORADO REVISED STATUTES 1973 AS AMENDED, EACH COUNT CHARGED CONTRARY OF THE STATUTES IN SUCH CASE MADE AND PROVIDED AND AGAINST THE PEACE AND DIGNITY OF THE PEOPLE OF THE STATE OF COLORADO, TO WIT:

CRS NO	CHARGE DESCRIPTION
42-4-1301	DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL (DUI)
42-4-1301(2)(A)	DRIVING A MOTOR VEHICLE WITH A BLOOD ALCOHOL OF 0.08
42-4-1006	DRIVING THE WRONG WAY ON ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS
42-4-1007	FAILED TO DRIVE IN A SINGLE LANE

I KNOW OR HAVE REASON TO BELIEVE THE DEFENDANT NAMED VIOLATED THE SECTION(S) OF THE COLORADO REVISED STATUTES IDENTIFIED AND I CERTIFY THAT THE DEFENDANT WAS SERVED A COPY OF THIS SUMMONS AND COMPLAINT IN THE MANNER PRESCRIBED BY LAW

SIGNATURE OF DPD OFFICER *[Signature]* SER. NO. 00028 DATE SERVED 10/22/07 BY *[Signature]*

DPD Number: _____ DUI TEST 185416 INTOX. RESULTS: 116

OFFICER	Ser. NO.	Director of Laboratories or Agent, Division of Laboratories, Drug Chemistry Unit Colorado Department of Health, 8100 Lowry Blvd, Denver, Co 80220-6928	WITNESS	DESCRIPTION
DUNN, DANIEL	P98058	State Custodian of Records Division of Driver Services 1881 Pierce St., #150 Lakewood, Co 80214		
KASPERSON, RYAN R.	P91062			
LOVATO, JAMES	P00028			

ADVISEMENT FORM
FORMULARIO DE NOTIFICACIÓN

Name MARSHALL Brandon Date of Birth 032384
Nombre MARSHALL Brandon Fecha de nacimiento 032384

Date 10-22-07 Time 0708
Fecha 10-22-07 Hora 0708

Location HQ. Dir Room
Localidad HQ. Dir Room

You have a right to remain silent. ✓
Usted tiene el derecho de guardar silencio.

Anything you say can be used as evidence against you in court. ✓
Cualquier cosa que usted diga puede ser utilizada como evidencia contra usted ante un tribunal.

You have a right to talk to a lawyer before questioning and have him present during questioning. ✓
Usted tiene el derecho de hablar con un abogado antes de cualquier interrogatorio y de tenerlo presente durante el interrogatorio.

If you cannot afford a lawyer, one will be appointed for you, without cost to you, before questioning. ✓
Si usted no puede pagar por un abogado, se le nombrará uno, sin costo a usted, antes del interrogatorio.

Do you understand each of these rights I have read to you? ✓
¿Comprende usted cada uno de estos derechos que yo le acabo de leer?

Answer Yes Sir
Respuesta Yes Sir

Signature of the Person Advised [Signature]
Firma de la persona notificada [Signature]

Signature of Advising Officer [Signature]
Firma del oficial que presta notificación [Signature]

Knowing my rights and knowing what I am doing, I now wish to voluntarily talk to you. ✓ Yes
Sabiendo mis derechos y sabiendo lo que hago, ahora quiero hablar con usted voluntariamente. Yes

Signature of the Person Advised [Signature]
Firma de la persona notificada [Signature]

Witnessed by _____
Atestiguado por _____

Signature of Advising Officer [Signature]
Firma del oficial que presta notificación [Signature]

**EXPRESS CONSENT AFFIDAVIT
 AND NOTICE OF REVOCATION**

No. 1607811

**YOU MUST ACT WITHIN 7 DAYS
 THIS IS A LEGAL DOCUMENT**

*Date of Notice 10-22-07

Respondent's Last Name MARSHALL		First Name BRANDON		Middle Name TYRONE	<input type="checkbox"/> Blood (Do Not Serve)	<input checked="" type="checkbox"/> Breath	<input type="checkbox"/> Refusal	
Date of Birth (MO/DAY/YR) 03/ /84		Address (street, city, state, ZIP) / Mailing address, if different 40 GOLD PEAK LANE HIGHLANDS RANCH CO 80130				Personally Served <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Driver's License Number	Class A	State CO	Social Security Number	Sex M	Weight 225	Height 605	Hair BRN	Eyes BRN
Commercial Driver's License <input type="checkbox"/> Yes <input type="checkbox"/> No	Commercial Motor Vehicle <input type="checkbox"/> Yes <input type="checkbox"/> No	Hazardous Materials <input type="checkbox"/> Yes <input type="checkbox"/> No		Accident <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Fatal				
License Plate 848-0YC	State CO	Registered Owner Name and Address (last, first, middle) <input type="checkbox"/> Same as above						

You are hereby notified that on this date, you were asked to submit to a test or tests to determine the alcohol and/or drug concentration within your system. [§42-4-1301.1, C.R.S.]. The following constitute PROBABLE CAUSE to believe you were driving a motor vehicle while impaired by or under the influence of alcohol or drugs, or with a blood or breath alcohol content in excess of the limits imposed by law. **ON 102207 AT 0217 HRS. YOU WERE OBS. BY SGT. KASPERSEN(91062) DRIVING A MOTOR VEHICLE THE WRONG WAY ON A ONE WAY IN THE 1400 BLM OF 14th ST. SGT. KASPERSEN GOT BEHIND YOU AND FOLLOWED YOU ON BLAKE ST ACROSS SPEER AND ONTO AURARIA PKWY. YOU WERE WEAVING IN AND OUT OF YOUR LANE AND SGT. KASPERSEN STOPPED YOU AT AURARIA PKWY AND 7TH ST. YOU CONSENTED TO VOLUNTARY ROADSIDES AND DID POORLY. YOU WERE ADVISED OF E/C AND WOULD NOT CHOSE A TEST. YOU WERE ASKED AT LEAST SIX TIMES. ONCE IN THE BUI ROOM YOU CHOSE A BREATH TEST AND SIGNED THE BREATH CONSENT FORM 00302 HRS. A TEST WAS COMPLETED AT 0331 which SHOWED YOU TO HAVE .116 GRAMS OF ALCOHOL PER 210 LITERS OF BREATH.**

Date of Stop 10-22-07
B.A.C. .116

ORDER OF REVOCATION (§42-2-126 C.R.S.)

THIS IS YOUR OFFICIAL ORDER. Unless you request a hearing in writing, and surrender your license within seven (7) calendar days after this date of notice, the Department of Revenue shall enter this order effective the eighth (8th) day after the date of notice*. This order shall remain in effect until you comply with the provisions of §42-2-132, C.R.S., file the required insurance form, and pay a reinstatement fee to the Department of Revenue. Upon reinstatement, you may be required to complete a written and drive test before a new driver's license can be issued.

- [] **REFUSAL.** Because you refused to take or complete, or to cooperate with any testing or tests of your blood, breath, saliva, and/or urine, your driver's license and/or driving privilege is hereby revoked. (FIRST OFFENSE - one year, three years if hazardous material violation. SECOND OFFENSE - two years, life if commercial licensee. THIRD OR SUBSEQUENT OFFENSE - three years, life if commercial licensee.)
- [x] **EXCESS B.A.C.** Because you submitted to testing that disclosed an alcohol concentration of **0.08** or more, or **0.02** or more if you are under the age of 21, your driver's license and/or driving privilege is hereby revoked. (FIRST OFFENSE - three months, one year, if commercial licensee. SECOND OFFENSE - one year, six months if under 21 and B.A.C. is under 0.08, life if commercial licensee. THIRD OR SUBSEQUENT OFFENSE - one year, life if commercial licensee.)
- [] **COMMERCIAL VEHICLE AND/OR HAZARDOUS MATERIALS WITH EXCESS B.A.C.** Because you submitted to testing that disclosed an alcohol concentration of **0.04** or more, or at least **0.02** but less than **0.04** if you are under the age of 21, your driver's license and/or driving privilege is hereby revoked. (FIRST OFFENSE - one year, three years if hazardous material violation, three months if under 21 and B.A.C. is under 0.04. SECOND OFFENSE - life, six months if under 21 and B.A.C. is under 0.04 . THIRD OR SUBSEQUENT OFFENSE - life, one year if under 21 and B.A.C. is under 0.04)

YOU HAVE THE RIGHT TO REQUEST A HEARING [§42-2-126 (8), C.R.S.]

Your written request for a hearing and a driver's license must be received by the **Colorado Department of Revenue within seven (7) calendar days after date of notice***. A temporary permit may be issued until the date of your first scheduled hearing. If your written request and driver's license are not received by the **Colorado Department of Revenue within seven (7) calendar days after date of notice***, you waive your right to a hearing and the Department's determination is final. Unless previously surrendered, any driver's license in your possession must be surrendered at the time of the hearing request before a hearing will be granted. **You may make a request for a hearing in person at any Colorado Driver's License Office. Bring this affidavit and notice with you.**

SURRENDER OF DRIVER'S LICENSE

Section 42-2-126 (5)(b), C.R.S., requires the officer to take possession of any driver's license you hold. When you surrender your driver's license, the officer may issue a temporary permit that will remain in force for seven (7) calendar days after the date of notice*.

TEMPORARY PERMIT

This entire notice and order is a temporary permit which expires on the seventh (7th) day after the date of notice* when indicated below and when signed by both you and the peace officer.

License Surrendered? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Temporary Permit Issued? For Interlock restricted drivers, see also DR 2057- Do not issue permit. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Restrictions/Endorsements:
Signature of Respondent <i>BRANDON TYRONE MARSHALL</i>		Name of Police Agency (No Abbreviations Please) DENVER POLICE DEPT.
I swear, verify, and affirm under penalty of perjury that the information and facts contained in this Affidavit and Notice of Revocation are true to the best of my knowledge and belief.		
Signature of Officer <i>[Signature]</i>		Number 00023
Officer's Name - Please Print S. LOVAJO	District 10	Troop 857
		Patrol 888