

STATE OF VERMONT
DRUG RECOGNITION EVALUATION
 DPS 339



Rolling Log No. 08-16-16 Case Number 08A104711

Page 1 of 2 TO BE COMPLETED BY D.R.E. TRAINED PERSONNEL
 Offense(s) Charged DUI

Name (Last, First, Middle) [REDACTED] DOB [REDACTED] Age 28 Sex M Arresting Officer (Name/Agency) Sgt. MARCOUX / SHELBURNE

Date/Time of Exam 10-17-08/0045 Refused 0034 Time 0041 Instrument # 070866 Date/Time/Location of Examination 10-17-08/0102 hrs / SHELBURNE PD

Admission of Rights given by? CPI MARCOUX Rights Waived? Yes No What have you eaten today? RAMEN NOODLES Time? 12:00 noon What have you been drinking? BEER How much? 2 Time of last drink? 6-7 pm

Time Now? 0104 When did you last sleep? LAST NIGHT How long? 5 hrs Are you sick or injured? Yes No Are you diabetic or epileptic? Yes No

Do you take insulin? Yes No Do you have any physical defects? Yes No Are you taking any medication or drugs? PROZAC 40mg DAILY Yes No Do you have high blood pressure or heart disease? If yes, describe. No Yes Have you ever had a severe head injury? Yes No Do you have brain damage? Yes No

Speech NORMAL Attitude/Behavior COOPERATIVE Coordination Face FLUSHED Breath/Odors CANNABIS

Corrective Lenses Glasses Contacts Hard Soft None Eyes Bloodshot Watery Normal Blindness None Right Eye Left Eye

Pupil size Equal Unequal (explain) Able to follow stimulus? Yes No Eyelids Retracted Normal Droopy (3) One leg stand Timed 30 seconds Count # 27 Count # 25

Pulse & Time	HGN	Right eye	Left eye	Vertical nystagmus?	Convergence
1. <u>106, 0110</u>	Lack of smooth pursuit	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Right eye <u>←</u> Left eye <u>→</u>
2. <u>98, 0129</u>	Max. deviation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
3. <u>106, 0144</u>	Angle of onset <input type="checkbox"/> Resting (0) <input type="checkbox"/> Rapid (35) <input checked="" type="checkbox"/> Extreme (45) <input type="checkbox"/> Immediate (0-30) <input type="checkbox"/> Near extreme (40) <input type="checkbox"/> None				

(1) Romberg Balance (2) Walk and turn Cannot keep balance _____ Started too soon _____ Stopped walking _____ Missed heel-toe _____ Stepped off line _____ Raised arms _____ Actual steps taken _____

	1st Nine	2nd Nine
Stopped walking		
Missed heel-toe		
Stepped off line		
Raised arms	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Actual steps taken		

Sways while balancing Used arms to balance Hopping Put foot down Type of footwear TENNIS SHOES

Internal clock 34 Estimated as 30 sec. Describe turn TURNED BY SPINNING Cannot do test (explain)

(4) Right Left Finger/Nose Draw lines to spots touched Nasal area CLEAR Oral cavity/Tongue GREEN FILM ON TONGUE

Pupil Size: MM

	Light	Right Eye	Left Eye
Room Light		<u>6.5</u>	<u>6.5</u>
Near Total Darkness		<u>8.0</u>	<u>8.0</u>
Direct		<u>5.5</u>	<u>5.5</u>

Hippus Yes No Rebound dilation Yes No Reaction to light Normal Slow Little or None Visible

INDICATE FRESH OR OLD PUNCTURE MARKS Attach Photos of Fresh Puncture Marks (optional)

Blood pressure 138/94 Temperature 98.6 °F Muscle tone Near Normal Flaccid Rigid

Chemical test time: Urine Blood Both tests refused

Drug admission? MARIJUANA 30 MIN AGO Examining Officer P. RAVELIN I.D. Number 15470

Agency VSP-Williston Reviewed by [Signature] Opinion of Evaluator: Rule Out Alcohol Stimulant Dissociative Anesthetic Inhalant Medical Depressant Hallucinogen Narcotic Analgesic Cannabis

Name (Last, First, Middle)

Violations

T 23 VSA 1201(a)(3)

Drug recognition evaluation report/narrative

1: **Location:** The evaluation was conducted at the Shelburne Police Department in the DUI processing room.

2: **Witness:** The entire evaluation was witnessed by Cpl. Marcoux of the Shelburne Police Department.

3: **Breath Test:** A preliminary breath test was obtained from [REDACTED] with a result of .034% BrAC at approximately 0041 hours using an Alco IV serial number 070866

4: **Notification/Interview of A/O:** At approximately 0035 hours, Cpl. Marcoux requested a DRE evaluation on [REDACTED] after observing [REDACTED] drive through a steady red light on Shelburne Road in South Burlington. Cpl. Marcoux advised [REDACTED] performed poorly on Field Sobriety Exercises and provide a sample of his breath with a Preliminary Breath Test result of .034% BrAC.

5: **Initial Observations:** I first observed [REDACTED] at road side while Cpl. Marcoux was issuing the Preliminary Breath Test. Cpl. Marcoux then placed [REDACTED] into custody and transported him to the Shelburne Police Department. At the Shelburne Police Department, I observed [REDACTED] eyes were watery and bloodshot. I detected an odor of burnt marijuana emanating from his person.

6: **Medical Problems:** [REDACTED] stated he had a prescription for Prozac 40 mg but was not currently under the care of a physician. No evidence of injury or illness was observed.

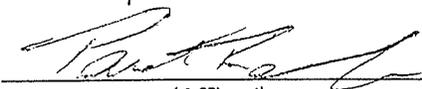
7: **Psychophysical Tests:** [REDACTED] exhibited impairment throughout all portions of the psychophysical test. On the Romberg Balance, [REDACTED] exhibited a 1" circular sway. On the Walk and Turn, [REDACTED] turned incorrectly by spinning around when he was instructed to take several small steps. He used his arms for balance almost continuously throughout the entire exercise. On the One Leg Stand, [REDACTED] used his arms for balance while standing on the left foot and counted slowly taking thirty seconds to count to twenty two. While standing on the right foot [REDACTED] again used his arms for balance and counted slowly taking thirty seconds to count to twenty five. On the Finger to the Nose, [REDACTED] failed to touch the tip of his nose on numbers 1, 2, 3, and 4.

8: **Clinical Indicators:** Eyes: [REDACTED] pupils were of equal size and he was able to follow a stimulus. I noted an onset of HGN at forty-five degrees. I observed a lack of convergence in the left and right eyes. Reaction to light was normal and his pupils were above normal size at room light, normal size in near total darkness and above normal size in direct light. I observed rebound dilation in both the left and right eyes. [REDACTED] eyes were watery and exhibited reddened conjunctiva. VITAL SIGNS: [REDACTED] pulse rate was above normal on all three readings (106, 98, and 106). His blood pressure was above normal at 138/94.

Subscribed and sworn to before me on

this 21 day of October 2008

(Notary Public) (Judicial Officer)


(Affiant)
10-21-08
(date)

[Redacted Name]

T 23 VSA 1201(a)(3)

Drug recognition evaluation report/narrative

9: **Signs of Ingestion:** [Redacted] had a greenish film on his tongue. I detected an odor of marijuana on his breath.

10: **Statements:** [Redacted] stated he had smoked approximately one bowl of marijuana approximately thirty minutes before being stopped by Shelburne Police. He advised he took one 40 mg Prozac in the morning as prescribed by a doctor.

11: **Opinion of Evaluator:** In my opinion, [Redacted] was under the influence of marijuana and was unable to operate a motor vehicle safely

Comment
12: **Toxicological Sample:** [Redacted] refused to have a sample of his blood drawn.

13. **Miscellaneous:** I am a Nationally Certified Drug Recognition Expert since July 2008

Subscribed and sworn to before me on

this 21 day of OCTOBER 2008

[Signature]
(Notary Public) (Judicial Officer)

[Signature]
(Affiant)
10-21-08
(date)

VERMONT DEPARTMENT OF HEALTH LABORATORY

195 COLCHESTER AVE. P.O. BOX 1125
BURLINGTON, VT 05402-1125
802-863-7335 1-800-660-9997(VT only)

Miscellaneous Toxicology Analysis Report

Laboratory No.(s), 09EB 105

Receipt Date: 11/20/2008

Submitter: George P. Merkel

Sample Description: 10 ml test tube of blood

Agency: Middlebury P.D.

from donor [REDACTED]

Case No. 08MB3681

Address: 1 Lucius Shaw Lane

Town: Middlebury State: VT

Analysis Requested: Amphetamines

Zip: 05753

Result[s] of analysis:

Amphetamines by GC/MS	Results	Reporting Limit
Amphetamines	<100 ng/ml	100 ng/ml
Methamphetamine	negative	100 ng/ml
MDMA	negative	100 ng/ml

Laboratory Notes:

Amphetamines present at less than 100 ng/ml

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Report release: _____
Date Analyst