



**AUSTIN POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY**

GO# 2012-2270204 CLEARED BY ARREST
(IBRS)

2102-0 DWI 2ND

Related Image - ATTCHMENTS

Attachment Description: **DWI / PAPERWORK**
Reference Number:

CAUSE NUMBER: 12-2270204

THE STATE OF TEXAS	§	IN THE MAGISTRATE COURT
	§	CITY OF AUSTIN
COUNTY OF TRAVIS	§	IN TRAVIS COUNTY, TEXAS

AFFIDAVIT FOR WARRANT OF ARREST AND DETENTION

The undersigned Affiant, who after being duly sworn by me, on oath, makes the following statement:
I have good reason to believe and do believe that:

Pharr, John W/M, 10-17-1990

On or about the 14th day of August, 2012, in the incorporated limits of the City of Austin,
County of Travis, Texas, did then and there commit the offense of:

Driving While Intoxicated - (Offense Level A)

On 14 August 2012, at approximately 0324, your Affiant was on duty as an Austin Police Officer wearing the uniform of my position with shoulder patches and badge on my chest. I was also driving a clearly marked Austin Police Department patrol unit equipped with emergency lights and the word "Police" on the vehicle. While traveling Eastbound on Martin Luther King Blvd I found myself behind a tan, 1999 Ford, bearing TxLP: BT1N735. The vehicle caught my attention as it drifted to the South curb line and quickly swerved to the left, in an attempt to avoid striking the curb. As I continued to follow the vehicle I observed it drift left to right, and back left, as it crossed the center line. The vehicle turned Southbound on Airport Blvd. and again crossed the center line. There were multiple vehicles on the road and for the safety of the public a traffic stop was initiated.

With my overhead lights activated I followed the vehicle as it continued Southbound on Airport Blvd and approached 12th Street. At the 12th Street intersection the vehicle rapidly accelerated, turned Westbound onto 12th Street, and started to travel Westbound in the Eastbound lane. The vehicle then came to an abrupt stop on the left side of the road, facing Westbound in the Eastbound lane at the bottom of a hill.

Before I exited my patrol vehicle the driver of the vehicle opened the door and attempted to exit his vehicle. Loud verbal commands were given for the suspect to remain in the vehicle, and after the third command, compliance was gained. I approached the vehicle and made contact with the driver, who was identified as the suspect, John Pharr. As soon as contact was made I observed John's eyes to be bloodshot and watery as he hung his arms out the driver's side window and stared blankly towards me. I then asked John why he pulled over on the wrong side of the road, and how many people he had in the vehicle. John advised there were three people in the car, and due to the dark tint I asked John to roll down the back window. John responded by asking something to the effect of "Roll the back window down?" As John spoke I could smell the strong odor of alcohol emitting from his breath. I repeated my command and asked for his Driver's License and Insurance. John shut his vehicle off and attempted to roll down the window. Realizing that wouldn't work he fumbled with his keys, turned on the vehicle, and then continued to fumble as he searched for the button to lower the window. John still hadn't produced his Driver's License or Insurance and had to be asked multiple times, further demonstrating his inability to conduct a divided attention test. I then asked John to extinguish the lit cigarette he had in his hand for Officer Safety concerns. John again responded with a question and appeared to be slow in his comprehension of basic commands while demonstrating his inability to comply.

Based off of John's overall demeanor, the fact there were 2 additional passengers, and his verbal resistance I decided to remove him from the vehicle to conduct a frisk of his person and continue my field investigation. As John exited his vehicle I went to take control of his hands in order to conduct a frisk of his person for my safety. Immediately John started to pull away as I went to gain control of one of his hands. As John pulled away he pulled my arm causing me to become off balance and have to step forward as I reached for his other arm. As I regained my balance I retained had control of one of John's hands as he attempted to step away from his vehicle. Due to John actively trying to pull his arm from my grasp and walk away from the car, myself and Ofc. McDaniel, were forced to take John to the ground in order to prevent his escape or his escalation of resistance. Once on the ground I gained control of John's right wrist and applied a wrist lock to control it. I

*** CONFIDENTIAL ***



**AUSTIN POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY**

GO# 2012-2270204 CLEARED BY ARREST
(IBRS)

2102-0 DWI 2ND

then gave loud verbal commands for John to stop resisting, and give me his left hand, which he had placed under his body. Based off of my training and experience I know the waist is a common area where people keep weapons such as guns and knives. With John's hand under his body he could have been reaching for a concealed weapon or destroying contraband such as narcotics. Based on this knowledge, and lack of compliance from John, I delivered one closed fist strike to his left torso. This strike caused John to roll over far enough that I was able to then gain control of his left hand, as Ofc. McDaniel maintained control of his lower body. John was then placed in properly spaced, double locked handcuffs.

Once handcuffed, myself and Ofc. McDaniel assisted John to his feet and I escorted him to the front of my patrol vehicle. As John walked his balance appeared to be impaired as he staggered and needed support to stand. Once at my patrol vehicle I conducted a frisk of his person. During the frisk John's balance appeared to be impaired as he wobbled, swayed, and continued to need support to stand upright.

During the frisk John continued to display defensive resistance as he flexed his arms and attempted to pull away from my grip. I again gave loud verbal commands to John to relax and stop tensing up. After several commands were given and no compliance was gained I placed John down on the hood of my patrol car so I could maintain positive control of his person till Ofc. McDaniel was relieved from watching the 2 other occupants in the vehicle, and could assist me in getting John into the back of a patrol car.

Based off of the cues I observed in John's physical demeanor I felt he was under the influence of alcohol. Due to his violent behavior it was deemed unsafe to remove John from his handcuffs in order to conduct a full Field Sobriety Test, but based off his erratic driving and the physical cues I observed I felt John was unsafe to be operating a motor vehicle on a public roadway. John was placed under arrest for Driving While Intoxicated a Class A Misdemeanor (due to prior conviction Williamson County/10-01-2009), and Resisting Detention/Search a Class A Misdemeanor.

Stephen Wille 6838
Affiant

Sworn and subscribed to before me by the said Affiant on this
14th day of August, 2012.

Mark [Signature]
Peace Officer in the State of Texas

On this, the _____ day of _____, 2012, I hereby acknowledge that I have examined the foregoing affidavit and have determined that probable cause exists for the issuance of an arrest warrant for the individual accused therein.

Magistrate, Magistrate Court, Austin, Travis County, Texas § _____
Bond

Austin Police Incident #:122270204

Officer: Wille # 6838

*** CONFIDENTIAL ***