

THE STATE OF TEXAS
COUNTY OF TRAVIS

CAUSE NO. C-1-CR-16-201354

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IN THE MUNICIPAL COURT
CITY OF AUSTIN
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

(Suspect) Young Vincent (Race) Black (Sex) Male (DOB) 05/18/1983

(Driver's License number) [REDACTED] (State) [REDACTED]

On or about 01/24/2016, 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: Class B

My belief of the foregoing statement is based upon information provided to me by Officer DELGADO - EBERHARDT - #7205, an officer working for AUSTIN PD who personally observed such offense.

I / Officer DELGADO-EBERHARDT, MANUEL - AP7205 observed the aforesaid accused after ☒ driving ☐ operating the following vehicle, 2016 White Chevy Silverado TXLP 75S0155 upon 1500 IH 35 NB, a public place in Austin, Texas.

On 1/25/2016 at approximately 11:16 pm, Officer DELGADO-EBERHARDT, MANUEL - AP7205 contacted Young Vincent (Black / Male born 05/18/1983, height 6-04, weight 230, DL #18622956) for the following reasons: I observed the 2016 White Chevy Silverado TXLP 75S0155, stopped for its red light while northbound at the intersection of the 600 block of 35 Svr and 6th St. When the light turned green the driver of the Chevy remained stopped for just under 10 seconds before proceeding northbound through the green. Upon moving northward, the driver of the Chevy proceeded north at 25 to 30 mph. The driver of the Chevy entered onto 35 at the 1500 block without signaling intent, lane change. Once northbound on 35 the driver continuously exhibited drifting within its lane while driving from 42 mph to 60 mph, paced in my patrol unit #1494. Once at the 3500 block and on the upper deck, the driver accelerated to 68 mph and was continuing to drift, left tires to the solid yellow line.

(describe offense if other than collision)

Officer DELGADO-EBERHARDT, MANUEL - AP7205 observed the said accused at the scene of said offense and formed the opinion the said accused was intoxicated based upon the following conditions exhibited by the said accused;

Clothing: Mussed

Eyes: Glassy

Speech: Mumbled, Slurred, Thick Tongued

Walking: Swaying, Unsure

Unusual Actions: Laughing

Alcoholic Beverage Odor: Strong

Balance: Swaying, Unsure

Attitude: Uncooperative, Polite

Turning:

2016 JAN 25 PM 1:01

PD0014B

The following field sobriety tests were administered in order to determine impairment of physical and mental faculties:

☒ **HORIZONTAL GAZE NYSTAGMUS (HGN)**

☒ **REFUSED**

☒ L ☒ R - Lack of smooth Pursuit

☐ L ☐ R - Onset of Nystagmus Prior to 45 degrees

☒ **WALK & TURN**

☒ **REFUSED**

☐ Performed as instructed

☐ Failed to touch heel to toe

☐ Turned improperly

☐ **ONE LEG STAND**

☐ Performed as instructed

☐ Swayed

☐ Hopped

☒ I am certified to administer the HGN test

☒ Vision in Both Eyes

☒ Equal Tracking

☒ Equal Pupil Size

☒ L ☒ R - Distinct & Sustained Nystagmus at Maximum Deviation

☐ Yes ☐ No - Vertical Nystagmus

☒ Lost balance during instructions

☐ Took wrong # of steps

☐ Stepped off line

☐ Began before being instructed to start

☐ Used arms for balance

☐ Stopped while walking

☐ Used arms for Balance

☐ Put foot down

☐ **ROMBERG BALANCE** (Also known as the Head Tilt or Modified Attention)

☐ Exhibited _____ inch sway front to back

☐ Exhibited _____ inch sway side to side

☐ Estimated 30 seconds as _____ seconds

☐ Exhibited _____ inch circular sway

Field Sobriety Tests Were Not Administered Because (if applicable): HGN - During HGN, Young refused to fully follow my penlight as directed. Had to re-start, numerous times until, after Distinct and Sustained Nystagmus at Maximum Deviation, he refused to continue further. W&T - After losing his balance, Young refused to continue further with the SFSTs.

Collision ☐ Yes ☒ No

Serious Injury? ☐ Yes ☐ No

If Yes, Victim is _____

Medication Taken? ☐ Yes ☒ No

If Yes, What? _____

Accused in Possession of Alcohol/Drugs

☐ Yes

☐ No

Describe: _____

Drug Recognition Evaluation (DRE)

☐ Yes

☐ No

Describe: Describe: _____

Pre-Arrest Admissions by Accused: Admitted to drinking at least 3 or 4 bottles of beer at the W before driving.

Other Field Sobriety Test Administered/Signs of Intoxication (other than those stated above, if any): Young first stated that he did not know what time it was, then stated that it was early, about 2:30. The actual time was 11:23 pm.

Was the motor vehicle occupied by a child younger than 15 years of age?

☐ Yes

☐ No

If yes, quantity and age _____

Time of call: 11:16 pm

Time of Intoxilyzer/PBT: _____

Intoxilyzer Administered?

☐ Yes

☐ No

☐ Refused

If yes, Results: _____

PBT (preliminary breath test)

☐ Yes

☐ No

☒ Refused

If yes, Results: _____

Blood Test Administered?

☐ Yes

☐ No

☒ Refused

Previous Driving While Intoxicated Convictions?

☐ Yes

☒ No

Counties/Dates: _____

Affiant

Sworn and subscribed to before me by the said Affiant on this
25th day of January, 2016

Magistrate in the State of Texas.

On this, the 25th day of January, 2016, 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, Municipal Court, Austin, Travis County, Texas
Austin Police Incident Number: 160241628

Judge Erik E. Cary
Austin Municipal Court



Officer: DELGADO-EBERHARDT, MANUEL - AP7205

Bond: \$2,000.00

PD0014B