



ROGERS POLICE DEPARTMENT

Detail



Print Date/Time: 07/06/2012 11:56
Login ID: sundernehr
Case Number: 2010-00005097

ORI Number:

Rogers Police Department
AR0040200

Case Details:

Case Number:	2010-00005097	Incident Type:	DWI
Location:	540 HWY / W PLEASANT GROVE RD AR	Occured From:	07/05/2010 23:47
		Occured Thru:	07/05/2010 23:47
		Reported Date:	07/05/2010 23:47 Monday
Reporting Officer ID:	1645-YAGER	Status:	Cleared by Arrest
		Disposition:	City Attorney
		Status Date:	07/05/2010
		Disposition Date:	08/24/2010

Case Assignments:

Assigned Officer	Assignment Date/Time	Assignment Type	Assigned By Officer	Due Date/Time
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Associated Cases	Status	Assisting ORIs	Role
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Modus Operandi	Solvability Factors	Weight
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Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	90D	05-65-103	Omnibus DWI Act	1
2	State	90Z	05-65-104	Driving on Suspended or Revoked DL - DWI	1
3	State	90Z	05-65-205	Refusal To Submit To a Chemical Test	1



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Offense # 1

Group/ORI: State	Crime Code: 90D	Statute: 05-65-103	Counts: 1	Attempt/ Commit Code: Commit
Description: Omnibus DWI Act				Offense Date: 07/06/2010
NCIC Code: 5404		Scene Code: Highway/Road/Alley		Bias/Motivation: No Bias
Offense Status:		Status Date:		Occupancy Code:
Arson Code:		Domestic Code:		Child Abuse:
Gang Related:		Aiding/Abetting:		Sub-Code:
# of Adults:		# of Juveniles:		IBR Seq. No: 1
Property Damage Amt.:		Abandoned Structure:		Household Status:
Domestic Circumstance:		Carjacking:		
Accosting Situation:		Hate Bias Indicator:		Premise Code:
Gambling Motivated:		Order of Protection:		Prior Inv - Victim:
Prior Inv - Offender:		Anit-reproductive rights crime:		Cargo Theft:
Special Circumstances:		Precipitating Event:		

Offender Suspected of Using

Alcohol: Yes
 Drugs: No
 Computer: No
 Aggravated Assault/ Homicide Circumstances #1:
 Aggravated Assault/ Homicide Remarks #1:
 Justifiable Homicide Circumstances :
 Method of Entry Type:
 Point of Entry:
 Method of Exit Type:
 Point of Exit:
 Direction of Travel:
 Counterfeit Type:

Victim Suspected of Using

Alcohol: No
 Drugs: No
 Computer: No
 Aggravated Assault/ Homicide Circumstances #2:
 Aggravated Assault/ Homicide Remarks #2:
 Justifiable Homicide Code :
 Larceny Type:
 Method of Entry :
 # of Premises Entered :
 Method of Exit :
 How Left Scene:
 Counterfeit Status:
 Counterfeit Amount:



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Offense # 2

Group/ORI: State Crime Code: 80Z Statute: 05-65-104 Counts: 1 Attempt/ Commit Code: Commit
Description: Driving on Suspended or Revoked DL - DW Offense Date: 07/05/2010

NCIC Code: 5499 Scene Code: Highway/Road/Alley Bias/Motivation: No Bias
Offense Status: Status Date: Occupancy Code:
Arson Code: Domestic Code: Child Abuse:
Gang Related: Aiding/Abetting: Sub-Code:
of Adults: # of Juveniles: IBR Seq. No: 2
Property Damage Amt.: Abandoned Structure: Household Status:
Domestic Circumstance: Carjacking:
Accosting Situation: Hate Bias Indicator: Premise Code:
Gambling Motivated: Order of Protection: Prior Inv - Victim:
Prior Inv - Offender: Anti-reproductive rights crime: Cargo Theft:
Special Circumstances: Precipitating Event:

Offender Suspected of Using

Alcohol:
Drugs:
Computer:
Aggravated Assault/ Homicide Circumstances #1:
Aggravated Assault/ Homicide Remarks #1:
Justifiable Homicide Circumstances :
Method of Entry Type:
Point of Entry:
Method of Exit Type:
Point of Exit:
Direction of Travel:
Counterfeit Type:

Victim Suspected of Using

Alcohol:
Drugs:
Computer:
Aggravated Assault/ Homicide Circumstances #2:
Aggravated Assault/ Homicide Remarks #2:
Justifiable Homicide Code : Larceny Type:
Method of Entry :
of Premises Entered :
Method of Exit :
How Left Scene:
Counterfeit Status: Counterfeit Amount:



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Offense # 3

Group/ORI: State Crime Code: 90Z Statute: 05-65-205 Counts: 1 Attempt/ Commit Code: Commit
 Description: Refusal To Submit To a Chemical Test Offense Date: 07/06/2010

NCIC Code: 5404 Scene Code: Highway/Road/Alley Bias/Motivation: No Bias
 Offense Status: Status Date: Domestic Code: Occupancy Code:
 Arson Code: Domestic Code: Chld Abuse:
 Gang Related: Aiding/Abetting: Sub-Code:
 # of Adults: # of Juveniles: IBR Seq. No: 3
 Property Damage Amt.: Abandoned Structure: Household Status:
 Domestic Circumstance: Carjacking:
 Accosting Situation: Hate Bias Indicator: Premise Code:
 Gambling Motivated: Order of Protection: Prior Inv - Victim:
 Prior Inv - Offender: Anit-reproductive rights crime: Cargo Theft:
 Special Circumstances: Precipitating Event:

Offender Suspected of Using

Alcohol: Yes
 Drugs: No
 Computer: No
 Aggravated Assault/ Homicide
 Circumstances #1:
 Aggravated Assault/
 Homicide Remarks #1:
 Justifiable Homicide
 Circumstances :
 Method of Entry Type:
 Point of Entry:
 Method of Exit Type:
 Point of Exit:
 Direction of Travel:
 Counterfeit Type:

Victim Suspected of Using

Alcohol: No
 Drugs: No
 Computer: No
 Aggravated Assault/ Homicide
 Circumstances #2:
 Aggravated Assault/
 Homicide Remarks #2:
 Justifiable Homicide
 Code :
 Larceny Type:
 Method of Entry :
 # of Premises Entered :
 Method of Exit :
 How Left Scene:

Counterfeit Status: Counterfeit Amount:

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Victim	1	STATE OF ARKANSAS					
Arrested	1	RULE, HERBERT C	120 E 4 ST LITTLE ROCK, 72201		White	Male	



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Subject # 1-Victim

Primary: No
Name: STATE OF ARKANSAS
Address:

Victim Type: Society / Public
Race:
Height:
Eyes:
SSN:
Resident Status:
Date:

Sex:
Weight:
Hair:
DVL #:
Build:
Age:
State:
Statement Type:
Custody Status:

Primary Phone:
Resident Type:
Disposition:

Related Offenses

Group/ORI	Crime Code	Statute	Description
State	90Z	05-65-104	Driving on Suspended or Revoked DL - DWI
State	90D	05-65-103	Omnibus DWI Act

Related Weapons

Victim/Offender Relationship

Transported By:
Domestic Violence:
Condition:

Extent of Injury:
Domestic Violence Referrals:
Medical Treatment:

Hospital:
Federal Agencies Involved:

Injury Types

Modus Operandi

Missing Person Information



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Subject # 1-Arrested

Primary: No	Arrested Type:	Arrestee	
Name: RULE, HERBERT C	Race: White	Sex: Male	DOB:
Address: 120 E 4 ST	Height: 6ft 2in	Weight: 180.0 lbs.	Build:
LITTLE ROCK 72201	Eyes: Brown	Hair: Gray	Age:
Primary Phone:	SSN:	DVL #:	State: AR
Resident Type:	Resident Status: Non-Resident of Rogers	Statement Type: None	
Disposition:	Date:	Custody Status:	

Related Offenses

Group/ORI	Crime Code	Statute	Description
State	90Z	05-65-205	Refusal To Submit To a Chemical Test
State	90Z	05-65-104	Driving on Suspended or Revoked DL - DWI
State	90D	05-65-103	Omnibus DWI Act

Related Weapons

Victim/Offender Relationship

No.	Type	Name	Relationship
1	Arrested	RULE, HERBERT C	Stranger

Transported By:	Extent of Injury:	Hospital:
Domestic Violence:	Domestic Violence Referrals:	Federal Agencies Involved:
Condition:	Medical Treatment:	

Injury Types	Modus Operandi
None	

Missing Person Information

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
16403A	RULE, HERBERT C	540 HWY / W PLEASANT GROVE RD AR	07/05/2010 23:47	Taken into Custody	



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Arrest # 16403A
Name: RULE, HERBERT C **Date/Time:** 07/05/2010 23:47 **Type:** Taken into Custody **Status:** Citation Release
Address: 120 E 4 ST **Race:** White **Sex:** Male **DOB:**
LITTLE ROCK, 72201 **Height:** 6ft 2in **Weight:** 180.0 lbs. **Build:**
Phone: **Eyes:** Brown **Hair:** Gray **Marital:**
 SSN: **DVL#:** **State:** AR

Location: 540 HWY / W PLEASANT GROVE RD
AR

ID Procedure: **Miranda ID:** **Miranda Date/Time:**
Age at Arrest: 72 **Resident Type:** **Resident Status:** Resident of Rogers
Basis For Caution: **Arrest Result Of:** Traffic Stop **Clears Case:** Yes
Alcohol Influence: Yes **Drug Influence:** No **Resisted Arrest:** No
Statement Type: None **Statement ID:**

Arresting Officers **Bureau** **School Resource Officer** **Weapon Codes** **Feature**
1645-YAGER No *Unarmed

Condition: **Medical Treatment:**
Transported By: **Extent of Injury:** **Hospital:**

Injury Types
None

Associated Numbers

Warrant ORI: **Warrant Number:**
Booking ORI: **Booking Number:**
Court ORI: **Court Case Number:**

Arrest Charges

No.	Group/ORI	Crime Code	Statute	Description
1	State	90Z	05-65-104	Driving on Suspended or Revoked DL - DWI

Counts: 1 **Charge Date/Time:** 07/05/2010 23:47 **Attempt/Commit:** Commit
Domestic: **Plea:** **Larceny:**
Disposition: Cited/Released **Disposition Date:** 07/05/2010 **NCIC Code:**
Court Date/Time: **Bond Date/Time:** **Other ORI:** No
Court Disposition: **Court Disposition Date:**

Arrest Charges

No.	Group/ORI	Crime Code	Statute	Description
2	State	90D	05-65-103	Omnibus DWI Act

Counts: 1 **Charge Date/Time:** 07/05/2010 23:47 **Attempt/Commit:** Commit
Domestic: **Plea:** **Larceny:**
Disposition: Cited/Released **Disposition Date:** 07/05/2010 **NCIC Code:**
Court Date/Time: **Bond Date/Time:** **Other ORI:** No
Court Disposition: **Court Disposition Date:**



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Property

Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
1	Suspect Vehicle	Passenger Car	1999	Lexus		WHITE		AR

Vehicle # 1

Type: Passenger Car Year: 1999 Make: Lexus Model:
 Color: WHITE License Plate: State: AR
 Date/Time: 07/05/2010 23:47 Location:



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OfficerID: ryager, Arrest Narrative

SEE CASE REPORT



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OfficerID: ryager, Narrative

On 07/05/2010, at approximately 2347 hours, I was stationary waiting on the westbound traffic light at the intersection of West New Hope and Pinnacle Hills Parkway. I observed a vehicle stop in the outside northbound lane of the 2400 Block of Pinnacle Hills Parkway. I observed the vehicle back up in the lane of traffic and enter the on ramp to travel southbound on Interstate 540. I was unsure if the vehicle was trying to avoid me. I merged onto the on ramp and followed the vehicle. I paced the vehicle at approximately 45 MPH up the ramp. As the on ramp became a merging lane, the vehicle merged all the way over into the inside lane of 540 southbound. The vehicle was still traveling at approximately 45 to 50 MPH. The minimum speed limit for Interstate 540 is 55 MPH. A maroon colored Ford Excursion traveling in the inside lane had to slow abruptly to avoid colliding with the rear of the vehicle in question. I followed in the outside lane for a moment, the elected to merge into the inside lane behind the Excursion. I hoped this would allow the Excursion to merge into the outside lane and pass the vehicle in question. I observed the driver's side of the vehicle in question from this vantage point for a moment. I observed the drivers side tires hit the fog line. After a few moments, I realized the Excursion was not going to pass the vehicle. I merged back into the outside lane and continued following. The vehicle had sped up to the 70 MPH speed limit. I observed the vehicle weaving from the inside fog lane to the center perforated line. At this time I elected to initiate a traffic stop for these numerous traffic violations. My primary concern for the traffic stop was to check the sobriety of the driver. At approximately 1/3 of a mile north of the Pleasant Grove off ramp, I activated my emergency lights. The vehicle merged into the outside lane. However, it did not pull over or slow down. As we approached the Pleasant Grove Road exit, the vehicle merged back into the inside lane. At this point, I was unsure if the driver had not seen me or if the driver did not intend to stop. I activated my siren. The vehicle continued traveling southbound until it had passed under the bridge. The vehicle finally yielded approximately 400 feet on the south side of the bridge.

Upon approaching the driver side of the vehicle, I observed an elderly male driver. That driver stepped out of the vehicle without being instructed to do so. I observed the man's balance appeared to be unsure. However, I was not sure if this was on account of his age or if he was impaired. I identified myself and the reason that I had stopped the vehicle. I identified the driver as Herbert Rule. I asked Rule where he was coming from. He informed me he was headed home to Little Rock from an individual's house whom he named and provided the street number. I detected a slight odor of an intoxicating beverage emitting from his breath. I asked him if he had consumed any alcohol that night. He re-informed me where he was coming from. I asked a second time if he had consumed any alcohol that night. Rule just stared at me. After asking a third time if he had consumed any alcohol that evening, He stated he had one "Sangria". I asked for the vehicle's information. Rule walked to the passenger's side of the vehicle, opened the door, retrieved a folder that contained the vehicle's documents. Rule walked back to the driver's side of the vehicle, opened the door and sat down closing the door. I observed Rule's dexterity appeared to be diminished. However, I was unsure if this was on account of his age, or if he was impaired. After retrieving his vehicle information, Rule stepped back out of the vehicle and handed these documents to me. I asked Rule to stand behind his vehicle so he was not in danger of being struck by a vehicle. I returned to my patrol car to perform an ACIC/NCIC inquiry. Upon completing that inquiry, I elected to administer the Horizontal Gaze Nystagmus portion of the Standardized Field Sobriety Test. I had no intention to administer the Walk and Turn and One Leg Stand portions of this tests due to Rule's age.

Upon returning to Rule's vehicle where he was standing, he appeared to be arguing with a Benton County Deputy who had stopped to assist me on this traffic stop. The Deputy was attempting to keep Rule from standing near the highway where there was moderate traffic. I informed Rule that I was going to administer a quick test to make sure he was okay to drive. Rule asked what kind of test. I informed him that I was going to administer H.G.N. and all he would have to do was follow my finger with his eyes. He stated he wouldn't be able to do so because of the emergency lights that were reflecting off the bridge to the north of our location. I turned Rule so he was facing south during this test. I instructed Rule to follow my finger which was being used as a stimulus with his eyes and not to move his head. I observed Rule's eyes to be blood shot, watery and glassy. However I was unsure if this was on account of his age or if he was intoxicated. I observed Rule



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was staring directly at my face as I attempted to begin this test. I instructed him numerous times to look at my finger. He stated he was. I informed him that I could see him staring at my face. He stated he could see my finger while staring at my face. I began the test. I observed Lack of Smooth Pursuit in the right and left eyes. After completing this portion of the H.G.N., Rule advised me he was done. I attempted to get Rule to continue this test. However, he refused. I informed Rule that he was going to be placed under arrest for suspicion of Driving While Intoxicated. He informed me that I had no grounds to do so. I asked Rule if he would comply with the instructions so I could complete the H.G.N. He stated he would not. I instructed Rule to turn around and to put his hands behind his back and that he was unsure arrest for Suspicion of Driving While Intoxicated. Rule refused to comply. I grabbed Rule's left arm to place him into handcuffs. I felt Rule's arm stiffen and begin side curl resistance. I placed Rules left hand into a wrist lock and instructed him not to resist. I secured Rule's right hand in one hand cuff. Due to his age, I felt it may be hazardous to his well being if only one set of handcuffs were used. I utilized two sets of handcuffs. I escorted Rule to the rear seat of my patrol vehicle. There, he again told me that he did not have to sit inside my patrol vehicle because I had no reason to arrest him. At this point I explained to him he left me no choice than to arrest him because of his non-compliance. He stated he would take the test at this point. I informed him that opportunity had passed.

I transported Rule to the Rogers Police Department. Upon our arrival, I attempted to explain to Rule the Arkansas Implied Consent Rights. Rule refused to acknowledge that he understood these rights because I was violating his right to consult an attorney. I informed him that I was not asking him any questions that would incriminate or create any further charges. He still refused to acknowledge that he understood these rights.

I asked Rule if he would submit to a BAC Datamaster. Rule initially stated he would have to think about it. I began completing the related paperwork associated with this incident. Rule briefly stated he would take the test, but then stated he would not take the test because he was not given the opportunity to consult his attorney. Rule refused to submit to a BAC Datamaster screening.

Rule was charged with Driving While Intoxicated as well as Refusal to Submit to a Chemical Test. I completed Citation #302297 for these charges. After obtaining his booking information, I escorted Rule to the lobby where his passenger during the initial stop was waiting. Upon attempting to complete an Alcohol Release Form that contained her information and her signature which would be releasing Rule into her custody, Rule refused to allow her to do so. He stated by her signing this document, she would be admitting that he was under the influence of alcohol. Therefore, Rule was released to Mary Sue Price on a verbal affirmation that she would not allow him to drive.

No further information was available at the time of this report. This entire incident was recorded on my in car audio/video recorder.



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Submitting Officer

Date