

DPS INCIDENT REPORT

Report Number 1100020876-01	Report Date / Time 06/30/2010 11:54 PM	Reporting Agency GEORGIA DEPARTMENT OF PUBLIC SAFETY
Agency Case Number	Agency CAD Number GSPC10CAD031486	Occurrence Date/Time 06/30/2010 11:54 PM

INCIDENT TYPE(S)

DUI / USE OF FORCE

INCIDENT LOCATION

County FULTON	Location ROSWELL ROAD @ CHASTAIN DRIVE	Latitude N 33 51.8199	Longitude W 84 22.8234
Street Address 3989 US-19		City ATLANTA	State GA

INVESTIGATIVE TIMES (IN HOURS)					VEHICLE MILES	BOAT ENGINE HOURS	AIRCRAFT ENGINE HOURS
ON BOAT	ON LAND	IN AIR	ADMINISTRATIVE	TOTAL			
:	:	:	:	:	:	:	:

OTHER RELATED LOCATION

County FULTON	Location ROSWELL ROAD @ CHASTAIN DRIVE	Latitude N 33 50.6070	Longitude W 84 22.7648
Street Address		City ATLANTA	State GA

PERSON: SUSPECT

First Name DAMON	Middle Name M	Last Name EVANS	Suffix	Date of Birth 969	Age 40	Race B	Sex M	Height 603	Weight 210	Hair BLK	Eyes BRO	Martial Status	
Master Name Index Number GSP10MNI096578		Custodial Status ARRESTED		Driver's License or Other ID				State GA	Class of Type C	Expires 2017			
Address HAMMOND CREEK TRL			Address (Other)			City BOGART	State GA	Zip Code 30622	Phone		Phone (Other)		
Vehicle or Report Associated with Person TagNo: [REDACTED] State: GA Year: 2009 Make: BMW Model: 750LI						Person's Role in Vehicle DRIVER							

ARREST INFORMATION

County of Arrest FULTON	Location Description ROSWELL ROAD @ ALBERTA DRIVE			
Arrest Delivered To (Jail / Booking Facility) ATLANTA PRE-TRIAL (JAIL)				
254 PEACHTREE STREET ATLANTA, GA 30303				
Arresting Officer CABE, M.	Rank TFC	Badge / ID Number 561	Unit / Assignment NHAWKS-N	404-865-8010

CHARGES

Violation	Counts	Violation Type	Violation Classification / Level
> 40-6-391(A)(1)	1	STATE LAW	GEORGIA TRAFFIC CODE
DUI / ALCOHOL / LESS SAFE			
> 40-6-48	1	STATE LAW	GEORGIA TRAFFIC CODE
FAILURE TO MAINTAIN LANE			

DUI

Stop Date / Time 06/30/2010 23:54	Traffic MEDIUM	Weather CLOUDY	Lighting DARKNESS	Passengers 1	Implied Consent Read YES 07/01/2010 00:13	AT SCENE OF TRAFFIC STOP
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Test Type: / REFUSED

Horizontal Gaze Nystagmus	Left	Right	Clues	Notes
Eye Does Not Pursue Smoothly	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6	
Distinct Nystagmus at Maximum Deviation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Nystagmus Onset Before 45 degrees	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Eye Color BRO				

Walk and Turn

<input checked="" type="checkbox"/> Unable to Balance		<input checked="" type="checkbox"/> Begins too Soon	<input type="checkbox"/> Improper Turn	
Steps 1 - 9		10 - 18		
Stops Walking	<input type="checkbox"/>	<input checked="" type="checkbox"/>	7	Used his vehicle for balance.
Misses Heel to Toe	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Steps Off Line	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Raises Arm(s)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Actual Number of Steps Taken	9	10		

One Leg Stand

Seconds 0 - 10			11 - 20			21 - 30			2	Subject kept his left heel on the ground almost the entire test, even after instructed him approximately 6 inches off the ground.
Sways	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Raises Arms	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Hops	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Foot Down	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Other Observations

<input type="checkbox"/> Romberg	<input type="checkbox"/> Eye Lid Tremors	<input checked="" type="checkbox"/> Swaying	<input type="checkbox"/> Internal Clock	/ 30 Seconds
<input checked="" type="checkbox"/> PBT	<input type="checkbox"/> Positive	<input type="checkbox"/> Negative	Results REFUSED	
Breath Odor STRONG ALCOHOLIC BREATH			General Appearance NEAT	
Eye Condition WATERY BLOODSHOT		Behavior CRYING TALKATIVE		Speech Patterns SLOW MUMBLED

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PERSON: SUSPECT

First Name COURTNEY	Middle Name NAY	Last Name FUHRMANN	Suffix	Date of Birth [REDACTED] 1981	Age 28	Race W	Sex F	Height 510	Weight 130	Hair BRO	Eyes BRO	Marital Status
Master Name Index Number GSP10MNI097583	Custodial Status ARRESTED	Driver's License or Other ID		State GA	Class or Type C	Expires 2013						
Address (Other)		City ATLANTA	State GA	Zip Code 30326	Phone	Phone (Other)						
Vehicle on Report Associated with Person Tag No [REDACTED] State: GA Year: 2009 Make: BMW Model: 750L1		Person's Role in Vehicle PASSENGER										

ARREST INFORMATION

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CHARGES

Violation	Counts	Violation Type	Violation Classification / Level
> 106-81(7) DISORDERLY CONDUCT (OBSTRUCTION)	1	LOCAL ORDINANCE	ATLANTA ORDINANCE

VEHICLE

State GA	Plate Number [REDACTED]	Expires 11/10/2010	Year 2009	Make BMW	Model 750L1	Style 45	Color BLK	
<input type="checkbox"/> CMV	<input type="checkbox"/> HazMat	Released to FUTO'S						<input checked="" type="checkbox"/> Vehicle Towed

Persons Related to Vehicle
DRIVER: Evans, Damon M
PASSENGER: Fuhrmann, Courtney Nay

NARRATIVE

On 6/30/10, at approximately 2354 hours, I was patrolling south on Roswell Road near Lakemoore Drive in Fulton County. I observed a black BMW 750I bearing GA tag GA23CK, traveling north on Roswell Road that failed to maintain its lane by drifting across the white dotted line with its driver side tires. I turned around on the vehicle and the driver drifted back across the white dotted line approximately two feet across the line with the passenger side tires. The driver moved into the left turn lane as if he was going to enter an apartment complex, but drove back into the left lane of Roswell Road. When the light turned green, the driver continued north on Roswell Road at a low speed and drifted onto the yellow center line with his driver side tires. I initiated a traffic stop and the driver stopped in the left lane of traffic on Roswell Road, instead of pulling into the left turn lane to make his turn. After pulling into the parking space, I asked the subject for his license. The subject fumbled through his cards and dropped some of the items before giving me his license. I also noticed that the subject had a red pair of lady's panties between his legs. While talking to the subject, I could smell a strong odor of an alcoholic beverage coming from his vehicle and breath. The subject had red, bloodshot, watery eyes and droopy eyelids. I asked the subject how much he had to drink and he stated, "a couple of drinks." The subject admitted to drinking two Vodka-Martinis at a restaurant and also drinking a Martini at the Beluga Martini Bar. I asked the subject to step out of his vehicle and, while talking to the subject outside of his vehicle, I could smell a strong odor of an alcoholic beverage coming from his breath. I asked the subject if he was taking any medications and he stated, "no." The subject stated, "I feel pretty good," smiled and laughed for no apparent reason. I started checking HGN and the passenger, Courtney Nay Fuhrmann, got out and started walking towards the back of the vehicle. I asked Courtney to have a seat back in the vehicle and so did Mr. Evans. I attempted to continue performing HGN and the passenger got out of the vehicle again. I told the passenger several times not to get out of the vehicle again. I checked HGN with 6 clues. While giving the instruction for the walk and turn test, the passenger began yelling out the driver side window. The passenger was being very loud and obnoxious and was obviously intoxicated. After I demonstrated the walking portion of the walk and turn test, Ms. Fuhrmann got out of the vehicle again. I told Ms. Fuhrmann to get back into the vehicle and if she got out again, I would place her under arrest. I could smell a very strong odor of an alcoholic beverage coming from her breath. While dealing with Ms. Fuhrmann, Mr. Evans walked up towards us and I had to instruct him to step back. Mr. Evans stated that she was only trying to protect him. After finishing the walk and turn test, the passenger exited her vehicle and again started to the rear of the vehicle. I placed the subject under arrest, handcuffed her and put her in my patrol car. After arresting the passenger Mr. Evans stated, "I have a young lady and she is intoxicated and I am just trying to get her home." He also said, "I apologize and don't want to use my influence but she is trying to protect me." The passenger continued to be combative in the back seat of my patrol car. See DUI sheet for other field sobriety tests. The subject refused to submit to a preliminary breath test. He stated that he didn't want to blow. I placed Mr. Evans under arrest for DUI and he pulled away from me and kept trying to turn around. I had to tell him several times to stop turning around. I handcuffed him and read Implied Consent Notice/Suspect Age 21 or over from the orange card with a request for his breath. The subject refused by saying, "no." The subject voluntarily started talking about his situation. The subject stated, "I am not trying to bribe you, but I am the Athletic Director of the University of Georgia." The subject admitted again that he'd been drinking and started crying. The subject stated, "I didn't think I was drunk." I told the subject that he was too

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impaired to drive and he agreed saying, "maybe so." I asked the subject what her panties were doing in his side of the seat and he stated, "she took them off and I held them because I was just trying to get her home." The subject stated that he understood what was going on and stated, "I don't want to use who I am, but I would just ask that you take me to a Motel." The subject stated that he messed up and asked if I would take him to a Motel. The subject also stated, "we go through life and we all drink and jump in a car." He stated, "I felt that I was good, but maybe not." He also stated, "But I am not trying to bribe you, but is there anything you can do without arresting me." Mr. Evans stated that Ms. Fuhrmann was a friend of his but there was nothing there because he had a wife and family. The subject again asked if I would let him go to a Motel and stated, "I will agree with you by saying this, drinking and driving is never good." While transporting the subject to City of Atlanta Jail, Ms. Fuhrmann was talking to Mr. Evans and stated that she was mad because he was going to get off and she was not. Mr. Evans asked me if there was anything that he could do to get a warning and I told him I don't issue warnings for DUI. Just before pulling up at the jail, Mr. Evans asked me again if it was too late and what could he do. After arriving at the jail, I took Ms. Fuhrmann into the sally port first. I asked Ms. Fuhrmann how long they had been seeing each other and she stated, "only a week or so." While standing in the sally port of the jail, Ms. Fuhrmann stated, "that I promise you one thing, he will get off." She also stated, "Just to let you know, it will be erased because he is the Athletic Director of UGA and he has that power." I released the subject to jail personnel. I returned to my patrol car and printed Mr. Evans' paper work and he again stated he would not take the state test. The subject began crying uncontrollable before I took him into the jail. The subject was released to jail personnel.

EVIDENCE RECORD

Item	Evidence Number	Quantity	Currency Value	Description
1	561-048-2010			DVD

RELATED REPORTS

Report Name	Report Number / Description
Uniform Traffic Citation	E00212784
Uniform Traffic Citation	E00212785
Vehicle Tow Receipt	Tag: G, [REDACTED]
Uniform Traffic Citation	E00212786

REPORTING OFFICER / SUPERVISOR APPROVAL

Reporting Officer			Approving Supervisor		
ID Number 561	Rank TFC	Name CABE, M.	ID Number 948	Rank SGT	Name CRONIN, J.C.
Signature <i>Mark A. Cabe</i>			Signature <i>John C. Cronin</i>		