

Whitfield County Incident Report

Report Date		Time		Zone		Case No: 2014-6296						
10/24/2014		12:00		135 Dalton Sector		Page 1 of 2						
Event	Offense(s)					Dept Classification						
	40-6-391(A)(1) DUI-DRIVING UNDER INFLUENCE OF ALCOHOL - CC5404											
	Incident Date		Time		Premise Type							
	10/24/2014		08:00		Highway							
	Offense Location		Business Name (if applicable)		Related Case Number							
	W. GORDON ST.											
Person/Business	Codes		Last Name		First Name		Middle Name		D.O.B.		License Number	
	Offender		SMITHERMAN		MICHEAL		EDWARD					
	Address(Street)		City		State		Zip Code		SS#			
	Employer		Race		Sex		Height		Weight		Hair	
	W.C.S.O.		W		M		6 ft 2 in		210 lbs		GRY	
	Home Phone		Cell Phone		Work Phone		Email Address					
	Codes		Last Name		First Name		Middle Name		D.O.B.		License Number	
	Address(Street)		City		State		Zip Code		SS#			
Employer		Race		Sex		Height		Weight		Hair		
Home Phone		Cell Phone		Work Phone		Email Address						
708		708		708								
Narrative	Charges		UTC/WT#		Charges		UTC/WT#					
	DUI		WANC20119									
	Forced Entry		Entry Made Thru		Weapon Type							
Narrative:												
<p>AT APPROXIMATELY 0800hrs LT.RICE WAS STANDING ON THE SIDEWALK AT 123 W. GORDON ST. DALTON, GA 30720 FOR TRAINING WITH LT. STEVENS AND SGT. LOWERY. AT THIS TIME I NOTICED A MARKED COUNTY PATROL CAR DRIVING WEST ON W. GORDON ST. THE PATROL CAR STOPPED IN THE ROADWAY AS IF LOOKING FOR A PARKING SPOT. A WHITE PASSENGER CAR PULL UP AND STOPPED BEHIND THE PATROL CAR. THE PATROL CAR STARTED TO BACK UP AT A FASTER THAN NORMAL RATE OF SPEED. IT APPEARED TO LT. RICE THAT THE DRIVER OF THE PATROL CAR DID NOT SEE THAT THERE WAS ANOTHER CAR BEHIND HIM. THE WHITE CAR BACKED UP PREVENTING THE PATROL CAR FROM HITTING IT. THE PATROL CAR THEN PULLED INTO A PARKING SPACE ON W. GORDON ST. AND SGT. SMITHERMAN EXITED THE VEHICLE. BOTH LT. RICE AND LT. STEPHENS MADE COMMENTS TO SGT. SMITHERMAN ABOUT HIM NOT SEEING THE CAR BEHIND HIM. SGT. SMITHERMAN STATED THAT HE HAD SEEN THE CAR BEHIND HIM AS HE WAS BACKING UP. AT THIS TIME LT. RICE CROSSED GORDON ST. AND ENTERED ROCK BRIDGE CHURCH, FOLLOWED BY LT. STEPHENS, LT. WHEELER AND SGT. SMITHERMAN. ONCE INSIDE LT. RICE LOCATED SGT. LOWERY. SHORTLY AFTER THAT LT. WHEELER APPROACHED LT. RICE AND STATED HE FELT THAT SOMETHING WAS WRONG WITH SGT. SMITHERMAN. LT. WHEELER STATED THAT HE FELT THAT SGT. SMITHERMAN COULD BE ILL OR UNDER THE INFLUENCE OF SOMETHING. LT. RICE THEN WENT TO WHERE SMITHERMAN WAS SITTING.</p>												
Total Property Loss		Recovered		Vehicle Towed To								

STATUS: CLEARED BY ARREST

Reporting Officer: LT. RICE No: 60 Supervisor: *R. Stevens* No: 9

Assisting Officer(s) LT. STEVENS, LT. WHEELER, LT. PANGLE, SGT. LOWERY, SGT. CURTIS

WHITFIELD COUNTY SHERIFF'S OFFICE									
DETAILS OF OFFENSE/INCIDENT									
DATE: 10	24	2014		REPORT TYPE:	SUPPLEMENTAL		CASE NO:	2014-6296	
EVIDENCE OBTAINED?		NO		EVIDENCE CARD NO:		WAS SCENE PROCESSED?		NO	
DOMESTIC VIOLENCE?		NO		VICTIM/OFFENDER RELATIONSHIP?		CHILDREN WERE		N/A	

NARRATIVE

AND ASKED HIM TO STEP OUTSIDE. SGT.SMITHERMAN ASK IF ANYTHING WAS WRONG. LT.RICE SAID "LET'S GO OUTSIDE AND TALK". LT.RICE DID SMELL THE ODOR OF AN ALCOHOLIC BEVERAGE ABOUT HIS PERSON. HIS EYES WERE ALSO GLASSY. LT.RICE THEN WALKED OUT OF THE BUILDING AND ACROSS THE STREET THE FOLLOWED BY SGT.SMITHERMAN AND LT.STEPHENS. LT.WHEELER WENT TO MAKE CONTACT WITH CAPT.LYNCH TO ADVISE HIM OF THE SITUATION. LT.RICE ASKED SGT.SMITHERMAN IF HE HAD BEEN DRINKING. HE STATED THAT HE HAD NOT. LT.RICE THEN SAID "DONT LIE TO ME, I CAN SMELL IT ON YOU." SGT.SMITHERMAN THEN SAID "WELL I DRANK SOME LAST NIGHT, BUT I HAVEN'T HAD ANYTHING TODAY". AT THIS TIME LT.RICE TOLD SGT.SMITHERMAN TO STAY THERE AND NOT GO ANYWHERE. LT.RICE THEN ASKED LT.STEPHENS IF HE WOULD GIVE SGT.SMITHERMAN AN ALCO-SENSOR TEST. SGT.SMITHERMAN THEN STATED THAT HE JUST WANTED TO GO HOME. LT.RICE TOLD HIM THAT HE WAS NOT GOING ANYWHERE AT THIS TIME. LT.WHEELER RETURNED AND LT.RICE ADVISED HIM AS TO THE EVENTS UP TO THAT TIME. LT.STEPHENS THEN GAVE SGT.SMITHERMAN AN ALCO-SENSOR TEST WITH A RESULT OF .05 GRAMS. LT.STEPHENS STATED THAT DUE TO THE COLD WEATHER AND NOT A GOOD SAMPLE GIVEN THAT THE RESULTS WERE NOT ACCURATE. LT.RICE THEN WENT TO HIS PATROL AND MOVED ITEMS OUT OF THE PASSENGER SIDE FRONT SEAT. LT.RICE THEN INSTRUCTED SGT.SMITHERMAN TO HAVE A SEAT IN THE VEHICLE. LT.RICE THEN RELIEVED SGT.SMITHERMAN OF HIS WEAPON AND TRANSPORTED HIM TO THE SHERIFF'S OFFICE. WHILE TRAVELING TO THE OFFICE SGT.SMITHERMAN ASKED SEVERAL TIMES "WHERE ARE WE GOING" LT.RICE RESPONDED "TO THE SHERIFF'S OFFICE". EACH TIME SGT.SMITHERMAN WOULD SAY THAT HE DID NOT WANT TO GO THERE AND TO JUST TAKE HIM HOME. AT THE SHERIFF'S OFFICE LT.RICE AND SGT.SMITHERMAN MET WITH LT.PANGLE. LT.PANGLE TOLD SGT.SMITHERMAN TO HAVE A SEAT IN HIS OFFICE WHILE LT.PANGLE AND LT.RICE MET WITH CAPT.SWINEY. SGT.SMITHERMAN WAS READ IMPLIED CONSENT BY LT.PANGLE. SGT.SMITHERMAN STATED HE WOULD TAKE AN INTOXILZER TEST. SGT.SMITHERMAN WAS ESCORTED TO THE BOOKING AREA WHERE SGT.CURTIS ADMINISTERED THE TEST. WHILE THE INTOXILZER WAS WARMING UP LT.RICE AND LT.PANGLE STEPPED OUTSIDE THE DOOR. LT. RICE OVER HEARD SGT.SMITHERMAN SAY TO SGT.CURTIS "DIA YOU KNOW I'M IN TROUBLE" SGT.CURTIS ANSWERED. SGT.SMITHERMAN THEN ASKED SGT. CURTIS " WILL YOU BLOW FOR ME ?" SGT.CURTIS STATED "NO". AFTER 3 ATTEMPTS A GOOD SAMPLE WAS GIVEN. THE RESULTS WERE .236 AND .222. CAPT.SWINEY WAS ADVISED AND HE INSTRUCTED LT.RICE TO PROCEED AS YOU WOULD WITH ANYONE ELSE. LT.RICE INSTRUCTED SGT.CURTIS TO BOOK SGT.SMITHERMAN FOR DRIVING UNDER THE INFLUENCE OF ALOCHOL. SGT.SMITHERMAN WAS TURNED OVER TO BOOKING PERSONEL FOR BOOKING. LT.RICE FILLED OUT WARRANTLESS #040110 AND CITATION #252689 FOR THE OFFENSE OF DUI. SGT.SMITHERMAN WAS PROCESSED AND RELEASED ON BOND.

STATUS:	CLEARED BY ARREST
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Reporting Officer:

LT.RICE

No:

60

Supervisor:

R. Swiney

No:

9