

OFFENSE/INCIDENT REPORT

Page: 1

Case Description:
Traffic Violation

Case Number: 2015-00236079

Primary Victim: CITY OF CLEVELAND,,,

Date/Time Reported: 08/02/15 14:59 Hrs. Dispatch Incident Type:
Date/Time Occurred: 08/02/15 14:45 Hrs. *DMG HAZRD
Date/Time Between : 08/02/15 16:10 Hrs.
Location Occurred : E 9 ENTR
Cross Street . . : CLEVELAND MEM SHWY
Area: District 3 Section: Zone 31 Grid: Ward13

Reporting Officer : 0478 LIPSCOMB,CHARLES,H,
Primary Unit Assigned to Investigate: D3 Bureau
Officer In Charge
08/02/15 0256 BARTOS,ROBERT,,
Primary Investigating Officer
08/02/15 0478 LIPSCOMB,CHARLES,H,
Officer In Charge
08/02/15 0901 LALLY,DENNIS,J,

Case Status: Open Disposition: ARREST Disp. Date: 08/02/15
No. of Offenses: 0 No. of Offenders: 0 No. of Victims: 0

Offense Number: 1
Crime Code: TRAFF TRAFFIC OFFENSE
Statute . . : 433.01A1 Attempted/Committed : Completed
Stat Desc : DUI-UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS
Location Type . . : Street Criminal Activity . . :
Adults Present: 12 # Juveniles Present : 1
Alcohol Related : Yes Drug Related . . . : Yes
Domestic Crime : Not Domest Hate Crime : No Bias NA
Computer Theft : No Just. Homicide Code :
Statute ORI/Group . . : OHCLP0000 Agg Aslt/Homc Crmst:
Counts : 001 Larceny/Theft Offnse:
NCIC Code : TrafficOff Scene/Location Type2:
Offense Date . . . : 08/02/2015 Victim Drug Related : No
Victim Alchl Related: No Victim Comp Related : No
Abandoned Structure : NO Property Damage . . :
Gang Related . . . : N Additional Subcode :

SUBJECTS:

Arrestee . . : Present Information

Primary DAVIS,MORATTA, ,
Arrested VANBUREN RD
 EAST CLEVELAND

Phone: [REDACTED]

OH 44112 3987

AKA:

ALIAS D.O.B. , , ,
DAVIS,BONITA, ,
HAMILTON,SHARON, ,

Fingerprin
Fingerprin
Fingerprin

Case Description:
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Case Number: 2015-00236079

HARRIS, MONICA, ,
JOHNSON, TANYA, ,
SECONDARY D.O.B. , , ,

Fingerprin
Fingerprin
Fingerprin

Race : Black Sex: FEMALE D.O.B: 07/27/75 Age: 40
Hgt : 6'00" Wgt: 180 Hair: Black Eyes . . : Brown
Build: Medium Complexion: MED BRO Ethnicity: Non-Hispan
Dr Lic #: [REDACTED] St: OH
 CLEVELAND OH
Residence Type : Other/Unk Residence Status : Non-residt
Statement Type : Verbal Related Offenses : 1

Arrest Information:

Arrest Date/Time : 08/02/15 14:59 Hrs. Arrest Type . : On-view
Arresting Officer: OTHER, AGENCY, ,
Arrest Location : E 9TH

Area . : x Section . : X Grid: OOC
OBTs Number . . . : Booking Number. . : 201500015025
Influence of Alcohol: Yes Influence of Drug . : Yes

Charge Number: 001
Crime Code: TRAFF TRAFFIC OFFENSE
Statute . : 435.15 Attempted/Committed : Completed
Stat Desc : FAILURE TO STOP AFTER ACCIDENT UPON STREET

Charge Number: 002
Crime Code: TRAFF TRAFFIC OFFENSE
Statute . : 433.01A1 Attempted/Committed : Completed
Stat Desc : DUI-UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS

Charge Number: 003
Crime Code: 27050 CONTEMPT OF COURT
Statute . : 600 Attempted/Committed : Completed
Stat Desc : CONTEMPT OF COURT

Charge Number: 004
Crime Code: 27050 CONTEMPT OF COURT
Statute . : 600 Attempted/Committed : Completed
Stat Desc : CONTEMPT OF COURT

Charge Number: 005
Crime Code: 27050 CONTEMPT OF COURT
Statute . : 600 Attempted/Committed : Completed
Stat Desc : CONTEMPT OF COURT

Charge Number: 006
Crime Code: TRAFF TRAFFIC OFFENSE
Statute . : 435.01A Attempted/Committed : Completed
Stat Desc : DR LICENSE REQUIRED TO OPERATE
Domestic Violence . : Not Domest

Charge Number: 007
Crime Code: TRAFF TRAFFIC OFFENSE
Statute . : 431.34A Attempted/Committed : Completed
Stat Desc : FAILURE TO CONTROL
Domestic Violence . : Not Domest

Charge Number: 008
Crime Code: TRAFF TRAFFIC OFFENSE
Statute . : 435.15 Attempted/Committed : Completed
Stat Desc : FAILURE TO STOP AFTER ACCIDENT UPON STREET

Case Description:

Case Number: 2015-00236079

Traffic Violation

Domestic Violence . : Not Domest

Victim . . : Present Information

Primary CITY OF CLEVELAND

Phone: [REDACTED]

Soc/Public [REDACTED]

CLEVELAND

OH 44114

VICTIM OFFENDER RELATIONSHIPS:

DAVIS, MORATTA, ,

Unknown

Property: CITY OF CLEVELAND, , ,

Item Number . : 1 Subject #: 1 Subject Type: Victim

Property Code : Impounded Property Type : TempTag

Property Class: LocStlnVeh

Date Received : 08/02/15 Initial Value : .00

Date Recovered: Recovered Value: .00

RFOJ?: N Notify Owner Date: Notified How?:

Prp Loc . . . : Bin : Disposition . . :

Vehicle Year: 1998

Description :

Make . . . : Cadillac Model : CATERA Style . : 4 Dr Auto

Color Top . : Tan Bottom: Tan Interior:

License # . : [REDACTED] State : OH Expires : 08/16/15

Serial #/VIN: [REDACTED] OAN . . :

Owner's Name: CITY OF CLEVELAND, , ,

ORIGINAL NARRATIVE (CASE)

OVI/ARREST

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SIR,

On Sunday, August 2, 2015 at approximately 1610 hours, I, (P.O. Charles Lipscomb #478) arrested Moratta Davis for OVI. The following are the circumstances surrounding the arrest.

Pre-Arrest Actions:

Phase 1-Vehicle in Motion: As reported by Sgt. Bartos #9913. 7204 Sgt. Bartos #9913 stated that he was stopped on E.9th. just south of the ramp for Route 2 (Route 2 eastbound exit and entrance from E.9th) conferring with 7201 Sgt. Lally #9108 and car 22 Traffic Commissioner Muhic #6040 at approximately 1500 hours.

While conferring with the other Traffic Supervisors he observed Traffic Controller Hirzer #7123 rapidly waving his arms in the air to get his attention.

He also observed an auto stopped in the #1 turn lane for southbound E.9th with the driver outside of his vehicle, talking to T.C. Hirzer and pointing at a car (a tan Cadillac Cattera, 4-door, with OH Temp tag of [REDACTED]) stopped also at the intersection, but in the #3 lane.

CLEVELAND POLICE DEPARTMENT
OFFENSE/INCIDENT REPORT

Date: 08/03/2015

Page: 4

Case Description:
Traffic Violation

Case Number: 2015-00236079

As he started his Police Motorcycle, which is equipped with red & blue emergency lights and siren, and headed towards T.C. Hirzer, the auto in the #3 lane (a straight only lane) immediately drove across all the southbound lanes of traffic, making an illegal left hand turn onto the E.9th On Ramp to Route 2 eastbound.

Both lanes on this ramp had stopped traffic, due to the Municipal Parking Lot being full from the Latino Festival that was taking place.

With the traffice being stopped, the Cadillac then drove to the left onto the Berm of the ramp sideswipping a silver 2015 Ford Fiesta (OH plate #■■■■■■) bending the right rear tire of Fiesta.

The Cadillac continued down the ramp on the Berm as Sgt. Bartos attempted to catch up and as it sideswiped a 2011 Ford F-150 hard enough to break the front left axle of the Cadillac and then come to rest on the Berm. The F-150 continued forward and pulled to the left to stop.

At this time Sgt. Bartos was pulling up the rear of the Cadillac,

when the right rear door flung open and 2 males jumped out and ran southeast towards the sidewalk. As Sgt. Bartos came to a stop the drivers door also began to open, being alone and unaware of the drivers intensions with the motorcycle still running, and only the clutch and rear brake engaged, he drew his weapon and ordered the driver to stay in the car.

The driver, later identified as the arrested female, Moratta Davis, continued to slowly exit the car in an almost exaggerated slow, methodical motion, and stay in a bladed stance; keeping her right arm from.

Sgt. Bartos then ordered Davis "SHOW ME YOUR HANDS, SHOW ME YOUR HANDS, SHOW ME YOUR HANDS!". Davis then in a slow, robotic motion raised her hands.

with Davis's hands now in view, Sgt. Bartos holstered and was able to shut off and safely dismount his motorcycle. He then secured Davis in handcuffs, placing her Under Arrest for attempting to leave the scene of 2 accidents.

Phase 2 Driver Contact:

While on scene Davis had a moderate odor of an alcoholic beverage upon her person and spoke slow and slurred. She attempted to interrupt any conversations with the conveying officers; 3rd district car 3A25, P.O. Grady #1686 and P.O. Betley #1790, with incoherent questions.

There was an open 24 ounce can of Milwaukee's Best in the car still cold to the touch and smelled like an alcoholic beverage (beer).

Case Description:
Traffic Violation

Case Number: 2015-00236079

Davis had blood shot eyes and her clothing was disheveled. At this time I stopped the 2 males that fled from the Cadillac, Jesse Arellano [REDACTED] and Leroy Hamilton [REDACTED] who stated, "all she needed to do was stop, it wasn't worth it just for drinking."

All of the individuals from the car appeared impaired, included the vehicle owner, front seat passenger Rayshonna Chibundo, and 3rd rear seat passenger Deja Garner, 12-31-92.

I also spoke with [REDACTED] who was driving a red Hyundai Elantra, OH Temporary Tag of [REDACTED], and the male who had told T.C. Hirzer that the Cadillac rear ended him.

[REDACTED] explained that he was stopped in the northbound lane on Eddy Rd at St Clair Ave., when his car was rear ended by this Cadillac

driven by Davis.

He and his passenger, [REDACTED] and [REDACTED], stated that as they followed the Cadillac, bottles and cans were thrown from the windows as they drove down the freeway.

Phase 3-Pre-arrest screening:

Since Davis was already under arrest for leaving the scene of an accident and being conveyed to CPU by car 3A25, I decided the safest place to perform the Standardized Field Sobriety Test (SFST'S) would be at CPU.

Upon arriving I read Davis her Miranda warning and she then stated she will do the tests, that all she had was a 24 ounce Milwaukee's

Best 2 or 3 hours ago. P.O. Grady #1686 and P.O. Betley #1790 both witnessed the SFST battery.

HORIZONTAL GAZE NYSTAGMUS (HGN): During the HGN Davis swayed continuously, showed equal pupil size (which seemed extra dilated for the amount of light in the room) and had all 6 clues, lack of smooth pursuit in both eyes, distinct and sustained Nystagmus at maximum deviation in both eyes, and early onset of Nystagmus prior to 45 degrees in the both eyes.

Davis also showed vertical Nystagmus in both eyes and indicator of High Blood Alcohol content or Dissociative Anesthetics Use.

WALK AND TURN (WAT):

Davis showed 7 of 8 clues in the walk and turn. Could not keep balance and began to soon in instruction phase, stopped while walking, missed heel to toe, stepped off line, used arms to balance, and made improper turn.

INSTRUCTION PHASE: Davis raised hands more than 6 inches, both

Case Description:
Traffic Violation

Case Number: 2015-00236079

directions and during turn, she stumbled during turn and stepped off line, stopped after turn, then did not touch heel-to-toe on any of the return steps.

ONE LEG STAND (OLS):

Davis showed 3 out of 4 clues in the OLS, she swayed during the test, used her arms to balance and put her foot down 5 to 6 times. She also started before I instructed her to do so, two times.

Based on her performance throughout the SFST'S, I placed Davis Under Arrest for Operating A Vehicle Under The Influence as well. Once we were able to gain access to the BAC Room, I read Davis the BMV 2255 at 1658 hours, witnessed by 7211 P.O. Mercado #2143 and submitted to the Breath Test. Her BAC result was 012.

Knowing that the indicators Davis showed did not match the test result. I asked to submit to a Urine sample for a Drug Screen. Davis became angry and stated, "I'm a Chronic Weed Smoker and your gonna try to use that against me since you didn't find any alcohol."

She then stated, "I refuse then, but before I could finish reminding her that it is still consider a refusal on the BMV 2255, she said, "I wouldn't have peed earlker had you told me to take this tes, but I will take the test anyways!"

Female Corrections Officer Corporal Turner #5596 then took Davis to the back and witnessed the sample collection and sealed same.

I completed all necessary OVI paperwork and finished booking Davis. Davis was issued UTT #2350245 for Failing to stop after and, Accident 435.15, and OVI 433.01A1 from E.9th/Route 2, and UTT #2350246 for No Driver's License 435.01A, Failure to Control 431.34A, and Failing to stop after and accident 435.15.

I then conveyed the Urine Sample to the Cuyahoga County Coroner's Office where it was accepted by Intake staff.

P.O. Mercado completed all corresponding Accident reports

Unit 7210

rms #15-236079.sdco M.A.8/3/15