

CAUSE NO. C-1-CR-23-201153

THE STATE OF TEXAS
COUNTY OF TRAVIS

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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) Charles Schwertner (Race) White (Sex) Male (DOB) 05/29/1970
(Driver's License number) 10095542 (State) TX

On or about 02/07/2023, 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 _____, an officer working for _____ who personally observed such offense.

I / Officer OBAID, HAYAN - AP9374 observed the aforesaid accused driving operating the following vehicle, 2022 Black Cadillac 4D TXLP S035 upon Avenue B / W 45th St., a public place in Austin, Texas.

HO 49374

On 2/7/23 at approximately 00 : 45, Officer OBAID, HAYAN - AP9374 contacted Charles Schwertner (White / Male born 05/29/1970, height 6'02, weight 191, TX DL #10095542) for the following reasons: On Feb 7th, 2023, at approximately 0045, I, Officer Obaid #9374, was patrolling my assigned sector, at the 600 block of E 45th St, when I observed a 2022 Black Cadillac 4D TXLP S035 that was traveling Westbound on E 45th St. The stated vehicle was swerving to the right and the left and split the two lanes repeatedly. I followed the stated vehicle several city blocks and observed it partially switching lanes and moving back and forth between the two traveling lanes. I conducted a traffic stop on the stated vehicle and spoke to the driver, who was identified as Schwertner, Charles Jeffrey W/M 05/29/1970. Charles had bloodshot, glassy, watery eyes, was confused, and had slurred speech pattern. Charles also had a strong odor of alcoholic beverage on his breath.

(describe offense if other than collision)

Officer OBAID, HAYAN - AP9374 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: Orderly	Alcoholic Beverage Odor: Strong
Eyes: Bloodshot, Watery, Glassy	Balance:
Speech: Slurred, Confused, Thick Tongued	Attitude: Polite, Sleepy, Cooperative
Walking: Swaying	Turning: Hesitant
Unusual Actions: Restless	

PD0014B

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

HORIZONTAL GAZE NYSTAGMUS (HGN)

- L R - Lack of smooth Pursuit
- L R - Onset of Nystagmus Prior to 45 degrees

- 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 Began before being instructed to start
- Took wrong # of steps Used arms for balance
- Stepped off line Stopped while walking

WALK & TURN

- Performed as instructed
- Failed to touch heel to toe
- Turned improperly

ONE LEG STAND

- Performed as instructed
- Swayed Hopped Used arms for Balance Put foot down

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

- Exhibited _____ inch sway front to back Estimated 30 seconds as _____ seconds
- Exhibited _____ inch sway side to side Exhibited _____ inch circular sway

Field Sobriety Tests Were Not Administered Because (if applicable) : _____

Medication Taken? Yes No If Yes, What? _____

Accused in Possession of Alcohol/Drugs Yes No Describe: _____

Drug Recognition Evaluation (DRE) Yes No Describe: _____

Pre-Arrest Admissions by Accused: _____

Other Field Sobriety Test Administered/Signs of Intoxication (other than those stated above, if any): _____

Was the motor vehicle occupied by a child younger than 15 years of age? Yes No If yes, quantity and age _____

Time of call: 0045 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: _____

Hayan Obaid #19374
Affiant

Sworn and subscribed to before me by the said Affiant on this 7 day of FEBRUARY, 2023

R.A. Means #3564
Peace Officer in the State of Texas.

On this, the 7 day of Feb., 2023, 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: 230380051

Officer: OBAID, HAYAN - AP9374