

**INCIDENT AND CRIME REPORT**

**Anthony Police Department**  
**401 Oak St.**  
**Anthony, TX 79821**

Case Number

**98-0513**

Page Number

**Cover Page**

Code Section 49.04 TPC	Crime D.W.I	Classification Class C Misd.	Report Area 640
Date Occured from 9/27/98	Date Occured to 9/27/98	Date Reported 9/27/98	Location of Occurance I-10 East Mile Marker 1 Anthony, TX. 79821
Time Occured from 3:00 Hrs.	Time Occured to 8:00 Hrs.	Time Reported 3:00 Hrs.	

**Victim Information**

Name-Last, First, Middle (Firm if Business) State Of Texas,					Residence Address 401 Oak St., Anthony , TX.	Residence Phone 886-3838
Occupation Police Agency	Race	Sex	Age	DOB	Business Address (School if Juvenile) 401 Oak St. Anthony, TX. 79821	Business Phone 886-3838

**Other information**

Name-Last, First, Middle (Firm if Business) Carrera, Rick					Cod Invest.	Residence Address 401 Oak St., Anthony, TX.	Residence Phone 886-3838
Occupatio Police Officer	Rac	Sex	Age	DOB	Business Address (School if Juvenile) 401 Oak St. Anthony, TX. 79821	Business Phone 886-3838	

Name-Last, First, Middle (Firm if Business)					Cod	Residence Address	Residence Phone
Occupatio	Rac	Sex	Age	DOB	Business Address (School if Juvenile)	Business Phone	

Name-Last, First, Middle (Firm if Business)					Cod	Residence Address	Residence Phone
Occupatio	Rac	Sex	Age	DOB	Business Address (School if Juvenile)	Business Phone	

Name-Last, First, Middle (Firm if Business)					Cod	Residence Address	Residence Phone
Occupatio	Rac	Sex	Age	DOB	Business Address (School if Juvenile)	Business Phone	

**Suspect Information-General**

Suspect Name (Last, First, Middle)	Race	Sex	Ht.	Wt.	Hair	Eyes	DOB	Arrested	Address
Oourke, Robert F.	W	M	6'04	190	Brn	Brn	<del>          </del>	Yes	<del>          </del> N. Stanton, El Paso, TX

Reporting Officers Carrera, Rick #25	Recording Officer Carrera, R #25	Typed by Carrera, R	Date 9/30/98	Time 22:29 Hrs.
Reviewed by			Date	

**FOR OFFICIAL USE ONLY**

Anthony Police Department  
 401 Oak St.  
 Anthony, TX 79821

INCIDENT AND CRIME REPORT  
 Suspect Information Sheet

Case Number  
 98-0513

Page Number  
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Code Section  
 49.04 TPC

Crime  
 D.W.I

Classification

Report Area  
 640

Suspect General Information

Photo Info

Name Orourke, Robert F.		DOB [REDACTED]		SSAN		Photo Date	
FBI #		Jacket #		Arrested Yes		Warrant #	
				Warrant Date		Photo Taken	
Aliases		Weapon(s)		Photo ID #			
Remarks							

No Photo Available

Suspect Vehicle Information

Suspect Physical Information

Veh Make VOLV		Veh Model		Vehicle Year		Veh Reg No		Veh State TX	
Veh Color Exterior			Veh Color Interior						
Veh other ID Characteristics									

Age 26		Race W		Sex M		Ht. 6'04		Wt. 190	
Eyes Brn			Teeth			Speech			
Build Slim			Complexion Fair			Skin Tone Light			
Facial Hair No			Facial Hair Color						
Hair Brn			Hair Length Short			Hair Style			
Scars marks deformities tattoos None									
Hat			Coat			Eyeglasses			
Pants			Dress			Shirt/Blouse			
Shoes			Socks						
Other Garments									

Suspect Locator Information

Address [REDACTED] I. Stanton			City El Paso		State TX	
Birthplace El Paso TX.			Phone			
Occupation Salesman						
Work name ; location						
Dr Lic No [REDACTED]		Dr lic State TX		Last Seen Date 09/27/98		Last Seen Time 8:00 AM
Last Seen Location E.P.C.D.F						
Hangouts Frequented Unk.						
Location Other						

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INCIDENT AND CRIME REPORT  
Continuation Sheet

Anthony Police Department  
401 Oak St.  
Anthony, TX 79821

Case Number

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Code Section

49.04 TPC

Crime

D.W.I

Classification

Class C Misd.

Report Area

640

Victims Name-Last, First, Middle (Firm if Business)

State Of Texas,

Residence Address

401 Oak St., Anthony , TX.

Res. Phone

886-3838

NARRATIVE

On September 27, 1998, at approximately 03:00 hrs, I was dispatched to I-10 East Mile Marker 1 reference to a Motor Vehicle Accident. I met with the reporter who said he was traveling west bound on I-10 and observed a black in color Volvo traveling the same direction at a high rate of speed. The driver then lost control of the vehicle and struck a truck traveling the same direction sending the defendants vehicle across the center median and pointing eastbound. The driver attempted to leave the accident but was stopped by the reporter. It was then determined after a brief interview that the defendant/driver was intoxicated. The defendant was then transported the El Paso Police West side Sub Station Where he was given the Breath Test, subject failed. Officer Lorenzo Lozoya then transported the defendant to judge

- End of Report -

FOR OFFICIAL USE ONLY

THE STATE OF TEXAS  
COUNTY OF EL PASO

ANTHONY MUNICIPAL COURT  
TOWN OF ANTHONY, TEXA.

VS.

Orourke, Robert Francis  
DOB: [REDACTED]  
[REDACTED] M. Stanton  
El Paso, TX. 79902

§  
§  
§  
§  
§  
§  
§  
§  
§

DOCKET NO. 198-914

In the Name and by Authority of the State of Texas, before me, the undersigned authority, on this day personally appear  
Ofc. R. Carrera #25, who after being by m  
duly sworn upon oath, deposes and says (s)he has good reason to believe and does believe that theretofore, to-wit, on or abou  
the 27 day of September, 1998 and before the filing of this complaint in the Town of Anthony, County of El Pas  
and the State of Texas, one Orourke, Francis R., date of birth [REDACTED], did then and there unlawfully  
Violated Section 49.04 Driving While Intoxicated TPC by Intenally and Knowingly  
operating a motor vehicle, on a public roadway while Intoxicated.

FACTS TO SUPPORT THIS STATEMENT:

On September 27 at approximately 0300 hours I was dispatched to a motor vehicle  
accident on I-10 East Mile Marker 1. I met with the driver/Defendant and asked him  
what had happened. The defendant advised in a slurred speech that he had caused an  
accident. While the defendant was talking to me his breath smelled of an alcohol  
beverage emitting from his breath and person. I also observed the defendant having  
extreme difficulty maintaing his balance. I then took the defendant and placed him  
into custody. The defendant was then transported to the Westside Police Substation  
where he was read his Police Officers Statutory Warning and agreed to take the breath  
test. Defendant blew a 0.136 and 0.134. Later Defendant was Magistrated for bond  
setting and booked into the County Jail.

against the peace and dignity of the State.

R. Carrera  
Affiant

Torrey K. Luedi  
Subscribed and sworn to before me, the undersigned authority, and filed on this

day of September, 1998 at 27

Torrey K. Luedi  
MUNICIPAL JUDGE/COURT CLERK  
FOR THE TOWN OF ANTHONY



CERTIFICATE OF MAGISTRATE

COUNTY OF EL PASO  
STATE OF TEXAS

CASE # 98-0513

I, Tommy Koszowski Carson,  
Amc, Judge of the

Do hereby certify that Orourke, Robert F. Court of El Paso County, Texas:

charged with the offense of Driving While Intoxicated, D.O.B. [REDACTED], Warrant # 198-6-214

appeared before me at 8:15 M., on the 27 day of Sept 19 98,  
at Amc in El Paso County, Texas;

at that time I warned said Orourke, Robert F. of the accusation against him and of the affidavit, if any, filed in support of such accusation; that he had the right to retain counsel; of his right to remain silent; of his right to have an attorney present during any interview with peace officers or attorneys representing the State or during any lineup or confrontation by witnesses; of his right to terminate the interview at any time; of his right to request the appointment of counsel if he is indigent and cannot afford counsel and of his right to an examining trial. I also informed the above named individual that he is not required to make a statement and that any statement by him may be used against him.

In witness whereof I have subscribed my name on the 27th day of September 19 98

Tommy Koszowski Carson

WARRANT OF ARREST

0900 / 8029630

THE STATE OF TEXAS

To the Sheriff or any law enforcement officer of El Paso County, said State

GREETING: YOU ARE HEREBY COMMANDED to take the body of:

Grouke, Robert Francis DOB: [REDACTED]  
N. Stanton  
El Paso Tx. 79902

and bring him before me, in El Paso, Texas, in said County, Instantly, then and there to answer the STATE OF TEXAS, for an offense against the laws of said state, to-wit:

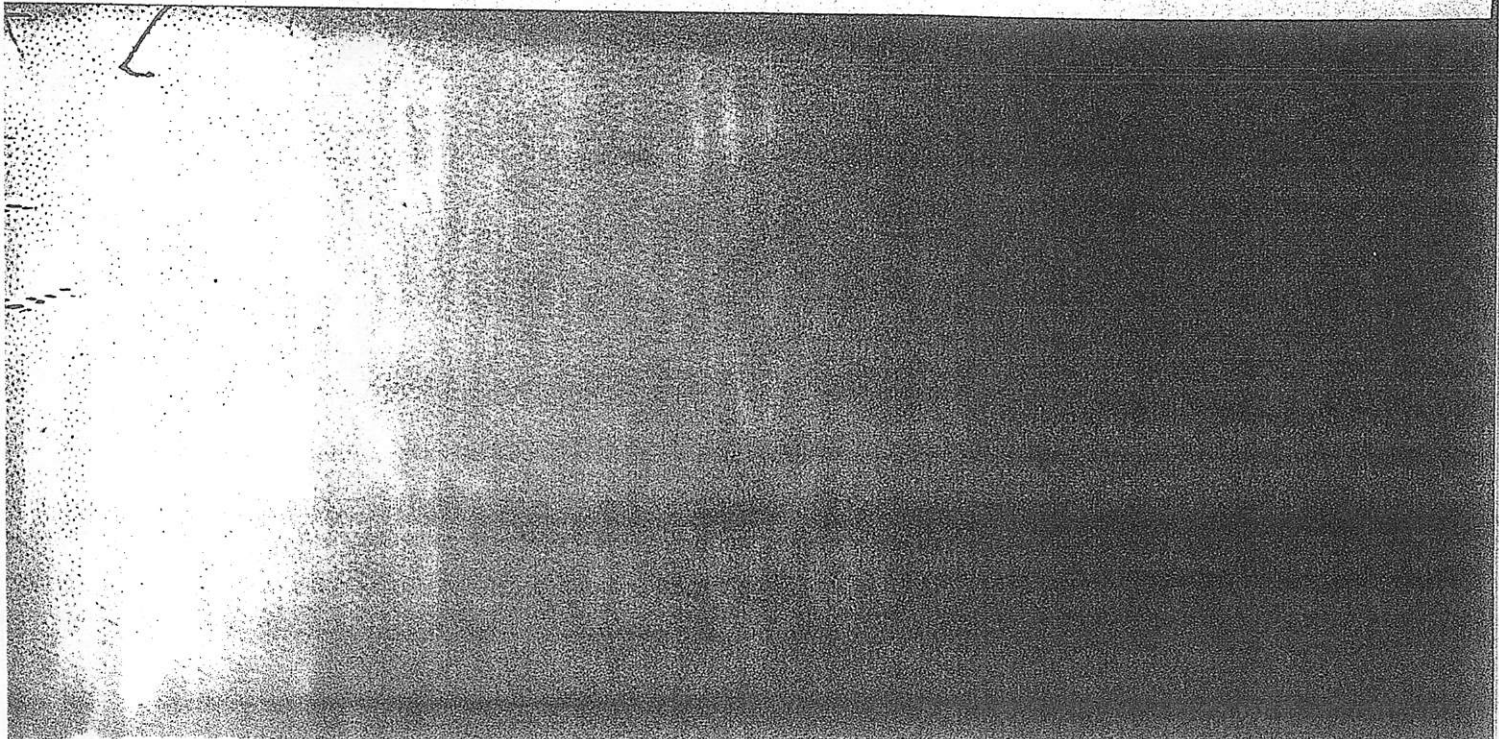
Violated Sec: 49.04 Driving While Intoxicated  
of which offense he is accused by the written complaint under oath of Officer R. Carrera #25 filed before me.

HEREIN FAIL NOT, but have you then and there before me, this writ and your return, endorsed thereon, showing how you have executed the same.

WITNESS my signature and issued on this the 27 day of September

1998

*Toney K. [Signature]*  
Justice of the Peace, Prec. No. \_\_\_\_\_  
El Paso County, Texas



OFFICER'S RETURN

Came to hand the 27 day of September, A.D. 1998, and executed the  
day of 27, A.D. 1998.

~~Booked into the E.P.C.D.F~~

~~Chief V. Estrada~~ Constable

BY [Signature] #25 DEPUTY OFFICER  
Ofc. Carrera, R #25

WARRANT OF ARREST

File No. AGS-914

THE STATE OF TEXAS

vs.

O'Rourke, Robert Francis  
DOB [Redacted]

OFFENSE:

Violated Sec:49.04 TCP  
Driving While Intoxicated

Bond 1500 °°

Judge [Signature]

EL PASO COUNTY SHERIFFS DEPARTMENT

\*\*\*\*\*

DEFENDANT MOULKE, ROBERT FRANCIS

INTERROGATION: ADVICE OF YOUR MIRANDA RIGHTS

Before we ask you any questions, you must understand your rights.

You have the right to remain silent..... R.O.  
Initials

If you give up your right to remain silent, anything you say can and will  
be used against you in a court of law..... R.O.  
Initials

You have the right to speak with an attorney for advice before we ask  
you any questions and to have him with you during questioning..... R.O.  
Initials

If you cannot afford an attorney, one will be appointed for you without  
charge before any questioning if you wish..... R.O.  
Initials

If you decide to answer questions now without an attorney present, you  
will still have the right to stop answering questions at any time..... R.O.  
Initials

Do you understand each of these rights I have read to you..... R.O.  
Initials

Are you willing to answer questions and make a statement knowing  
that you have these rights and do you waive these rights freely and  
voluntarily with no threats or promises of any kind having been  
made to you..... R.O.  
Initials

R.O. Moulke  
Signature of the Defendant

[Signature]  
Witness Signature

[Signature]  
Witness Signature

DATE: 9-27-98 TIME: 0400 CASE # \_\_\_\_\_



TEXAS DEPARTMENT OF PUBLIC SAFETY  
 TRAFFIC LAW ENFORCEMENT DIVISION  
 OFFENSE REPORT

\_\_\_ TRAFFIC  
 CRIMINAL  
 \_\_\_ SCHOOL NOTIFICATION  
 REQUIRED (ART. 15.27 CCP)

REPORT DATE: September 27, 1998

APD Case # 98-0513

FILE TITLE

1. Orourke, Robert Francis
  2. [REDACTED] N. Stanton
  3. El Paso, Tx. 70002
  4. DOB [REDACTED]
  5. [REDACTED]
- SID # \_\_\_\_\_ DL # \_\_\_\_\_

INVESTIGATING OFFICER:

TYPED NAME: Carrera, Richard ID-NR#25

SIGNATURE: *Richard Carrera #25*

REGION/DISTRICT/SGT. AREA: 640

APPROVING SUPERVISOR:

TYPED NAME: SGT. Gary Hargrove ID-NR: SGT

SIGNATURE: *Gary Hargrove*

RPT-RE: SEC. 49.04 Driving While Intoxicated

COMPLETE IF TRAFFIC OFFENSE AND CHEMICAL TEST IS OFFERED:

TEST OFFERED: BREATH  BLOOD \_\_\_ URINE \_\_\_ NONE \_\_\_ TEST GIVEN: BREATH  BLOOD \_\_\_ URINE \_\_\_ REFUSED \_\_\_ NONE \_\_\_  
 TEST RESULT: 1) .136 2) .134 DIC-23 SUBMITTED: YES  NO \_\_\_ OPERATOR/ID: Cecil Melton #14699

DEFENDANT(S)

OFFENSE(S)

COUNTY

DATE/TIME

Orourke, Robert Francis

Driving While Intoxicated

El Paso

09/27/98 03:00

On September 27, 1998, I was dispatched to I-10 East Mile Marker 2, reference to a motor vehicle accident. I met with the reporter and driver of the American Medical Ambulance. The reporter said that while he and his partner were traveling East bound on I -10 they observed a green in color volvo pass them at a high rate of speed. The vehicle then lost control moments later and struck a truck traveling the same direction. After the driver/ defendant struck the truck it sent the defendants vehicle across the center median and to a complete stop facing east bound. The defendant/driver then attempted to leave the scene, the reporter then turned on his over head lights to warn oncoming traffic and to try to get the defendant to stop. When I made contact with the driver I asked him if he was hurt and that if he needed medical attention. Defendant was unable to be understood due to slurred speech. Defendant also had glossy eyes and breath smelled of an alcohol beverage, I then asked the driver / defendant to step out of the vehicle, upon doing so the defendant almost fell to the floor. I asked the defendant if he had consumed any alcohol beverages that morning and he answered yes. I then decided to conduct the the one leg stand and the walk and turn tests. I fully instructed the driver / defendant on how to complete both tests. The defendant / driver could not count in a paced manner on the walk and turn and on the one leg stand the subject attempted several times and failed by totally losing his balance. At this time I placed the defendant behind my patrol unit. SGT. Hargrove arrived to the scene at this time and advised me that he would handle the motor vehicle accident. I transported the defendant to the El Paso Police West Side Sub Station where he was read the Police Officer Statutory Warning and agreed to take the breath test. Defendant blew a .136 and a .134, he was later transported to judge Kostarakis for Magistrates Warning and Bond Setting and later booked into the County Jail.

Texas Department of Public Safety  
 DWI INTERVIEW  
 Standardized Field Sobriety Testing

DEFENDANT: Drouke, Robert Francis

INTERVIEW:

TIME MIRANDA WARNING GIVEN: \_\_\_\_\_ AM  
 \_\_\_\_\_ PM

WERE YOU OPERATING A VEHICLE? yes DESTINATION? LAS CRUCES STARTED FROM? EL PASO  
 WHAT TIME? 1 AM WHERE ARE YOU? HOLDING CELL W/5 WHEN DID YOU LAST EAT? 7 PM  
 WHAT? PASTA HAVE YOU BEEN DRINKING? yes WHAT? BEER HOW MUCH? 2 BEERS  
 LAST DRINK? BEER ARE YOU ILL? NO WHAT'S WRONG? \_\_\_\_\_  
 HAVE YOU BEEN INJURED LATELY? NO WHAT'S WRONG? HAD COLD EARLIER ARE YOU UNDER A DOCTOR'S CARE? NO  
 LAST DOCTOR'S VISIT? \_\_\_\_\_ WHO? \_\_\_\_\_ WHY? \_\_\_\_\_  
 DO YOU HAVE EPILEPSY? NO DIABETES? NO HAVE YOU HAD ANY INJECTIONS OR PILLS RECENTLY? NO  
 WHAT? \_\_\_\_\_ LAST DOSE? \_\_\_\_\_ WHEN DID YOU LAST SLEEP? NIGHT BEFORE LAST NO. HOURS? 5 1/2  
 PHYSICAL HANDICAPS? NO

TIME 0600 DATE 9-27-98 INTERVIEWER Carl R. Melton #30

HORIZONTAL GAZE NYSTAGMUS

	RIGHT	LEFT
1. EYE DOES NOT PURSUE SMOOTHLY	[ ]	[ ]
2. DISTINCT NYSTAGMUS AT MAXIMUM DEVIATION	[ ]	[ ]
3. NYSTAGMUS ONSET BEFORE 45 DEGREES	[ ]	[ ]
4. VERTICAL NYSTAGMUS PRESENT	YES [ ]	NO [ ]

WALK AND TURN

1. CAN'T BALANCE DURING INSTRUCTION	[ ]
2. STARTS TOO SOON	[ ]
3. STOPS WHILE WALKING	[ ]
4. STEPS OFF LINE	[ ]
5. DOESNT TOUCH HEEL TO TOE	[ ]
6. USES ARMS TO BALANCE	[ ]
7. IMPROPER TURN (OR LOSES BALANCE ON TURN)	[ ]
8. WRONG NUMBER OF STEPS	[ ]
9. CANNOT PERFORM TEST	[ ]

ONE LEG STAND

1. SWAYS WHILE BALANCING	[ ]
2. HOPS	[ ]
3. PUTS FOOT DOWN	[ ]
4. CANNOT PERFORM TEST	[ ]

STATUTORY WARNING

DIC-24 (Rev. 9/97)

O'Rourke, Robert Francis TX  
Full Name of Subject (print or type) State, Drivers License/I.D. No. or None Date of Birth

N. STANTON EL PASO, TX 79902  
Home Address

Date of Arrest 09-27-98, Time of Arrest 0300, City and County of Arrest Anthony, EL PASO TX

(If unlicensed: Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Eyes: \_\_\_\_\_ Hair: \_\_\_\_\_ )

You are under arrest for an offense arising out of acts alleged to have been committed while you were operating a motor vehicle in a public place while intoxicated or an offense under Section 106.041, Alcoholic Beverage Code. You will be asked to give a specimen of your breath and/or blood. The specimen will be analyzed to determine the alcohol concentration or the presence of a controlled substance, drug, dangerous drug, or other substance in your body.

If you refuse to give the specimen, that refusal may be admissible in a subsequent prosecution. Your license, permit, or privilege to operate a motor vehicle will be suspended or denied for not less than ninety (90) days if you are 21 years of age or older, or not less than one hundred twenty (120) days if you are younger than 21 years of age, whether or not you are prosecuted for this offense.

If you are 21 years of age or older and submit to the taking of a specimen and an analysis of the specimen shows that you have an alcohol concentration of 0.10 or more, your license, permit or privilege to operate a motor vehicle will be suspended for not less than sixty (60) days, whether or not you are subsequently prosecuted for this offense.

If you are younger than 21 years of age and have any detectable amount of alcohol in your system, your license, permit or privilege to operate a motor vehicle will be suspended for not less than sixty (60) days. However, if you submit to the taking of a specimen and an analysis of the specimen shows that you have an alcohol concentration of less than 0.10, you may be subject to criminal penalties less severe than those provided for under Chapter 49, Penal Code.

You may request a hearing on the suspension or denial. This request must be received by the Texas Department of Public Safety at its headquarters in Austin, Texas, no later than 15 days after you receive or are presumed to have received notice of suspension or denial. The request can be made by written demand, fax, or other form prescribed by the Department.

I certify that I have informed you both orally and in writing of the consequences of refusing to submit to the taking of a specimen or providing a specimen; I have provided you with a complete and true copy of this statutory warning.

I am now requesting a specimen of your  Breath  Blood.

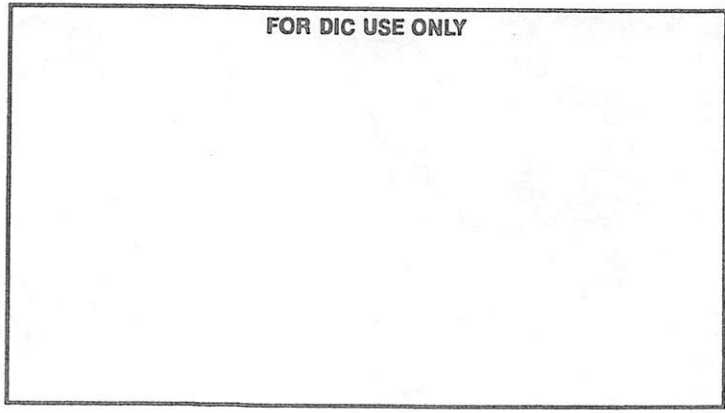
Subject refused to allow the taking of a specimen and further refused to sign below as requested by this officer.

OR

Subject refused to allow the taking of a specimen as evidenced by his/her signature below:

\_\_\_\_\_  
(Subject's Signature)

I further certify that because you are a child as defined in Section 51.02, Family Code, the above request for a specimen and your response has been videotaped.



[Signature]  
Officer's Signature

RICHARD CARROLL 25  
Printed Name Badge or ID No.

Anthony P.D.  
Agency

401 OAK ST ANTHONY TX 79821  
Address

(915) 886-3839  
Phone No. Fax No.



NOTICE OF SUSPENSION

DIC-25 (Rev. 9/97)

ORourke, Robert Francis, TX

[REDACTED]  
State, Drivers License/I.D. No. or None

[REDACTED]  
Date of Birth

[REDACTED] N. STANTON [REDACTED] EL PASO TX 79902  
Home Address

Date of Arrest 9-27-98, Time of Arrest 0300, City and County of Arrest EL PASO COUNTY

(If unlicensed: Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Eyes: \_\_\_\_\_ Hair: \_\_\_\_\_ )

Your license, permit, or privilege to operate a motor vehicle will be suspended or denied, effective 40 days after the date you receive this notice (SEE REVERSE SIDE FOR LENGTH OF SUSPENSION), because you:

**ADULT:**  
(21 or over) \_\_\_\_\_ REFUSED to provide a specimen or specimens of blood or breath following an arrest for an offense prohibiting the operation of a motor vehicle while intoxicated, while under the influence of alcohol, or while under the influence of a controlled substance as provided in Tex. Transp. Code Ann. Chapter 724.  
 PROVIDED a specimen of blood or breath and an analysis of the specimen showed an alcohol concentration of a level specified in Section 49.01, Texas Penal Code, following an arrest for an offense involving the operation of a motor vehicle as provided in Tex. Transp. Code Ann. Chapter 524.

**MINOR:**  
(Under 21) \_\_\_\_\_ REFUSED to provide a specimen or specimens of blood or breath following an arrest for an offense prohibiting the operation of a motor vehicle while intoxicated, while under the influence of alcohol, or while under the influence of a controlled substance as provided in Tex. Transp. Code Ann. Chapter 724.  
\_\_\_\_\_ PROVIDED a specimen of blood or breath and an analysis of the specimen showed either an alcohol concentration of a level specified in Section 49.01, Texas Penal Code or a detectable amount of alcohol as specified in Tex. Alco. Bev. Code Ann. Section 106.041, following an arrest for an offense involving the operation of a motor vehicle as provided in Tex. Transp. Code Ann. Chapter 524.  
\_\_\_\_\_ were arrested for an offense involving the operation of a motor vehicle as provided in Tex. Transp. Code Ann. Chapter 524 and WERE NOT REQUESTED TO SUBMIT to the taking of a specimen, as the presence of alcohol was detected or measured by other means.

You may request a hearing to contest the suspension or denial by calling (800)394-9913, faxing (512)424-2650 or writing Texas Department of Public Safety, Driver Improvement and Control, PO Box 4040, Austin, Texas 78765-4040. This request must be received by the Texas Department of Public Safety no later than 15 days after you receive or are presumed to have received notice of suspension or denial. For a hearing to be scheduled, all correspondence regarding your suspension must include the following information: Full name, date of birth, driver license number and state, current mailing address, home and daytime telephone numbers, date and county of arrest, arresting agency and arresting officer, whether the test was failed, refused or not requested and such other information as requested by the Department. Please specify if you wish to have a hearing by phone or in person. The hearing will be held in compliance with the provisions of Tex. Transp. Code Ann. Chapters 524 and 724, and the rules of procedure of the Texas Department of Public Safety and the State Office of Administrative Hearings. You will be notified of the date and time of the hearing, where to appear if you request an in person hearing or instructions for telephone hearing procedures.

If you choose not to request a hearing, you must surrender your license to the Texas Department of Public Safety, Driver Improvement and Control, PO Box 4040, Austin, Texas 78765-4040 within 40 days after you receive this notice. If you fail to surrender your license or fail to furnish an affidavit showing reason for your failure to surrender your license, charges will be filed, as provided by law.

Your driver license or driving privilege will continue to be suspended beyond the suspension period until a \$100 reinstatement fee is paid to the Department of Public Safety, Driver Improvement and Control, PO Box 15999, Austin, Texas 78761-5999, in addition to any other fees required by law.

I certify that I have personally served you with this notice of suspension on 9-27-98  
(Date Notice Served)

[Signature]  
Officer's Signature

RICHARD CARRERA #25  
Printed Name

A.P.D  
Agency

401 OAK ST. APTA. TX 79821  
Address

886-3838 / 886-3839  
Phone No. Fax No.

