

Edmond Police Department

CASE REPORT

CASE# **2022-00062104**

100 E 1st St
Edmond, OK 73034

EVENT	<small>REPORTED DATE/TIME</small> 10/26/2022 23:41	<small>OCCURRED INCIDENT TYPE</small> DUI/APC	
	<small>OCCURRED FROM DATE/TIME</small> 10/26/2022 23:41	<small>OCCURRED THRU DATE/TIME</small> 10/27/2022 01:00	<small>LOCATION OF OCCURRENCE</small> 9 E EDWARDS ST Edmond, OK

	<small>STATUTE/DESCRIPTION</small>	<small>COUNTS</small>	<small>ATTEMPT/COMMIT</small>
OFFENSES	01 47OS11-902A2 OPERATE (DUI OR APC) A MV UNDER THE INFLUENCE OF ALCOHOL	1	Committed

SUBJECT	<small>JACKET/SUBJECT TYPE</small> Adult Suspect		<small>NAME (LAST, FIRST, MIDDLE SUFFIX)</small> MARTINEZ, RYAN LEVI			
	<small>DOB</small> [REDACTED]	<small>AGE or AGE RANGE</small> 37	<small>ADDRESS (STREET, CITY, STATE, ZIP)</small> [REDACTED]			
	<small>RACE</small> Unknown	<small>SEX</small> Male	<small>HEIGHT or RANGE</small> 5'9" 5'9"	<small>WEIGHT or RANGE</small> 200 200	<small>HAIR</small> Brown	<small>EYE</small> Brown
	<small>DL NUMBER/STATE</small> [REDACTED] / OK		<small>PRIMARY PHONE</small> [REDACTED]	<small>PHONE #2</small> [REDACTED]	<small>PHONE #3</small> [REDACTED]	

SUBJECT	<small>JACKET/SUBJECT TYPE</small> Business Victim		<small>NAME (LAST, FIRST, MIDDLE SUFFIX)</small> STATE OF OKLAHOMA,			
	<small>DOB</small> [REDACTED]	<small>AGE or AGE RANGE</small> [REDACTED]	<small>ADDRESS (STREET, CITY, STATE, ZIP)</small> 320 ROBERT S KERR AVE OKC, OK 73102			
	<small>RACE</small> [REDACTED]	<small>SEX</small> [REDACTED]	<small>HEIGHT or RANGE</small> [REDACTED]	<small>WEIGHT or RANGE</small> [REDACTED]	<small>HAIR</small> [REDACTED]	<small>EYE</small> [REDACTED]
	<small>DL NUMBER/STATE</small> [REDACTED]		<small>PRIMARY PHONE</small> (405)713-1200	<small>PHONE #2</small> [REDACTED]	<small>PHONE #3</small> [REDACTED]	

SUBJECT	<small>JACKET/SUBJECT TYPE</small> Adult Reporting		<small>NAME (LAST, FIRST, MIDDLE SUFFIX)</small> [REDACTED]			
	<small>DOB</small> [REDACTED]	<small>AGE or AGE RANGE</small> [REDACTED]	<small>ADDRESS (STREET, CITY, STATE, ZIP)</small> [REDACTED]			
	<small>RACE</small> [REDACTED]	<small>SEX</small> [REDACTED]	<small>HEIGHT or RANGE</small> [REDACTED]	<small>WEIGHT or RANGE</small> [REDACTED]	<small>HAIR</small> [REDACTED]	<small>EYE</small> [REDACTED]
	<small>DL NUMBER/STATE</small> [REDACTED]		<small>PRIMARY PHONE</small> [REDACTED]	<small>PHONE #2</small> [REDACTED]	<small>PHONE #3</small> [REDACTED]	

<small>REPORTING OFFICER</small> 645 Serafin	<small>DATE</small> 10/26/2022	<small>REVIEWED BY:</small> Ivy, Timothy Shawn	<small>DATE</small> 10/27/2022
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VEHICLES as INVOLVED

INVOLVED VEHICLE	VEHICLE ROLE Suspect Vehicle				
	VEH YR 2018	TYPE/MAKE/MODEL Toyota 4RUNNER/HIGHLANDER		STYLE SUV	
	PLATE / STATE H39 / OK		VIN [REDACTED]	TOP COLOR White	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION				

INVOLVED VEHICLE	VEHICLE ROLE				
	VEH YR	TYPE/MAKE/MODEL		STYLE	
	PLATE / STATE		VIN	TOP COLOR	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION				

VEHICLES as PROPERTY

PROPERTY VEHICLE	PROPERTY CODE			VALUE	
	VEH YR	TYPE/MAKE/MODEL		STYLE	
	PLATE / STATE		VIN	TOP COLOR	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION				

PROPERTY VEHICLE	PROPERTY CODE			VALUE	
	VEH YR	TYPE/MAKE/MODEL		STYLE	
	PLATE / STATE		VIN	TOP COLOR	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION				

PROPERTY VEHICLE	PROPERTY CODE			VALUE	
	VEH YR	TYPE/MAKE/MODEL		STYLE	
	PLATE / STATE		VIN	TOP COLOR	BOTTOM COLOR
	ADDITIONAL DESCRIPTIVE INFORMATION				

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NARRATIVE

On 10/26/2022 at approximately 2341 hours, I was dispatched to a possible Drunk Driver in the parking lot of The Patriarch- Craft Beer House located at 9 East Edwards Street.

Dispatch advised the business refused to serve an intoxicated subject (later identified as A-Martinez, Ryan). They also advised he showed up to the Patriarch already intoxicated and was last seen stumbling while getting into a white SUV and was possibly getting sick near the vehicle. He was described as a Hispanic male, wearing a jacket and jeans. The white SUV was seen parked on the west side and facing Broadway.

When I arrived on scene, I observed the vehicle (OK TAG H-39) was running and A-Martinez was sitting in the driver's seat. A-Martinez was told to step out and he had difficulty while getting out of the vehicle. He held onto the driver side door for balance. I asked A-Martinez how much he had to drink tonight, and he stated, "A couple beers in the Patriarch". I asked him where he was at before and he stated, "just at the Patriarch". I then asked A-Martinez what his plan was right now, and he stated, "I was going to head to my house right across". A-Martinez stated he started drinking around 2200 hours and he believed the current time was 1 in the morning. The actual time was approximately 2347 hours. He then stated he had about 3 to 4 drinks and now believed it was around 0130 to 0200 hours.

As I continued questioning A-Martinez, I could smell an odor of alcoholic beverage coming from his person, his speech was slurred, and he was unsteady on his feet. A-Martinez then stated he had two single Vodka-Tonics at the Patriarch, and they were approximately 8 oz each. I told A-Martinez I did not believe he was being truthful with how much he had to drink. I explained that I observed he had difficulty getting out of his vehicle and we received a call with someone stating he showed up to the Patriarch already intoxicated. A-Martinez stated he did not believe he showed up intoxicated. I asked where he was at prior to this, and he stated he had dinner at Mahogany's in OKC but did not have anything to drink there. I then asked him if two Vodka-Tonic's made him intoxicated and he responded with "apparently, I guess I don't know". When asked if he felt he was intoxicated he stated "no". When asked if he felt safe to drive, he stated "I do, my house is two blocks away". It should be noted that his home residence was actually 2.7 miles away from our location at the Patriarch.

Based on A-Martinez's physical state, I asked him to perform Standardized Field Sobriety Tests and he consented. I explained and administered the Horizontal Gaze Nystagmus test. I observed Lack of Smooth Pursuit in both eyes, Distinct and Sustained Nystagmus at Maximum Deviation in both eyes, Onset of Nystagmus Prior to 45 Degrees in both eyes, and Vertical Nystagmus in both eyes (6 out of 6 clues).

Before the Walk and Turn Test, I asked A-Martinez if he had any injuries. A-Martinez stated he had a previous ACL injury in his left knee. As I was asking him about the injury, he blurted out

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NARRATIVE (continuation)

“How long do I have to do this”. Sergeant Shortt explained to him that it was until we could determine whether or not he was safe to drive. He also told A-Martinez that he could deny any test and it was voluntary. A-Martinez turned to me and said “alright, what’s the next test”. I asked him to clarify which knee he had his injury and he stated it was his left knee. I asked him if he had anything wrong with the right knee and he stated, “I don’t think so”. When I asked him if there was any reason, he would not be able to walk in a line he stated, “probably not”. He stated he did not have any other injuries or defects. I observed A-Martinez was wearing boots and I gave him the option to take them off during the test, but he stated he did not want to take his shoes off. I then explained, demonstrated, and administered the Walk and Turn Test.

During the instructional part of the test, A-Martinez could not keep his balance and kept stepping out of the starting position and raising his arms for balance. At one point he attempted to start the test before he was instructed to do so. As I was explaining the test, A-Martinez interrupted me and stated, “that’s asking a lot”. When I asked him how so, he stated “that’s very complicated”. I told him I could explain the test again and then demonstrate it. Once the test began, I observed A-Martinez miss numerous heel-to-toe steps, use his arms to balance, stepped off the line several times, he also made an improper turn by not following the instruction to take short choppy steps and instead kept both feet on the ground and swung around (6 of 8 clues).

As I attempted to explain the One Leg Stand, A-Martinez stated if he could still pass the test, he would do it, otherwise he didn’t want to do it. Again, Sergeant Shortt, explained to him that it was a voluntary test, and he did not have to do it. The purpose of the test was to accomplish whether or not he was sober enough to operate the vehicle. A-Martinez asked, “am I operating the vehicle”. Sergeant Shortt reminded him that he was in a running vehicle when we first came into contact with him. I asked A-Martinez if he wanted to complete the test and he stated, “I don’t think I have any other choice”. I reminded A-Martinez that he did have a choice and it was up to him whether he wanted to continue. A-Martinez agreed to continue the test.

I then explained, demonstrated, and administered the One Leg Stand Test on A-Martinez. A-Martinez began the test and stopped after counting to one-thousand five. I told him he needed to continue until I told him to stop. I allowed him to restart the test. During the second attempt of the test, I observed A-Martinez place his foot down numerous times and use his arms to balance. A-Martinez was swaying and hopped during the test. At one point, I had to remind A-Martinez to point his toe down. A-Martinez did not appear to understand, and I asked him if he would like me to demonstrate it again. He asked if I could redemonstrate the test, to which I obliged. He then attempted the test for the third time. Again, I observed A-Martinez place his foot down numerous times and use his arms to balance. A-Martinez was swaying and hopped during the test. (4 out of 4 clues).

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NARRATIVE (continuation)

When A-Martinez was asked his thoughts on how he conducted the sobriety test, A-Martinez stated, "I think I can make it home for two blocks". Sergeant Shortt asked A-Martinez "Do you think you're not too intoxicated to drive home legally" and he replied with "yes sir, I do". A-Martinez then said, "I do think I can drive home safely and legally". Sergeant Shortt told A-Martinez he failed the Sobriety Test, and he responded with "OK, I believe you, I am not going to argue with you". At one point A-Martinez stated, "Would you like me to call Kevin Still right now". He was told that was not necessary.

A-Martinez stated he worked for the Oklahoma House of Representatives and was currently on a Legislative special session. Lt. Ivy was contacted to see if it could be verified if there was a special session in progress. Lt. Ivy arrived on scene and stated he was unable to verify any special session in progress, see his Case Supplement for further.

Based on the results and A-Martinez's physical state, I knew him to be too impaired to safely operate a vehicle. At approximately 0023 hours (10/27/2022), I placed A-Martinez under arrest for Actual Physical Control (DUI). Per A-Martinez's request, the vehicle was left legally parked. I transported A-Martinez to the City of Edmond Jail for booking procedures.

The car keys were located in the ignition of the vehicle. Sergeant Shortt, drove the vehicle forward and backwards to ensure it was operable. I read A-Martinez Implied Consent Test request (dated 11/1/2019) and offered him a breath test at 0042 hours. A-Martinez refused to take the States Test by stating "I do not submit". I asked him to sign the Officer's Affidavit and Notice of Revocation/Disqualification and he refused to sign. At approximately 0044 hours, I read A-Martinez his Miranda rights and he stated "I do" to understanding his rights. When asked if he wished to talk, he stated "No, I'd rather have an attorney". I hand delivered a copy of the IDAP and Officer's Affidavit to A-Martinez.

Sergeant Shortt later advised he made contact with the witness who called in to report the Drunk Driver call, RP- [REDACTED] (See his Case Supplement for further).

REPORTING OFFICER
645 Serafin

DATE
10/26/2022

REVIEWED BY
Ivy, Timothy Shawn

10/27/2022