

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
IN THE METROPOLITAN COURT

STATE OF NEW MEXICO, Plaintiff

v.

Amador Davila

FILED IN
METROPOLITAN COURT

No. 311 SEP 29 2011 6:43 DW 3709-11

Name: AL UNSER, Defendant.

Address: ~~REDACTED~~

~~REDACTED~~

Arrest Date: 09-29-2011 **BACKGROUND INVESTIGATIONS**

Driver Lic. #028211287

Citation #: 2043620

D.O.B.: ~~REDACTED~~ 1962

Arrest #: _____

S.S.N.: ~~REDACTED~~ -4346

Date Filed: 9-29-11

Charge(s): AGGRAVATED DRIVING UNDER THE INFLUENCE OF ALCOHOL, RECKLESS DRIVING, RACING UPON A HIGHWAY

Complainant or Officer: M. LENDINO _____ Man #: 5127 _____
(Print Name)

CRIMINAL COMPLAINT

The undersigned, under penalty of perjury, complains and says that on or about the 29 day of SEPTEMBER, 2011, in the County of Bernalillo, State of New Mexico, the above-named defendant(s) did (*here state the essential facts*): OPERATE A MOTOR VEHICLE TO WIT A 2011 WHITE CHEVY UTILITY DISPLAYING NM (900 RFN), WAS OBSERVED BY DEPUTY BERRY DRIVING WESTBOUND ON PASEO DEL NORTE. DEPUTY BERRY LOCKED THE VEHICLE BY STATIONARY RADAR TRAVELING OVER 100MPH IN A POSTED 60MPH ZONE. DEPUTY BERRY OBSERVED THE VEHICLE TO BE RACING A BLACK UNIDENTIFIED VEHICLE HEADING WESTBOUND ON PASEO DEL NORTE. WHILE DEPUTY BERRY WAS ATTEMPTING TO CATCH UP TO THE VEHICLES, HE OBSERVED BOTH VEHICLES TRAVEL FROM THE LEFT LANE OF PASEO DEL NORTE TO THE RIGHT LANE CUTTING ACROSS TRAFFIC FORCING THE OTHER TRAFFIC TO ENGAGE THEIR BRAKES. DEPUTY BERRY FINALLY CONDUCTED A TRAFFIC STOP AT 9300 COORS BLVD WITH THE WHITE CHEVY. DEPUTY BERRY MADE CONTACT WITH THE DRIVER, IDENTIFIED AS AL UNSER. DEPUTY BERRY SMELLED A STRONG ODOR OF AN ALCOHOLIC BEVERAGE COMING FROM UNSER'S FACIAL AREA AS HE WAS SPEAKING. DEPUTY BERRY OBSERVED UNSER'S EYES WERE BLOOD SHOT AND WATERY AND HIS SPEECH WAS SLURRED.

I ARRIVED ON SCENE AND MADE CONTACT WITH DEPUTY BERRY WHO STATED THE DRIVER OF THE VEHICLE HAD A STRONG ODOR OF ALCOHOL COMING FROM HIS FACIAL AREA. AT THAT TIME, I TOOK OVER THE INVESTIGATION. UPON CONTACTING THE DRIVER, IDENTIFIED AS AL UNSER, I SMELLED A STRONG ODOR OF AN ALCOHOLIC BEVERAGE COMING FROM HIS FACIAL AREA AS HE WAS SPEAKING. UNSER'S EYES WERE BLOOD SHOT AND WATERY AND HIS SPEECH WAS SLURRED. I ASKED UNSER TO SUBMIT TO S.F.S.T'S. BASED UPON HIS POOR PERFORMANCE OF THE S.F.S.T'S HE WAS PLACED UNDER ARREST. A TWENTY MINUTE DEPRIVATION PERIOD WAS STARTED AND UNSER'S MOUTH WAS CHECKED TO MAKE SURE NOTHING WAS IN IT. UNSER WAS READ THE NM IMPLIED CONSENT ADVISORY AND WAS ASKED TO SUBMIT TO A BREATH TEST. UNSER AGREED TO BE TESTED. UNSER GAVE TWO PROPER BREATH SAMPLES. THE RESULTS WERE ABOVE TWICE THE LEGAL LIMIT.

contrary to Section(s) 66-8-102(D), 66-8-113, 66-8-115(B2), _____ NMSA 1978.

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Approved _____

Complainant *M Lendino*

Title if any) D I/C _____ 5127 _____

DISTRICT ATTORNEY OR
LAW ENFORCEMENT OFFICER

Agency BCSO _____
BCSO CAD Incident #11-656131
(man#)

This complaint may not be filed without the prior payment of a filing fee, unless approved by the District Attorney or a law enforcement officer authorized to serve an Arrest or Search Warrant. Approval of the District Attorney or a law enforcement officer is not otherwise required.

Rule 9-201NMRA Approved by the Supreme Court 10/74; amended effective 9/90; 4/91; 11/91
CR-036 Criminal Complaint (Rev. 05/09)