



**Jaburg
& Wilk, P.C.**
ATTORNEYS AT LAW

3200 N. Central Ave., Suite 2000
Phoenix, AZ 85012

Maria Crimi Speth, Esq.

mcs@jaburgwilk.com
Direct Line 602/248-1089
Main Fax 602/248-0522

May 3, 2007

**VIA FACSIMILE: (602) 271-4930
& U.S. Mail**

Shauna R. Miller
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

Re: David S. Gingras; 06-2059

Dear Ms. Miller,

www.jaburgwilk.com

Offices also in Scottsdale

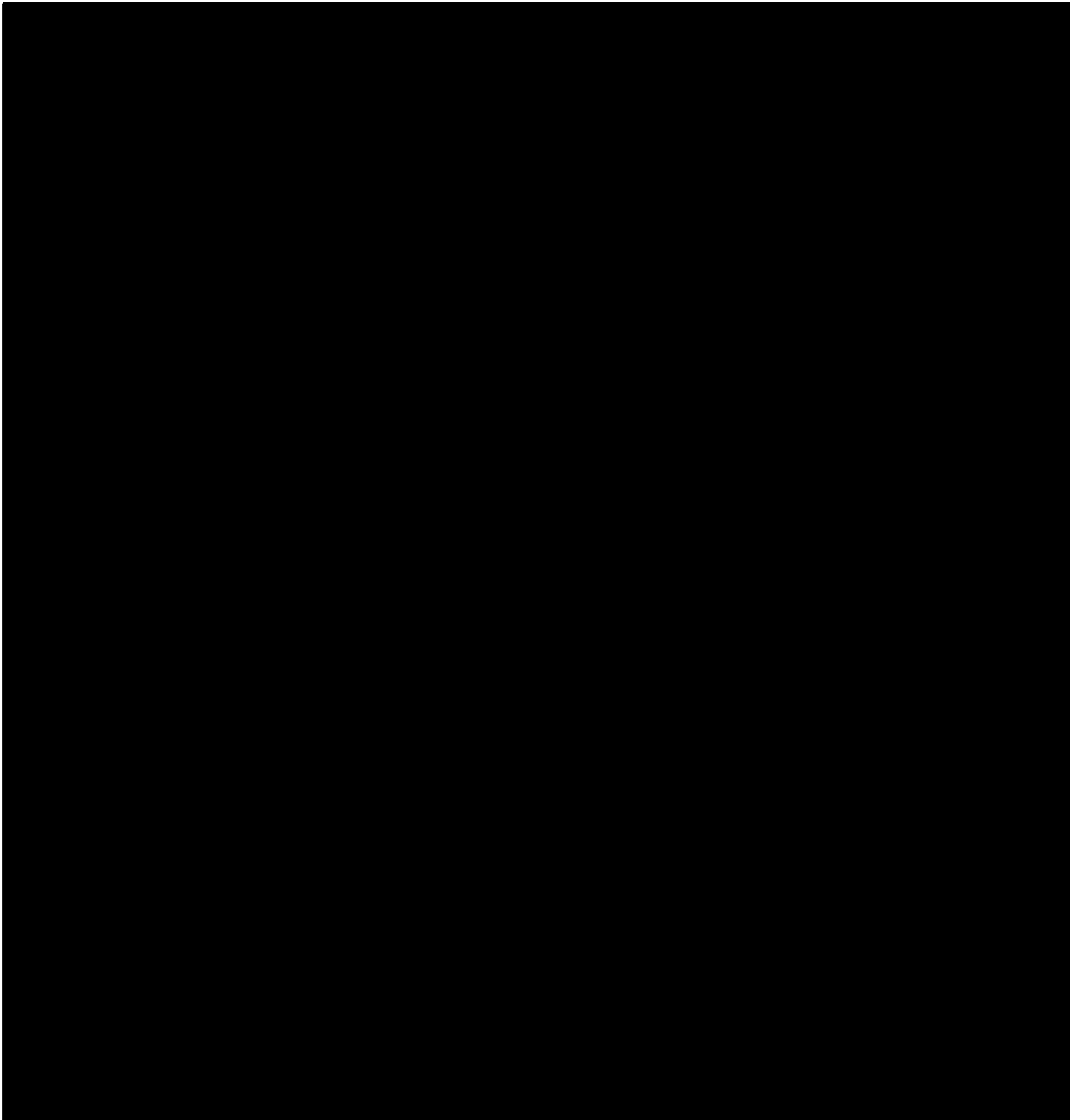
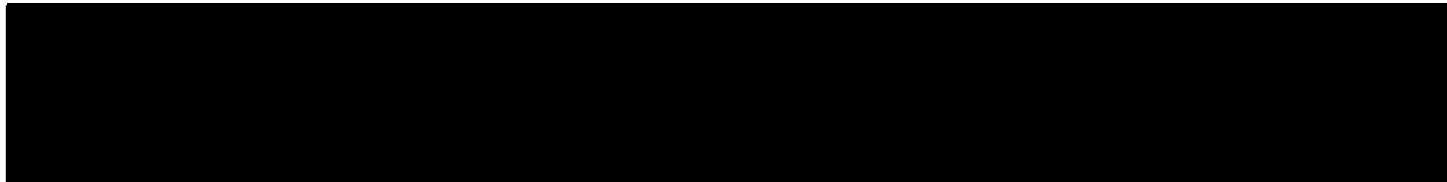
14500 N. Northsight Blvd., Suite 116 • Scottsdale, AZ 85260 • Tel 480/609-0011 • Fax 480/609-0016

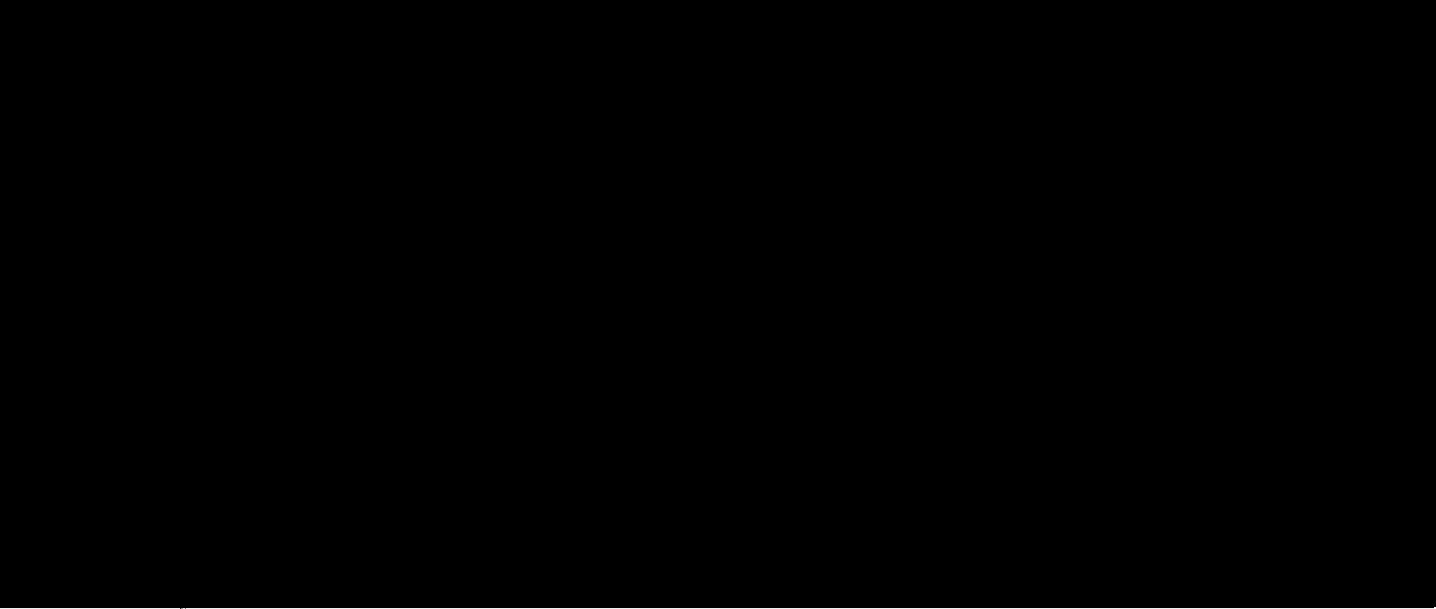
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STATE BAR OF ARIZONA
LAWYER REGISTRATION





In light of this, I simply must disagree that remedial measures would be ineffective. Indeed, as explained above, Mr. Gingras believed that he was permitted to drink again, and immediately upon learning that you did not agree with this, he has taken every conceivable step to remedy the issue. Again, since the DUI nearly 6 months ago, Mr. Gingras has completely abstained from alcohol and has performed random testing to confirm his compliance. This conduct should be regarded as evidence that Mr. Gingras can comply with restrictions when those restrictions are made clear.

If anything, these facts show that Mr. Gingras is an excellent candidate for diversion. He has shown a high degree of willingness to accept, and successfully complete, each and every remedial step recommended by the State Bar, even in the absence of a formal order requiring him to do so. Moreover, Mr. Gingras continues to perform extremely well in his work, and he is well-liked by both his co-workers and clients. It is also worth noting that Mr. Gingras has never been the subject of any complaints or other disciplinary proceedings of any kind since his admission in Arizona 2 ½ years ago or in California since his admission there more than 5 years ago.

Also, as I previously informed you, immediately following the DUI, Mr. Gingras apprised the management of Jaburg & Wilk of the situation and committed to doing anything/everything asked of him to ensure that his ability to safely practice was not affected. Because of this commitment, this firm stands behind Mr. Gingras and supports his efforts to resolve any personal issues he has.

In short, Mr. Gingras deeply regrets the misunderstanding which led to these events, but he remains ready, willing and able to redress the situation, as he has already begun to do. Mr. Gingras will comply with any and all appropriate terms of diversion, and he believes that Rule 55(a) entitles the Probable Cause Panelist to at least consider this request at this stage as an alternative to some other form of discipline. This certainly seems to be a reasonable alternative as opposed to the State Bar expending significant resources pursuing a lengthy discipline process based on a simple misunderstanding.

Shauna R. Miller

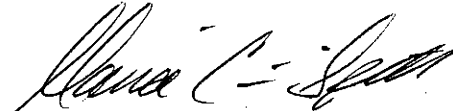
May 3, 2007

Page 4

In light of this information, diversion appears to be in the best interests of all who are involved.

Sincerely,

JABURG & WILK, P.C.



Maria Crimi Speth, Esq.

Cc:

Steven P. Sherick

Probable Cause Panelist

222 North Court Avenue

Tucson, AZ 85701

VIA FACSIMILE: (520) 318-0201
& U.S. Mail

Exhibit A



Assistant's Direct Line: (602) 340-7278

December 27, 2006

Personal and Confidential

David S. Gingras
Jaburg & Wilk, PC
3200 N. Central - 20th Floor
Phoenix, AZ 85012-2415

Re: File No. 06-2059
State Bar of Arizona, Complainant

Dear Mr. Gingras:

Information concerning your professional conduct has come to the attention of the State Bar. A copy of that information is enclosed. I have been assigned to investigate this matter pursuant to Rule 54(b), Ariz.R.S.Ct. Please include the above-referenced file number on all correspondence concerning this matter.

Please provide this office with **an original** of your written response to the enclosed information within 20 days of the date of this letter. If you do not submit a copy with your response you will be charged \$.20 per page for copying your response. The ethical rules that should be addressed include, but are not limited to: Rule 53(g), Ariz.R.S.Ct. If you cannot file a timely response, you should contact my office immediately.

A copy of your response must be supplied to the complainant, if applicable, pursuant to Rule 52(b)1, Ariz.R.S.Ct., and will become public record upon disposition of the matter pursuant to Rule 70, Ariz.R.S.Ct. If there is no complainant referenced, the complainant is the State Bar.

Pursuant to Rules 47(d) and 70(g), Ariz.R.S.Ct., you may file a motion for a protective order asking that all or part of your response be sealed from the public, complainant or both. Rule 70(g), Ariz.R.S.Ct., sets out the criteria for confidentiality. The motion must be filed with the probable cause panelist, who is the judicial officer who presides at this point. To file a motion for a protective order, you must submit the original of your motion to:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th St., Suite 200
Phoenix, Arizona 85016-6288

David S. Gingras
December 27, 2006
Page 2

You also must send a copy to me. The complainant is not a party, so you do not need to send a copy to him/her. I will have an opportunity to file a response to your motion. Even if you file a motion for a protective order, you must timely submit your response to the bar complaint to me.

Requests for confidentiality are only granted sparingly and only for good cause shown. If the panelist denies your motion for a protective order, the information or documents in question will not be returned to you, but will be sent to the complainant, if applicable, and will become public upon disposition of the matter.

The procedure pertaining to discipline proceedings is found in Rules 47 through 62, Ariz.R.S.Ct. At this point, this matter is not generally open to the public. However, the State Bar may confirm to anyone inquiring that a complaint against you has been received and is being investigated. When the State Bar has completed its investigation and a decision made about whether to pursue formal charges, then the complainant's submissions, your responses and, perhaps, other documents in the file become open to the public. *See* Rule 70(a), Ariz.R.S.Ct.

The State Bar has a diversion program which may provide an alternative to traditional discipline. Diversion is a rehabilitative program available to lawyers whose ethical misconduct is of a non-serious nature and who may benefit from one or more of the State Bar's remedial programs, such as the Member Assistance Program (MAP) or the Law Office Management Assistance Program (LOMAP). *See* Rule 55, Ariz.R.S.Ct. Diversion is not available in cases of serious misconduct or for conduct involving dishonesty, self-dealing, or breach of a fiduciary duty. Participation in diversion is voluntary. Lawyers who are placed in diversion must enter into an agreement called a memorandum of understanding. Those who decline diversion will have their cases processed through the traditional procedures. Enclosed is a copy of the guidelines for your review.

Pursuant to Rule 53(d) and (f), Ariz.R.S.Ct., you have a duty to cooperate with disciplinary investigations. I also refer you to Rules 48(g) and 52(a) regarding non-abatement in disciplinary matters and the status of the complainant, if applicable.

Thank you for your anticipated cooperation.

Sincerely,



Shauna R. Miller
Senior Bar Counsel

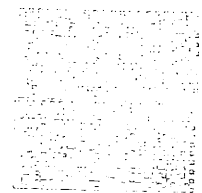
SRM/btc
Enclosures



Jaburg & Wilk, P.C.

ATTORNEYS AT LAW

3200 N. Central Ave., Suite 2000
Phoenix, AZ 85012



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Called from: 85012

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Shauna R. Miller
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

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STATE BAR OF ARIZONA

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Telephone: (602) 340-7278
Fax: (602) 416-7446

April 30, 2007

Personal and Confidential

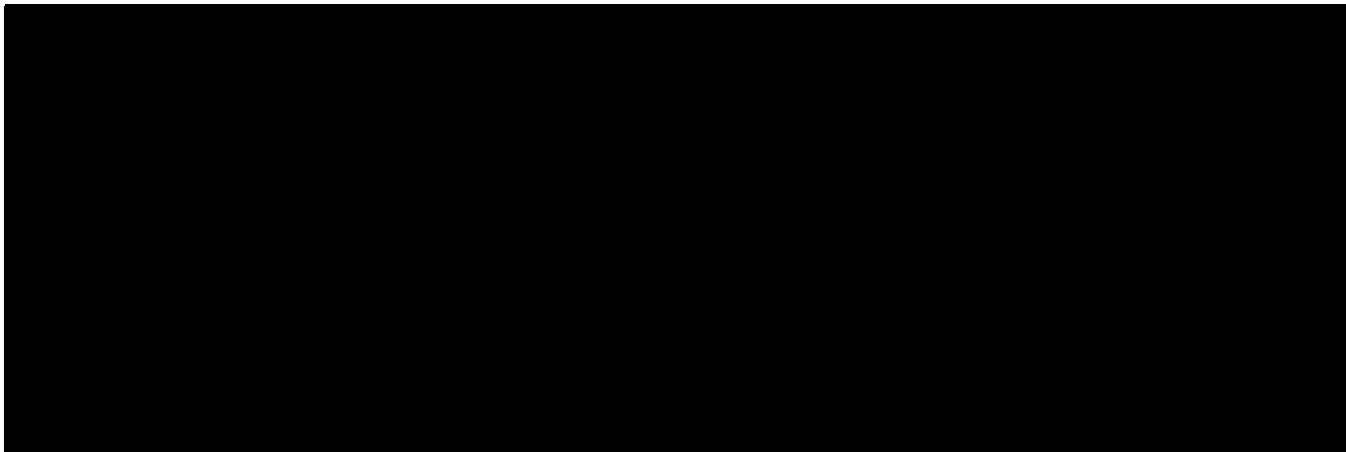
Maria C. Speth
Jaburg & Wilk PC
3200 N. Central 20th Fl
Phoenix, AZ 85012-2415

Re: File No. 06-2059
State Bar of Arizona, Complainant
David Gingras, Respondent

Dear Ms. Speth:

This will respond to your April 26, 2007, letter regarding your request that Mr. Gingras receive diversion. I will send a copy of this letter to the probable cause panelist, Mr. Sherick, as well.

Normally if the State Bar is going to recommend diversion, it will do so to the panelist directly and not make the Respondent have to ask the panelist to vacate an order. I did not recommend diversion in Mr. Gingras' matter because I do not believe he is eligible for diversion.



I do not recommend this matter for diversion and believe the probable cause order entered on April 23, 2007, is appropriate.

Maria C. Speth
April 30, 2007
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Shauna R. Miller". The signature is fluid and cursive, with the first name being the most prominent.

Shauna R. Miller
Senior Bar Counsel

SRM/

cc: Steven P. Sherick
Probable Cause Panelist



**Jaburg
& Wilk, P.C.**
ATTORNEYS AT LAW

3200 N. Central Ave., Suite 2000
Phoenix, AZ 85012

Maria Crimi Speth, Esq.

mcs@jaburgwilk.com
Direct Line 602/248-1089
Main Fax 602/248-0522

April 26, 2007

**VIA FACSIMILE: (520) 318-0201
& U.S. Mail**

Steven P. Sherick
Probable Cause Panelist
222 North Court Avenue
Tucson, AZ 85701

**VIA FACSIMILE: (602) 271-4930
& U.S. Mail**

Shauna R. Miller
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

**Re: Diversion Request;
David S. Gingras; 06-2059**

Dear Mr. Sherick and Ms. Miller,

I represent David Scott Gingras in connection with the above-styled Complaint #06-2059 before the State Bar of Arizona. I recently received notice that a probable cause determination has been made by the probable cause panel. Pursuant to the State Bar Diversion Guidelines/Regulations (the "Regulations"), I am writing to express Mr. Gingras' request that this matter be considered for diversion. Section III(B)(5) of these Regulations states, "The respondent shall be given an opportunity, prior to the effective date of the probable cause order, to submit a written request for placement in diversion and the reasons therefore." Although the probable cause order was dated April 9, 2007, it was not received until yesterday, April 25, 2007. Nevertheless, this letter is Mr. Gingras' request for placement in diversion.

The underlying issues in this case establish that this matter is an excellent candidate for diversion. Section II of the Regulations (under the heading "What Conduct is Subject to Diversion?") provide that:

The purpose of attorney discipline is to protect the public, not to punish the respondent lawyer. The public is best protected if the underlying cause of an ethical violation is expeditiously investigated and resolved so that there is no repeat misconduct. Cases involving poor administration, poor practice skills, alcohol or drug addiction or abuse, and some other deficiencies in professional capabilities are often best suited for placement in the Diversion Program.

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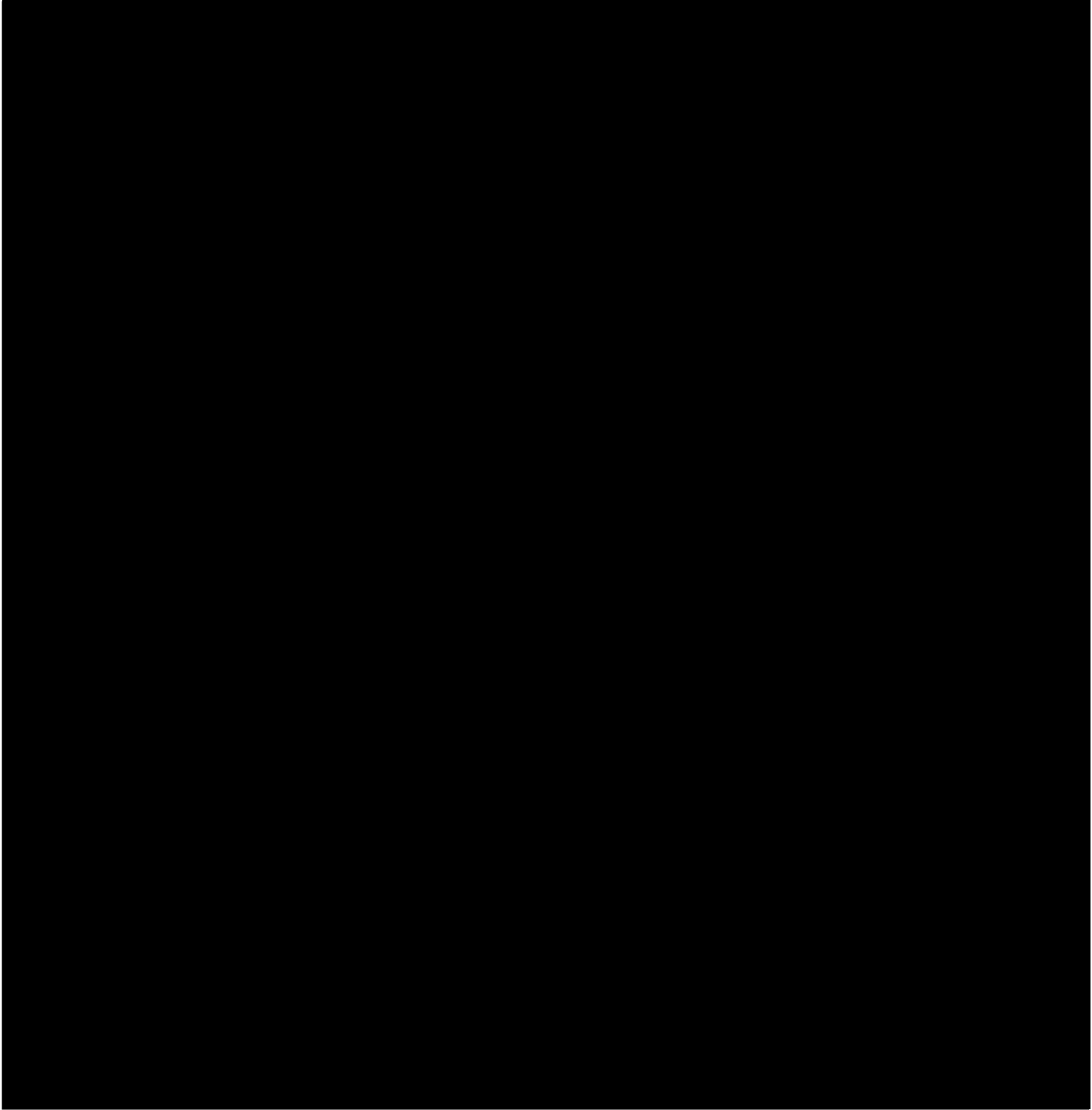
STATE BAR OF ARIZONA
LAWYER REGULATION

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It should also be noted that immediately following the DUI, Mr. Gingras voluntarily agreed to resume random urine testing for alcohol. To his knowledge, Mr. Gingras has not missed or failed a single test since the screening resumed approximately five months ago. In addition, during the prior 1+ year of testing (before this term was modified), Mr. Gingras did not miss and did not fail a single test.

In sum, since the DUI occurred, Mr. Gingras has taken every step requested of him to demonstrate his willingness to comply with his obligations to the Bar, and he has abstained completely from any/all use of alcohol or any other drugs. Mr. Gingras' willingness to voluntarily enroll in, and successfully complete, the IOP program [REDACTED] backed by the voluntary participating in random urine screening, is strong evidence of Mr. Gingras' commitment to remediating his issues and ensuring future compliance with his conditional admission agreement.

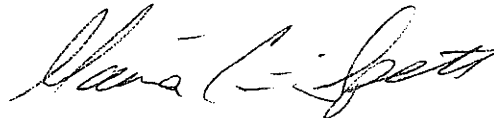
Under these circumstances, there is no likelihood that Mr. Gingras will commit any future violations of his conditional admission contract. It should also be noted that Mr. Gingras is presently, and has been for more than five (5) years, licensed to practice law in the State of California with no restrictions of any kind, and he continues to practice there on a regular basis. In his years of practice in California, Mr. Gingras has never had any Bar complaints of any kind, nor has he had any complaints (present matter aside) in Arizona since acquiring his license here in October 2004.

Mr. Gingras believes under these circumstances, this matter is an appropriate case for diversion, and he respectfully requests that the Panelist consider this option.

If you have any questions, please do not hesitate to contact me at (602) 248-1000 or via email at MCS@JABURGWILK.COM.

Sincerely,

JABURG & WILK, P.C.



Maria Crimi Speth, Esq.

Exhibit A

Documents removed pursuant
to Rule 70(b) Ariz. R. Sup. Ct.



Jaburg & Wilk, P.C.

ATTORNEYS AT LAW

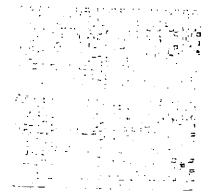
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Phoenix, AZ 85012

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MAY 02 2007

STATE BAR OF ARIZONA

Shauna R. Miller
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288



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05/09/2007

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Assistant's Direct Line: (602) 340-7278

January 22, 2007

Personal and Confidential

Maria Crimi Speth
JABURG & WILK, P.C.
3200 N. Central Avenue – Suite 2000
Phoenix, AZ 85012

Re: File No. 06-2059
David S. Gingras, Respondent
State Bar of Arizona, Complainant

Dear Ms. Speth:

This will acknowledge receipt of your correspondence dated January 17, 2007, in which you respond to the inquiry we received concerning David S. Gingras.

This matter is now at the stage at which I must gather any necessary additional information to determine whether this matter should be dismissed or presented to the Probable Cause Panelist. Due to the large volume of complaints received, we are not always able to complete this part of the process as quickly as we would like.

If I need any additional information from you, I will let you know. Otherwise, I will advise you of the decision once it is made.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Shauna R. Miller'.

Shauna R. Miller
Senior Bar Counsel

SRM/btc



**Jaburg
& Wilk, P.C.**
ATTORNEYS AT LAW

3200 N. Central Ave., Suite 2000
Phoenix, AZ 85012

Maria Crimi Speth, Esq.

mcs@jaburgwilk.com
Direct Line 602/248-1089
Main Fax 602/248-0522

January 17, 2007

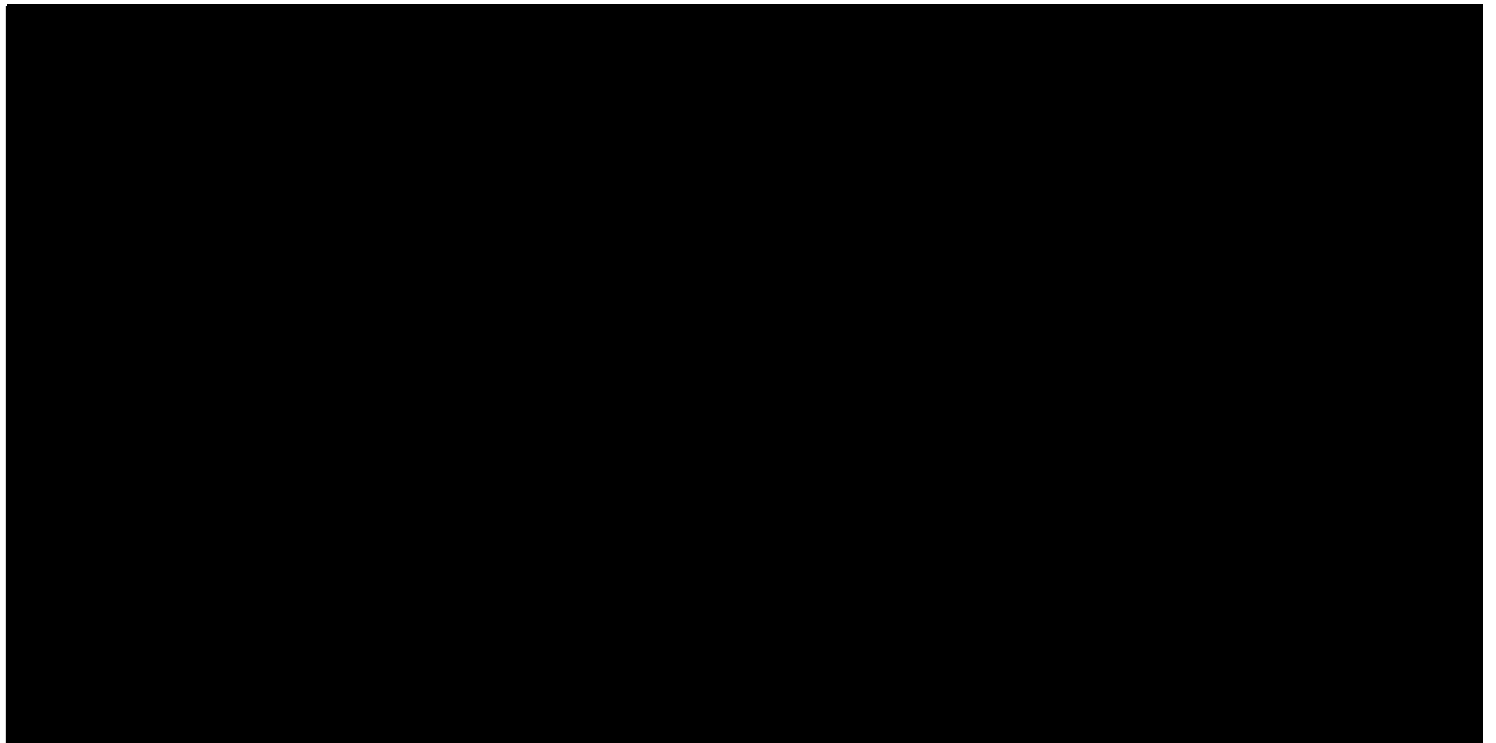
VIA FACSIMILE: (602) 271-4930
& U.S. Mail

Shauna R. Miller
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, AZ 85016-6288

Re: David S. Gingras; 06-2059

Dear Ms. Miller,

I represent David Scott Gingras in connection with the above referenced Complaint #06-2059. This letter is in response to your letter to Mr. Gingras dated December 27, 2006 requesting a response to a police report pertaining to Mr. Gingras' arrest for DUI on November 26, 2006.



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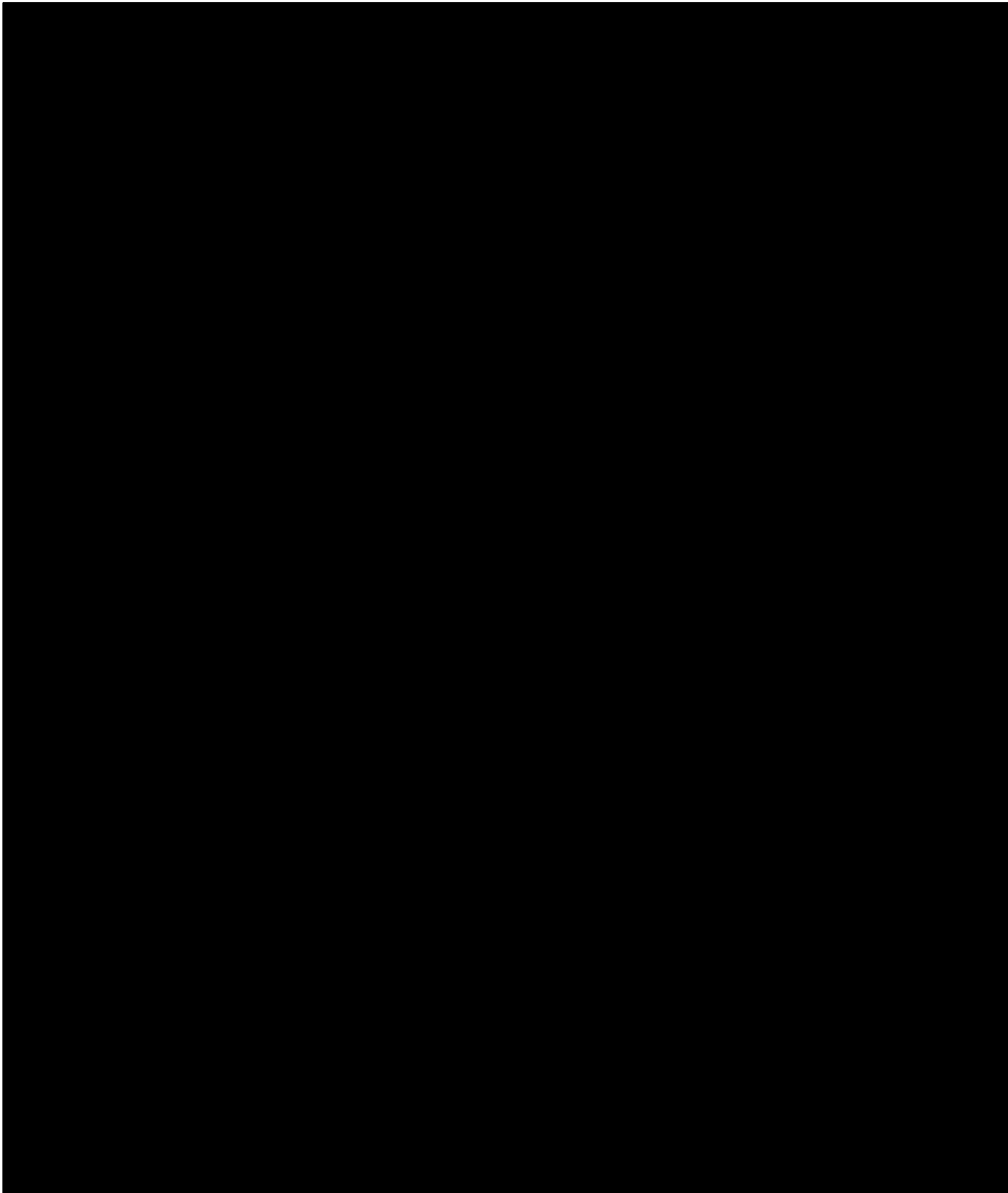
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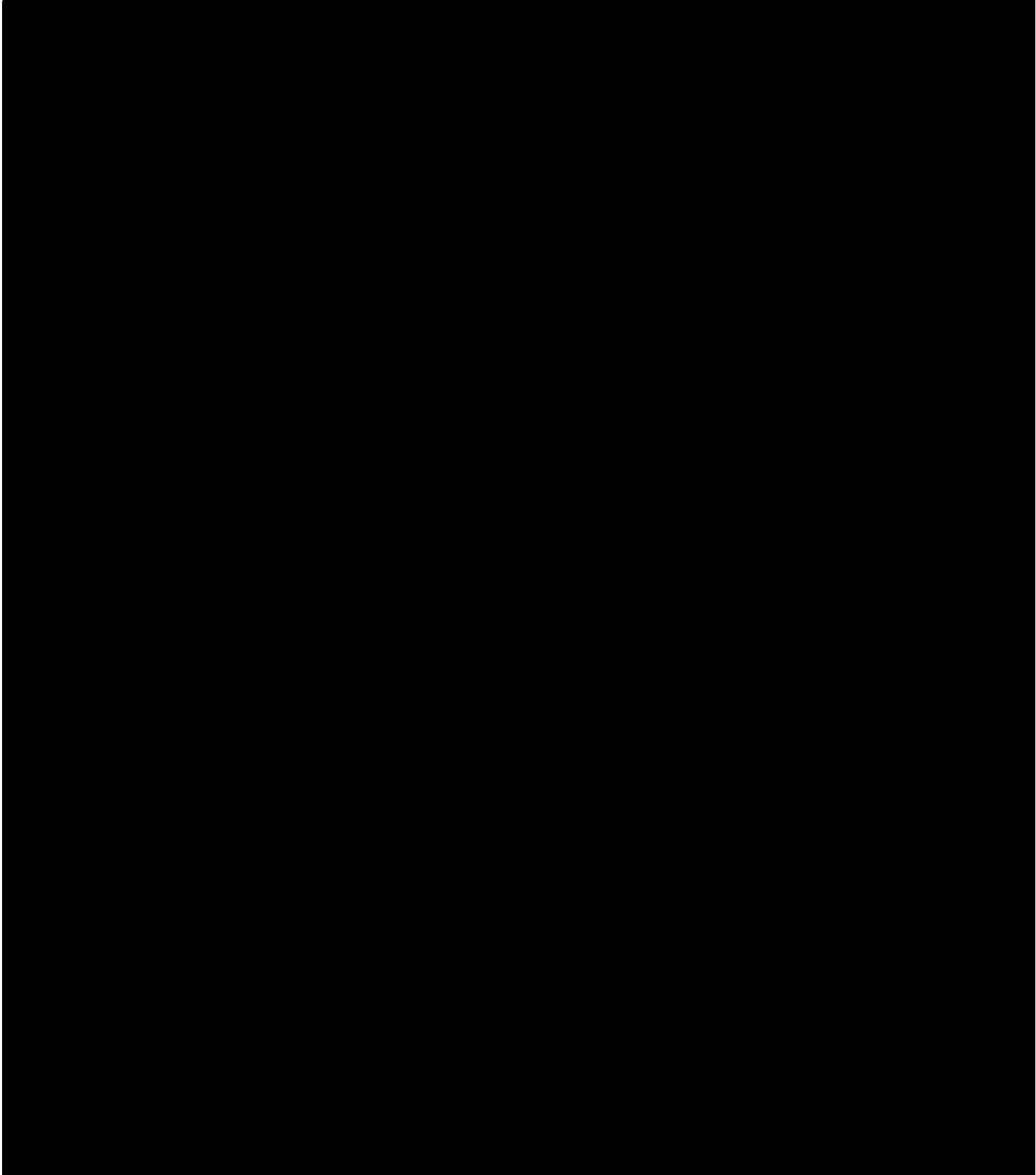
www.jaburgwilk.com

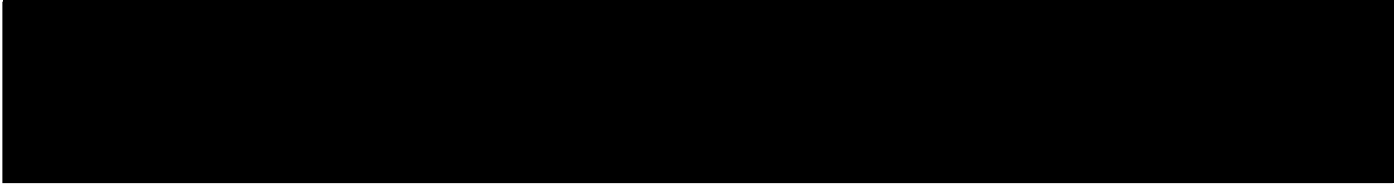
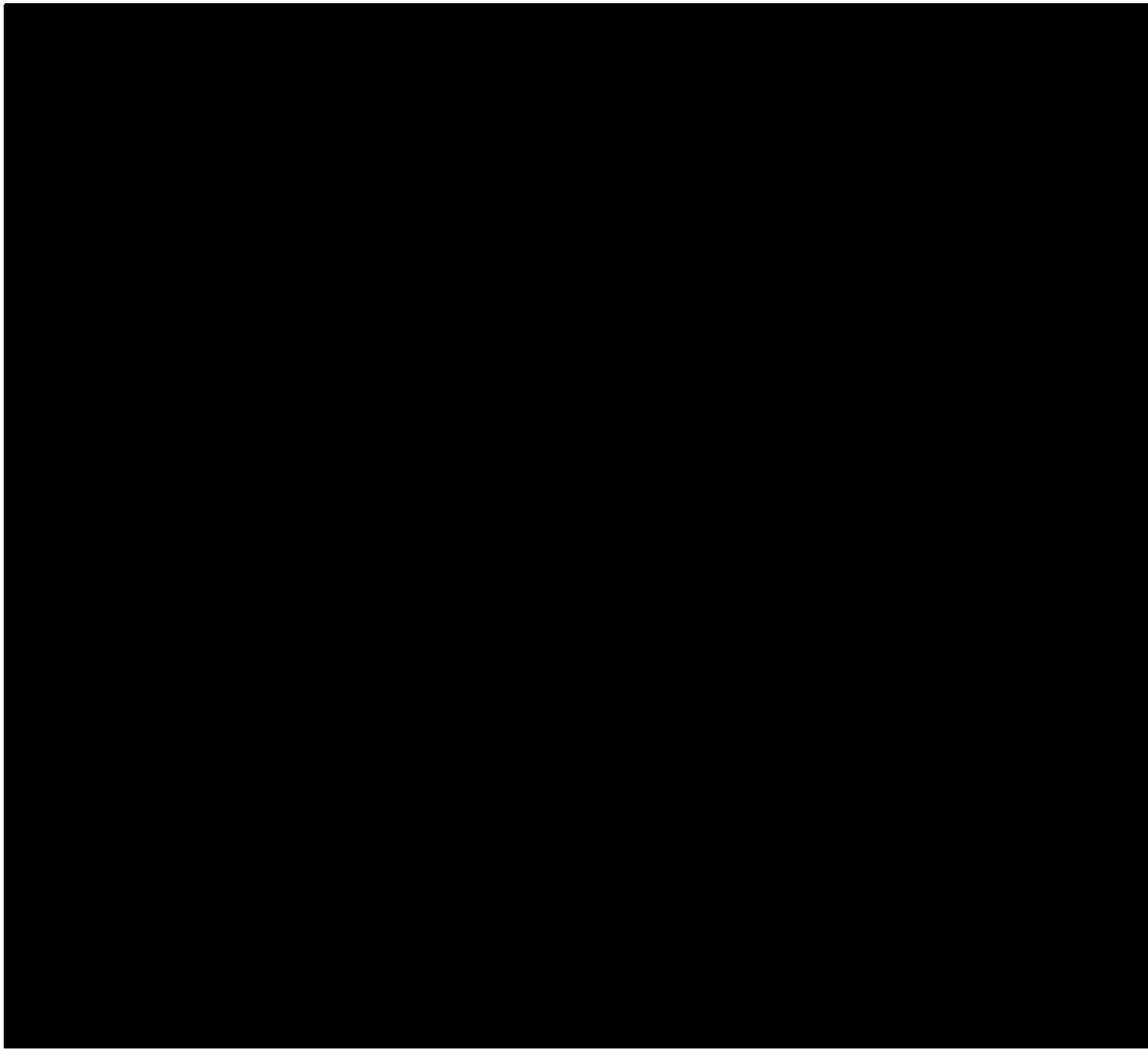
Offices also in Scottsdale

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**STATE BAR OF ARIZONA
LAWYER REGULATION**







In terms of specifics, Mr. Gingras has already agreed to plead guilty to a single violation of A.R.S. § 2-1381(A)(1) which is driving while impaired to the slightest degree. Pursuant to his plea agreement (attached as **Exhibit B**) the other charges (speeding and driving with a BAC over .08%) have been dismissed. Mr. Gingras has paid a fine of \$1,733.64, and was ordered to complete 24 hours in jail.

Mr. Gingras completed the jail term in Tent City this past Saturday, January 14, 2007 on what happened to be the coldest night in Phoenix in the past 16 years. That experience was not something Mr. Gingras will soon forget. Mr. Gingras' drivers' license was also suspended for 30 days, ending January 11, 2007, during which time he had to ride the bus more than 20 miles from his home in Ahwatukee to his office downtown. For the next 60 days he is only permitted to drive to and from work and certain other places.



If you have any questions, please do not hesitate to contact me at (602) 248-1000 or via email at MCS@JABURGWILK.COM.

Sincerely,

JABURG & WILK, P.C.

A handwritten signature in black ink, appearing to read "Maria Crimi Speth", is written over the typed name.

Maria Crimi Speth, Esq.

Exhibit A

Documents removed pursuant
to Rule 70(b) Ariz. R. Sup. Ct.

Exhibit B

IN THE MUNICIPAL COURT OF THE CITY OF PHOENIX
MARICOPA COUNTY, ARIZONA

STATE OF ARIZONA,

Plaintiff,

No(s):

1353610101-03

VS.

DAVID S. SINGAR

Defendant,

AKA

PLEA AGREEMENT

The State of Arizona and the defendant hereby agree to the following disposition of this case

PLEA: The defendant agrees to plead guilty/no contest to A.R.S. § 28-1381A () (8 points) DRIVING WHILE

IMPAIRED (1353610101) (M)

TERMS: On the following understanding, terms, and conditions:

- That the defendant will receive the following sentence: _____ years probation with terms:
 - complete an alcohol or other drug screening session and successfully complete any treatment ordered as a result of the screening session.
 - 10 ~~X~~ consecutive days in jail, all but 24 ~~X~~ consecutive hours suspended upon completion of court ordered alcohol or drug screening, education or treatment.
 - pay a \$ 250 fine plus surcharge = \$ 460 (d) pay a \$500.00 Prison Fund Assessment.
 - pay a \$500.00 DPS Assessment.
 - pay jail costs if ordered by the Court in an amount to be determined by the Court not to exceed \$175.00 per day or actual cost.
 - pay restitution in the amount of \$ _____ to the victim(s).
 -
- That departmental report/alcohol influence report # 132589 be incorporated by reference as part of the Court's record for use in determining a factual basis.
- That the following charges are dismissed or, if not yet filed, shall not be brought against the defendant: 28-1381A2 (1353610102) 28-701A (1353610103)
- That the defendant avows that he/she has no prior conviction for any violation of A.R.S. §§ 28-1381/28-692, 28-1383/28-697, or 28-1382 within sixty (60) months of the date of the violation of this case or a conviction of an act in another jurisdiction which if committed in this state would be a violation of § 28-1381/28-692, 28-1383/28-697, or 28-1382.
- This Plea Agreement does not preclude any other remedies authorized by law, including forfeiture and civil racketeering remedies, and recovery of the costs of emergency response. I understand that pursuant to A.R.S. §§ 13-807, 13-2314(H) and 13-4310(C), I am precluded from denying in any civil proceeding the essential allegations of the criminal offense of which I am convicted. I understand that conviction results from a verdict or plea including a guilty plea, Alford plea, or no contest plea.
- I understand that, pursuant to A.R.S. § 13-603, I am required to pay restitution to persons who have suffered economic loss as a result of the criminal conduct to which I am pleading guilty/no contest. I further understand that if the Court does not order me to pay restitution at this time, the Court may at a later time order me to pay restitution as required by law, in addition to the sentence imposed by this plea agreement, subject to my right to a hearing to determine the proper amount of restitution, in an amount not to exceed \$50,000.00.
- I understand that if, as a part of this Plea Agreement, I am placed on probation by the Court, the terms and conditions of probation are subject to being modified at any time during my period of probation, and if I violate any of the written terms and conditions, probation may be revoked.

DEFENDANT: I have read (or have had read to me) the provisions of this agreement and I understand them. I have discussed the case and my constitutional rights with my lawyer (if any). I understand that by pleading guilty/no contest, I will be giving up the following constitutional rights: TO PLEAD NOT GUILTY; TO HAVE A TRIAL; TO CONFRONT, CROSS-EXAMINE AND COMPEL THE ATTENDANCE OF WITNESSES; TO REMAIN SILENT (MY RIGHT AGAINST SELF-INCRIMINATION); TO DIRECT APPEAL OF MY CONVICTION OR SENTENCE (REVIEW MAY BE ACCOMPLISHED ONLY BY FILING A PETITION FOR POST-CONVICTION RELIEF PURSUANT TO 17 A.R.S. RULES OF CRIM. PROC. RULE 32 AND, IF DENIED, A PETITION FOR REVIEW). I FURTHER UNDERSTAND THAT I HAVE A RIGHT TO BE REPRESENTED BY A LAWYER PRIOR TO AN APPEARANCE DURING THIS PROCEEDING, AND THAT IF I CANNOT AFFORD TO HIRE A LAWYER, I CAN ASK THE JUDGE TO DETERMINE IF I AM ENTITLED TO ONE FREE OF CHARGE.

I agree to enter my plea as indicated above on the terms and conditions set forth in this document.

Date 12/29/06 Defendant [Signature]

DEFENSE COUNSEL: I have discussed this case with my client in detail and explained his/her constitutional rights to him/her. I believe that the defendant is entering into the agreement voluntarily, knowingly and intelligently.

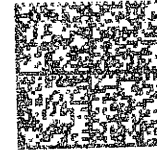
Date 12/29/06 Defense Counsel WAUCO

PROSECUTOR: I agree and concur with the plea and disposition set forth in this agreement.

Date 12/29/06 Prosecutor Jennifer Booth

INTERPRETER: I have accurately interpreted the terms of this Plea Agreement for the defendant and ascertained that he/she understands the language of interpretation.

Date _____ Interpreter _____



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Jaburg & Wilk, P.C.
Attorneys at Law
3200 N. Central Ave., Suite 2000
Phoenix, AZ 85012

Shauna R. Miller
State Bar of Arizona
4201 North 24th Street
Suite 200
Phoenix, AZ 85016

999-2 mcs

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JAN 19 2007
STATE BAR OF ARIZONA



Assistant's Direct Line: (602) 340-7278

December 27, 2006

Personal and Confidential

David S. Gingras
Jaburg & Wilk, PC
3200 N. Central - 20th Floor
Phoenix, AZ 85012-2415

Re: File No. 06-2059
State Bar of Arizona, Complainant

Dear Mr. Gingras:

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Please provide this office with **an original** of your written response to the enclosed information within 20 days of the date of this letter. If you do not submit a copy with your response you will be charged \$.20 per page for copying your response. The ethical rules that should be addressed include, but are not limited to: Rule 53(g), Ariz.R.S.Ct. If you cannot file a timely response, you should contact my office immediately.

A copy of your response must be supplied to the complainant, if applicable, pursuant to Rule 52(b)1, Ariz.R.S.Ct., and will become public record upon disposition of the matter pursuant to Rule 70, Ariz.R.S.Ct. If there is no complainant referenced, the complainant is the State Bar.

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David S. Gingras
December 27, 2006
Page 2

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Requests for confidentiality are only granted sparingly and only for good cause shown. If the panelist denies your motion for a protective order, the information or documents in question will not be returned to you, but will be sent to the complainant, if applicable, and will become public upon disposition of the matter.

The procedure pertaining to discipline proceedings is found in Rules 47 through 62, Ariz.R.S.Ct. At this point, this matter is not generally open to the public. However, the State Bar may confirm to anyone inquiring that a complaint against you has been received and is being investigated. When the State Bar has completed its investigation and a decision made about whether to pursue formal charges, then the complainant's submissions, your responses and, perhaps, other documents in the file become open to the public. *See* Rule 70(a), Ariz.R.S.Ct.

The State Bar has a diversion program which may provide an alternative to traditional discipline. Diversion is a rehabilitative program available to lawyers whose ethical misconduct is of a non-serious nature and who may benefit from one or more of the State Bar's remedial programs, such as the Member Assistance Program (MAP) or the Law Office Management Assistance Program (LOMAP). *See* Rule 55, Ariz.R.S.Ct. Diversion is not available in cases of serious misconduct or for conduct involving dishonesty, self-dealing, or breach of a fiduciary duty. Participation in diversion is voluntary. Lawyers who are placed in diversion must enter into an agreement called a memorandum of understanding. Those who decline diversion will have their cases processed through the traditional procedures. Enclosed is a copy of the guidelines for your review.

Pursuant to Rule 53(d) and (f), Ariz.R.S.Ct., you have a duty to cooperate with disciplinary investigations. I also refer you to Rules 48(g) and 52(a) regarding non-abatement in disciplinary matters and the status of the complainant, if applicable.

Thank you for your anticipated cooperation.

Sincerely,



Shauna R. Miller
Senior Bar Counsel

SRM/btc
Enclosures

132589

T390 DUI VAN **ALCOHOL INFLUENCE REPORT** **DIGITALLY STORED EVIDENCE**
 SUSPECT ENTER VAN TIME: **0159** RELEASE TIME: **0220** **PHOENIX POLICE DEPARTMENT** PHOTO YES NO VIDEO YES NO

LAST: GINGRAS		FIRST: DAVID		MIDDLE: SCOTT		<input type="checkbox"/> FELONY DUI	
RACE W	SEX M	WEIGHT 195	HEIGHT 601	EYES BRO	HAIR BRO	DATE OF BIRTH 09 / 14 / 72	<input checked="" type="checkbox"/> MISDEMEANOR DUI
RESIDENTIAL ADDRESS: 4072 E MOUNTAIN VISTA DR PHOENIX AZ 85048						RES. PHONE NUMBER (480) 570-6157	
EMPLOYER: JABURG AND WILK				BUSINESS ADDRESS: 3200 N CENTRAL AVE #2000 PHX AZ		BUS. PHONE NUMBER (UNK)	
DRIVER LICENSE #: [REDACTED]				STATE AZ	FORCE USED: 30	SUPERVISOR ID:	ALIAS:
REGISTERED OWNER: <input checked="" type="checkbox"/> SAME AS DRIVER				ADDRESS- (STREET, APT., CITY, STATE, ZIP)			
LICENSE PLATE # SLOWER		YEAR 07	STATE AZ	VEHICLE MAKE: BMW	STYLE: 2D	MODEL:	YEAR 02
DISPOSITION OF VEHICLE: <input checked="" type="checkbox"/> PARKED <input type="checkbox"/> TOWED		TOW / IMPOUND COMPANY:		LOCATION: 5035 E CHANDLER BLVD			ARREST GRID:
LOCATION OF OCCURRENCE: 4300 E CHANDLER BLVD			LOCATION OF ARREST: 5035 E CHANDLER BLVD			ARREST DATE: 11/26/06	TIME DRIVING ENDED: 0128
ARREST TIME: 0139			ARREST NUMBER: 13536101		ARREST GRID:		

MIRANDA WARNINGS GIVEN BY T. EHRLER #4339	LOCATION: 48TH ST AND ELLIOT	TIME: 0210	SUBJECT'S RESPONSE: "SILENT"
IMPLIED CONSENT EXPLAINED BY T. EHRLER #4339	LOCATION: 48TH ST AND ELLIOT	TIME:	SUBJECT'S RESPONSE: <input checked="" type="checkbox"/> SUBMITTED TO TESTS
INTERVIEW CONDUCTED BY T. EHRLER #4339	LOCATION: 48TH ST AND ELLIOT	START TIME:	<input type="checkbox"/> UNABLE TO CONDUCT INTERVIEW <input type="checkbox"/> SUBJECT REFUSED INTERVIEW

WERE YOU OPERATING THE VEHICLE? Yes No

WHERE WERE YOU GOING? WHERE WERE YOU COMING FROM?

WHAT TIME DID YOU LEAVE?
I WOULD RATHER REMAIN SILENT

WHAT TIME IS IT NOW? ACTUAL TIME: AM PM WHAT IS THE DATE TODAY? ACTUAL DATE: **11/26/06**

WHAT DAY OF THE WEEK IS IT? ACTUAL DAY: **Sunday** WHAT HAVE YOU BEEN DRINKING?

HOW MUCH DID YOU DRINK? WHERE WERE YOU DRINKING?

WHAT TIME DID YOU START DRINKING? WHAT TIME DID YOU STOP DRINKING?

WERE YOU INVOLVED IN A COLLISION? (IF YES, WHERE?) Yes No THE TIME IS _____ AT WHAT TIME DID THE COLLISION OCCUR? AM PM

HAVE YOU BEEN DRINKING SINCE THE COLLISION? (ASK IN COLLISION SITUATION ONLY) (IF YES, WHAT AND HOW MUCH?) Yes No **N/A**

WHERE WERE YOU CONTACTED BY THE OFFICER?

ARE YOU ILL? (IF YES, DESCRIBE ILLNESS) Yes No DO YOU HAVE A FEVER? (IF YES, EXPLAIN) Yes No

ARE YOU HURT? (IF YES, DESCRIBE) Yes No DID YOU HIT YOUR HEAD? (IF YES, DESCRIBE HOW INJURY OCCURRED) Yes No

HAVE YOU BEEN TO DOCTOR OR DENTIST IN THE LAST TWO WEEKS? Yes No (IF YES, WHEN, AND WHAT WAS THE REASON FOR THE VISIT?)

NATURE OF ON GOING TREATMENT: HAVE YOU TAKEN ANY MEDICATION / DRUG IN THE PAST 24 HOURS? Yes No IF YES, DATE TAKEN: TIME TAKEN: AM PM

TYPE OF MEDICATION / DRUG (OR NAME): DO YOU HAVE DIABETES? Yes No DO YOU TAKE INSULIN FOR ANY REASON? (IF YES, WHY?) Yes No

DO YOU HAVE ANY ALLERGIES? (IF YES, WHAT ARE THEY?) Yes No

ARE YOUR ALLERGIES BOTHERING YOU NOW? Yes No (IF YES, IN WHAT WAY?) **N/A**

DO YOU HAVE ANY PHYSICAL DISABILITIES? Yes No (IF YES, DESCRIBE) WHEN DID YOU LAST EAT? AM PM DATE: TIME:

WHAT DID YOU EAT? HOW MUCH SLEEP HAVE YOU HAD IN THE LAST 24 HOURS?

DID YOU FEEL IMPAIRED IN ANY WAY WHILE DRIVING? Yes No

FOR THIS NEXT QUESTION I AM NOT ASKING YOU HOW MUCH YOU HAVE HAD TO DRINK. OR A SCALE OF ZERO TO TEN, ZERO BEING COMPLETELY SOBER AND TEN BEING COMPLETELY FALLING DOWN DRUNK, HOW WOULD YOU RATE YOURSELF AT THE TIME YOU WERE DRIVING?
 0 1 2 3 4 5 6 7 8 9 10

SUBJECT NAME DAVID SCOTT GINGRAS

DOB: 09/14/72 **DOV:** 11/26/06



INTOXILYZER 8000

Location: PHOENIX POLICE DEPT.

Serial Number : 80-001020

11/26/2006

02:05:10

Standard Lot#: 523701I

Last Changed By: M. CAMPBELL

#A-4334

QAS: A. GALLEGOS

#A4710

PHOENIX PD

Operator: T. EHRLER

#4339

PHOENIX PD

Subject: GINGRAS, DAVID, S

DOB: 09/14/1972

Sex: M

Weight: 195

15 Minute Deprivation Period? Yes

Test	g/210L	Time
Air Blank	0.000	02:06:37
Diagnostic Test	Pass	02:07:06
Air Blank	0.000	02:07:33
0.100 Cal Check	0.098	02:07:52
Air Blank	0.000	02:08:21
Subject Test	0.117	02:09:18
Air Blank	0.000	02:09:50
Five Minute Wait		
Air Blank	0.000	02:14:46
Subject Test	0.119	02:15:31
Air Blank	0.000	02:16:03
0.100 Cal Check	0.096	02:16:22
Air Blank	0.000	02:16:52
Diagnostic Test	Pass	02:17:19

Successfully Completed Test Sequence

SUBJECT INTERVIEW CONTINUED

DO YOU HAVE A PRIOR DUI CONVICTION? YES <input type="checkbox"/> NO <input type="checkbox"/>	(IF "YES") IN WHAT STATE(S)?	DATE(S):
IS YOUR LICENSE SUSPENDED / REVOKED / CANCELED? <input type="checkbox"/> YES <input type="checkbox"/> NO		(IF "YES") HOW DO YOU KNOW?
IF SUSPENDED / REVOKED / CANCELED, IN WHAT STATE(S)?	HAS YOUR LICENSE BEEN SUSPENDED / REVOKED / CANCELED IN THE PAST? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF "YES", HAVE YOU PAID THE REINSTATEMENT FEE TO THE MOTOR VEHICLE DEPARTMENT? <input type="checkbox"/> YES <input type="checkbox"/> NO	
UNUSUAL COMMENTS / OBSERVATIONS OF SUBJECT:		
INTERVIEW STOP TIME:	DATE:	WAS THERE ANY EVIDENCE OF ILLNESS / INJURY / DISABILITY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (IF YES, EXPLAIN)

CHEMICAL TEST EVIDENCE

SUBJECT ADVISED OF RIGHT TO ARRANGE AND PAY FOR AN INDEPENDENT CHEMICAL TEST		SUBJECT'S RESPONSE:		BACA FORM COMPLETED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
BY OFFICER	T. EHRLER #4339	TIME:	0205	ADVISED	
TYPE OF TEST CONDUCTED <input checked="" type="checkbox"/> BREATH <input type="checkbox"/> URINE <input type="checkbox"/> BLOOD		"BACA" (BLOOD) SAMPLE TAKEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		WAS THERE ANY REASON TO BELIEVE THE INSTRUMENT WAS OPERATING INCORRECTLY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (IF YES, EXPLAIN)	
TEST CONDUCTED? BY OFFICER: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		SEARCH WARRANT OBTAINED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		COURT OF ISSUE:	
BLOOD DRAW CONDUCTED? BY: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		TIME OF DRAW:		WITNESSED BY:	
PACE / MVD CHECK: No record		PRIOR DUI CONVICTION DATE(S):		DRIVER LICENSE CHECK RESULTS: Valid	
				OFFICER / CLERK'S SERIAL #: 6238	

IN COLLISION SITUATIONS COMPLETE THE FOLLOWING

<input type="checkbox"/> COLLISION REPORT COMPLETED					
<input type="checkbox"/> FIRE DEPARTMENT	<input type="checkbox"/> TREATED AND RELEASED	<input type="checkbox"/> ADMITTED TO HOSPITAL	<input type="checkbox"/> SERIOUS INJURY	<input type="checkbox"/> FATALITY	<input type="checkbox"/> HIT AND RUN
<input type="checkbox"/> VICTIM'S RIGHTS INFORMATION PROVIDED TO VICTIM(S) <input type="checkbox"/> YES <input type="checkbox"/> NO			<input type="checkbox"/> SUSPECT'S COURT DATE PROVIDED TO VICTIM(S)		

OFFICER'S OBSERVATIONS OF SUBJECT'S PHYSICAL CONDITION

BY OFFICER **T.G. EHRLER #4339**

BREATH (ODOR OF INTOXICATING LIQUOR)	<input type="checkbox"/> APPARENTLY NONE <input type="checkbox"/> PAINT <input type="checkbox"/> MODERATE <input type="checkbox"/> STRONG MODERATE			
COLOR OF FACE	<input type="checkbox"/> APPARENTLY NORMAL <input type="checkbox"/> FLUSHED <input type="checkbox"/> PALE <input type="checkbox"/> OTHER (DESCRIBE) APPARENTLY NORMAL,			
EYES	<input type="checkbox"/> APPARENTLY NORMAL <input type="checkbox"/> WATERY <input type="checkbox"/> BLOODSHOT <input type="checkbox"/> OTHER (DESCRIBE) WATERY AND BLOODSHOT			
CLOTHING / FOOTWEAR	DESCRIBE: CASUAL SHOES, L/S SHIRT, JEANS, HEAD BAND			
CLOTHING CONDITION	<input type="checkbox"/> CLEAN <input type="checkbox"/> BLOODY <input type="checkbox"/> URINE <input type="checkbox"/> VOMIT <input type="checkbox"/> ORDERLY <input type="checkbox"/> DISARRANGED <input type="checkbox"/> TORN <input type="checkbox"/> OTHER (DESCRIBE) CLEAN, ORDERLY,			
ATTITUDE	<input checked="" type="checkbox"/> POLITE <input type="checkbox"/> COOPERATIVE <input type="checkbox"/> UNCOOPERATIVE <input type="checkbox"/> ANTAGONISTIC <input type="checkbox"/> ARGUMENTATIVE <input type="checkbox"/> STUPOROUS <input type="checkbox"/> LAUGHING <input type="checkbox"/> INSULTING <input type="checkbox"/> SLEEPING <input type="checkbox"/> OTHER (DESCRIBE) POLITE AND COOPERATIVE			
UNUSUAL ACTIONS	<input type="checkbox"/> PROFANITY <input type="checkbox"/> BELCHING <input type="checkbox"/> URINATING ON SELF <input type="checkbox"/> HICCUPPING <input type="checkbox"/> SLURRED SPEECH <input type="checkbox"/> VOMITING <input type="checkbox"/> CRYING <input type="checkbox"/> COMEATIVE <input type="checkbox"/> THREATENING <input type="checkbox"/> OTHER (DESCRIBE)			

PHONE CALLS / ATTORNEY

DID THE SUBJECT REQUEST AN ATTORNEY AT ANY TIME? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, DOCUMENT THE REQUEST IN THE NARRATIVE (BE SPECIFIC) AND TIME			
ASK THE ARRESTED PERSON IF THEY WANT TO MAKE A PHONE CALL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO TIME:		DID THE SUBJECT ASK AT ANY TIME TO MAKE A PHONE CALL <input type="checkbox"/> YES <input type="checkbox"/> NO	
NUMBERS DIALED	TIME	OFFICER'S INITIALS	IF RESPONSE IS UNUSUAL, ENTER IT HERE (BE SPECIFIC):
() -			
() -			
() -			
() -			

WITNESS SECTION

LAST NAME	FIRST NAME	M.I.	ORIGIN	SEX	D.O.B.	ADDRESS (INCLUDE ZIP CODE)	PHONE #s
							H () - W () -
							H () - W () -
							H () - W () -

VICTIM INFORMATION

LAST NAME	FIRST NAME	M.I.	ORIGIN	SEX	D.O.B.	ADDRESS (INCLUDE ZIP CODE)	PHONE #s
							H () - W () -
							H () - W () -
							H () - W () -




DETAILS OF ARREST

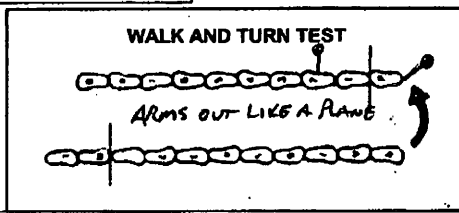
SUBJECTS NAME GINGRAS, DAVID SCOTT	ORIGIN W	SEX M	D. O. B. 09/14/72
--	--------------------	-----------------	-----------------------------

1. INSTRUCTIONS TO SUBJECT ARE PROVIDED AS GUIDELINES TO ENABLE THE OFFICER TO BE CONSISTENT IN ADMINISTERING EACH OF THE FBT's. 2. DOCUMENTATION AIDS ARE PROVIDED TO ASSIST THE OFFICER IN RECORDING THE BEHAVIOR AND ACTIONS OF A SUBJECT DURING THE FBT's.	DR NUMBER
---	-----------

ASK SUBJECT: TO LIKE YOU TO PERFORM SOME PHYSICAL TESTS- IS THERE ANY REASON WHY YOU CANNOT PERFORM THE TESTS? YES NO (IF YES, ENTER RESPONSE. BE SPECIFIC.)

EXTERNAL CONDITIONS AT SCENE OF ARREST (CHECK ALL THAT APPLY)	
WEATHER	<input checked="" type="checkbox"/> CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> RAINING <input type="checkbox"/> WINDY <input type="checkbox"/> OTHER (EXPLAIN)
LIGHT CONDITIONS	<input type="checkbox"/> DAY TIME <input type="checkbox"/> NO LIGHTS <input type="checkbox"/> VEHICLE LIGHTS <input checked="" type="checkbox"/> FLASHLIGHT <input type="checkbox"/> OTHER (EXPLAIN) <input checked="" type="checkbox"/> NIGHT TIME <input checked="" type="checkbox"/> STREET LIGHTS <input type="checkbox"/> MOON LIGHT <input checked="" type="checkbox"/> COMMERCIAL BUSINESS LIGHTING
TYPE OF SURFACE USED FOR FIELD SOBRIETY TESTS	<input checked="" type="checkbox"/> LEVEL <input type="checkbox"/> CEMENT <input type="checkbox"/> DIRT <input type="checkbox"/> STREET <input type="checkbox"/> WET <input checked="" type="checkbox"/> DRY <input checked="" type="checkbox"/> PARKING LOT <input type="checkbox"/> UNEVEN <input checked="" type="checkbox"/> ASPHALT <input type="checkbox"/> GRAVEL <input type="checkbox"/> SIDEWALK <input type="checkbox"/> OTHER (EXPLAIN): FOOTWEAR:

HORIZONTAL GAZE NYSTAGMUS	WALK AND TURN	ONE LEG STAND	RHOMBERG BALANCE	FINGER TO NOSE
<p>QUESTIONS FOR SUBJECT: HAVE YOU HAD ANY HEAD OR EYE INJURIES? DO YOU WEAR CONTACT LENSES? (IF YES ENSURE THAT THEY ARE PROPERLY FITTED) <input type="checkbox"/> HARD <input type="checkbox"/> SOFT (IF SUBJECT IS WEARING EYE GLASSES, HAVE THEM REMOVED)</p> <p>INSTRUCTIONS TO SUBJECT: (HOLDING STIMULUS 12" - 15" IN FRONT OF FACE SLIGHTLY ABOVE EYE LEVEL) CAN YOU SEE THE TIP OF THIS ? WHAT I AM GOING TO DO IS MOVE THIS FROM SIDE TO SIDE. WHAT I WANT YOU TO DO IS FOLLOW THIS WITH YOUR EYES ONLY, KEEPING YOUR HEAD STILL. STAY FOCUSED ON THIS THE ENTIRE TIME. DO YOU UNDERSTAND THE INSTRUCTIONS? DO YOU HAVE ANY QUESTIONS? <input checked="" type="checkbox"/> Equal tracking <input checked="" type="checkbox"/> Equal pupil size</p> <p>HGN CUES <input checked="" type="checkbox"/> Left eye does not follow smoothly <input checked="" type="checkbox"/> Right eye does not follow smoothly <input checked="" type="checkbox"/> Distinct and sustained nystagmus at maximum deviation of the left eye <input checked="" type="checkbox"/> Distinct and sustained nystagmus at maximum deviation of the right eye <input checked="" type="checkbox"/> Onset of nystagmus prior to 45 degrees in left eye <input checked="" type="checkbox"/> Onset of nystagmus prior to 45 degrees in right eye</p> <p>VGN <input type="checkbox"/> Vertical Gaze Nystagmus present <input type="checkbox"/> This FBT not administered for subject's safety <input type="checkbox"/> This FBT not administered for officer's safety</p> <p>Time: <u>0130</u> Name: <u>G.W. Rice</u> Serial #: <u>6238</u> A certified HGN technician</p>	<p>INSTRUCTIONS TO SUBJECT: PLACE YOUR LEFT FOOT ON THE (IMAGINARY) LINE. NOW PLACE YOUR RIGHT FOOT ON THE LINE DIRECTLY IN FRONT OF YOUR LEFT FOOT TOUCHING HEEL TO TOE. PLACE YOUR ARMS DOWN AT YOUR SIDES. MAINTAIN THAT POSITION WHILE I EXPLAIN THE REST OF THE INSTRUCTIONS. DO YOU UNDERSTAND? WHEN I TELL YOU TO BEGIN AND NOT BEFORE THEN TAKE 8 HEEL-TO-TOE STEPS DOWN THE (IMAGINARY) LINE. AFTER THE 8TH STEP LEAVE YOUR FRONT FOOT ON THE (IMAGINARY) LINE WITH THE OTHER FOOT TAKE SMALL STEPS AROUND AND TAKE 8 MORE HEEL-TO-TOE STEPS BACK DOWN THE LINE. KEEP YOUR ARMS DOWN TO YOUR SIDES, WATCH YOUR FEET AT ALL TIMES, AND COUNT YOUR STEPS ALOUD. ONCE YOU START DO NOT STOP UNTIL YOU HAVE COMPLETED THE TEST. DO YOU UNDERSTAND THE INSTRUCTIONS? DO YOU HAVE ANY QUESTIONS?</p> <p><input type="checkbox"/> Cannot keep balance while listening to instructions <input type="checkbox"/> Starts before instructions are finished <input type="checkbox"/> Stops while walking to steady self <input type="checkbox"/> Does not touch heel to toe (measures by at least 1/2 inch) <input checked="" type="checkbox"/> Loses balance while walking to steady self (That is steps off line) <input checked="" type="checkbox"/> Uses arms for balance (8" or more from side) <input type="checkbox"/> Improper turn <input type="checkbox"/> Incorrect number of steps <input type="checkbox"/> Cannot do test (Steps off line three or more times)</p> <p><input type="checkbox"/> This FBT not administered for subject's safety <input type="checkbox"/> This FBT not administered for officer's safety <input checked="" type="checkbox"/> Actual line used <i>PARKING SPACE LINE</i></p>	<p>INSTRUCTIONS TO SUBJECT: STAND WITH YOUR FEET TOGETHER AND YOUR ARMS DOWN AT YOUR SIDES. REMAIN IN THAT POSITION UNTIL I TELL YOU OTHERWISE. DO YOU UNDERSTAND? WHEN I TELL YOU TO BEGIN AND NOT BEFORE THEN, I WANT YOU TO RAISE ONE LEG OFF THE GROUND APPROXIMATELY 6" AND MAINTAIN THAT POSITION. KEEP BOTH LEGS STRAIGHT. POINT YOUR TOES FORWARD SO THAT YOUR FOOT IS PARALLEL TO THE GROUND. LOOK AT YOUR RAISED FOOT AND KEEP YOUR ARMS DOWN AT YOUR SIDES WHILE YOU COUNT ALOUD IN THE FOLLOWING MANNER, 1001-1002-1003 ... ETC, UNTIL I TELL YOU TO STOP. DO YOU UNDERSTAND THE INSTRUCTIONS? DO YOU HAVE ANY QUESTIONS? <input checked="" type="checkbox"/> Sways while balancing <input checked="" type="checkbox"/> Uses arms for balance (8" or more from side) <input type="checkbox"/> Hopping <input type="checkbox"/> Puts foot down <input type="checkbox"/> Cannot do test (Puts foot down three or more times)</p> <p><input type="checkbox"/> This FBT not administered for subject's safety <input type="checkbox"/> This FBT not administered for officer's safety</p> <p>Subject counted to <u>1030</u> at the completion of the 30 second test.</p> <p><input checked="" type="checkbox"/> Raised right leg <input type="checkbox"/> Raised left leg</p>	<p>INSTRUCTIONS TO SUBJECT: STAND WITH YOUR FEET TOGETHER AND YOUR ARMS DOWN AT YOUR SIDES. REMAIN IN THAT POSITION UNTIL I TELL YOU OTHERWISE. DO YOU UNDERSTAND? WHEN I TELL YOU TO START AND NOT BEFORE THEN I WANT YOU TO TILT YOUR HEAD BACK SLIGHTLY AND CLOSE YOUR EYES. REMAIN IN THAT POSITION UNTIL I TELL YOU THE TEST IS COMPLETE. DURING THE TEST I WANT YOU TO <input type="checkbox"/> RECITE THE ALPHABET <input type="checkbox"/> COUNT ALOUD BACKWARD FROM TO <input type="checkbox"/> ESTIMATE THE PASSAGE OF 30 SECONDS. ONCE YOU BELIEVE 30 SECONDS HAVE PASSED TILT YOUR HEAD FORWARD, OPEN YOUR EYES AND SAY STOP". DO YOU UNDERSTAND THE INSTRUCTIONS? DO YOU HAVE ANY QUESTIONS?</p> <p>SECONDS WAS ESTIMATED AS 30 SECONDS</p> <p>AFTER THE TEST ASK "HOW MUCH TIME WAS THAT?" "HOW DID YOU ESTIMATE THAT?"</p> <p><input type="checkbox"/> Required additional instructions during testing <input type="checkbox"/> Opened eyes during test <input type="checkbox"/> Failed to keep feet together throughout <input type="checkbox"/> Failed to keep head tilted back <input type="checkbox"/> Used hand other than the one designated <input type="checkbox"/> Missed nose with fingertip (Record miss locations below) <input type="checkbox"/> Touched nose with other than fingertip (Record below) <input type="checkbox"/> Swayed front to back or side to side (Record below)</p> <p><input type="checkbox"/> This FBT not administered for subject's safety <input type="checkbox"/> This FBT not administered for officer's safety</p>	<p>INSTRUCTIONS TO SUBJECT: STAND WITH YOUR FEET TOGETHER AND YOUR ARMS DOWN AT YOUR SIDES. REMAIN IN THAT POSITION UNTIL I TELL YOU OTHERWISE. DO YOU UNDERSTAND? MAKE A FIST WITH BOTH HANDS AND POINT YOUR TWO INDEX FINGERS OUT STRAIGHT. (DEMONSTRATE FOR SUBJECT) NOW PLACE YOUR HANDS BACK DOWN AT YOUR SIDES AS THEY ARE WITH YOUR PALMS FACING FORWARD. (DEMONSTRATE FOR SUBJECT) WHEN I TELL YOU TO START AND NOT BEFORE THEN WHAT I WANT YOU TO DO IS TILT YOUR HEAD BACK SLIGHTLY AND CLOSE YOUR EYES. USING THE FINGER I TELL YOU TOUCH THE VERY TIP OF YOUR FINGER TO THE VERY TIP OF YOUR NOSE. AFTER TOUCHING YOUR NOSE, RETURN YOUR HAND TO YOUR SIDE IMMEDIATELY. DO YOU UNDERSTAND THE INSTRUCTIONS? DO YOU HAVE ANY QUESTIONS?</p> <p><input type="checkbox"/> Required additional instructions during testing <input type="checkbox"/> Opened eyes during test <input type="checkbox"/> Failed to keep feet together throughout <input type="checkbox"/> Failed to keep head tilted back <input type="checkbox"/> Swayed front to back or side to side (Record below)</p> <p><input type="checkbox"/> This FBT not administered for subject's safety <input type="checkbox"/> This FBT not administered for officer's safety</p>
<p>DOCUMENTATION</p> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>SIX INCHES</p> </div> <div style="text-align: center;"> <p>DOCUMENTATION</p>  <p>SWAY:</p> </div> <div style="text-align: center;"> <p>DOCUMENTATION</p>  <p>Right Index Finger Left Index Finger</p> </div> </div>				



SWAY:

FRONT TO BACK

NONE (0")
 SLIGHT (1" - 2")
 MODERATE (3" - 4")
 HEAVY (5" +)

SIDE TO SIDE

NONE (0")
 SLIGHT (1" - 2")
 MODERATE (3" - 4")
 HEAVY (5" +)

SWAY:

FRONT TO BACK

NONE (0")
 SLIGHT (1" - 2")
 MODERATE (3" - 4")
 HEAVY (5" +)

SIDE TO SIDE

NONE (0")
 SLIGHT (1" - 2")
 MODERATE (3" - 4")
 HEAVY (5" +)

SWAY:

FRONT TO BACK

NONE (0")
 SLIGHT (1" - 2")
 MODERATE (3" - 4")
 HEAVY (5" +)

SIDE TO SIDE

NONE (0")
 SLIGHT (1" - 2")
 MODERATE (3" - 4")
 HEAVY (5" +)

DETAILS OF ARREST

SUBJECT WAS:	<input type="checkbox"/> BOOKED	NAME (LAST, FIRST, M.I.)	ADDRESS:	PHONE #:	DATE:	TIME:
	<input checked="" type="checkbox"/> RELEASED TO:	TAXI		() -		
C H A R G E S	CITATION NUMBERS	CODE	CHARGE DESCRIPTION			
	13536101 (1)	28-1381A1	DUI / ALCOHOL			
	13536101 (2)	28-1381A2	DUI - ALCOHOL CONTENT .08 OR MORE			
	13536101 (3)	28-701A	EXTREME DUI			



ARRESTING OFFICER/S NAME/S AND SERIAL NUMBER/S:	WAGON OFFICER/S NAME/S AND SERIAL NUMBER/S:
RICE, GARY W 6238	Craig, Thomas C 6346

Phoenix Police Department

OFFICER G. W. RICE #6238

SUSPECTS NAME: GINGRAS, DAVID SCOTT
SUSPECTS D.O.B.: 091472
LOCATION OF ARREST: 5035 E. CHANDLER BLVD
DATE OF VIOLATION: 112606
TIME OF ARREST: 0139 HOURS

On 112606, at approximately 0128 hours, I was positioned at 4300 E. Chandler Blvd conducting speed enforcement. I was positioned on the south side of Chandler Blvd in the driveway to the U haul where I could observe both east and westbound traffic. There are three lanes for eastbound and three lanes for westbound separated by a raised median. At this time I observed a dark blue BMW 2dsd accelerating rapidly eastbound towards my location. I visually estimated the vehicle's speed at 65mph in the posted 45mph zone. I utilized my Stalker stationary radar unit #SP008188 which displayed a reading of 67mph. I conducted the manufacture specified checks both before and after the violation and the unit was operating properly. This is a non-self repairing unit. The vehicle passed my location and I went after it. I was able to catch up to the vehicle as it had stopped for the light at 48th Street. I initiated a traffic stop by activating the emergency lights on my fully marked police motorcycle. The vehicle continued eastbound and then finally pulled to the right and made a right turn into a hotel and stopped facing southbound.

I contacted the driver who identified himself by his Arizona driver's license as David Gingras. I introduced myself to him and informed him why I stopped his vehicle. I asked him if he knew how fast he was going and he stated he didn't know. I asked him what the speed limit was and he stated 45. As I spoke to him I noticed his eyes were bloodshot and watery and I could smell a moderate odor of an alcoholic beverage coming from him. I asked him how much he had to drink tonight and he stated "I'm not sure, I had a few earlier." He went of to tell me he was coming from Manhattans and his last drink was 45 minutes ago. I asked him to step out of the vehicle and walk with me to the back.

I asked him if he would take some field sobriety tests and he agreed. I administered a HGN and observed all six clues. I asked him if he would take some additional field sobriety tests and if he had any physical problems that might prevent him from performing the tests. I then briefly explained the walk and turn test and the one leg stand test. He stated he didn't have any problems and would take the tests. I administered a walk and turn test. We used a parking space line for the test. During the test he used his arms for balance out like a plane, stepped off the line and made an improper turn. I next administered a one leg stand test. He stood on his left leg and raised his right. During the test he swayed while balancing and used his arms for balance. I administered a PBT, which displayed a reading of .124 at 0138 hours.

I placed him under arrest for DUI and handcuffed him behind his back and double locked the cuffs. I parked and locked his vehicle per his request. He was transported to 4801 E. Elliot to the DUI van for processing. After processing he was given a citation and released.

EXHIBIT G1
OPERATIONAL CHECKLIST

ARIZONA DEPARTMENT OF PUBLIC SAFETY

STANDARD OPERATIONAL PROCEDURE
INTOXILYZER MODEL 8000

DUPLICATE BREATH TEST

AGENCY *Phoenix Police Department*

NAME OF SUBJECT GINGRAS, DAVID SCOTT DATE 11/26/06

INSTRUMENT SERIAL NO. 1020 LOCATION OF TEST T-390 DUI VAN

OPERATOR T. EHRLER #4339

TEST RESULTS 0.117 AC TIME 0209

0.119 0215

0. _____

Immediately preceding the administration of the tests, the subject underwent at least a 15 minute deprivation deprivation period from 0139 to 0215 by RICE, GARY W 6238

- 1. Display reads "PUSH BUTTON TO START".
- 2. Push Start Test button
- 3. Follow automated instructions on instrument display
- 4. If test record reads "Successfully Completed Test Sequence" go to step 5

OR

If test record reads "Not a Successfully Completed Test Sequence", and subject will be tested again, remove test record and go to step I

OR

If test record reads "Not a Successfully Completed Test Sequence", and subject will not be tested again, go to step 5

- 5. Remove test record

Note: Duplicate tests shall be administered at intervals of not less than 5 minutes nor more than 10 minutes apart. Two consecutive tests shall agree within 0.020 alcohol concentration.



Motor Vehicle Division

Mail Drop 533M
Driver Responsibility
Motor Vehicle Division
PO Box 21 00
Phoenix AZ 85001-2100

40-5807 R07/08 www.azdot.gov

ADMIN PER SE/IMPLIED CONSENT AFFIDAVIT

LE or DR Case Number _____
Complaint Numbers Issued 13536101

Charges: A.R.S. 28-1381 28-1382 28-1383 4-244.33

Yes No While transporting hazardous material? (A.R.S. 28-101)
 Yes No While operating a commercial motor vehicle?

Applicant Name (first, middle, last, suffix) DAVID SCOTT GINGRAS		Date of Birth 09/14/72	State AZ	
Address 4072 E MOUNTAIN VISTA DR		City PHOENIX	State AZ	Zip 85048

On (date) 11/26/06, at (time) 0128, at (location) 4300 E CHANDLER BLVD

- I had probable cause to believe that the person named, caused or was cited for an accident resulting in death or serious physical injury while driving a motor vehicle. Citation Number _____ (If none issued, state probable cause on lines below)
- I had reasonable grounds to believe the person named was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor and/or drugs, and I placed the named person under arrest therefore.

Among the facts leading to that belief were: SPEEDING Odor of alcohol, BS /watery eyes, HGN, FST's, PBT, ADMISSIONS

For the above stated reasons, I read the following to the version named above:

- Arizona law requires you to submit to and successfully complete tests of breath, blood or other bodily substance as chosen by the law enforcement officer to determine alcohol concentration or drug content. The law enforcement officer may require you to submit to two or more tests. You are required to successfully complete each of the tests.
- If the results of the tests indicate your alcohol concentration is .08 or above or .04 or above in a commercial vehicle, your Arizona driver license/permit or nonresident driving privilege will be suspended for not less than 90 consecutive days.
- If you refuse to submit or do not successfully complete the specified tests, your Arizona driver license/permit or nonresident driving privilege will be suspended for 12 months, or for 2 years if there is a prior implied consent refusal, within the last 84 months, on your record. You are, therefore, required to submit to the specified tests.
- Will you submit to the specified tests? Yes No (if person unreasonably delays the completion of test, read the following to him or her.)
You are not entitled to further delay taking the tests for any reason. Further delay will be considered refusal to submit to the tests.
Will you submit to the specified tests? Yes No

The above admonitions were not read because the person was either unconscious or incapable of refusal.

The person submitted to breath blood tests and the results indicated an alcohol concentration of: .117 / .119

The person refused to take or did not complete the tests in the following manner: _____

Yes No Did the person cause serious physical injury as defined in A.R.S. 13-105 during this incident?

I certify, pursuant to A.R.S. 28-1581, that the above is true and correct. I request that any hearing be held in MARICOPA County.

Law Enforcement Officer (print name) RICE, GARY W	Badge Number 6238	Signature
Agency Phoenix Police Department	ORI Number AZ0072300	Station T-390
Agency Address 620 W Washington St	City Phoenix	State Az
Test Operator (print name) T. EHRLER	Badge Number 4339	Signature

ORDER OF SUSPENSION Date Served 11/26/06 Time Served 0215 Please see reverse side to request a Summary Review or Hearing.

- Pursuant to A.R.S. 28-1321, your Arizona driver license/permit or nonresident driving privilege is suspended effective 15 days from Date Served. The suspension is for 12 months, or 2 years if there is a prior implied consent refusal, within the last 84 months, on your record. This order is final unless a hearing is requested in writing and received within 15 days from Date Served. This action is a result of your failure to successfully complete or refusal to submit to tests to determine alcohol concentration or drug content. This suspension will not end until all reinstatement requirements are met.
- Pursuant to A.R.S. 28-1385, your Arizona driver license/permit or nonresident driving privilege is suspended for not less than 90 consecutive days effective 15 days from Date Served. If a review of your driver record indicates that you are eligible for a 60-day restricted driving permit, one will automatically be mailed to your address of record within 45 days from Date Served. This order is final unless a summary review or hearing is requested in writing and received within 15 days from Date Served. This suspension is a result of tests to which you submitted that indicated an alcohol concentration of .08 or above. This suspension will not end until all reinstatement requirements are met.

SURRENDER OF ARIZONA DRIVER LICENSE

Pursuant to A.R.S. 28-1321 and 28-1385, the law enforcement officer shall require the surrender of all Arizona driver licenses or permits in the person's possession. If no license or permit is attached, state reason: Lost Destroyed Nonresident Other: _____

TEMPORARY DRIVER PERMIT

This entire form will serve as a temporary driver permit which will expire 15 days from Date Served. However, if you request a summary review or hearing, then this permit will remain valid until the summary review or hearing decision has been made. If your Arizona driver license/permit is currently suspended or revoked, this permit does not authorize you to operate a motor vehicle.

Sex M	Weight 195	Height 601	Eyes BRO	Hair BRO	Class D	Restrictions
Permit Not Issued Because					Licensee Signature	

Original - Motor Vehicle Division Pink and Yellow - Licensee Blue - Law Enforcement Agency