

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-300

Judge: Sheila A. Madden

Complainant: Self-report

ORDER

A superior court commissioner voluntarily reported being detained for suspicion of operating a motor vehicle under the influence of intoxicating liquor.

Rule 1.2 of the Code of Judicial Conduct requires judges at all times to act in a way that promotes confidence in the judiciary and to avoid both impropriety and the appearance of impropriety.

In November 2012, after consuming alcohol at a casino, then-Commissioner Madden got in her vehicle and drove for a short distance before recognizing her impaired status. She subsequently pulled to the side of the road and called her husband for assistance. While waiting for her husband, law enforcement approached her vehicle. She ultimately submitted to a blood test, which revealed her blood alcohol content level as .186, which is more than twice the Arizona legal limit of .08.

Approximately two weeks after this incident, Commissioner Madden resigned her position on the bench. Her criminal charges were resolved in August 2013, when she pled guilty to a misdemeanor for being in actual physical control of her vehicle while under the influence of an intoxicating liquor.

The commission recognizes that Ms. Madden is no longer serving as a judicial officer. Nonetheless, the conduct she engaged in leading to her guilty plea was clearly improper and failed to promote confidence in the judiciary.

The commission, therefore, finds that Commissioner Madden's conduct violated Rule 1.2 and warrants the imposition of a public reprimand despite her previous resignation from the bench.

Accordingly, Sheila Madden is hereby publicly reprimanded for her conduct as described above while serving as a superior court commissioner and pursuant to Commission Rule 17(a). The record in this case, consisting of the commissioner's

This order may not be used as a basis for disqualification of a judge.

initial self-report, her subsequent update, and this order shall be made public as required by Rule 9(a).

Dated: February 12, 2014.

FOR THE COMMISSION

/s/ Louis Frank Dominguez

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judge on February 12, 2014.

This order may not be used as a basis for disqualification of a judge.

State of Arizona
Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

November 6, 2012

Re: Self-Reporting By Commissioner Sheila A. Madden

Members of the Commission:

My name is Sheila Madden and I have served as a Maricopa County Superior Court Commissioner for more than ten years. I wish to self-report an incident that occurred last Friday evening, November 2, 2012, when I had law enforcement contact regarding alcohol and the operation of my motor vehicle after leaving a casino. I submitted to a voluntary blood draw by the Gila River Indian Community Police Department. I was not cited or charged, but was detained for the purpose of providing a blood sample. I'm awaiting the blood test results.

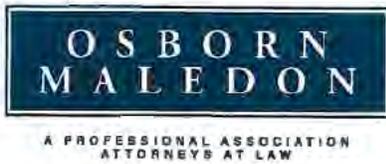
This event was devastating. I have already sought out and I am beginning professional assistance to determine whether I have alcohol issues I need to address beyond the police involved matter. I contacted the Employee Assistance Program the day after the incident and went to my first counseling appointment yesterday. In addition, I made contact with a counselor I've also been seeing regarding stress and depression issues and scheduled an appointment with her.

I have notified Judge Norman Davis, the Presiding Judge for the County, and will provide the Commission with information about further developments about this matter and, of course, respond to any concerns or questions.

Sincerely,

Sheila A. Madden

Copy to: Hon. Norman Davis
Copy to: Colin F. Campbell



Mark I. Harrison

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21st Floor
Phoenix, Arizona 85012

Direct Line 602.640.9324

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September 23, 2013

Via email and U.S. Mail

Jennifer Perkins - JePerkins@courts.az.gov
Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007

Re: Case No. 12-300 Commissioner Sheila Madden

Dear Jennifer:

As you know, Commissioner Madden self-reported to the Commission on Judicial Conduct regarding an incident that occurred on November 2, 2012, when Commissioner Madden was detained by police for suspicion of driving under the influence of alcohol. The DUI charge has now been resolved and this letter provides the Commission with additional detail regarding the underlying incident and its resolution.

On the evening of November 2, 2012, Commissioner Madden went to the Wild Horse Pass Casino in order to inquire about tickets for a production in which her thirteen-year-old daughter was singing during the following week. After investigating the availability of tickets, Commissioner Madden decided to stay at the casino. During her time at the casino, she consumed wine.

Commissioner Madden left the casino and initially felt fine to drive. Within a couple of minutes, however, she realized that she should not drive and immediately pulled over to the side of the road. She stopped, on a dark, dead-end road a mile from the casino. Commissioner Madden then called her husband and asked him to pick her up. It was almost 10:30 p.m. Commissioner Madden removed the keys from the ignition and waited for her husband to arrive. At 11:10 pm, Commissioner Madden received a call from her husband. He told her that he and a friend were on the way to pick her up, but it was about a twenty mile distance – a 35 minute drive.

Shortly thereafter, a police officer approached Commissioner Madden's vehicle as she waited. She turned on the ignition of her parked vehicle only to roll down the window to speak to the officer. The officer instructed her to turn off the vehicle and Commissioner Madden complied. Commissioner Madden explained the events of the evening to the officer and told him that her husband was on his way to pick her up. Commissioner Madden's husband and friend arrived a short time later to pick her up. Police allowed the friend to take possession of Commissioner Madden's vehicle and Commissioner Madden was then transported to the Gila

River Police Department where she provided a blood sample.¹ The blood sample showed that Commissioner Madden's blood alcohol level was over the legal limit.

Commissioner Madden has suffered serious repercussions from the events of November 2, 2012. Two weeks following the incident, Commissioner Madden submitted her resignation from her position as a member of the Maricopa County Superior Court. She had served with distinction in that position for more than ten years. Additionally, on August 5, 2013, Commissioner Madden pled guilty to a violation of A.R.S. § 28-1381(A)(1), Driving or Being in Actual Physical Control While Under the Influence of Intoxicating Liquor, based on the underlying fact that she started the ignition in her vehicle and rolled down the window when the officer approached. Commissioner Madden sought counseling after the November 2012 incident and has continued to receive counseling for the depression resulting from its ramifications.

For your review, I am attaching as Exhibit A documentation relevant to the November 2, 2012 incident as well as its resolution. Although the Commission continues to have jurisdiction over this incident, even following Commissioner Madden's resignation, I urge the Commission not to impose any further sanction at this point. Commissioner Madden accepts full responsibility for her conduct, as evidenced by her voluntary self-report to the Commission. However, she has already suffered one of the most serious sanctions possible – the loss of her position as a Commissioner – and now has to deal with the consequences of a criminal record. Given the harshness of the penalty already imposed, no further sanction is merited.

I trust that this letter and attached documents provide sufficient detail of the November 2, 2012 incident. If you have any further questions, please feel free to contact me or my associate Christina Rubalcava, (602) 640-9347, who is thoroughly familiar with this matter.

Sincerely

Mark I. Harrison

MIH:CCR:pdp
Enclosure

¹ Although the police officers alleged that Commissioner Madden did not consent to all required testing, Commissioner Madden in fact told officers that she understood her obligation to provide a blood test, especially given her experience as a Commissioner, and would provide a blood sample. Furthermore, Administrative Law Judge Julie Ann Mata held a hearing on this issue and determined that Commissioner Madden properly consented to provide a blood test. See Exhibit A.

Exhibit A

IN THE SAN MARCOS JUSTICE COURT
COUNTY OF MARICOPA, STATE OF ARIZONA

STATE OF ARIZONA,
Plaintiff,
vs.
SHEILA ANNE MADDEN,
Defendant.

FIRST OFFENSE DUI PLEA AGREEMENT

No(s): TR2013-115754-01, 02, 03

The State of Arizona and the defendant agree, by the terms and conditions of this document, to the following disposition of this case.

- I. That the defendant pleads guilty/no contest to:
TR2013-115754-01, A.R.S. § 28-1381A1, Driving or Being in Actual Physical Control While Under the Influence of Intoxicating Liquor, Any Drug, Vapor Releasing Substance, or Any Combination Thereof, Class 1 Misdemeanor.
- II. That the defendant will receive the following sentence:
28-1381(A)(1)
 - \$250 fine plus surcharge = \$491;
 - 10 consecutive days in jail;
 - 9 days in jail suspended upon successful completion of Substance Abuse Screening and follow-up treatment;
 - 24 hours in jail must be served consecutively;
 - Pay jail costs as imposed by the Court, pursuant to A.R.S. § 13-804.01(B);
 - \$500 Prison Fund Assessment;
 - \$500 DPS Assessment;
 - 12 months Ignition Interlock Device pursuant to A.R.S. § 28-3319.
- III. That the following charges are dismissed or, if not yet filed, shall not be brought against the defendant:
TR2013-115754-02, A.R.S. § 28-1381A2, Driving or Being in Actual Physical Control With any Alcohol Concentration of .08 or more Within Two Hours of Driving or Being in Actual Physical Control, Class 1 Misdemeanor.
TR2013-115754-03, A.R.S. § 28-1382A1, Driving or Being in Actual Physical Control With any Alcohol Concentration of .15 or more Within Two Hours of Driving or Being in Actual Physical Control, Class 1 Misdemeanor.
- IV. That this agreement serves to amend the complaint(s) to charge the offense(s) to which the defendant pleads
- VI. 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 eighty-four (84) 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.
- VII. That this Plea Agreement does not preclude any other remedies authorized by law including forfeiture and civil racketeering remedies and recovery costs of emergency response. The defendant understands that, pursuant to A.R.S. §§ 13-807, 13-2314(H) and 13-4310(C), the defendant is precluded from denying in any civil proceeding the essential allegations for the criminal offense of which he/she is convicted. The defendant further understands that a guilty plea, no contest plea, or a plea pursuant to *North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970), all result in a conviction.
- VIII. That the defendant is required to pay restitution, pursuant to A.R.S. § 13-603, to persons who have suffered economic loss as a result of the criminal conduct to which the defendant is pleading guilty. The defendant further understands that if the Court does not order the defendant to pay restitution at this time, the Court may at a later time order restitution as required by law, in addition to the sentence imposed by this plea agreement, subject to the right to a hearing to determine the proper amount of restitution, in an amount not to exceed \$100,000.00.

IX. That if, as a part of this Plea Agreement, the defendant is placed on probation by the Court, the terms and conditions of probation are subject to being modified at any time during the period of probation, and if the defendant violates 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 attorney, if I have one representing me. 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 which is 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 an attorney prior to and during this proceeding, and that if I cannot afford to hire an attorney, 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 and set forth in this document.

Date 8.5.13 Defendant

DEFENSE ATTORNEY: I have discussed this case and the terms and conditions set forth in this document with the defendant in detail and explained his/her constitutional rights and all possible defenses. I believe that the defendant is entering into the agreement voluntarily, knowingly and intelligently.

Date 8.9.13 Defense Counsel

PROSECUTOR: I agree and concur with the defendant's plea.

Date 8/5/13 Prosecutor

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

Date 8/5/13 Interpreter

FACTUAL BASIS

I further admit that if this matter were to proceed to trial the State of Arizona could prove the following facts beyond a reasonable doubt:

On November 2, 2012, I consumed alcohol (wine) and then started to operate my 2002 Honda minivan. After driving a short distance (less than one mile), I realized that I should not be driving due to my consumption of alcohol. I pulled onto a street that was labeled as a private drive and I stopped in the lane closest to the curb near 56th Street on the Gila River Indian Community in Maricopa County, Arizona. I turned off the vehicle and contacted my husband via telephone to arrange to be picked up. While arrangements were being made, I was contacted by a Gila River Police officer. I started the ignition of my minivan and rolled down my window. By starting the minivan, I was in actual physical control of the vehicle while my vehicle was on the roadway. At the time, I was impaired to the slightest degree as a result of my alcohol consumption.



Maricopa County Justice Courts, Arizona

San Marcos Justice Court 201 E. Chicago St., #103, Chandler, AZ 85225 602-372-3400

CASE NUMBER: TR 2013415784

STATE OF ARIZONA

vs.

Steve M. Miller

() -
Defendant(s) Name / Address / Phone

ADDENDUM TO DUI PLEA AGREEMENT

ALCOHOL SCREENING COMPLETED PRIOR TO DEFENDANT APPEARING IN COURT

Attached is the result of the Alcohol Screening and recommendations (document provided by Defendant)

A. Defendant has completed drug and/or alcohol screening in compliance with 28-1385 at _____ facility, on this date: _____.

Recommendation: that Defendant did not need to complete counseling, education and/or treatment. Defendant has met the obligation.

Recommendation: Defendant was recommended to complete counseling, education and/or treatment.

IT IS HEREBY ORDERED that the Defendant complete the recommended counseling, education and/or treatment on or before _____ (Date)

ALCOHOL SCREENING NOT COMPLETED PRIOR TO DEFENDANT APPEARING IN COURT

B. IT IS ORDERED THAT THE DEFENDANT COMPLETE Alcohol Screening.

- Defendant understands that Defendant must select an Alcohol Screening Education and Counseling provider.*
- Defendant understands that alcohol screening must be complete by the date ordered by the Court as well as complete any counseling, education and/or treatment recommended by the provider by the dates below.

9/10/13
(30 days) Date to complete Screening

2/1/14
(1 year) Date to complete education and treatment

Date: 8/5/13

Defendant

Date: 8/27/17

Justice of the Peace

* You may find providers by looking in the Public Directories or at the website listed below www.azdhs.gov/als/forms/dui.pdf



Maricopa County Justice Courts, Arizona
SAN MARCOS JUSTICE COURT

SAN TAN REGIONAL COURT CENTER, 201 East Chicago, Suite #103, Chandler, AZ 85225 602-372-3400
www.superiorcourt.maricopa.gov/justiceCourts

STATE OF ARIZONA

vs.

CASE NUMBER: TR 201315174

DUI GUILTY / NO CONTEST PLEA PROCEEDING

Defendant

DOB

Defendant is present and indicates a desire to plead guilty or no contest and I have found the following facts:

- 1. Defendant understands the nature of the charges as driving or being in actual physical control of a vehicle:
 - While under the influence of intoxicating liquor/toxic vapors/drugs, 28-1381A1, a class 1 misdemeanor.
 - With an illegal alcohol concentration .08 or more, 28-1381A2, a class 1 misdemeanor.
 - While any illegal drug or its metabolite is in the defendant's body, 28-1381A3, a class 1 misdemeanor.
 - With an alcohol concentration of .04 percent or more in a commercial vehicle, 28-1381A4, a class 1 misdemeanor.
 - With an extreme illegal alcohol concentration of .15 or more, 28-1382A, a class 1 misdemeanor.
- 2. Defendant is with counsel without counsel, and understands the following information: (waiver of counsel with file)
- 3. The maximum penalty for each listed offense is: 6 months jail, \$2,500.00 fine + surcharges, 5 years probation
- 4. FIRST:

The minimum penalty for a first conviction of a non-extreme offense is: 10 days in jail (9 days suspended upon completion of substance abuse treatment), \$250.00 fine + surcharges, + \$500.00 PCF assessment and an additional \$500.00 assessment, and a certified ignition interlock device.

The minimum penalty for an extreme offense is 30 days in jail (20 days suspended upon completion of substance abuse treatment), \$250.00 fine + surcharges, \$250.00 Abatement assessment, at least 30 hours of community restitution service + \$1,000.00 PCF penalty assessment, an additional \$1,000.00 assessment, and a certified ignition interlock device.

The minimum penalty for an extreme offense of .20 or more is 45 consecutive days in jail (the entire sentence must be served), \$500.00 fine + surcharges, \$250.00 Abatement assessment, at least 30 hours of community restitution service + \$1,000.00 PCF penalty assessment, an additional \$1,000.00 assessment, and a certified ignition interlock device.

Motor Vehicle Department will determine license suspension. DUI - drugs conviction includes 1 year revocation of driving privileges. A DUI commercial vehicle conviction includes 1 year revocation of commercial driving privilege.

SECOND:

The minimum penalty for a second conviction of a non-extreme offense within a five-year period is 90 days in jail (60 days suspended upon completion of substance abuse treatment), \$500.00 fine + surcharges, at least 30 hours of community restitution service + \$1,250.00 PCF penalty assessment an additional \$1,250.00 assessment, a 1 year revocation of driving privileges and a certified ignition interlock device.

The minimum penalty for a second conviction of an extreme offense is 120 days in jail (60 days suspended upon completion of substance abuse treatment), \$500.00 fine + surcharges, \$250.00 Abatement assessment, at least 30 hours of community restitution service + \$1,250.00 PCF penalty assessment, an additional \$1,250.00 assessment, a 1 year revocation of driving privileges and a certified ignition interlock device.

The minimum penalty for an extreme offense of .20 or more is 180 in jail (the entire sentence must be served and 90 days must be served consecutively) \$1000.00 fine + surcharges, \$250.00 Abatement assessment, at least 30 hour of community restitution service + 1,250.00 PCF penalty assessment, an additional \$1,250.00 assessment, a 1 year revocation of driving privileges and a certified ignition interlock device.

- 5. The court has inquired as to the defendant's probation or parole status.
- 6. Defendant has entered into a plea agreement and consents to its terms; plea to the court.
- 7. Defendant understands that the following constitutional rights are given up by changing the plea:
 - a. Right to plead not guilty and require the State to prove guilt beyond a reasonable doubt.
 - b. Right to a trial by jury.
 - c. Right to assistance of an attorney at all stages of the proceedings, including appeal. In some cases, the defendant may be eligible for a court appointed attorney free of charge, if the defendant cannot afford one.
 - d. Right to confront witnesses against the defendant and cross-examine them as to the truthfulness of their testimony.
 - e. Right to remain silent and to be presumed innocent until proven guilty beyond a reasonable doubt.
 - g. Right to a direct appeal.
- 8. Defendant understands Rule 17.2 (the court reads the following to the defendant): If you are not a citizen of the United States, pleading guilty or no contest to a crime may affect your immigration status. Admitting guilt may result in deportation even if the charge is later dismissed, your plea or admission of guilt could result in your deportation or removal, could prevent you from ever being able to get legal status in the United States, or could prevent you from becoming a United States citizen.
- 9. Defendant wishes to give up these constitutional rights after having been advised of them.
- 10. Defendant understands that a review of the conviction or sentence may only be made pursuant to Rule 32.
- 11. There exists a basis in fact for believing the defendant guilty of the offenses charged.
- 12. Plea is voluntary and not the result of forces, threats or promises other than those contained in the plea agreement.

On the basis of these findings, I conclude that the defendant knowingly, voluntarily, and intelligently pleads guilty no contest to the above charges, and I accept the plea.

Date: 8/5/13

Justice of the Peace

I certify that the judge advised me of the nature of the offense, range of penalties, and my constitutional rights as indicated above. I understand the constitutional rights which I give up by entering this plea, and that I desire to plead guilty or no contest. I desire to proceed without an attorney representing me. If represented, counsel's signature appears below. I ac

Defendant
CR 8150-627F R:9-19-2007



Maricopa County Justice Courts, Arizona

San Marcos Justice Court 201 E. Chicago St., #103, Chandler, AZ 85225 602-372-3400

STATE OF ARIZONA

CASE NUMBER: 18-21305-154

vs.

Benjamin [unclear]
Defendant

JUDGMENT OF GUILT AND SENTENCE

Defendant has personally appeared before this court for sentencing and the court has ascertained the following facts, pursuant to ARS 13-607, noting each by initialing it.

Defendant's date of birth is 01/12/61

Defendant was convicted of:

- 13-1802 Theft, a class 1 misdemeanor
- 13-1805 Shoplifting, a class 1 misdemeanor
- 28-1381A1 Driving while under the influence, alcohol, drugs, toxic vapor or combination, a class 1 misdemeanor
- 28-1381A2 Driving while under the influence with alcohol concentration of .08 or more, a class 1 misdemeanor
- 28-1381A3 Driving while under the influence, drugs or metabolite, a class 1 misdemeanor
- 28-1381A4 Commercial driver driving while under the influence with B.A.C. of .04 or more, a class 1 misdemeanor
- 28-1382A1 Extreme driving while under the influence (Alcohol content of .15 to .19), a class 1 misdemeanor
- 28-1382A2 Extreme driving while under the influence (Alcohol content of .20 or more), a class 1 misdemeanor

Counsel for the defendant was L. Kazan Bar I.D. 205750

Or,

Defendant knowingly, voluntarily and intelligently waived his right to counsel after having been fully apprised of his right to counsel.

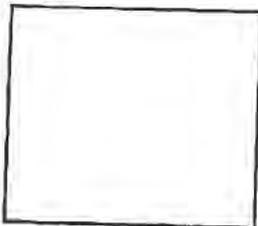
The basis for the finding of guilt was by:

- Trial to jury
- Trial to court
- Plea of guilty
- Plea of no contest

Defendant knowingly, voluntarily and intelligently waived his right to a jury trial when requesting a trial to court.

Defendant knowingly, voluntarily and intelligently waived all pertinent rights when found guilty by a plea of guilty or no contest.

The offense is or is not of a dangerous or repetitive nature pursuant to ARS 13-604 or 13-604.02.



Right Index Finger

I hereby certify that at the time of sentencing and in open court the defendant's fingerprint was permanently affixed to this document.

Date: _____

Justice of the Peace



Maricopa County Justice Courts, Arizona

\$ 1491

San Marcos Justice Court 201 E. Chicago St., #103, Chandler, AZ 85225 602-372-3400

STATE OF ARIZONA

CASE NUMBER: TRA013115754

vs.

JUDGMENT AND SENTENCE ORDER

Defendant

MODIFIED (All terms of the original order not modified remain in full force and effect.)

THE COURT RENDERS JUDGMENT and Orders as follows:

Violation Codes: FTA 13-3904 A. FTA 13-3904 B. FTA 13-3904 C. FTA 13-3904 D. _____ E. _____

Not Guilty / Not Responsible	<input type="checkbox"/>					
Dismissed	<input type="checkbox"/>					
Guilty / Responsible	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
Surcharges waived	<input type="checkbox"/>					
Sentence Suspended	<input type="checkbox"/>					

Attorney Reimbursement \$ _____ \$45.00 Warrant Fee \$ _____ \$30.00 Default Fee

\$35.00 FARE Delinquent Fee FARE Special Collection Fee \$15.00 Drug Assessment Per Charge (Effective 8/2/12)

\$50.00 DV Shelter Fund Assessment (Effective 7/20/11) \$50.00 DV Address Confidentiality Assessment (Effective 1/1/2012)

Restitution

Restitution shall be paid through the Maricopa County Check Enforcement Program, 301 West Jefferson, #200, Phoenix, Arizona 85003 (602-372-7300) in monthly installments of \$ _____ beginning on the _____ day of _____ and each month thereafter until paid in full. For a total of \$ _____

DUI (Prison Constr Fund)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
DUI (Addl Assessment)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
EXTREME DUI (Abatement Assessment)	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

- The defendant shall pay jail costs for every day served on these charges at the rate of \$237.00 for the first day and \$86.00 for every day thereafter. For a total of: \$ _____
- The fine shall be reduced if the defendant shows the following proof to the court NO LATER THAN: _____
- Insurance (in effect on the date of violation) A new 6-month policy of insurance Current registration
- Legible or duplicate driver's license Reinstated driver's license Other: _____

ALL AMOUNTS ARE DUE AND PAYABLE TODAY. If you are unable to pay today you must report to the Court's Fines Manager. A \$20.00 time payment fee will be added to fine(s) not paid in full today. Additional penalties will be added to all balances not paid as agreed. Collection costs will be added to all balances referred to a collection agency.

Cash bond of \$ _____ shall be applied as follows:

\$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

Any remaining bond is exonerated.

IT IS FURTHER ORDERED: _____

- Additional orders as set forth on the JUDGMENT AND SENTENCE ORDER ADDENDUM.
- Additional orders as set forth on the DOMESTIC VIOLENCE ADDENDUM.

Until all conditions of this order are completed, you must immediately notify the court in writing, of any change of address or telephone number.

Date: 8/15/13 _____
Justice of the Peace

I acknowledge receipt of a copy of the foregoing Judgment and Sentence Order. I understand that, if I fail to comply, the court will take appropriate action as follows: Direct MVD to suspend my driver's license and/or registration. My privilege to drive will remain suspended until the judgment and any additional penalties are paid in full, or issue an order requiring me to show cause why I should not be held in contempt and a warrant may be issued for my arrest.

- I am a teacher certified to teach by the Board of Education or I am teaching in a community college district or a charter school.
- I am not a teacher

Date: 8/15/13 _____ () _____
Defendant's Signature _____ Defendant(s) Name / Address / Phone _____

Name: W. H. [unclear] Case: D. J. [unclear]

JUDGMENT AND SENTENCE ORDER ADDENDUM

IT IS FURTHER ORDERED that defendant shall:

- 1. Be confined in the Maricopa County Jail for a period of _____ days, as set forth in the Order of Confinement.
 - 10 days in jail (9 days suspended on completion of alcohol or drug screening, education or treatment program)
 - 30 days in jail (all but 10 consecutive days suspended upon completion of alcohol or drug screening, education or treatment program)
 - 45 consecutive days in jail
 - 90 days in jail (all but 30 consecutive days suspended upon completion of alcohol or drug screening, education or treatment program)
 - 120 days in jail (all but 60 consecutive days suspended upon completion of alcohol or drug screening, education or treatment program)
 - 180 consecutive days _____ in jail
- 2. 30 hours of community restitution service.
- 3. Participate in an alcohol / drug screening as set forth in the Treatment Order. You must participate in any and all programs, counseling or treatment recommended pursuant to the screening.
- 4. Participate in the Mother's Against Drunk Driving (MADD) Victim Impact Panel.
- 5. Participate in and complete _____ hours of community (service) restitution by _____, at the following location: _____
- 6. Participate in counseling at: _____
- 7. Show proof of completion by _____. You are responsible for ensuring the court receives proof of compliance.
- 8. Defendant's driving privileges registration be suspended for _____ day(s) _____ month(s)
- 9. Ignition interlock extended for _____ day(s) _____ month(s)
- 10. Additional Orders: _____

PROBATION ADDENDUM

- 11. Defendant is placed on probation under the supervision of this court and subject to the terms and conditions checked below for the following violation _____ for a period of _____ month(s) _____ year(s) from this date, ending _____
- IN ADDITION TO COMPLIANCE WITH ALL ORDERS** contained within this judgment and sentence order, which are hereby made apart of and included in the terms and condition of probation, defendant shall:
 - At all times be a law-abiding citizen.
 - Remain gainfully employed or enrolled as a student at all times and shall keep the court advised of such employment or schooling and progress therein.
 - Not drink intoxicating and / or alcoholic beverages to excess.
 - Not knowingly associate with any person of lawless reputation nor with any person who has a criminal record or who is on probation or parole without approval of the court.
 - Not possess or use any drug or narcotic including marijuana or dangerous drugs in violation of any law.
 - Not possess or control any deadly weapon or firearm
 - Not leave the State of Arizona nor change the place of residence without notification and approval of the court.
 - Report to the court at least once each month, in writing, or in person, or at all other such times as directed by the court.
 - Not drive a vehicle in Arizona unless properly licensed by the State of Arizona.
 - Defendant shall have no contact with the victim.
 - Special conditions: _____

Failure to fulfill all terms of this Order may result in imposition of any suspended or deferred jail time.

- RIGHT TO APPEAL** this judgment will end 14 calendar days after TODAY'S date. A NOTICE OF RIGHT TO APPEAL setting forth the procedures I must follow to exercise this right appears on the back of the Judgment and Sentence Order given me.
- A NOTICE OF RIGHT OF SETTING ASIDE JUDGMENT and my RIGHT TO POST CONVICTION RELIEF, and the procedures I must follow to exercise these rights, appears on the back of the Judgment and Sentence Order given me.



Right Index Finger

Date: 7/25/13

DEPARTMENT

Executive Hearing Office
Arizona Department of Transportation
3737 North Seventh Street, Suite 160
Phoenix, AZ 85014
Telephone (602) 712-7737
Email: www.azdot.gov/mvd/ExecutiveHearing

**STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION
EXECUTIVE HEARING OFFICE**

**In the Matter of Administrative License
Suspension for Implied Consent:**

Matter No. IC-NJA01180

Shelia A. Madden,

DECISION AND ORDER

Petitioner.

Julie A. Mata, Administrative Law Judge

**Voided
Implied Consent 12 Month Suspension**

Appearances: Shelia A. Madden, Petitioner
Lawrence I. Kazan, Esq., Counsel for the Petitioner
Officer T Larrimore, Gila River Police Department
Officer Tracy Spurgin, Gila River Police Department

Exhibit 1 – Admin Per Se Affidavit
Exhibit 2 – Admonitions
Exhibit 3 - CAD Report

Pursuant to the authority of Arizona Revised Statutes (A.R.S.) § 28-1321, a hearing was convened in the above-captioned matter on March 21, 2013, in the Executive Hearing Office of the Arizona Department of Transportation in Mesa, Arizona. The purpose of that hearing was to determine whether the Petitioner's Arizona driver license / driving privileges should be

suspended for a period of twelve months in consequence of their alleged refusal to submit to or successfully complete a test for the determination of blood alcohol concentration.

APPLICABLE LAW

The Administrative Law Judge is given jurisdiction of this matter pursuant to the authority of A.R.S. § 28-1321. The scope of this hearing is limited to: (1) whether the officer had reasonable grounds to believe that the Petitioner was driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs; (2) if the Petitioner was placed under arrest; (3) whether or not a test was offered to the Petitioner for the determination of blood alcohol concentration, which test was refused; and (4) whether the Petitioner was advised of the consequences of that refusal. A.R.S. § 28-1321(K).

FINDINGS OF FACT

- Officer Spurgin was on patrol November 2, 2012, at 11:06 PM, when he observed a minivan parked in the number two lane (of two lanes). He conducted a welfare check.
- The area is near a truck stop. There are many high value RVs in the area. There had not been a welfare check call. It was part of Officer Spurgin's routine duty.
- Officer Spurgin testified that the vehicle was not running when he stepped out of his patrol car, but started afterwards and then stopped the engine.
- Officer Spurgin did not recall whether the headlights were on or not.
- Officer Spurgin testified that the Petitioner may have started the vehicle in response to his activated lights.
- Officer Spurgin approached and knocked on the passenger side window.

- Officer Spurgin noticed a strong odor of alcohol from the vehicle. He observed the Petitioner's slurred speech, and bloodshot, watery eyes. The Petitioner admitted to consuming two glasses of wine and advised she was coming from the Lone Butte casino.
- Officer Spurgin placed the Petitioner under investigative detention and called for a back-up officer.
- Officer Larrimore was dispatched to the scene on November 2, 2012, at 11:30 PM. When he arrived the minivan was in the number two lane and Officer Spurgin's patrol car lights were activated.
- Officer Larrimore observed the Petitioner's bloodshot, watery eyes.
- The Petitioner chose not to participate in field sobriety tests.
- Both officers do not independently recall placing the Petitioner under arrest.
- There was no CAD report of an arrest.
- The arrest was not noted in the police report.
- Officer Larrimore testified he believed the Petitioner was detained but never arrested.
- The Petitioner consented to a blood test.
- The Petitioner never refused a blood test.

DECISION and ORDER

The Administrative Law Judge finds that the scope of the hearing has not been met. The Petitioner was not arrested, and did not refuse the blood test. Accordingly, the Order of Suspension is VOIDED.

Dated March 26, 2013.

/s/ Julie Ann Mata
Julie A. Mata, Administrative Law Judge

CERTIFICATE OF SERVICE

Copy of Decision and Order

mailed on the 27th day of March, 2013 to:

Lawrence I. Kazan, Esq.
Debus, Kazan & Westerhausen, Ltd.
335 East Palm Lane
Phoenix, AZ 85004

/s/ Luanne M. Kaspar
Luanne M. Kaspar, Case Management Specialist

INCIDENT NUMBER:
12-05579

GILA RIVER INDIAN
COMMUNITY

ORI#
AZ0111500

INCIDENT REPORT

ADMINISTRATIVE INFORMATION

REPORT DATE 11/4/2012 2:22:33 AM	INCIDENT START DATE 11/2/2012 11:31:00 PM	DOW FRI	INCIDENT END DATE 11/3/2012 1:47:00 AM	INCIDENT DESCRIPTION EXTREME DUI
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LOCATION OF INCIDENT 56 STREET SOUTH OF SUNDUST CHANDLER AZ	OFFENSE TRACT B5D4 BEAT FIVE /	CASE STATUS PENDING
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EVIDENCE COLLECTED <input checked="" type="checkbox"/>	WEATHER CLEAR	TEMP 65	LIGHTING DARK	EXCEPTIONAL CLEARANCE	EXC CL DATE
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OFFENSE INFORMATION

STATUTE CODE 28-1381A1	STATUTE DESCRIPTION DUI - LIQUOR / DRUGS / VAPORS / COMBO	TYPE OF WEAPON USED
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UNITS ENTERED	FORCED ENTRY <input type="checkbox"/>	COMPUTER USE <input type="checkbox"/>	ALCOHOL USE <input checked="" type="checkbox"/>	DRUG USE <input type="checkbox"/>	SECURITY TYPE	COUNTS 1	COMPLETED <input checked="" type="checkbox"/>	F/M M
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LOCATION TYPE HIGHWAY/ROAD/ALLEY	BIAS MOTIVATION NONE	CRIMINAL ACTIVITY
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STATUTE CODE 28-1381A2	STATUTE DESCRIPTION DUI W/BAC OF .08 OR MORE	TYPE OF WEAPON USED
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UNITS ENTERED	FORCED ENTRY <input type="checkbox"/>	COMPUTER USE <input type="checkbox"/>	ALCOHOL USE <input checked="" type="checkbox"/>	DRUG USE <input type="checkbox"/>	SECURITY TYPE	COUNTS 1	COMPLETED <input checked="" type="checkbox"/>	F/M M
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LOCATION TYPE HIGHWAY/ROAD/ALLEY	BIAS MOTIVATION NONE	CRIMINAL ACTIVITY
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VICTIM INFORMATION

VIC# 1	SAME AS COMPLAINANT <input type="checkbox"/>	NAME (LAST, FIRST MIDDLE) STATE OF ARIZONA	HOME #	CELL #	WORK #
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ADDRESS	EMAIL
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DOB	AGE	TO AGE	SEX	RACE	ETHNICITY	RESIDENT STATUS	HEIGHT	WEIGHT
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EYE COLOR	HAIR COLOR	SSN	OLN #	OLN STATE
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SCARS/MARKS/TATTOOS

EMPLOYER/SCHOOL	OCCUPATION	ADDRESS
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TYPE OF VICTIM SOCIETY / PUBLIC	AGGRAVATED ASSAULT CIRCUM <input type="checkbox"/>	JUST HOM CIRCUM <input type="checkbox"/>	STATEMENT <input type="checkbox"/>	DOMESTIC <input type="checkbox"/>
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INJURY TYPE		RELATIONSHIP TO OFFENDER 1-10				Offenses Involved 1-10			
<input type="checkbox"/> None	<input type="checkbox"/> Unconscious	1:	5:	1: DRIVING UNDER THE INFLUENCE	6:	<input type="checkbox"/> Minor	<input type="checkbox"/> Lacerations	2:	7:
<input type="checkbox"/> Internal	<input type="checkbox"/> Bones	3:	8:	3:	8:	<input type="checkbox"/> Teeth	<input type="checkbox"/> Other	4:	9:
		4:	9:	4:	9:			5:	10:
		5:	10:	5:	10:				

COMPLAINANT INFORMATION

NAME (LAST, FIRST MIDDLE)	HOME #	CELL #	WORK #	STATEMENT <input type="checkbox"/>
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ADDRESS	EMAIL
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DOB	AGE	SEX	RACE	ETHNICITY	RESIDENT STATUS	OLN #	OLN STATE
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OFFICER INFORMATION

REPORTING OFFICER LARRIMORE, WILLIAM 1219	REVIEWING OFFICER	APPROVING OFFICER 1073
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INCIDENT NUMBER:
12-05579

GILA RIVER INDIAN
COMMUNITY
INCIDENT REPORT
VEHICLES

ORI #
AZ0111500

TYPE	MODEL YR	MAKE	MODEL	COLOR	STYLE	
VIN	LICENSE PLATE	LICENSE STATE	EXPIRES	ESTIMATED VALUE	RECOVERED VALUE	JURISDICTION RECOVERED
LOCKED	TOWED	TOWED BY:	HULL NUMBER	HULL REGISTRATION NUMBER	HULL REG. YR	
SERIAL NUMBER	STATUS	OWNER NAME (LAST, FIRST MIDDLE)			OWNER PHONE	
OWNER ADDRESS				RELATED TO:	EVIDENCE	

TYPE	MODEL YR	MAKE	MODEL	COLOR	STYLE	
VIN	LICENSE PLATE	LICENSE STATE	EXPIRES	ESTIMATED VALUE	RECOVERED VALUE	JURISDICTION RECOVERED
LOCKED	TOWED	TOWED BY:	HULL NUMBER	HULL REGISTRATION NUMBER	HULL REG. YR	
SERIAL NUMBER	STATUS	OWNER NAME (LAST, FIRST MIDDLE)			OWNER PHONE	
OWNER ADDRESS				RELATED TO:	EVIDENCE	

TYPE	MODEL YR	MAKE	MODEL	COLOR	STYLE	
VIN	LICENSE PLATE	LICENSE STATE	EXPIRES	ESTIMATED VALUE	RECOVERED VALUE	JURISDICTION RECOVERED
LOCKED	TOWED	TOWED BY:	HULL NUMBER	HULL REGISTRATION NUMBER	HULL REG. YR	
SERIAL NUMBER	STATUS	OWNER NAME (LAST, FIRST MIDDLE)			OWNER PHONE	
OWNER ADDRESS				RELATED TO:	EVIDENCE	

TYPE	MODEL YR	MAKE	MODEL	COLOR	STYLE	
VIN	LICENSE PLATE	LICENSE STATE	EXPIRES	ESTIMATED VALUE	RECOVERED VALUE	JURISDICTION RECOVERED
LOCKED	TOWED	TOWED BY:	HULL NUMBER	HULL REGISTRATION NUMBER	HULL REG. YR	
SERIAL NUMBER	STATUS	OWNER NAME (LAST, FIRST MIDDLE)			OWNER PHONE	
OWNER ADDRESS				RELATED TO:	EVIDENCE	

TYPE	MODEL YR	MAKE	MODEL	COLOR	STYLE	
VIN	LICENSE PLATE	LICENSE STATE	EXPIRES	ESTIMATED VALUE	RECOVERED VALUE	JURISDICTION RECOVERED
LOCKED	TOWED	TOWED BY:	HULL NUMBER	HULL REGISTRATION NUMBER	HULL REG. YR	
SERIAL NUMBER	STATUS	OWNER NAME (LAST, FIRST MIDDLE)			OWNER PHONE	
OWNER ADDRESS				RELATED TO:	EVIDENCE	

INCIDENT NUMBER:
12-05579

**GILA RIVER INDIAN
COMMUNITY
INCIDENT REPORT
OTHER PERSONS INVOLVED**

ORI #

AZ0111500

INVOLVEMENT TYPE

OTHER

HOME #

CELL #

WORK #

EMAIL

DOB

AGE

TO AGE

SEX

RACE

ETHNICITY

HEIGHT

WEIGHT

EYE COLOR

HAIR COLOR

SSN

OLN #

OLN STATE

SCARS/MARKS/TATTOOS

STATEMENT

INVOLVEMENT TYPE

OTHER

HOME #

CELL #

WORK #

EMAIL

DOB

AGE

TO AGE

SEX

RACE

ETHNICITY

HEIGHT

WEIGHT

EYE COLOR

HAIR COLOR

SSN

OLN #

OLN STATE

SCARS/MARKS/TATTOOS

STATEMENT

INVOLVEMENT TYPE

NAME (LAST, FIRST MIDDLE)

HOME #

CELL #

WORK #

ADDRESS

EMAIL

DOB

AGE

TO AGE

SEX

RACE

ETHNICITY

HEIGHT

WEIGHT

EYE COLOR

HAIR COLOR

SSN

OLN #

OLN STATE

SCARS/MARKS/TATTOOS

STATEMENT

INVOLVEMENT TYPE

NAME (LAST, FIRST MIDDLE)

HOME #

CELL #

WORK #

ADDRESS

EMAIL

DOB

AGE

TO AGE

SEX

RACE

ETHNICITY

HEIGHT

WEIGHT

EYE COLOR

HAIR COLOR

SSN

OLN #

OLN STATE

SCARS/MARKS/TATTOOS

STATEMENT

INVOLVEMENT TYPE

NAME (LAST, FIRST MIDDLE)

HOME #

CELL #

WORK #

ADDRESS

EMAIL

DOB

AGE

TO AGE

SEX

RACE

ETHNICITY

HEIGHT

WEIGHT

EYE COLOR

HAIR COLOR

SSN

OLN #

OLN STATE

SCARS/MARKS/TATTOOS

STATEMENT

INCIDENT NUMBER:
12-05579

GILA RIVER INDIAN
COMMUNITY
INCIDENT REPORT
SUSPECTS INFORMATION

ORI #
AZ0111500

SUSPECT # 1	NAME (LAST, FIRST MIDDLE) MADDEN, SHEILA ANNE	AGE 51	TO AGE
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HOME #	CPI #	WORK #	SSN	ETHNICITY NON-HISPANIC	SEX FEMALE	RACE WHITE	HEIGHT 504
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HAIR COLOR BROWN	HAIR STYLE	HAIR LENGTH	EYE COLOR BROWN	GLASSES <input type="checkbox"/>	BUILD	COMPLEXION
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SCARS, MARKS, TATTOOS	FACIAL HAIR	TEETH	SPEECH/VOICE
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CLOTHING

DOMINANT HAND	RESIDENTIAL STATUS	WEAPON TYPE
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OFFENSES INVOLVED 1-10									
1 DRIVING UNDER THE INFLUENCE	2	3	4	5	6	7	8	9	10

SUSPECT #	NAME (LAST, FIRST MIDDLE)	DOB	AGE	TO AGE
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ADDRESS	OLN #	OLN STATE
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HOME #	CELL #	WORK #	SSN	ETHNICITY	SEX	RACE	HEIGHT
--------	--------	--------	-----	-----------	-----	------	--------

WEIGHT	HAIR COLOR	HAIR STYLE	HAIR LENGTH	EYE COLOR	GLASSES <input type="checkbox"/>	BUILD	COMPLEXION
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SCARS, MARKS, TATTOOS	FACIAL HAIR	TEETH	SPEECH/VOICE
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CLOTHING

DOMINANT HAND	RESIDENTIAL STATUS	WEAPON TYPE
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OFFENSES INVOLVED 1-10									
1	2	3	4	5	6	7	8	9	10

INCIDENT NUMBER:
12-05579

GILA RIVER INDIAN
COMMUNITY
INCIDENT REPORT
ADDITIONAL OFFENSES

ORI#
AZ0111500

STATUTE CODE 28-1382		STATUTE DESCRIPTION EXTREME DUI - BAC .15 OR MORE					TYPE OF WEAPON USED		
UNITS ENTERED	FORCED ENTRY	COMPUTER USE	ALCOHOL USE	DRUG USE	SECURITY TYPE	COUNTS	COMPLETED	F/M	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		1	<input checked="" type="checkbox"/>	M	
LOCATION TYPE HIGHWAY/ROAD/ALLEY			BIAS MOTIVATION NONE			CRIMINAL ACTIVITY			
STATUTE CODE		STATUTE DESCRIPTION					TYPE OF WEAPON USED		
UNITS ENTERED	FORCED ENTRY	COMPUTER USE	ALCOHOL USE	DRUG USE	SECURITY TYPE	COUNTS	COMPLETED	F/M	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		
LOCATION TYPE			BIAS MOTIVATION			CRIMINAL ACTIVITY			
STATUTE CODE		STATUTE DESCRIPTION					TYPE OF WEAPON USED		
UNITS ENTERED	FORCED ENTRY	COMPUTER USE	ALCOHOL USE	DRUG USE	SECURITY TYPE	COUNTS	COMPLETED	F/M	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		
LOCATION TYPE			BIAS MOTIVATION			CRIMINAL ACTIVITY			
STATUTE CODE		STATUTE DESCRIPTION					TYPE OF WEAPON USED		
UNITS ENTERED	FORCED ENTRY	COMPUTER USE	ALCOHOL USE	DRUG USE	SECURITY TYPE	COUNTS	COMPLETED	F/M	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		
LOCATION TYPE			BIAS MOTIVATION			CRIMINAL ACTIVITY			
STATUTE CODE		STATUTE DESCRIPTION					TYPE OF WEAPON USED		
UNITS ENTERED	FORCED ENTRY	COMPUTER USE	ALCOHOL USE	DRUG USE	SECURITY TYPE	COUNTS	COMPLETED	F/M	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		
LOCATION TYPE			BIAS MOTIVATION			CRIMINAL ACTIVITY			
STATUTE CODE		STATUTE DESCRIPTION					TYPE OF WEAPON USED		
UNITS ENTERED	FORCED ENTRY	COMPUTER USE	ALCOHOL USE	DRUG USE	SECURITY TYPE	COUNTS	COMPLETED	F/M	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		
LOCATION TYPE			BIAS MOTIVATION			CRIMINAL ACTIVITY			
STATUTE CODE		STATUTE DESCRIPTION					TYPE OF WEAPON USED		
UNITS ENTERED	FORCED ENTRY	COMPUTER USE	ALCOHOL USE	DRUG USE	SECURITY TYPE	COUNTS	COMPLETED	F/M	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		
LOCATION TYPE			BIAS MOTIVATION			CRIMINAL ACTIVITY			
STATUTE CODE		STATUTE DESCRIPTION					TYPE OF WEAPON USED		
UNITS ENTERED	FORCED ENTRY	COMPUTER USE	ALCOHOL USE	DRUG USE	SECURITY TYPE	COUNTS	COMPLETED	F/M	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>		
LOCATION TYPE			BIAS MOTIVATION			CRIMINAL ACTIVITY			

INCIDENT NUMBER:
12-05579

GILA RIVER INDIAN
COMMUNITY
INCIDENT REPORT
NARRATIVE
NARRATIVE

ORI #
AZ0111500

NARRATIVE TITLE: Narrative From CAD

JUVENILE

NARRATIVE:

Complaint Type: DRUNK DRIVER - (692) DRUNK DRIVER

Caller Name:

Officers:

Officer Id: 1219 Officer Name: LARRIMORE, WILLIAM

Officer Id: 1307 Officer Name: CLARK, NATHANIEL

Officer Id: 1333 Officer Name: SPURGIN, ANDREW

Officer Id: MOB.KERIVE0 Officer Name: RIVERS, KEVIN

[11/03/2012 01:47:43 : pos3 : hgray0]

Unit : 2P14

CLR 06S

[11/03/2012 01:08:50 : pos3 : hgray0]

2P11 SHEILA MADDSSEN'S RIDE IS AT THE EAST ENRT

[11/03/2012 00:32:29 : pos3 : hgray0]

Unit : 2P14

E/M 8526.6

[11/03/2012 00:09:11 : pos6 : lbrow0]

Unit : T33

HER RIDE PROVIDED PERMISSION TO LEAVE HER VEH AT BAUDRY RV LOT

[11/03/2012 00:08:55 : pos3 : hgray0]

Unit : 2P14

HAVE FEMALE O/B ENRT SCATON FOR BLOOD DRAW B/M 85244 B

[11/02/2012 23:58:05 : pos6 : lbrow0]

Unit : T33

MADE CONTACT W/HUSBAND/LAWYER WHO IS ALSO 54A WAS DRIVEN BY A FEMALE OUT HERE

[11/02/2012 23:55:30 : pos6 : lbrow0]

Unit : T33

SECOND VEH MAY BE HER HUSBAND WHO ALSO CLAIMS TO BE HER LAWYER

[11/02/2012 23:41:23 : pos2 : smiguel0]

Unit : T33

MIRANDA AT 2336 IMPLIED CONSENT AT 2340

[11/02/2012 23:31:07 : pos3 : hgray0]

Unit : 2P14

C20/C4 T33 IS 97

[11/02/2012 23:30:54 : pos3 : hgray0]

Unit : 2P14

C20//NEG CONTACT

[11/02/2012 23:18:05 : pos3 : hgray0]

Unit : 2P14

C20/C4

[11/02/2012 23:11:35 : pos3 : hgray0]

Unit : 2P14

V102 IS ENROUTE COMING FROM THE WEST END

[11/02/2012 23:11:19 : pos3 : hgray0]

Unit : 2P14

SHE IS DETAINED

INCIDENT NUMBER:
12-05579

GILA RIVER INDIAN
COMMUNITY
INCIDENT REPORT
NARRATIVE
NARRATIVE

ORI #
AZ0111500

NARRATIVE TITLE: Narrative From CAD

JUVENILE

NARRATIVE:

[11/02/2012 23:11:09 : pos3 : hgray0]
Unit : 2P14
NEG 29'S 27 VAILD

[11/02/2012 23:10:30 : pos3 : hgray0]
Unit : 2P14
27/9 MADDEN, SHERILA 01121961 B12641923

[11/02/2012 23:09:15 : pos3 : hgray0]
1675 S 56TH ST
NBH: LONE BUTTE

[11/02/2012 23:09:03 : pos3 : hgray0]
Unit : 2P14
NEED A TRAFFIC UNIT

[11/02/2012 23:07:39 : pos3 : hgray0]
Unit : 2P14
POSSIBLE IMPAIRED DRIVER

[11/02/2012 23:06:44 : pos3 : hgray0]
1175 S 56TH ST
NBH: LONE BUTTE
SOF THE LOVES

INCIDENT NUMBER:
12-05579

GILA RIVER INDIAN
COMMUNITY
INCIDENT REPORT
NARRATIVE
NARRATIVE

ORI#
AZ0111500

NARRATIVE TITLE: DUJ

JUVENILE

NARRATIVE:

FORWARD TO: CIB HOUSING CPS SOCIAL SERVICES PROBATION
 GRIC LAW OFFICE MCAO PCAO OTHER: _____
 CRT BPU K-9 SRO TRAFFIC

SYNOPSIS: PATROL OFFICER SPURGIN WAS CONDUCTING A WELFARE CHECK OF LONE BUTTE INDUSTRIAL PARK AND OBSERVED A VEHICLE PARKED IN THE NORTHBOUND #2 LANE OF 56TH STREET NEXT TO A RV STORAGE FACILITY IN A DARK SECTION OF THE ROADWAY. OFFICER SPURGIN CAME IN CONTACT WITH A LONE FEMALE OCCUPANT IN THE DRIVER SEAT WITH THE KEY IN THE IGNITION AND HEARD THE ENGINE START UP, PUTTING THE DRIVER IN ACTUAL PHYSICAL CONTROL OF THE VEHICLE. MADDEN EVENTUALLY CONSENTED TO THE BLOOD DRAW. BLOOD RESULTS ARE PENDING.

SUSPECT (S): SHEILA ANNE MADDEN

VICTIM (S): STATE OF ARIZONA

CHARGE (S): 28-1381A1 - DUJ - IMPAIRED TO THE SLIGHTEST DEGREE AND ACTUAL PHYSICAL CONTROL OF THE VEHICLE.

NARRATIVE:

ON 11/2/2012 AT APPROXIMATELY 2330 HOURS, POLICE DISPATCH REQUESTED ME TO RESPOND TO LONE BUTTE INDUSTRIAL PARK TO ASSIST A PATROL UNIT FOR A POSSIBLE IMPAIRED DRIVER. THE LOCATION WAS ON 58TH STREET SOUTH OF SUNDUST. THIS IS OUTSIDE THE CITY LIMITS OF CHANDLER, DISTRICT 4 OF THE GILA RIVER INDIAN COMMUNITY, MARICOPA COUNTY AND JURISDICTION OF SAN MARCOS JP.

UPON MY ARRIVAL, I SAW A LIGHT COLORED MINIVAN PARKED IN THE #2 LANE FACING NORTH ON 56TH STREET ACROSS FROM THE PREVIOUS LOCATION OF BEAUDRY RV. THIS SECTION OF ROAD WAS VERY DARK THE VEHICLE WAS PARKED ON THE ROADWAY ALONG THE FENCELINE OF A STORAGE FACILITY FOR HIGH END RVS, BOATS AND VEHICLES. OFFICER SPURGIN'S PATROL UNIT WAS PARKED BEHIND THE MINIVAN WITH THE SPOTLIGHT, TakedownS AND EMERGENCY LIGHTS ON. AS I PULLED UP ON MY FULLY MARKED POLICE MOTORCYCLE, I SPOKE WITH OFFICER SPURGIN.

OFFICER SPURGIN ADVISED HOW HE CAME IN CONTACT WITH THE VEHICLE. HE SAID WHEN HE APPROACHED THE PASSENGER SIDE WINDOW THE VEHICLE STARTED UP AND HE THOUGHT THE VEHICLE WAS GOING TO PULL AWAY FROM HIM. HE SAID HE INSTRUCTED THE DRIVER TO TURN OFF THE VEHICLE BEFORE THE LONE FEMALE DRIVER / OCCUPANT COMPLIED. THE FEMALE LOWERED THE PASSENGER WINDOW WHEN HE WAS IMMEDIATELY OVERWHELMED BY THE ODOR OF AN INTOXICATING BEVERAGE EMITTING FROM THE VEHICLE INTERIOR. OFFICER SPURGIN ADVISED THE FEMALE WASN'T BEING COOPERATIVE INITIALLY STATING SHE WAS A MARICOPA COUNTY SUPERIOR COURT JUDGE.

I WENT UP TO THE DRIVER'S DOOR TO SEE A WHITE FEMALE WHO WAS LATER IDENTIFIED BY HER ARIZONA DRIVER LICENSE HANDED TO ME BY OFFICER SPURGIN AS SHEILA ANN MADDEN. I INTRODUCED MYSELF TO MADDEN. I ADVISED MADDEN OF HER PHYSICAL SIGNS AND SYMPTOMS I WAS SEEING, SMELLING AND HEARING FROM HER. DESPITE THE SMALL BREEZE I COULD SMELL A STRONG ODOR OF AN INTOXICATING BEVERAGE EMITTING FROM THE BREATH AND BODY OF MADDEN, I COULD SEE HER RED WATERY EYES AND COULD HEAR HER MUMBLED SOMETIMES UNRECOGNIZABLE SPEECH FROM MADDEN. MADDEN INITIALLY DENIED THAT SHE HAD DONE OR DRANK ANYTHING AND WAS WAITING FOR HER HUSBAND TO GET THERE. OFFICER SPURGIN ADVISED HE HAD GIVEN DIRECTIONS TO SOMEONE ON THE PHONE AND THE PARTY WAS ON THE WAY TO THE SCENE.

I BEGAN MY DUI INVESTIGATION BY ASKING THE STANDARDIZED QUESTIONS ON PAGE 2 OF THE DUI PACKET. MADDEN ADVISED SHE WANTED TO SPEAK WITH HER ATTORNEY. I ADVISED MADDEN OF MIRANDA RIGHTS AT 2336 HOURS. I ASKED MADDEN IF SHE WANTED TO COMPLETE THE EYE TESTS (HORIZONTAL GAZE NYSTAGMUS - HGN) AND STANDARDIZED FIELD SOBRIETY TESTS. MADDEN REFUSED. I ASKED HER TO STEP OUT OF THE VEHICLE AND AS A COURTESY WE WOULD WAIT FOR HER HUSBAND TO ARRIVE SINCE HE WAS ALREADY ON THE WAY. MADDEN REFUSED TO LEAVE THE DRIVER SEAT AND BEGAN TO EAT PEANUTS. I ASKED HER NOT TO CONSUME ANY MORE FOOD, GUM OR BEVERAGES AS OF 1136 HOURS. AGAIN I REQUESTED HER TO STEP OUT OF THE VEHICLE. MADDEN STEPPED OUT OF THE VEHICLE ONTO HER LEFT FOOT THEN STUMBLED TO THE RIGHT, FALLING BACK TO THE LEFT UP AGAINST THE CENTER PORTION OF THE MINIVAN. OFFICER SPURGIN AND I BOTH REACHED OUT TO KEEP MADDEN FROM FALLING TO THE GROUND. OFFICER SPURGIN WALKED HER TO

INCIDENT NUMBER:
12-05579

GILA RIVER INDIAN
COMMUNITY
INCIDENT REPORT
NARRATIVE

ORI #
AZ0111500

NARRATIVE TITLE: DUI

JUVENILE

NARRATIVE:

THE REAR OF THE VAN WHERE MADDEN LEANED BACKWARDS AGAINST THE BACK OF THE MINIVAN.

I ADVISED HER OF THE PROCEDURE AND HER OPTIONS OF CONSENTING TO A BLOOD SAMPLE OR SEARCH WARRANT PROCEDURE. I ADVISED MADDEN OF ADMIN PER SE / IMPLIED CONSENT. MADDEN ADVISED SHE DIDN'T KNOW WHAT I WAS SAYING AND WANTED TO SPEAK WITH HER ATTORNEY. I ASKED IF SHE HAD HER ATTORNEY'S PHONE NUMBER OR CONTACT INFORMATION ON HER CELL PHONE. MADDEN SAID HER HUSBAND WAS HER ATTORNEY.

MINUTES LATER A VEHICLE PULLED UP WITH A WHITE FEMALE DRIVER AND WHITE MALE PASSENGER. THE MALE PASSENGER IDENTIFIED HIMSELF AS MADDEN'S HUSBAND, DAVID PIMSNER. UPON INITIAL CONTACT, I SAW PIMSNER STUMBLE FROM GETTING OUT OF THE VEHICLE. I COULD SEE PIMSNER ALSO EXHIBITED PHYSICAL SIGNS AND SYMPTOMS OF IMPAIRMENT. PIMSNER'S EYES WERE WATERY AND I COULD SMELL A STRONG ODOR OF AN INTOXICATING BEVERAGE EMITTING FROM HIS BREATH AS HE SPOKE WITH ME. I INTRODUCED MYSELF AND ASKED IF HE WAS MADDEN'S HUSBAND. HE SAID YES. I ASKED IF HE IS MADDEN'S ATTORNEY AND HE SAID "I GUESS I AM TONIGHT." I THEN ADVISED PIMSNER OF HOW WE CAME IN CONTACT WITH MADDEN, THE OPTIONS PROVIDED TO MADDEN AND THE PROCEDURE WE WOULD BE GOING THROUGH. PIMSNER ADVISED HE WAS WELL AWARE OF THE PROCEDURE. HE WENT TO MADDEN AND BEGAN TALKING WITH HER. MADDEN BROKE DOWN INTO TEARS AND BEGAN SOBBING IN PIMSNER'S ARMS.

I SPOKE WITH WARZYNSKI. I ASKED IF SHE HAD BEEN DRINKING OR IMPAIRED TO ANY DEGREE. SHE LAUGHED AND SAID SHE WAS NOT. I ASKED HE IF SHE WOULD BE WILLING TO MOVE MADDEN'S VEHICLE TO THE PARKING LOT ACROSS THE STREET. THIS WAY WE COULD AVOID IMPOUNDING THE VEHICLE. SHE ADVISED SHE WOULD. I DON'T RECALL HOW IT CAME UP BUT WARZYNSKI SAID SOMETHING LIKE, "YEAH SHE'LL GIVE THE BLOOD SAMPLE. YOU'LL SEE." I WENT OVER TO MADDEN AND PIMSNER AND ADVISED IT WAS TIME TO GO. I ADVISED THE SOONER WE GET DONE THE SOONER SHE MIGHT BE ABLE TO GET HOME FOR THE EVENING. PIMSNER WALKED WITH OFFICER SPURGIN AND MADDEN TO HIS PATROL UNIT. OFFICER SPURGIN SAT MADDEN INTO THE PASSENGER REAR SEAT AND SECURED MADDEN WITH THE SEATBELT. WARZYNSKI MOVED MADDEN'S VEHICLE TO THE PARKING LOT ACROSS THE STREET. WHEN SHE RETURNED, I PROVIDED DIRECTIONS TO THE GILA RIVER POLICE DEPARTMENT. I ADVISED THEM IT WOULD TAKE APPROXIMATELY 45 MINUTES FOR PROCESSING IF MADDEN COOPERATES AND SHE COULD BE RELEASED TO A SOBER RESPONSIBLE PARTY. WARZYNSKI AND PIMSNER GOT INTO HER VEHICLE AND LEFT THE SCENE.

UPON ARRIVAL TO THE POLICE DEPARTMENT, MADDEN WAS BROUGHT INTO INTERVIEW ROOM #2 FOR THE BLOOD DRAW. I CLEANED THE TABLE AND CHAIR AND BEGAN THE PHLEBOTOMY PROCEDURE. SEE THE PHLEBOTOMY DRAW REPORT. OFFICER CLARK ASSISTED WITH THE BLOOD DRAW AS WELL. DURING THE 1ST TUBE'S DRAW THE NEEDLE'S BEVEL CAME OUT CAUSING THE TUBE TO LOSE THE VACUUM. I ATTEMPTED A 2ND DRAW DISTAL TO THE 1ST DRAW SITE AND MISSED THE VEIN. I ASKED OFFICER CLARK TO ASSIST ME BY CONDUCTING THE BLOOD DRAW. SEE OFFICER CLARK'S NOTES ON BLOOD DRAW REPORT. OFFICER CLARK MENTIONED HE WAS HAVING DIFFICULTY FINDING A GOOD LOCATION FOR THE 2ND DRAW DUE TO HER SMALLER SIZED VEINS. MADDEN WAS EMPHATIC ABOUT GETTING THE 2ND DRAW. AS SHE WAS PLEADING SHE SAID "YOU HAVE TO GET A SECOND SAMPLE FOR ME! I HAVE TOO MUCH AT STAKE HERE! YOU HAVE TO DO THIS, I DON'T CARE WHERE OR HOW YOU GET THE BLOOD. JUST GET IT!" OFFICER CLARK WAS SUCCESSFUL IN COMPLETING THE 2ND DRAW. PHOTOS WERE TAKEN OF MADDEN'S ARMS AS PRECAUTION.

I MARKED THE TUBES WITH MADDEN'S INFORMATION AND HAD HER CONFIRM HER NAME AND DATE OF BIRTH ON EACH OF THE TUBES. I PACKAGED THE EVIDENCE IN HER PRESENCE.

I ADVISED MADDEN MIRANDA STILL APPLIED HERE AS I CONTINUED ON WITH THE STANDARDIZED INTERVIEW FROM THE DUI PACKET. I ADVISED HER IF THERE WAS ANYTHING SHE DIDN'T WANT TO ANSWER SHE DIDN'T HAVE TO. I ASKED IF SHE WANTED TO HAVE HER HUSBAND/ATTORNEY PRESENT I COULD GET HIM FOR HER. MADDEN DID NOT REQUEST HIS PRESENCE AND VOLUNTARILY ANSWERED MY QUESTIONS. AT THE CONCLUSION, WE PROVIDED A BOTTLE OF WATER FOR MADDEN AT HER REQUEST. I WALKED HER OUT TO WARZYNSKI AND PIMSNER WHO WERE WAITING OUTSIDE. WARZYNSKI SIGNED THE RELEASE OF LIABILITY AT 0147 HOURS.

I ADVISED MADDEN AND PIMSNER I WOULD SUBMIT THE BLOOD TO DPS LAB FOR ALCOHOL AND DRUG ANALYSIS; ONCE THE RESULTS WERE IN, THE COMPLETE REPORT WOULD BE FORWARDED TO THE MARICOPA COUNTY ATTORNEY'S OFFICE FOR CHARGING REVIEW. I PROVIDED MY BUSINESS CARD WITH THE CASE NUMBER AND MY CONTACT INFORMATION.

INCIDENT NUMBER:
12-05579

GILA RIVER INDIAN
COMMUNITY
INCIDENT REPORT
NARRATIVE
NARRATIVE

ORI #

AZ0111500

NARRATIVE TITLE: DUI

JUVENILE

NARRATIVE:

END OF REPORT.

T LARRIMORE 1219

INCIDENT NUMBER:
12-05579

GILA RIVER INDIAN
COMMUNITY
INCIDENT REPORT
NARRATIVE
NARRATIVE

ORI #
AZ0111500

JUVENILE

NARRATIVE TITLE: IMPAIRED DRIVER

NARRATIVE:

ON 11-2-2012, AT APPROXIMATELY 2306 HOURS, I WAS CONDUCTING A WELFARE CHECK ON 56TH STREET NEAR A RECREATIONAL VEHICLE STORAGE YARD THAT CONTAINED HIGH VALUE VEHICLES. DURING MY WELFARE CHECK I OBSERVED A SILVER IN COLOR VAN PARKED IN THE NUMBER 2 LANE FACING NORTH ON 56TH STREET. I ADVISED GILA RIVER POLICE DISPATCH I WOULD BE CHECKING ON A SUSPICIOUS VEHICLE. UPON EXITING MY PATROL VEHICLE I NOTICED MOVEMENT INSIDE THE VAN. I CONTINUED WALKING TOWARD THE VAN ON THE PASSENGER SIDE WHEN I NOTICED A LONE ADULT FEMALE LATER IDENTIFIED AS SHEILA A. MADDEN VERIFIED BY A VALID ARIZONA STATED DRIVERS LICENSE, TURN HER VAN'S IGNITION ON. I TAPPED ON THE FRONT PASSENGER SIDE WINDOW WITH MY HAND IN ORDER TO GET THE ATTENTION OF MADDEN. MADDEN LOWERED HER PASSENGER SIDE WINDOW. AS THE WINDOW WAS LOWERED I COULD SMELL THE OVERWHELMING ODOR OF AN INTOXICATING BEVERAGE EMITTING FROM THE VEHICLE. FROM MY FLASHLIGHT ILLUMINATING THE INTERIOR OF THE VEHICLE, I SAW MADDEN'S EYES WERE BLOOD SHOT AND WATERY. I INSTRUCTED MADDEN TO TURN THE VAN'S IGNITION OFF IN WHICH SHE COMPLIED. I WALKED AROUND THE BACK OF THE VAN AND MADE CONTACT WITH MADDEN AT HER FRONT DRIVERS SIDE WINDOW. I ASKED MADDEN WHY SHE WAS PARKED ON THE SIDE OF 56TH STREET AND SHE TOLD ME SHE WAS JUST RESTING. AS MADDEN WAS SPEAKING WITH ME I COULD HEAR HER SLURRED AND MUMBLED SPEECH. I ASKED MADDEN WHERE SHE CAME FROM. MADDEN SAID SHE CAME FROM THE CASINO. I ASKED MADDEN IF SHE HAD CONSUMED ANY ALCOHOLIC BEVERAGES PRIOR TO DRIVING AND SHE SAID "YES". MADDEN TOLD ME SHE CONSUMED TWO GLASSES OF WINE. I CALLED FOR A TRAFFIC OFFICER AT THAT TIME DUE TO MADDEN DISPLAYING SIGNS OF IMPAIRMENT AND WITNESSING MADDEN IN ACTUAL PHYSICAL CONTROL OF HER VEHICLE BASED ON THE SOLE OCCUPANT IN THE DRIVER SEAT WITH THE IGNITION ON AND ENGINE RUNNING. I INFORMED MADDEN THAT SHE WAS BEING DETAINED FOR THE INVESTIGATION OF IMPAIRED DRIVING. SHE THEN MADE A PHONE CALL TO HER HUSBAND INFORMING HIM OF THE SITUATION. I SPOKE TO MADDEN'S HUSBAND INFORMING HIM OF OUR LOCATION. I ASKED MADDEN TO STEP OUT OF THE VEHICLE AND TO TALK WITH ME OUTSIDE, MADDEN ATTEMPTED TO EXIT THE VEHICLE AND WAS UNABLE TO STAND DUE TO HER UNSTABLE BALANCE.

OFFICER LARRIMORE #1219 ARRIVED ON SCENE AND TOOK OVER THE INVESTIGATION.

MADDEN'S HUSBAND ALONG WITH A FEMALE DRIVER ARRIVED ON SCENE AND WERE GIVEN THE COURTESY OF TAKING POSSESSION OF THE VAN MADDEN WAS DRIVING RATHER THAN HAVING IT TOWED AND IMPOUNDED.

I ASSISTED OFFICER LARRIMORE #1219 WITH ESCORTING MADDEN FROM 56TH STREET TO GILA RIVER POLICE DEPARTMENT'S INTERVIEW ROOM IN ORDER FOR HER BLOOD TO BE DRAWN.

NOTHING FURTHER TO REPORT

Reporting Officer: 1333 - SPURGIN ANDREW

Reviewing Officer: -

Approving Officer: 1073 - BLASS RONALD W

INCIDENT NUMBER
12-05579

GILA RIVER INDIAN
COMMUNITY
INCIDENT REPORT
NARRATIVE
NARRATIVE

ORI #
AZ0111500

JUVENILE

NARRATIVE TITLE: EXTREME DUI

NARRATIVE:

ON 12/27/12 AT APPROXIMATELY 0800 I OBSERVED AN ARIZONA DEPARTMENT OF PUBLIC SAFETY SCIENTIFIC EXAMINATION REPORT IN MY WORK ASSIGNED MAILBOX.

THE REPORT WAS IN REFERENCE TO SUSPECT SHEILA MADDEN WHO WAS IN ACTUAL PHYSICAL CONTROL OF A MOTOR VEHICLE AND UNDER THE INFLUENCE OF AN INTOXICATING BEVERAGE. A SAMPLE OF HER BLOOD WAS TAKEN ON THE NIGHT OF THE INCIDENT. THE TOXICOLOGY REPORT STATES MADDEN'S BLOOD WAS 0.186% W/V ETHYL ALCOHOL.

THIS REPORT IS NOW COMPLETE AND TURNED OVER TO THE MARICOPA COUNTY ATTORNEYS OFFICE FOR REVIEW OF CHARGES FOR:

28-1381A1 - DRIVING UNDER THE INFLUENCE OF ALCOHOL/IMPAIRED TO SLIGHTEST DEGREE
28-1381A2 - DUI BREATH ALCOHOL CONTENT OVER .08%
28-1382A1 - DUI BREATH ALCOHOL CONTENT OVER .15%

END OF SUPPLEMENT REPORT.

T LARRIMORE
1219

Reporting Officer: 1219 - LARRIMORE, WILLIAM

Reviewing Officer: -

Approving Officer: 1073 - BLASS RONALD W