



Jackson Police Department

102 Jackson Drive, Jackson, NJ 08527

Phone: 732-928-1111 Fax: 732-928-8874 Mun. Code: 1511

Incident Report



Incident Details:

Case Number	Time Reported	Date Reported	Time Occurred	Date Occurred	Occurrence Between Date / Time of	Time Occurred	Date Occurred	911	Complete
18-95486	22:35	12/01/18	22:35	12/01/18				X	X

Incident Type:

Driving While Intoxicated 39:4-50

Erratic Driving

Incident Location:

Street # Street Name Intersection / Cross Street of:
Bennetts Mills Road
Business / Common Location Name

Contact Information: Victim Suspect Complainant Witness Driver Arrest Passenger Missing Involved Other

Code	Contact Name #1	MI	Suffix	Age	Sex	Race	DOB	SSN
A	Benvenuti, Michele	A		52	F	1B		

Address

405 Glenn Road, Jackson, NJ 08527-2941

Home Phone

Cell Phone

Code	Contact Name #2	MI	Suffix	Age	Sex	Race	DOB	SSN
P	Dsouza, Andrew				M			

Address

[REDACTED]

Home Phone

Cell Phone

Code	Contact Name #3	MI	Suffix	Age	Sex	Race	DOB	SSN

Address

Home Phone

Cell Phone

Code	Contact Name #4	MI	Suffix	Age	Sex	Race	DOB	SSN

Address

Home Phone

Cell Phone

Property Information:

Value of Stolen Property	Currency	Jewelry	Furs	Clothing	Auto	Misc.	Total
Value of Stolen Property Recovered							

Automobile Information:

1	Vehicle Code	Year	Make	Body Type	Color	Registration	State	VIN
	Veh. 1	10	HYD	2 DR	BK	[REDACTED]	NJ	[REDACTED]
2								
3								
4								

Narrative:

Narrative
12/01/2018 2235 Hours

On the above date and time, this Officer along with P.O Minissale #281 of this agency, responded to a report of an erratic driver on Bennetts Mills Rd headed relatively west. The caller who was behind the vehicle was able to describe it as a black honda bearing NJ registration [REDACTED] Shortly after being informed that the vehicle had just cleared the Butterfly Rd intersection, P.O Minissale and I caught up to the vehicle which had pulled to the side of the road directly in front of the Jackson Baptist Church.

Officer of Record: Date: Other Reports Filed: Reviewed By:

290 PO Ernest Thomason 12/01/18	MVA Arrest X DV DWI X DWIQ X Tow X SD CI TRO SHA Prop. Evdn UOF Prst Supp X Juv Bias Pris X	mfriedman
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Incident Report



Narrative Continued (Page 2)

Case Number

18-95486

After activating our emergency lights and initiating a motor vehicle stop, P.O Minissale and I approached the suspect vehicle. I approached the vehicle on the passenger side and observed it to be occupied by two (2) individuals. The driver, later identified as Michele Benvenuti began to speak to P.O Minissale who requested her driving credentials. Michele began to reply to P.O Minissale to which I could hear her speech to be extremely slow and slurred. Her hand movements as well were extremely slow as well to which she began to fumble her purse while retrieving the documents.

Shortly there after, P.O Minissale made it apparent that he could detect the odor of an alcoholic beverage coming from inside the vehicle. Unable to retrieve her license, Michele was asked to step out of the vehicle to which she complied. She was turned over to me to which I began to speak with her. While conversing with Michele, I was able to detect the odor of an alcoholic beverage emanating from her breath. Her eyes were blood shot, watery as well as I asked her twice to repeat her last name. Her speech was extremely slurred and slow to which she had a hard time pronouncing her last name.

After making these observations, I asked Michele how much she had to drink on this night. She stated that she had a few glasses of wine and a vodka drink. I went on to advise Michele that I would be putting her through standardized field sobriety testing. I ensured that the testing area was flat, level and clear of any large debris.

Test 1. English Alphabet

I asked Michele what her highest level of education was to which she stated was high school. She further related that she was familiar with the English Alphabet. Upon her reply, she was instructed to recite the English Alphabet starting with the letter "C" and end with the letter "V" without singing. Michele was unclear on the directions to which I had to explain for a second time. After affirming that she understood the instructions, she was advised to begin the test.

Result:

Michele went on to recite the letters starting from C, however began to mumble and whisper. She repeated this twice to which she stopped the test and stated, to the effect, "I don't know".

Officer of Record:

Date:

290 PO Ernest Thomason

12/01/18



Jackson Police Department

102 Jackson Drive, Jackson, NJ 08527

Phone: 732-928-1111 Fax: 732-928-8874 Mun. Code: 1511

Incident Report



Narrative Continued (Page 3)

Case Number

18-95486

Test 2. Walk and Turn

While receiving instructions for the second test, Michele was told to stand with her right foot directly in front of her left foot, touching her heel to her toe and keeping her hands at her side. She was advised to remain in this position until instructed other wise. Michele initially stood in this position until she nearly fell over. She stumbled to her right as well as I had to support her right shoulder to insure she did not fall. She was given several other opportunities to stand in this position to which she eventually stood with her feet apart in an effort not to fall. Michele was asked if she had any injuries that would prohibit her from walking normally to which she stated she did not.

I proceeded to give the instructions as so; Michele was told to take nine (9) heel to toe steps forward. She is to complete the nine steps maintaining heel to toe contact and keeping her hands at her side. After completing nine steps, she is to take a series of steps to turn herself around. Afterwards she is to take nine (9) more heel to toe steps in the opposite direction in the same fashion. Michele was explained the directions as well as I demonstrated the test to her. After acknowledging that she understood my instructions, she was told to begin the test.

Results:

Michele began to walk forward however she failed to maintain heel to toe contact on all steps, as well as began to stagger towards her left side. After taking fifteen(15) steps forward, she had to be stopped by P. O Minissale to prevent her from walking past my patrol vehicle. After turning around, Michele repeated the same failing to maintain heel to toe contact. During this time, Michele took twelve steps forward until I gained her attention and advised her to stop walking.

After this test, she was briefly turned over to Sgt. Kelly #243 of this agency who conducted the Horizontal Gaze Nystagmus Test (HGN) (see results from Sgt. Kelly supplemental report).

Test 3. One leg stand test

For the third and final test, Michele was asked to stand with her feet together keeping her hands at her side. She was advised to stay in this position until instructed otherwise. Michele was told with any foot of her choosing, she is to raise it approximately six (6) inches off the ground. Pointing her toes outward keeping her hands at her side, she is to look directly at her raise foot and count out loud from one one thousand up to thirty one thousand or until I tell her to stop. The test was both explained as well as demonstrated to Michele. After acknowledging that she fully understood my instructions, she was told to begin the test.

Officer of Record:

Date:

290 PO Ernest Thomason

12/01/18



Jackson Police Department

102 Jackson Drive, Jackson, NJ 08527

Phone: 732-928-1111 Fax: 732-928-8874 Mun. Code: 1511

Incident Report



Narrative Continued (Page 4)

Case Number

18-95486

Results:

Michele attempted to raise her right foot off the ground however immediately put it down after approximately five (5) seconds . She then attempted to raise her left foot, however raised it for a brief three (3) seconds before stumbling planting her foot on the ground. Lastly she attempted to raise her right foot once more however immediately put it down and threw her arms up in frustration.

As a result of the field testing, Michele was placed under arrest for driving while intoxicated. She was handcuffed (doubled-locked) and searched with negative findings of any contraband. I then secured her in the rear portion of my patrol vehicle #170 and transported her to Jackson Police Headquarters for processing. The vehicle was towed by CH Auto in accordance with Johns Law. Sgt. Kelly stood by with the vehicle until the tow truck arrived.

Upon arrival at Police Headquarters, Michele was read the NJ Attorney Generals Standard Statement for Motor Vehicle Operators. Michele stated that she would provide samples of her breath for testing to which I began to conduct my twenty (20) minute observation period. During this time, Michele did not belch, regurgitate nor ingest anything. After waiting the twenty minutes, Michele was turned over to Sgt. Friedman #262 of this agency to submit samples of her breath for the purpose of testing (See supplemental report by Sgt. Friedman for details).

After providing two (2) sufficient, the Alcohol Influence Report Form yielded a Blood Alcohol Content Level of 0.25%.

Michele was then photographed and processed on the following motor vehicle summonses;

- E18007413 for Driving While Intoxicated (39:4-50)
- E18007414 for Reckless Driving (39:4-96)

Upon completion of processing procedures, Michele was released to her daughter Jillian Benvenuti who signed off on the potential liability form.

Nothing further.

Officer of Record:

Date:

290 PO Ernest Thomason

12/01/18



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Incident Report



Incident Details:

Case Number	Time Reporter	Date Reporter	Time Occurred	Date Occurred	Occurrence Between Date / Time of	Time Occurred	Date Occurred	911	Complete
18-97535	02:33	12/08/18	02:33	12/08/18				X	X

Incident Type:

Driving While Intoxicated 39:4-50

Incident Location:

Street # Street Name Intersection / Cross Street of:
W Veterans Hwy Toms River Road
Business / Common Location Name

Contact Information: Victim Suspect Complainant Witness Driver Arrest Passenger Missing Involved Other

Code	Contact Name #1	MI	Suffix	Age	Sex	Race	DOB	SSN
Z1	Evans, Betty		W		F	2B		

Address Home Phone Cell Phone

[Redacted Address] [Redacted Home Phone] [Redacted Cell Phone]

Code	Contact Name #2	MI	Suffix	Age	Sex	Race	DOB	SSN
A	Hewitt, Robert		L	44	M	2B		

Address Home Phone Cell Phone

102 Park Avenue, Jackson, NJ 08527-3752

Code	Contact Name #3	MI	Suffix	Age	Sex	Race	DOB	SSN
O	Evans, Brian		V		M	2B		

Address Home Phone Cell Phone

[Redacted Address] [Redacted Home Phone] [Redacted Cell Phone]

Code	Contact Name #4	MI	Suffix	Age	Sex	Race	DOB	SSN

Address Home Phone Cell Phone

[Redacted Address] [Redacted Home Phone] [Redacted Cell Phone]

Property Information:

Value of Stolen Property	Currency	Jewelry	Furs	Clothing	Auto	Misc.	Total
Value of Stolen Property Recovered							

Automobile Information:

1	Vehicle Code	Year	Make	Body Type	Color	Registration	State	VIN
	Arrest	12	CHE	WAGON	BL	[Redacted]	NJ	[Redacted]
2								
3								
4								

Narrative:

Narrative
1. Operation of Motor Vehicle

On 12/8/18 Officer Buono #294 and myself Pante #292 responded to the area of West Veterans Highway and Toms River Road for a report of a male passed out behind the wheel at the traffic light. Upon Officers arrival a black Chevy Traverse bearing NJ registration [Redacted] was observed in the turning lane of West Veterans Highway with the left turn signal on. Officers observed a male, later identified as Robert Hewitt Jr., sleeping in the driver seat.

See page 2.

Officer of Record:	Date:	Other Reports Filed:	Reviewed By:
292 PO Joseph Pante	12/08/18	MVA Arrest X DV DWI X DWIQ X Tow X SD X CI 20 TRO SHA Prop. X Evdn UOF Prst Supp X Juv Bias Pris X	mfriedman



Jackson Police Department

102 Jackson Drive, Jackson, NJ 08527

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Incident Report



Narrative Continued (Page 2)

Case Number

18-97535

2. Arrival on scene

The vehicle located at the intersection was running and in drive. Mr. Hewitt Jr. had his foot on the brake pedal. Officer Buono and myself attempted to wake Mr. Hewitt Jr. up in order to safely put his vehicle in park and make sure that he was not having a medical emergency. The doors of the vehicle were locked so Officers banged on the front driver side window of the vehicle as well as shined their flashlights into the vehicle. After banging on the window several times Mr. Hewitt Jr. began to wake up. Mr. Hewitt Jr. looked at Officers and began laughing. It appeared as if he was slobbering. Officers yelled for him to put the vehicle in park however he then put his head back down and appeared as if he was falling back asleep. While banging on the window Officers were ordering Mr. Hewitt Jr. to lower his window and to put the vehicle in park. Mr. Hewitt Jr. would pick his head up several more times and appear to fall back asleep before Officers were able to get him to lower his window. Once Mr. Hewitt Jr. lowered his window this Officer was able to press the unlock button on the vehicle. This Officer then entered the vehicle from the front passenger side door and put the vehicle in park. The keys of the vehicle were then taken out of the ignition and the vehicle was shut off.

Officers continued to speak with Mr. Hewitt Jr. When asked where Mr. Hewitt Jr. was traveling to he explained he was going to Jackson. When asked how many drinks he had Mr. Hewitt Jr. replied 4. While speaking with Mr. Hewitt Jr. his eyes appeared to be blood shot and watery. Officers determined he would need to exit the vehicle and complete Standardized Field Sobriety Tests. This Officer then advised Mr. Hewitt Jr. to open his door and step to the rear of the vehicle. Mr. Hewitt Jr. walked to the rear of the vehicle with slow staggered steps. This Officer began to speak with Mr. Hewitt Jr. at the rear of the vehicle. I was able to detect the odor of alcoholic beverage emanating from Mr. Hewitt Jr's breath. While at the rear of the vehicle Mr. Hewitt Jr. explained he had been drinking at Maggies.

Standardized Field Sobriety Tests.

This Officer then asked Mr. Hewitt Jr. if he understood the English language in which he explained that he did. This Officer further asked Mr. Hewitt Jr. if he had any physical impairments that would cause him to have any problems completing the Standardized Field Sobriety Tests. Mr. Hewitt Jr. reported he had a problem with his back.

Alphabet Test

This Officer then asked Mr. Hewitt Jr. to recite the alphabet from the letter C to the letter M. Mr. Hewitt Jr. performed the test but missed letters of the alphabet. Mr. Hewitt Jr. also continued passed the letter M while reciting the alphabet. During this test this Officer observed Mr. Hewitt Jr. standing with his legs unnaturally spread apart as if he was attempting to create a wider base to maintain his balance.

See page 3.

Officer of Record:

Date:

292 PO Joseph Pante

12/08/18



Jackson Police Department

102 Jackson Drive, Jackson, NJ 08527

Phone: 732-928-1111 Fax: 732-928-8874 Mun. Code: 1511

Incident Report



Narrative Continued (Page 3)

Case Number

18-97535

Walk and Turn Test

This Officer then began to explain the Walk and Turn Test to Mr. Hewitt Jr. Mr. Hewitt Jr. was instructed to stand with his Left foot in front of his right. Mr. Hewitt Jr. attempted to comply with this order. While attempting this he staggered his left foot over slowly toward his right foot and lost his balance. He was then advised while standing with his left foot in front of his right to count out 9 steps. Mr. Hewitt Jr. was then advised to take a series of short choppy steps to turn around and then walk back and count out 9 more steps. This Officer then demonstrated the test for Mr. Hewitt Jr. While explaining the test to Mr. Hewitt Jr. it appeared as if he began to sway. Mr. Hewitt Jr. was confused by the direction of taking short choppy steps to turn around. This Officer had to explain the instructions to the test to Mr. Hewitt Jr. several times. This Officer would then demonstrate the test again for him. Mr. Hewitt Jr. then performed the test. He was able to walk in a straight line however he did have to take a few slow staggered steps to maintain his balance during part of the test. Mr. Hewitt Jr. completed the test but then turned and took an additional 9 steps in the opposite direction.

One-Leg-Stand Test

This Officer then began to explain the One-Leg-Stand Test to Mr. Hewitt Jr. Mr. Hewitt Jr. was instructed to take the leg of his choice and hold it approximately 6" off of the ground. He was further instructed to look down at that foot while counting 1-1000, 2-1000, 3-1000 until he is told to stop. Mr. Hewitt Jr. began the test however he only held is foot approximately 2" off the ground. This Officer explained to Mr. Hewitt Jr. that he needed to hold his leg up higher. Mr. Hewitt Jr. then picked his leg up to an appropriate height but he was unable to keep his leg up and dropped it. Mr. Hewitt Jr. lifts his left leg up again but drops it and loses his balance. Mr. Hewitt Jr. then picks his right leg up but he is unable to keep his balance.

This Officer then placed Mr. Hewitt Jr. under arrest. Mr. Hewitt Jr. was handcuffed (double locked) behind his back and subsequently searched with negative results. Mr. Hewitt Jr. was placed in the rear of patrol vehicle 173. Mr. Hewitt Jr's vehicle was also searched with negative results. The Chevrolet Traverse Mr. Hewitt Jr. was operating was towed per John's Law. Officer Buono stood by on scene for the tow truck.

3. En Route to Headquarters

Mr. Hewitt Jr. was transported to Jackson Township Police Headquarters without incident. During the course of the transport the odor of alcoholic beverage filled the cabin of my patrol vehicle.

See page 4.

Officer of Record:

Date:

292 PO Joseph Pante

12/08/18



Jackson Police Department

102 Jackson Drive, Jackson, NJ 08527

Phone: 732-928-1111 Fax: 732-928-8874 Mun. Code: 1511

Incident Report



Narrative Continued (Page 4)

Case Number

18-97535

4. At Police Headquarters

While at Headquarters this Officer searched Mr. Hewitt Jr. again. A 20 minute observation of Mr. Hewitt Jr. was completed without incident. At the completion of the 20 minute observation Mr. Hewitt Jr. was read the New Jersey Attorney Generals Standard Statement for Motor Vehicle Operators. At the completion of the statement Mr. Hewitt Jr. replied "Yes".

Sgt. Friedman then operated the Alcotest on Mr. Hewitt Jr. At the completion of this procedure Mr. Hewitt Jr's results were a .13%. See Sgt. Friedman's supplemental report for more information regarding the Alcotest procedure.

Mr. Hewitt Jr. was read his Miranda Rights. A Jackson Township Police Miranda Form was completed and the original form has been logged into Jackson Township Police evidence. Mr. Hewitt Jr. waived his rights and agreed to speak with Officers. Mr. Hewitt Jr. spoke with Officers regarding his actions before his arrest and a DWI Questionnaire was completed.

Mr. Hewitt Jr. reached out to his family member Brian Evans and Mr. Evans responded to Jackson Township Police Headquarters. Mr. Evans was read the Potential Liability Warning and agreed to take responsibility for Mr. Hewitt Jr. Mr. Hewitt Jr. was subsequently released to Mr. Evans on the following Summonses:

E18007565 - 39:4-50 Driving While Intoxicated

E18007566 - 39:4-96 Reckless Driving

E18007567 - 39:4-56 Delaying Traffic

Copies of the Jackson Township Miranda Form, Potential Liability Warning, and the Alcohol Influence Report Form have been electronically attached to this report.

End of report.

Officer of Record:

Date:

292 PO Joseph Pante

12/08/18



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102 Jackson Drive, Jackson, NJ 08527

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Incident Report



Incident Details:

Case Number	Time Reported	Date Reported	Time Occurred	Date Occurred	Occurrence Between Date / Time of	Time Occurred	Date Occurred	911	Complete
18-99898	01:44	12/16/18	01:44	12/16/18				X	X

Incident Type:

Driving While Intoxicated 39:4-50

Incident Location:

Street # Street Name Intersection / Cross Street of:
Cassville Road Reed Road
Business / Common Location Name

Contact Information: Victim Suspect Complainant Witness Driver Arrest Passenger Missing Involved Other

Code	Contact Name #1	MI	Suffix	Age	Sex	Race	DOB	SSN
O	Cubberley, David		H		M	1B		
Address						Home Phone		Cell Phone
Code	Contact Name #2	MI	Suffix	Age	Sex	Race	DOB	SSN
A	Cubberley, Brenden		D		M	1B		
Address						Home Phone		Cell Phone
Code	Contact Name #3	MI	Suffix	Age	Sex	Race	DOB	SSN
Address						Home Phone		Cell Phone
Code	Contact Name #4	MI	Suffix	Age	Sex	Race	DOB	SSN
Address						Home Phone		Cell Phone

Property Information:

Value of Stolen Property	Currency	Jewelry	Furs	Clothing	Auto	Misc.	Total
Value of Stolen Property Recovered							

Automobile Information:

Vehicle Code	Year	Make	Body Type	Color	Registration	State	VIN
1 Arrest	11	AUD	2 DR	BL		NJ	
2							
3							
4							

Narrative:

Narrative
On 12/16/2018 at approximately 0144 hours, Jackson Police Dispatch received a call regarding a male passed out behind the steering wheel on Cassville Road.

I responded and located the vehicle on Cassville Road (County Route 571) near Reed Road, in the northbound lane (heading towards Monmouth Road). The vehicle was running and in Park. As I approached the driver's side of the vehicle, I observed a white male who appeared to be sleeping. He was the only occupant of the vehicle.

Officer of Record:	Date:	Other Reports Filed:	Reviewed By:
267 PO Michael Goelz	12/16/18	MVA Arrest X DV DWI X DWIQ X Tow X SD CI TRO SHA Prop. Evdn UOF Prst Supp X Juv Bias Pris X	mfriedman



Jackson Police Department

102 Jackson Drive, Jackson, NJ 08527

Phone: 732-928-1111 Fax: 732-928-8874 Mun. Code: 1511

Incident Report



Narrative Continued (Page 2)

Case Number

18-99898

All of the windows were closed and I knocked on the driver's side window in an attempt to wake up the male driver. I knocked several times before the male began to wake up and open his eyes. When he woke up, he was lethargic and just stared out the window at me and then out the front windshield without acknowledging me.

I continued speaking to the male, instructing him to turn the vehicle off and open the window. The male grabbed the steering wheel and while still in park, pressed the accelerator pedal revving the engine. I attempted to open the driver door, however, it was locked. I continued instructing the male to open the window and turn the engine off. P.O. Jody Benecke #261 arrived on scene to assist.

After a couple minutes, the male opened the small rear driver side window, and then eventually opened the driver door. I instructed him to remove the key from the ignition, which he did. I then instructed him to exit the vehicle.

The male was identified as Brenden D. Cubberley ([REDACTED]) of [REDACTED]. The vehicle was identified as NJ Registration [REDACTED] a 2011 Audi A5, Color: Blue, owned by David Cubberley.

I began speaking with Brenden who was still disoriented and confused. I asked Brenden if he was okay, and he stated yes. I asked him if he knew where he was, and he mumbled something I was unable to understand, and then stated, "Jackson". As Brenden spoke, I could detect a strong odor of alcohol emanating from his person, specifically his facial area. His face was flush and his body was swaying as he stood. I asked Brenden how much he had to drink, and he stated, "probably the normal amount".

I conducted the Horizontal Gaze Nystagmus Test on Brenden. I asked him to follow a stimulus with his eyes and to keep his head still. Brenden moved his head the first time, but then performed the test keeping his head still. First, I checked for equal pupil size, which they were equal in size. I tested for lack of smooth pursuit, which was present in both eyes. I then tested for distinct and sustained nystagmus at maximum deviation, which was also present in both eyes. Then, I tested for onset of nystagmus prior to 45 degrees, which was visible almost immediately.

Due to the rainy weather conditions, the location of our vehicles, and the dangerous curve in the road, I felt it was unsafe to perform further field sobriety tests at the scene. At that time, I placed Brenden in handcuffs for driving while intoxicated, with further tests to be completed at police headquarters.

Brenden was searched and secured in the rear of my marked patrol vehicle. P.O. Jody Benecke #261 remained on location for the tow truck.

Officer of Record:

Date:

267 PO Michael Goelz

12/16/18



Jackson Police Department

102 Jackson Drive, Jackson, NJ 08527

Phone: 732-928-1111 Fax: 732-928-8874 Mun. Code: 1511

Incident Report



Narrative Continued (Page 3)

Case Number

18-99898

Brenden was transported to Police Headquarters without incident.

At Police Headquarters, in the cell block area which is flat and free from debris, I instructed Brenden to perform field sobriety tests. The first test was the One-Leg Stand. I instructed Brenden to raise his right foot, approximately six inches off the ground with his toe pointed forward, to keep his hands at his sides and to count aloud. I demonstrated the test and asked Brenden if he understood, which he stated, yes. During the test, his body swayed while balancing, he put his foot down four times and he used his arms to balance by raising them out. while counting aloud, Brenden counted to three, skipped numbers four and five, and continued counting from six.

The next test was the Walk and Turn. I instructed Brenden to stand in the starting position, by placing his right foot in front of his left foot, heel touching toe, and to keep his hands at his sides. I instructed and demonstrated to Brenden, to take nine steps forward, touching heel to toe with each step, keeping his arms at his sides and when he reaches nine steps, to take a series of small steps, turning to the left to turn around, and take nine steps back in the same manner. Brenden indicated he understood the test and was instructed to begin.

Brenden stopped walking after each step, missed heel to toe on every step, used his arms for balance, stepped off the line, took thirteen steps forward, turned incorrectly, took fifteen total steps back, again missing heel to toe on every step and using his arms for balance.

At that time, I read to Brenden the N.J. Attorney General's Standard Statement For Motor Vehicle Operators Form. When asked if he will provide samples of his breath, he stated, Yes.

After the twenty minute constant observation, Sgt. Richard Bosley #221 operated the Alco-Test Unit. See Sgt. Bosley's supplemental report for details. Sgt. Bosley concluded the test and advised that Brenden's BAC was .13%.

I issued Brenden motor vehicle summonses for 39:4-50 - Driving While Intoxicated E18-007807, 39:4-96 - Reckless Driving E18-007808, and 39:4-97 - Careless Driving E18-007809.

Brenden's father, David Cubberley arrived at Police Headquarters and signed the Potential Liability Form in the lobby, taking custody of Brenden.

Officer of Record:

Date:

267 PO Michael Goelz

12/16/18