

03/11/2008 09:02:16  
LE065B PAGE 1  
MATT FROEHLICH

TETON COUNTY SHERIFF

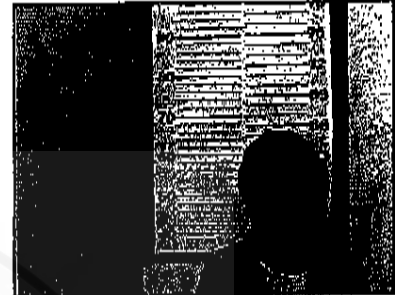
Booking No: 01-2007-00510  
Jail No: 1558  
Jacket No:  
Court Case #:  
WELLS, DAWN ELBERTA

JAIL BOOKING DETAIL

Inmate Personal Information

Name: WELLS, DAWN ELBERTA

AKAs:



Gender: FEMALE DOB: 10/18/1938 Age: 69  
Race: WHITE Ethn: NOT HISPANIC Hair: BROWN Eyes: HAZEL  
Hgt: 6 FT 04 IN Wgt: 120 SSN: [REDACTED] OLN: [REDACTED]  
Address: [REDACTED] Birthplace: RENO NV WASHOE USA  
Home Phone: [REDACTED]  
Mailing: [REDACTED] Work Phone: (000) -  
Employer: [REDACTED] Federal ID:  
Comment:  
Jacket: State IDs:  
NCIC Classification:  
Alien #: MNU #:  
SMTs: Birthmark Lower Back BIRTH MARK LOWER BACK

Next of Kin:

Bookings Information

Status: RELEASED Prob/Parole: NEITHER Holds: TCSO  
Presentenced Date/Time: 10/18/2007 22:27 Cell Area: Cell:  
Sentenced Date/Time:  
Arrest Date/Time: 10/18/2007 21:24 Bondsman:  
Arresting Agency: TCSO Bond Type: CASH Bond Amt: \$ 4,000.00  
Arresting Ofr: DEPUTY GUTIERREZ #27 Charged as Adult: N Notify Victim on Release: N  
Booking Ofr: JOSEPH GUTIERREZ Weekender: N Courtesy Hold: N  
Search Ofr: JOSEPH GUTIERREZ Work Release: N  
Transport Ofr: Prints: Y Card #: 922271  
Scheduled Release Date/Time: 01/01/1753 00:00 Photo: Y

Jail Booking In/Out

Entry Date / Time Type Officer Area Cell Release Date / Time Officer Release Code  
10/18/2007 22:35 P 27 MCSO MCSO 10/18/2007 23:22 19 BONDED  
Victim Notified: 01/01/1753 00:00 Officer:

Offenses

Date Type Court Case No. Bond Amt Status Ordered By  
10/18/2007 P 27 \$ 2,000.00 PENDING OFFICER  
COMMENT: OUT OF STATE  
Counts State Criminal Code Offense Code  
1 18-8004(1) (A) (M) DUI 80D DRIVING UNDER THE INFLUENCE



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**TETON COUNTY SHERIFF**  
**JAIL BOOKING DETAIL**

**Booking No:** 01-2007-00510  
**Jail No:** 1558  
**Jacket No:**  
**Court Case #:**  
WELLS, DAWN ELBERTA

**JAIL PERSONAL PROPERTY**

**Inmate Name:** WELLS, DAWN ELBERTA      **Booking No:** 01-2007-00510      **Jail #:** 1558

<u>Released</u>	<u>Item Description</u>	<u>Location</u>	<u>Released To</u>	<u>Released By</u>
	BLACK SWEATER	PERS	ON PERSON	
	BLACK DRESS	PERS	ON PERSON	
	WHITE SHIRT	PERS	ON PERSON	
	PINK SCARF	PERS	ON PERSON	
	BROWN PURSE	PERS	ON PERSON	
	GLASSES	PERS	ON PERSON	
	SHOES	PERS	ON PERSON	

*I certify that the above is a correct itemization of my personal valuables. I understand that the sheriff and/or his designee will receive and inspect all of my mail and articles while I am confined. I also understand the sheriff or his designee will not be responsible for clothing or other valuables which are later mailed or brought to the detention center for me and that any unclaimed property after my release may be donated to a charitable organization or disposed of after 30 days.*

\_\_\_\_\_  
INMATE SIGNATURE      DATE

\_\_\_\_\_  
ADMISSION OFFICER      DATE

*All property belonging to me has been accounted for and I certify that I have received from the sheriff or his designee all such items at this time.*

\_\_\_\_\_  
SIGNED      RECEIVED BY

\_\_\_\_\_  
RELEASE OFFICER      DATE

F-389 LS, DAWN ELBERTA

T-520 P. 04/10

+3238620182

IN A M E P R O C E D U R E B O O K

Seq #	Description / Activity Type / Date / Make / Model	Type / Serial Number	Location / Color / Year / Lic #	Value
2007	FOUR HALF SMOKED JOINTS NON-REPORTABLE EVIDENCE	DRUGS/NARCOTICS	PLAB WHITE	
Officer 27	INITIAL ENTRY	Agency	Location PLAB	Activity Description *** INITIAL ENTRY ***
10/21/2007				
2007	CYLINDER TUBE USED TO STORE RAW MARIJUANA NON-REPORTABLE EVIDENCE	DRUG/NARCOTIC EQUIPMENT	PLAB BROWN	\$2
Officer 27	INITIAL ENTRY	Agency	Location PLAB	Activity Description *** INITIAL ENTRY ***
10/21/2007				
2007	CONTAINER FOR MARIJUANA NON-REPORTABLE EVIDENCE	DRUG/NARCOTIC EQUIPMENT	PLAB GRAY	\$2
Officer 27	INITIAL ENTRY	Agency	Location PLAB	Activity Description *** INITIAL ENTRY ***
10/21/2007				
2007	TRAY FOR MARIJUANA ASH NON-REPORTABLE EVIDENCE	DRUG/NARCOTIC EQUIPMENT	PLAB WHITE	\$2
Officer 27	INITIAL ENTRY	Agency	Location PLAB	Activity Description *** INITIAL ENTRY ***
10/21/2007				

\*\*\*\*\*END OF REPORT\*\*\*\*\*

Teton County Sheriff's Office  
Sheriff Kim Cooke  
89 North Main St  
Driggs ID, 83422  
(208) 354-2323 Fax (208) 354-8028

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON COUNTY**

STATE OF IDAHO, )  
PLAINTIFF, )  
VS. )

AFFIDAVIT

Wells, Dawn Elberta )  
DEFENDANT )

STATE OF IDAHO )  
COUNTY OF TETON )

I Deputy Gutierrez, J.W., Being first duly sworn, deposes and says:

1. That he/she is a Deputy Sheriff for the Teton County Sheriff's Department
2. That on the 18<sup>th</sup> day of October, 2007 he/she initiated a complaint on a uniform citation form against the above named defendant for the crime of 18-8004 A(1) Driving While Under the Influence(Narcotics Refusal), 37-2732 C(3) Possession of a Controlled Substance, and 37-2734 A(1) Possession of Drug Paraphernalia. The report thereof attached hereto and incorporated by reference in this Affidavit sets forth the basis for probable cause for the arrest or bonding of the named defendant.
3. That the following statement is offered as probable cause if no report is attached.

---

On 10/18/2007 at 2122 hrs, I (Deputy Gutierrez) was patrolling southbound on Hwy 33 when I observed a vehicle that was also southbound on Hwy 33 directly in front of my patrol vehicle. I began to notice the vehicle swerve close to the fog line and then to the center line of the highway. I also observed that the vehicle slowed to 30mph in a 45mph zone. After we entered a 55mph zone after Mile Post 142, the vehicle sped up to the posted speed limit of 55mph. I then observed the vehicle cross over the fog line and again swerve back over to the center line. The vehicle then slowed down to 40mph in a 55mph zone. I then activated my overhead lights and I stopped the vehicle at Mile Post 144. I exited my patrol vehicle and immediately was able to smell a strong odor of burning marijuana. I then approached the vehicle from the driver's side and the odor of the marijuana got stronger the closer I got to the vehicle. As I approached the vehicle I noticed all four window of the vehicle were lowered and the female driver was not wearing a jacket. I asked the female driver if she knew why I had stopped her. She responded that she might have been speeding. I informed that I had not stopped her for her speed. I then informed the driver that I had observed her driving pattern and her

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you learned from someone else, identifying that person):

**PROBABLE CAUSE FOR STOP AND ARREST:** On 10/18/2007 at 2122 hrs, I (Deputy Gutierrez) was patrolling southbound on Hwy 33 when I observed a vehicle that was also southbound on Hwy 33 directly in front of my patrol vehicle. I began to notice the vehicle swerve close to the fog line and then to the center line of the highway. I also observed that the vehicle slowed to 30mph in a 45mph zone. After we entered a 55mph zone after Mile Post 142, the vehicle sped up to the posted speed limit of 55mph. I then observed the vehicle cross over the fog line and again swerve back over to the center line. The vehicle then slowed down to 40mph in a 55mph zone. I then activated my overhead lights and I stopped the vehicle at Mile Post 144. I exited my patrol vehicle and immediately was able to smell a strong odor of burning marijuana. I then approached the vehicle from the driver's side and the odor of the marijuana got stronger the closer I got to the vehicle. As I approached the vehicle I noticed all four windows of the vehicle were lowered and the female driver was not wearing a jacket. I asked the female driver if she knew why I had stopped her. She responded that she might have been speeding. I informed that I had not stopped her for her speed. I then informed the driver that I had observed her driving pattern and her speeding up and then slowing down. I then asked the female driver why I could smell an odor of marijuana coming from within the vehicle. The driver stated that she had given a ride to three hitchhikers and had just dropped them off at the corner of Bates Rd. and Main St. in Driggs. The driver also stated that they had started smoking something and that is when she had dropped them off. I then asked the driver for her driver's license. She produced a California driver's license that identified her as Dawn Elberta Wells born 10/18/1938. I then asked Wells that due to the strong odor of marijuana coming from within the vehicle if I could have her permission to search the vehicle. Wells responded that I had her permission to search the vehicle. I then had Wells exit the vehicle and stand the front of her vehicle off of the roadway. I then began to search the vehicle and I found half of a smoked joint in the ashtray of the center console. I then found two more half smoked joints inside the center console. I then paused the search and I informed Wells that I would perform the Standardized Field Sobriety Test's of her to ensure that she was not under the influence of drugs or alcohol. I then had Wells stand with her back to my patrol vehicle and I went to my vehicle and called to Dispatch Wells information and also to have Deputy Hale search for the three hitchhikers on Bates Rd. and Main St. I then turned off my overheads and turned off my take down lights. I returned to Wells and I asked her if she had had any recent head injuries, back injuries or knee injuries. Wells responded that she had bad knees. I then asked Wells if she was able to walk and stand ok. She responded yes. I then explained the Horizontal Gaze Nystagmus to Wells. I performed the test on Wells and I scored her 4 out of 6 on this test. I then explained and demonstrated the Walk and Turn to Wells. Wells performed the test and I scored her 5 out of 8 on this test. I then explained and demonstrated the One Leg Stand to Wells. Wells performed the test and I scored her 3 out of 4 on this test. Wells was then taken into custody and placed into the back of my patrol car. I then called to Dispatch for a tow truck to tow Well's vehicle. Deputy Hale called in that he had been unable to locate on hitchhikers on Bates Rd. or Little Ave. Deputy Hale then arrived on scene 2200 to assist with an inventory search of Wells' vehicle. During the inventory search there was found two small cases, located in the center console, used to store marijuana and a small ashtray behind the passengers seat containing a fourth half smoked marijuana joint. After the tow truck had arrived I transported Wells to the Teton County Sheriff's Office to be further tested. At the Sheriff's Office Wells refused to be tested for any of the Evidentiary Tests. Wells was booked in for 18-8004 A(1) Driving While Under the Influence(narcotics refusal), 37-2732 C(3) Possession of a Controlled Substance and 37-2734 A(1) Possession of Drug Paraphernalia. Wells later bonded through Teton Bail Bonds. EOR

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speeding up and then slowing down. I then asked the female driver why I could smell an odor of marijuana coming from within the vehicle. The driver stated that she had given a ride to three hitchhikers and had just dropped them off at the corner of Bates Rd. and Main St. in Driggs. The driver also stated that they had started smoking something and that is when she had dropped them off. I then asked the driver for her driver's license. She produced a California driver's license that identified her as Dawn Elberta Wells born 10/18/1938. I then asked Wells that due to the strong odor of marijuana coming from within the vehicle if I could have her permission to search the vehicle. Wells responded that I had her permission to search the vehicle. I then had Wells exit the vehicle and stand the front her vehicle off of the roadway. I then began to search the vehicle and I found half of a smoked joint in the ashtray of the center console. I then found two more half smoked joints inside the center console. I then paused the search and I informed Wells that I would perform the Standardized Field Sobriety Test's of her to ensure that she was not under the influence of drugs or alcohol. I then had Wells stand with her back to my patrol vehicle and I went to my vehicle and called to Dispatch Wells information and also to have Deputy Hale search for the three hitchhikers on Bates Rd. and Main St. I then turned off my overheads and turned off my take down lights.

I returned to Wells and I asked her if she had had any recent head injuries, back injuries or knee injuries. Wells responded that she had bad knees. I then asked Wells if she was able to walk and stand ok. She responded yes. I then explained the Horizontal Gaze Nystagmus to Wells. I observed that Wells' eyes lacked a smooth pursuit. I also observed the Wells displayed a nystagmus prior to 45 degrees. I performed the test on Wells and I scored her 4 out of 6 on this test. I then explained and demonstrated the Walk and Turn to Wells. During the instruction phase Wells could not keep her balance. Wells also missed heel to toe on several steps, stepped off line and raised her arms for balance. Wells also performed an improper turn. I scored Wells 5 out of 8 on this test. I then explained and demonstrated the One Leg Stand to Wells. I observed Wells sway to keep balance and also raised her arms for balance. Wells also put her foot down during the test. I scored Wells 3 out of 4 on this test. Wells was then taken into custody. I handcuffed Wells checked for tightness and double locked them. I then placed Wells into the back of my patrol car. I then called to Dispatch for a tow truck to tow Well's vehicle. Deputy Hale called in that he had been unable to locate on hitchhikers on Bates Rd. or Little Ave. Deputy Hale then arrived on scene 2200 to assist with an inventory search of Wells' vehicle. During the inventory search there was found two small cases, located in the center console, used to store marijuana and a small ashtray behind the passengers seat containing a fourth half smoked marijuana joint. After the tow truck had arrived I transported Wells to the Teton County Sheriff's Office to be tested. At the Sheriff's Office Wells refused to be tested for any of the Evidentiary Tests. Wells was booked in for 18-8004 A(1) Driving While Under the Influence(narcotics refusal), 37-2732 C(3) Possession of a Controlled Substance and 37-2734 A(1) Possession of Drug Paraphernalia. Wells was explained and given a copy of the Notice of Suspension Form and explained and given copies of her citation. Wells later bonded through Teton Bail Bonds. EOR

Dated this 18<sup>th</sup> Day of October, 2007

Teton County Sheriff's Office  
Sheriff Kim Cooke  
89 North Main St  
Driggs ID, 83422  
(208) 354-2323 Fax (208) 354-8028

\_\_\_\_\_  
Deputy

Subscribed and sworn before me this \_\_\_\_\_ Day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Notary Public

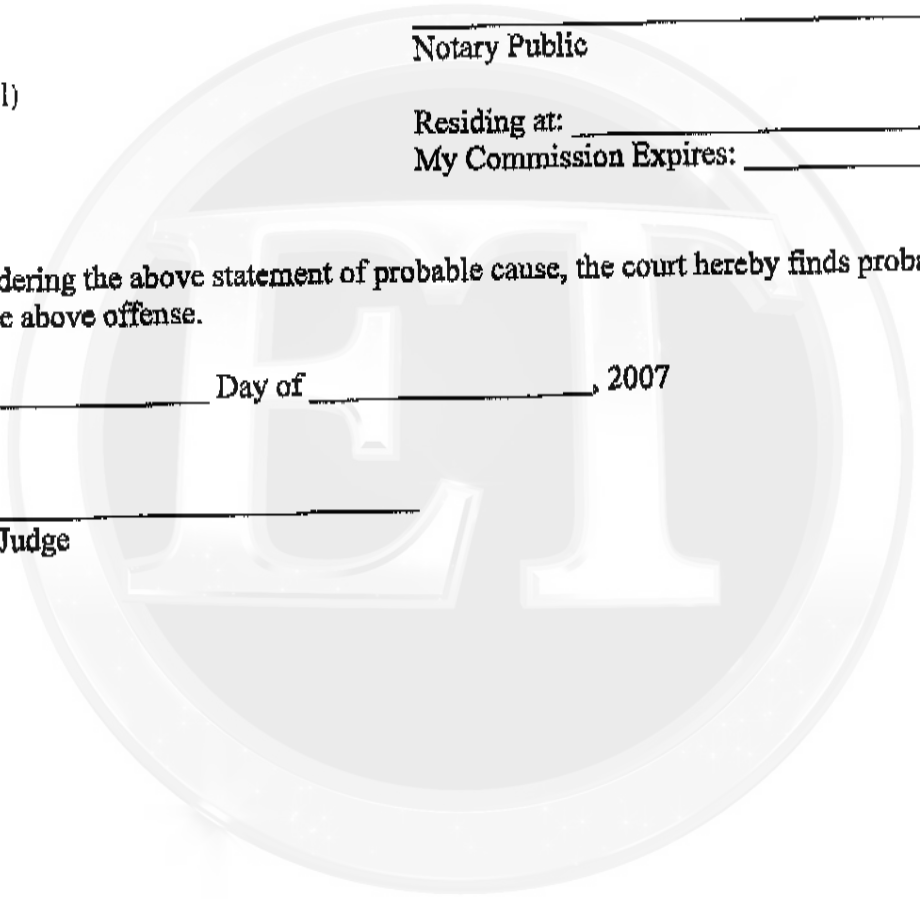
(Seal)

Residing at: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Upon considering the above statement of probable cause, the court hereby finds probable cause for the above offense.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Magistrate Judge



Teton County Sheriff's Office  
Sheriff Kim Cooke  
39 North Main Ste #7  
Driggs, ID 83422  
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Departmental Report # 2007-00372

**IN THE DISTRICT COURT OF THE 7TH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON.**

THE STATE OF IDAHO,

Plaintiff,

COURT CASE NUMBER \_\_\_\_\_  
PROBABLE CAUSE AFFIDAVIT IN SUPPORT  
OF ARREST AND/OR REFUSAL TO TAKE TEST

Wells, Dawn Elberta  
Defendant.

DOB: 10/18/2007  
SSN: [REDACTED]  
DL#: [REDACTED]  
State: California

State of Idaho,  
County of Teton

ss

I, Deputy Gutierrez, the undersigned, being first duly sworn on oath, depose and say that:

1. I am a peace officer employed by Teton County Sheriff's Office.

2. The defendant was arrested on 10/18/2007 at 2124  AM  PM for the crime of driving while under the influence of alcohol, drugs or any other intoxicating substances pursuant to Section 18-8004 Idaho Code. Second or more DUI offense in the last ten years?  YES  NO  FELONY  MISDEMEANOR

3. Location of Occurrence: Hwy 33 Mile Post 144

4. Identified the defendant as: Dawn Elberta Wells by: (check box)  
 Military ID  State ID Card  Student ID Card  Drivers License  Credit Cards  
 Paperwork found  Verbal ID by defendant  
Witness: \_\_\_\_\_ identified defendant.  
Other: \_\_\_\_\_

5. Actual physical control established by:  Observation by affiant  Observation by Officer Gutierrez, J.W  
 Admission of Defendant to: \_\_\_\_\_,  Statement of Witness:  
 Other: \_\_\_\_\_

6. I believe that there is probable cause to believe the defendant committed such crime because of the following facts:

(NOTE: You must state the source of all information provided below. State what you observed and what

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D.U. I. NOTES

Odor of alcoholic beverage  Yes  No  
Admitted drinking alcoholic beverage  Yes  No  
Slurred speech  Yes  No  
Impaired memory  Yes  No  
Glassy/bloodshot eyes  Yes  No

Sobriety Tests -- Meets Decision Points?

Gaze Nystagmus  Pass  Fail  
Walk & Turn  Pass  Fail  
One Leg Stand  Pass  Fail  
Crash Involved  Yes  No  
Injury  Yes  No

Other Strong smell marijuana

Drugs Suspected:  Yes  No Drug Recognition Evaluation Performed  Yes  No

Reason Drugs are Suspected: Strong smell of burning marijuana

Prior to being offered the test, the defendant was substantially informed of the consequences of refusal and failure of the test as required by Section 18-8002 and 18-8002A, Idaho Code.

Defendant was tested for alcohol concentration, drugs or other intoxicating substances. The test(s) was/were performed in compliance with Sections 18-8003 & 18-8004(4), Idaho Code and the standards and methods adopted by the Department of Law Enforcement.

BAC: \_\_\_\_\_ by:  Breath Instrument Type:  Intoxilyzer 5000  Alco Sensor Serial#: \_\_\_\_\_

Blood AND/OR  Urine Test Results Pending?  Yes  No (Attached)

Name of person administering breath test: Deputy Gutierrez, J.W. Date certification expires: 06/09

Defendant refused the test as follows: 18-8002 & 18-8002A

By my signature and in the presence of a person authorized to administer Oaths in the State of Idaho, I hereby solemnly swear that the information contained in this document and attached reports and documents that may be included herein is true and correct to the best of my information and belief.

Dated: 10/18/2007 Signed: \_\_\_\_\_  
(affiant)  
Subscribed and sworn to before me on \_\_\_\_\_  
(Date)

\_\_\_\_\_  
PERSON AUTHORIZED TO ADMINISTER OATHS.  
Title: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing at: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_