MAY-31-2015 12:03

1. JORGE HERNAIZ M/44

Arrest# CRIMINAL COURT OF THE CITY OF NEW YORK

BRONX COUNTY

Defenda

STATE OF NEW YORK

COUNTY OF THE BRONX

POMICHAEL HEIT of 50 PCT, Shield# 017013,

states that on or about May Broadway and West 254th

31, 2015 at approximately 3:04 AM at Vicinity of Street, County of the Bronx, State of New York,

THE DEFENDANT COMMITTED THE OFFENSES OF:

1 (F) P.L. 120.05(4) Assault 2DQO

2. (F) P.L. 120.03(1)
3. (M) P.L. 205.30
4 (M) V.T.L. 1192(3)
5 (V) V.T,L. 1192(1)

Vehicular Assault 2DQO
Resisting Arrest DQO
Operating a Motor Vehicle While Under the Influence of Alcohol or drug
Operating a Motor Vehicle While Under the Influence of Alcohol or

Influence of Alcohol or drug

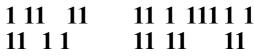
IN THAT THE DEFENDANT DID: recklessly cause serious physical injury by means of a deadly weapon or a dangerous instrument; cause serious physical injury to another person, by operation of a motor vehicle in violation of subdivision two, three or four of section eleven hundred ninety—two of the vehicle and traffic law or operate,:, a vessel in violation of paragraph (b), (c), (d) or (e) of subdivision two of section forty—nine—a of the navigation law, and as a result of such intoxication or impairment by the use of a drug, operates motor vehicle or public vessel in a manner that cau,:,es such serious physical injury to such other person; intentionally prevent or attempt to prevent a peace officer or police officer from effecting an authorized arrest of himself or another person; operate a motor vehicle while in an intoxicated condition and operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the consumption of alcohol.

THE GROUNDS FOR THE DEPONENT'S BELIEF ARE AS FOLLOWS:

Deponent states, that at the above time and place, a public roadway, he responded to a radio run of an automobile accident in which a pedestrian was struck, and observed a grey 2013 Toyota Camry (NYS license plate EMY9770) to have a large dent on the hood. Deponent further states that he observed a male individual to be laying on the ground near the aforementioned vehicle and to be bleeding from the head and have brain particle near the head as well.

Deponent further states that he observed defendant to be standing near the scene and to have a strong odor of alcohol emanating from his breath, Deponent ${\bf p}$

further states that he observed defendant to be unsteady on his feet and at one



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point, even fellover spontaneouly. Deponent further states that he observed defendant to have bloodshot, watery eyes. Deponent further states he observed inside of the aforementioned vehicle, on the floor of the rear passenger compartment, one (1) pint-sized bottle labeled SVEDKA VODKA to have only approximately one ounce of liquid left.

Deponent further states that defendant stated in sum and substance: I DRANK A BOTTLE OF VODKA IN MY CAR AND WENT TO SHOOT POOL AT THE BILLIARDS. WHILE THERE, I WENT OUTSIDE TO A BODEGA AND BOUGHT A CAN OF COLT 45, WHICH I DRANK. LATER ON I WAS DRIVING HOME AND GOT OFF ON THE BROADWAY EXIT OF HENRY HUDSON PARKWAY SOUTH. AT THE END OF THE RAMP FOR NORTHBOUND BROADWAY THERE IS A STOP OR YIELD SIGN. I LOOKED AND DID NOT SEE ANY CARS OR ANYTHING AND KEPT GOING. THEN I FELT THAT HITSOMETHING AND I STOPPED MY CAR. I GOT OUT AND SAW A MALE LAYING ON THE GROUND WITH BLOOD AROUND HIS HEAD AND THEN I GOT SHOCKED.

Deponent further states that he was present at the administration of a chemical test analysis of defendant's blood, and defendant consented to the taking of his blood.

Deponent further states that at the scene, when he attempted to place defendant inhandcuffs, defendant refused to place his hands behind his back and fought deponent and other officers while stating in sum and substance: I DON'T WANT TO HAVE TO HURT ONE OF YOU. Deponent further states that it took approximately six officers to finally restrain defendant and that, in the process, he strained his back.

> FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO P.L. 210.45

> > May 1

DATE and TIME

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