

NarrativeLakewood Township Police Department
Investigation Narrative

01/15/2012

0115hrs

DRIVING WHILE INTOXICATED

P.O. Jeremy Felder #338

Arrested:

Edwin A Alicea
1314 Stark St
Lakewood, NJ 08701
DOB: 07/09/1971
SS# ██████████

Vehicle Involved: a 1995 Ford Ranger, P-up color red, NJ/██████████,
VIN#1FTCR10A3SPA██████████

On the listed date and time, I was on patrol conducting an area check of the 100 block of Martin Luther King Boulevard. During that time, I observed a vehicle in the Center St. parking lot, adjacent to the location I was patrolling, which was parked with its hazard lights flashing. I observed that there appeared to be a male sitting in the drivers seat, and that the brake lights of the vehicle appeared to be illuminated. I took note of this vehicle, and continued my check of the area.

About one minute later while still in the area, I observed this vehicle exit its parking spot, drive (2) parking spots away, then pull back into a parking spot. I noticed the vehicle pulled in the spot while only narrowly missing another parked vehicle, and on a crooked angle. The driver again appeared to just be sitting in the vehicle subsequent to this while his brakes depressed. I pulled behind the vehicle and effected a motor vehicle stop to assess the situation.

I approached the driver's side of the vehicle and saw that the window was open. When I made it up to the driver, I could immediately detect the odor of an alcoholic beverage emanating from the interior. I looked at the driver and also observed that his face was flushed, his eyelids droopy, and his pupils dilated. I asked him to produce his driving credentials.

The male (later identified as Edwin Alicea) stared blankly at me with a look of annoyance on his face. He made no movements at all. I again asked him for his driving credentials, and he continued to blankly stare at me. At one point, he mumbled several unintelligible words, which were extremely slurred. As he mumbled these words, I could again detect the odor of an alcoholic beverage emanating from his mouth/facial area.

Alicea refused to provide me with his driving documents, and/or tell me his name. While I was still standing next to the driver's door, Alicea hit the accelerator and the vehicle lunged forward. At this point I asked him to exit the vehicle. I was unsure if he was attempting to leave the scene. I asked him at least (4) times to exit the vehicle, all of which he ignored. I then opened the door and attempted to pull Alicea out of the vehicle. He began to resist my efforts and lunged towards the passenger side floorboard of the vehicle. I would later discover that he was attempting to conceal an open container of alcohol

when he did this.

I extracted Alicea from the vehicle, at which point he squared his body with me and clenched his fists. Alicea lunged forward, at which point I took him to the ground. I advised him he was under arrest and to not resist arrest. He put his hands beneath his chest and refused to comply with orders to place his arms behind his back. Alicea was trying to push his chest off of the ground, and was kicking his legs. P.O. Dowden arrived on the scene, and subsequent to this use of compliance holds, I was able to handcuff Alicea. It should be noted that subsequent to being taken to the ground, Alicea hit his head on the sidewalk and suffered a small facial laceration.

Officers then walked him to my marked patrol vehicle, at which time he refused to get in the vehicle. He had to be physically pushed into the backseat. Prior to being able to close the door, Alicea began to kick in the direction of my lower body. I exposed him to one, (1) second burst of O.C. spray directly to his eyes from a distance of approximately (3) feet. This immediately gained his compliance, and I was able to close the door.

P.O. Dowden and P.O. Cavallo stood by at the scene and impounded the vehicle. Based on the arrestee's physical indicators including the presence of an odor of an alcoholic beverage, I planned to charge him with Driving While Intoxicated.

I transported Alicea to police headquarters where Lakewood EMS responded to evaluate his facial laceration. Alicea was uncooperative, cursing and screaming at the EMS workers and officers present at headquarters. He then requested to be transported to the hospital. Prior to leaving, I read to Alicea the Standard Statement for Operators of a MV 39:4-50; his response was "Fuck You." No field sobriety tests could be performed because of Alicea's physically violent and combative demeanor.

Lakewood EMS transported him to the hospital, being accompanied by P.O. Fink in the ambulance. I responded to the hospital with a police blood kit. I completed a Probable Cause Blood Draw form, and had the nursing staff at Kimball draw blood. It should be noted that Alicea was violent and combative with the nursing staff, and had to be restrained per their hospital protocol to complete the blood draw.

I provided Nurse Karen Jawkiewicz with the police blood kit to which she utilized the contents to obtain blood samples. She then provided me (2) vials of blood, which I secured in an evidence bag, then blood evidence box. The box was then secured in a clear, plastic evidence bag.

Subsequent to the blood draw and the arrestee refusing medical attention, I transported him back to police headquarters for processing. Kimball Medical Ctr staff provided discharge paperwork which clearly indicated the male refused all medical treatment and did not want to be touched.

At headquarters, I immediately secured the blood evidence in a clear, plastic evidence bag, then secured that bag in the police evidence refrigerator. A property report and laboratory report were both compiled and attached with this casefile.

I then attempted to process Mr. Alicea, specifically via photographing him in the cell block area. Alicea was physically combative, and had to be restrained by both myself and P.O. Kearns, while P.O. Cavallo assisted to capturing the photograph electronically. After having his photo taken, I secured Alicea in

cell #6.

It should be noted that Alicea made statements the entire time he was in police custody including "You don't know who I am," and "You're gona fucking pay for this," and "I'm gona fucking get you bitch when I get out."

Alicea was later released ROR to a family member (Mr. Carmelo Alicea) who signed the necessary Potential Liability paperwork for his release.

A Use of Force Report and a Use of O.C. report were both generated and also included with this casefile. The vehicle was impounded by Tilton's Auto Body, and would be held for 12hrs per John's Law.


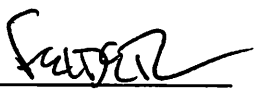
Summary of Charges:

S-2012-000078
Obstruction of Justice
Resisting Arrest

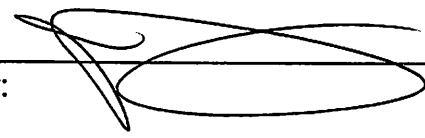
- A228235 39:4-50 Driving While Intoxicated
- A228236 39:4-50.2 Refusal
- A228237 39:4-51b Open Container
- A228238 39:4-96 Reckless Driving

The entirety of this incident was captured via my patrol vehicle's (#3389) in car mobile video camera. A property report requesting the video be pulled and stored to DVD was completed and attached to this casefile.

No further action was taken by this officer.

 3386 

Responsible LEO:

SGT  232

Approved by:

1-15-12

Date

COMPLAINT - SUMMONS

COMPLAINT NUMBER

1514**S****2012****000078**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

*THE STATE OF NEW JERSEY**VS.***EDWIN A ALICEA****LAKWOOD MUNICIPAL COURT****231 THIRD ST****LAKWOOD****NJ 08701****(732) 364-2500**COUNTY OF: **OCEAN**

ADDRESS:

1314 STARK ST**LAKWOOD****NJ**# of CHARGES
2

CO-DEFTS

POLICE CASE #:
12-03811

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BROWN**DOB: **07-09-1971**

DRIVER'S LIC. #:

DL STATE: **NJ**

SOCIAL SECURITY

SBI #:

TELEPHONE #:

COMPLAINANT
NAME:**PTL J FELDER #338****231 THIRD STREET****ATTN WARRANTS****LAKWOOD****NJ 08701**

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **01-15-2012 in LAKWOOD TWP**, **OCEAN County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, DID PURPOSELY PREVENT A LAW ENFORCEMENT OFFICER FROM EFFECTING AN ARREST BY USE OF RESISTANCE, SPECIFICALLY BY REFUSING TO COMPLY WITH VERBAL ORDERS TO STOP RESISTING ARREST, BY REFUSING TO PLACE HIS ARMS BEHIND HIS BACK WHILE ON THE GROUND, AND OTHERWISE ATTEMPTING TO EVADE ATTEMPTS AT BEING HANDCUFFED BY OFFICERS - IN VIOLATION OF N.J.S. 2C:29-2A(1).

WITHIN THE JURISDICTION OF THIS COURT, PURPOSELY PREVENT OR ATTEMPT TO PREVENT A PUBLIC SERVANT FROM LAWFULLY PERFORMING AN OFFICIAL FUNCTION BY MEANS OF AN INDEPENDENTLY UNLAWFUL ACT, SPECIFICALLY BY REFUSING TO PROVIDE HIS IDENTIFICATION, VEHICLE DOCUMENTS, THEN REFUSING TO EXIT THE VEHICLE, THEN ATTEMPTING TO ROLL THE VEHICLE FORWARD AWAY FROM THIS OFFICER, AND OTHERWISE REFUSING TO COMPLY WITH REPEATED VERBAL COMMANDS AND ORDERS - IN VIOLATION OF N.J.S. 2C:29-1A.

in violation of:

Original Charge

1) **2C:29-2A(1)**2) **2C:29-1A**

3)

Amended Charge

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Signed: **PTL J FELDER #338**Date: **01-15-2012**

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS:

YOU ARE HEREBY SUMMONED to appear before this court to answer this complaint. If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

DATE TO APPEAR: 01-19-2012 TIME: 9:30am**PTL J FELDER #338****01-15-2012**

Signature of Person Issuing Summons

Date

 Domestic Violence – Confidential **Related Traffic Tickets
or Other Complaints** **Serious Personal Injury/ Death
Involved****Special conditions of release:** **No phone, mail or other personal contact w/victim** **No possession firearms/weapons** **Other (specify):****POLICE COPY**



NEW JERSEY STATE POLICE
OFFICE OF FORENSIC SCIENCES
**CERTIFIED LABORATORY REPORT
TOXICOLOGY ANALYSIS**

Laboratory Address: East Regional Laboratory NJSP Office of Forensic Sciences Sea Girt Avenue P.O. Box 0233 Sea Girt, NJ 08750-0233	Laboratory No. E12-00337
Submitting Agency Lakewood PD	Agency No. 12-03811

Case Name Edwin A. Alicea [S]	Date of Report 02-09-2012
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BLOOD ITEM 1

Ethyl Alcohol

Positive 0.299 ± 0.006 Wt/Vol%

Not Detected

Date of Alcohol Analysis: 02/07/2012

Not Analyzed

TEST PROCEDURES: 1

Drugs

Positive _____

Not Detected

Not Analyzed

TEST PROCEDURES:

URINE

Drugs

Positive _____

Not Detected

Not Analyzed

TEST PROCEDURES:

Standard laboratory analytical methods may not detect all possible drugs or drug concentrations
REMAINING SPECIMEN(S) WILL BE DESTROYED NINETY (90) DAYS AFTER THE FINAL REPORT

TEST PROCEDURE KEY

- | | |
|---|------------------|
| 1. Headspace Gas Chromatography | 4. EMIT |
| 2. Gas Chromatography | 5. ELISA |
| 3. Gas Chromatography/Mass Spectrometry | 6. GHB Headspace |
| | 7. _____ |

I hereby certify and attest that: I have been employed by a State Forensic Laboratory for 26 years, I have a B.A. degree, and I have qualified as an expert witness on 28 occasions in Municipal and Superior Courts in New Jersey; that the above laboratory report fairly and accurately documents the type and results of the analysis performed; that I am the person responsible for the analysis and the conclusions set forth in the above laboratory report; that the equipment used to perform the type of analysis described above was functioning properly.

The test procedures used are accurate, reliable, objective in nature, and performed on a routine basis within the laboratory.

Sworn to and subscribed before me this

9th Day of February, 2012

Analyst
Toni Pettincki
Forensic Scientist III

Notary

TRISHA L. STAHL
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 5/27/2016

Reviewer