

San Juan County Sheriff's Office
1557 Greene St., P.O. Box 178, Silverton, CO 81433
970-387-5531 - Office
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sjcsheriff@frontier.net

Supplement Report

Case #: 21-032

Date: 03/17/2021

Armistead #204

On March 17th, 2021, I was on duty in the County of San Juan, state of Colorado when at approximately 2130 hours I was patrolling on Greene Street and traveling northbound in the 400 block when I observed a vehicle traveling southbound in the 600 block of Greene Street that appeared to be traveling faster than the posted 25 MPH speed limit. I observed my radar unit which was set to opposite direction mode, and saw it display a speed of 30, 31, 33, and 33, while emitting a solid steady tone. I noted at the time that there were no other vehicles within visual range traveling in the opposite direction and that once the defendant's vehicle had passed by me, the radar unit ceased to display a speed and stopped emitting a tone. Therefore, I am highly confident the defendant's vehicle was the target of my radar.

The vehicle passed by me in the 400 block of Greene Street traveling 33 MPH and as it did so, I looked in my rearview mirror for brake lights to see if the driver would slow as he approached the stop sign at the intersection of Greene Street and Highway 550. I pulled over onto the shoulder of Greene Street and turned in my seat to look back towards the vehicle as it approached the stop sign. I saw the brake lights come on as the vehicle slowed slightly, but failed to come to a complete stop before proceeding through the intersection and entering Highway 550. I made a u-turn and began traveling south on Greene Street towards the intersection with Highway 550 intending to intercept the vehicle and initiate a traffic stop. The defendant's vehicle traveled southbound on Highway 550 for approximately 200 yards, then turned right into the San Juan Services Gas Station. The gas station store was closed at the time so I expected that the driver would likely pull up and stop at a gas pump at which time I planned to initiate a contact. However, the vehicle did not stop at a pump and continued traveling through the parking lot and around the rear of the building where the Animas Towing

Services garage is located. I followed him through the parking lot and around the building but was unable to get within a reasonable distance to activate my emergency lights and initiate a stop due to the high rate of speed at which the defendant's vehicle was traveling. The gas station parking lot is entirely made up of dirt and gravel and due to the recent ice and snow melt, has become riddled with deep potholes which hindered my ability to keep up. After going around the building and past the towing garage, the vehicle turned onto Reese Street at the intersection with Highway 550 where there is another stop sign. The defendant's vehicle did not stop or slow down at this stop sign and immediately turned left to enter the highway. I intended to follow the vehicle onto the highway but as I approached the stop sign, I had to yield to an oncoming vehicle traveling southbound. I realized that the defendant's vehicle had turned in front of this vehicle only a moment prior, narrowly avoiding a collision. As I waited at the stop sign for the roadway to be clear, I was able to clearly observe the defendant's vehicle negotiating the left turn onto the highway. The vehicle had turned so widely that both the front and rear passenger side tires ended up in the gravel ditch on the side of the highway and remained there while the vehicle was in motion for approximately 10-15 feet before the driver corrected his vehicle back onto the roadway. After the oncoming vehicle had passed by, I entered the highway and accelerated to intercept the vehicle and initiate a traffic stop which I was able to do within approximately one quarter of a mile. I activated my emergency lights and siren and the driver slowed and put on a blinker indicating to me that he was aware of the traffic stop and planning on pulling over, but he continued in motion for approximately 100 yards farther before pulling onto the shoulder and coming to a stop. Prior to contacting the driver, I called out the stop to dispatch with my location and the number plate attached to the vehicle which was a white Toyota 4Runner bearing Utah license plate "W734LW." Dispatch informed me that the plate had expired in December of 2020 and I observed that the registration stickers on the license plate also read December of 2020.

At that time, I contacted the driver who was the lone occupant of the vehicle and explained the reason for the stop which was for traveling 33 MPH in a posted 25 MPH zone on Greene Street, for failing to stop at the stop sign at the end of Greene Street prior to entering the highway, and for failing to stop at the stop sign on Reese Street prior to entering the highway again after leaving the gas station. As I was explaining this to the driver, I observed that his eyes were watery and glassy and that he would look at me and look away repeatedly during the time that I was speaking. He was smiling as I was speaking, both while looking at me and while looking away. After I finished explaining the three reasons I had for stopping him, the

driver continued smiling but did not respond to what I had said or speak at all. Based on the glassy look of his eyes, his failure to obey two different stop signs, and his failure to stay on the pavement while negotiating the turn onto the highway, I then asked the driver if he had been drinking. He said: "I had a beer...[long pause] and.... I'm not used to the clutch, I'm not gonna lie." His speech was slow and slurred and I requested his driver's license, registration, and insurance. He passed me his drivers license, which he had been holding since the time I initially approached the vehicle and I identified him as Evan Clapper by way of his Utah driver's license. He then stated: "I just had.... uh, my vehicle bottomed out and I pulled everything out, and I don't.. [long pause]...have my registration with me. But I got insurance." Again, I observed that his speech was slow and slurred and he seemed to have difficulty articulating his thoughts with long pauses in between words. I responded to him by saying, "Okay. May I have that?" He mumbled something that I was unable to understand and then grabbed his wallet and began slowly going through a large bundle of credit cards that were clipped together. He said: "It's a State Farm thing," as he fumbled with the cards, pulling each one out and slowly sliding it back before moving on to the next card in the stack. When he was about halfway through the stack, I asked him: "Are you sure you've just had one beer tonight?" He stopped looking through the cards and responded to my question saying: "I...[long pause] had a drink after skiing, and after dinner." He was no longer looking through the cards and I waited to see if he would resume the task of finding his proof of insurance. He did not and remained still in the vehicle for several seconds before I reminded him by saying: "Okay. How about that insurance?" He said he couldn't find it and I directed him to remain inside the vehicle while I returned to my patrol car for a moment.

In my patrol car, I placed a call to Undersheriff Steve Lowrance to inform him that I was in contact with a driver who I suspected of driving under the influence and I requested that he meet me at my location to act as a cover car while I continued my investigation. He said that he would be on scene shortly and in the meantime, I began filling out a summons for the charges I already had on Mr Clapper which were failing to provide proof of insurance, speeding, no registration card in the vehicle, displaying expired number plates, and failing to stop as required at a stop sign.

Approximately 15 minutes later at about 2150 hours, Undersheriff Lowrance arrived on scene. I contacted Mr Clapper again and asked him if he would be willing to perform voluntary roadside maneuvers and he agreed. I asked him out of the vehicle and as he opened the door, I

observed a strong odor of an unknown alcoholic beverage coming from his person, He appeared unsteady on his feet and used the vehicle to balance himself while stepping out. I asked Mr Clapper to step to the rear of his vehicle and off to the side of the roadway but still on the pavement and he did so, slowly and unsteadily. The Undersheriff stood in the roadway and looked out for oncoming vehicles as Mr Clapper and I stood between his car and mine to perform roadside maneuvers. I asked Mr Clapper if he had any physical or mental or conditions or disabilities that I should be aware of or that may inhibit his ability to perform the maneuvers and he said "just a bad leg." I proceeded to demonstrate for Mr Clapper how to perform the one legged stand and asked him to hold it for 30 seconds. I asked if he understood the instructions and he said yes. I directed him to begin when he was ready. Mr Clapper began to raise his foot off the ground and immediately lost his balance and stumbled while putting his foot back down. The Undersheriff was observing as this took place and stepped in towards Mr Clapper as he lost his balance, preparing to catch him before he fell to ground, but Mr Clapper was able to regain his balance a second later without falling down. I asked him to give it another try and once again he lifted his foot approximately 4 inches off the ground and held it there while counting quickly aloud: "one-one thousand, two-one thousand, three-one thousand" with his hands rising up from his side as he did so, until they were nearly all the way out and parallel to the ground. After approximately 3 seconds of holding his foot up, the Undersheriff asked him to keep his hands down at his side. Mr Clapper corrected himself and put his hands down at his side again while continuing to count aloud, and made it to "six-one thousand" before again losing his balance and placing his foot back down on the ground. Because he was counting as quickly as he could speak, I would estimate the total amount of time that Mr Clapper was able to hold his foot up to be approximately 4-5 seconds, during which time he was unable to keep his arms down flat at his side.

The Undersheriff stepped in to demonstrate for Mr Clapper how to perform the walk and turn roadside maneuver. Mr Clapper began from a standing position and did not step heel to toe as he had been asked, and used his arms to steady himself several times while stepping off the white line onto the road. Following the walk and turn maneuver, I asked Mr Clapper to stand in front of me with his feet together and hands down at his sides while I performed the Horizontal Gaze Nystagmus test. I asked Mr Clapper to follow the tip of my pen with his eyes only as I moved it from side to side, and to refrain from moving his head while doing so. As I moved the pen from side to side, I observed that his eyes were unable to smoothly track the movement of the pen and that his pupils jerked while gazing to the side. I repeated this process twice on each

side and observed an immediate onset of nystagmus, a lack of smooth pursuit, and sustained jerking motion of his eyes each time.

Following the roadside maneuvers, I asked Mr Clapper to again take a seat in his vehicle and said that I would be back to speak with him in a moment. The Undersheriff and I spoke privately while Mr Clapper got back in his car and we agreed that based on his inability to satisfactorily complete the roadside maneuvers as compared to a sober person, further DUI investigation involving a chemical test was required. At that time, I again contacted Mr Clapper at his vehicle and explained to him the Colorado Express Consent law stating that any person who drives a motor vehicle in Colorado is deemed to have given express consent to a chemical test for purposes of determining their blood alcohol content when a law enforcement officer has probable cause to believe that they have been driving while under the influence of alcohol. I stated that the only chemical test that was available was a blood test, and asked Mr Clapper if he would cooperate with a blood draw. He asked what would happen if he refused. I stated that refusal would result in automatic revocation of his Colorado driving privileges for a minimum period of one year. Mr Clapper said that he was on his way to the Columbine Roadhouse which was approximately 1 mile farther up the road, and asked if he could go there and do the test tomorrow. I said that was not an option. It occurred to me when he said that he was on his way to the Roadhouse, he had been going the wrong way when he entered the highway to travel southbound which indicated that he may have been too intoxicated to navigate his way around. I said that the test would be performed by a certified EMT at the sheriff's office where we would transport him if he was willing to cooperate. He smiled and asked me "what should I do?" I said that I was unable to advise him on that, but reiterated again that refusal would result in automatic revocation of driving privileges. He remained silent for several moments and I asked him again what he was going to do. He said: "Okay, okay, I'll do it." I asked him out of the vehicle and motioned to the Undersheriff to come closer and assist me in placing Mr Clapper in handcuffs. The Undersheriff asked Mr Clapper to turn around to face the vehicle and put his hands behind his back. Mr Clapper cooperated with this request initially, but became upset when he realized he was being handcuffed. The Undersheriff was able to attach the handcuff around Mr Clapper's right-hand wrist before Mr Clapper began verbally objecting, repeatedly saying "This is unnecessary," and attempting to turn around to face us while moving his hands from his lower back to his front side and pulling away. The Undersheriff directed Mr Clapper to stop moving and remain calm and I grasped Mr Clapper by his left arm at the elbow and placed it behind his back for the Undersheriff to put the remaining cuff around his left wrist. After he was

handcuffed, the Undersheriff did a pat-down of his person which did not produce anything of note and he was then placed in the rear of my patrol vehicle.

I searched Mr Clapper's vehicle incident to arrest and located an open and empty beer can behind the center console that divided the two front seats. I also located an open case of White Claw alcoholic beverages directly behind the driver's seat that had about half of the cans left in it, all of which were sealed and unopened. I returned to my patrol vehicle where Mr Clapper continued to verbalize his objection to being placed in handcuffs. I told him that they would be removed upon arrival at the sheriff's office for the blood draw. The Undersheriff and I both departed in separate vehicles in route to the Sheriff's Office where certified EMT's were standing by to perform the blood draw that Mr Clapper had agreed to cooperate with.

Upon arrival at the Sheriff's Office, the Undersheriff opened the rear passenger side door where Mr Clapper was seated and asked him to step out and go inside the building for the blood draw. Mr Clapper refused stating that he wouldn't get out until his handcuffs were removed. The Undersheriff told him again that they would be removed once we got inside. Mr Clapper repeated that he would not exit the vehicle until they were removed and turned in his seat away from us, as to make the handcuffs behind his back accessible to the Undersheriff for removal. Again, the Undersheriff refused and reminded Mr Clapper that they would be removed once we got inside the building which was only a few steps away. Mr Clapper demanded to know what law dictated that he remain in handcuffs and the Undersheriff informed him that it is sheriff's office policy not to remove handcuffs unless inside a secure location. He stated that the parking lot is not a secure location, but inside the building they could be removed. He said that since it was dark out, no one would even see him walking inside. Mr Clapper then began demanding to have the Sheriff on scene. The Undersheriff informed Mr Clapper that his title was Undersheriff and that the Sheriff was not available at that time. Mr Clapper did not indicate why he was requesting the Sheriff. Again, the Undersheriff attempted to persuade Mr Clapper to exit the vehicle and said that he would help him step out. Mr Clapper responded by saying: "Do you want to hold my hand? Do you want to do a pirouette? Do you want to dance?" The Undersheriff attempted to make light of these comments and said "Well, you're not my type," and again offered to help Mr Clapper step out of the vehicle. Mr Clapper again turned his back to us and demanded his handcuffs be removed immediately. The Undersheriff informed Mr Clapper that if he continued to refuse to exit the vehicle, he would be charged with obstructing a peace officer and his refusal to cooperate with the blood draw would result in a loss of his driving privileges.

Mr Clapper sat back against his seat and looked straight ahead without speaking, indicating that he was still refusing to step out of the vehicle. The Undersheriff closed the door with Mr Clapper inside and said to me that we would give him a few minutes before trying again. We went inside the building to inform the medical technicians who were waiting that Mr Clapper was currently refusing to exit the vehicle and may not cooperate, but that we planned on trying again in a few minutes.

After approximately 5 minutes or less, the Undersheriff and I returned to my patrol car and again asked Mr Clapper to step out of the vehicle and go inside for the blood draw where the medical technicians were waiting and where we would remove the handcuffs. Again, Mr Clapper repeatedly refused, turning his back to us and demanding the removal of the handcuffs prior to exiting the vehicle. The Undersheriff informed Mr Clapper again that if he continued to physically and verbally refuse and resist our directions, he would be charged with obstruction and transported to La Plata County Detention Center. Mr Clapper did not appear concerned with incurring additional charges and the Undersheriff and I decided against physically removing him from the vehicle and to instead transport him to the detention center.

We closed the door to the patrol vehicle with Mr Clapper still seated inside and I went back inside the building to inform the medical technicians that their services were no longer needed. I got back in my patrol vehicle and departed for the jail with Mr Clapper in custody at 2239 hours. On the way to the jail, Mr Clapper repeatedly insisted that I pull over and remove the handcuffs so that he could exit the vehicle and urinate. I informed Mr Clapper that I would not comply with this request for officer safety reasons and that he could use the restroom at the jail. Mr Clapper repeatedly inquired as to what the time was, and as to what time it was when I had initially contacted him, and insisted that it was a requirement for me to uncuff him and let him out of the vehicle to urinate. I did not oblige these requests, nor did I engage in additional conversation with Mr Clapper during the drive to the jail.

We arrived at La Plata County Jail at approximately 2350 hours and I asked Mr Clapper if he would cooperatively exit the vehicle and walk inside the booking area or if I needed to find a detention deputy to assist me in physically removing him. Mr Clapper responded by saying he would do whatever option would get him to a restroom faster and I told him the faster option would be to voluntarily walk inside on his own, which he did. Once inside, he immediately announced he needed to use the restroom and attempted to enter the restroom in the booking

area without the consent of detention deputies who immediately stopped him from doing so. Mr Clapper was informed that he could use the restroom after the detention deputies granted him permission, which they did less than five minutes later. Mr Clapper was evaluated by medical staff as part of the intake process, during which time he was administered a PBT intoxilyzer breath test which returned a 0.15 BAC result. He was also given a Covid-19 rapid test and a face covering. I took inventory of Mr Clapper's belongings and requested that he sign the inventory form to indicate that all of his belongings had been listed and he complied. While still in the booking area awaiting the results of his Covid-19 test, Mr Clapper addressed me and said, "Since we are pals now, can you call [name of friend] for me?" I do not feel that Mr Clapper actually believed we had somehow developed a friendship and I felt that this comment was made in the presence of other detention deputies with the intent to embarrass me. I told Mr Clapper that I would not be calling anyone for him and that he would have an opportunity to make a phone call later on when granted permission by detention center staff. Mr Clapper was taken into custody and placed in a holding cell while I worked on completing the summons and the Expressed Consent Affidavit and Notice of Revocation.

I charged Mr Clapper with driving under the influence of alcohol, failing to provide proof of insurance, speeding, no registration card in the vehicle, displaying expired number plates, failing to stop as required at a stop sign, and obstructing a peace officer. I issued the summons to Mr Clapper through the tray door opening of his holding cell, where I held the clipboard with the summons attached so that he would be able to see it and follow along as I was speaking. I explained to him the charges and that he was ordered to appear in San Juan County Court at the specified date and time noted at the bottom of the summons. I requested that he sign in the designated space at the bottom of the document and he attempted to remove the clipboard from my hands. I held onto it and told him that he could read it and sign at the bottom without taking it from me. He said that he couldn't see it well enough and I recommended that he consider kneeling or sitting down in order to get closer and see it better. He refused to do so and tossed his hands up while walking away towards the back of his holding cell, exclaiming: "I'm not ready! I'm just not ready." I asked him if that meant he was refusing to sign the document and he said yes, he was not ready and would not sign the summons. I told him that I would have to write the word "refused" in place of his signature and he said "fine." I wrote the word "refused" on the summons and asked Mr Clapper to come closer again so that I could go over the next document which was the Express Consent Affidavit and Notice of Revocation. Again, he refused and said "I'm not ready!" Mr Clapper was only about 6 feet away and could adequately hear my

voice as evidenced by his replies to my statements, so I proceeded to explain the second document while holding it on the clipboard through the tray door opening of the holding cell so that it would be accessible to him in the event he decided to come closer and look at it while I was speaking. I explained to him that the purpose of the Express Consent Affidavit and Notice of Revocation was to notify him that as a result of refusing to cooperate with the chemical test, his driving privileges were hereby revoked for a minimum period of one year. I requested that he also sign in the designated space at the bottom of this document and again he stated that he "wasn't ready" and refused to come closer. Again, I told Mr Clapper I would be forced to write "refused" in the signature space and he said that he didn't care. I wrote the word "refused" and told Mr Clapper that I would give his copies of each document to detention center staff to place with his personal belongings so that he would have them upon release. I started to lift the tray door to close it at which time Mr Clapper dashed towards the opening and bent down to speak through it, requesting again that I make phone calls on his behalf. I shut the door and walked away without responding. I provided the defendant copies of both the summons and the Express Consent Affidavit and Notice of Revocation to the detention center staff prior to departing from the facility at approximately 0040 hours.

I returned to San Juan County at approximately 0110 hours, and called off duty upon arriving at my personal residence around 0145 hours.

The radar was tested before the contact at 1555 hours and after the contact, on Thursday 03/18/2021 at 1750 hours, and was functioning properly.

Nothing further to report.

END OF SUPPLEMENTAL.

Deputy Abigail Armistead #204


Deputy Abigail Armistead

3/23/21
Date

San Juan County Sheriff's Office
1557 Greene St., PO Box 178, Silverton, CO 81433
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Supplement Report

Case # 2021-032

Date 03-22-21

On March 17th, 2021, at approximately 2118, I was off duty and called onto duty by Deputy Abigail Armistead who was requesting a cover car for a traffic stop. I geared up and proceeded to her location, which was described as Highway 550 just north bound of Greene Street.

Upon arrival, I was told by Deputy Armistead that she was going to perform voluntary roadside maneuvers on the driver, and only occupant of the vehicle. I observed the voluntary roadides being performed and saw the driver was unsteady on his feet before, during, and after the maneuvers. He was asked to get back into his vehicle, and as he did so he used his white SUV to balance himself.

Deputy Armistead told me she was going to tell the driver to perform a chemical test under suspicion of DUI and asked if I would help her detain him. As the driver exited the vehicle, I told him to turn around and place his hands behind his back, which he complied with. As I attempted to place him into handcuffs, the male pulled away and tried to walk away. I was forced to physically control the male to keep control of the situation, and I told him to cooperate with me. After a brief and mild struggle without injury to the male or to officers, I was able to place handcuffs on the male. All persons remained standing during the brief struggle. I then searched him and placed him in Deputy Armistead's patrol vehicle. During that interaction, I noticed the male's speech was slurred and I smelled an odor of an unknown alcoholic beverage from the male's breath/person. It also appeared the male's eyes were bloodshot and watery.

I followed them to the Sheriff's Office where a blood draw would be performed. While en route I asked dispatch to page EMS to do the blood draw at the office.

Once at the Office, I asked the male to exit the vehicle and go inside the building. He refused to exit the vehicle, and turning his body away from me he told me to take off the handcuffs. I told him I would take them off inside the building for the blood draw and he told me to take them off "right now". For about 20 minutes I told the male to exit the vehicle, and he continuously refused to exit while telling me to take off the handcuffs. I told him if he didn't stop physically and verbally refusing and resisting our directions, he would be charged with obstructing us. He seemed not to care about that, again telling me to take off the handcuffs and that he refused to exit the vehicle. At that time, the best word that I believe fit his attitude was arrogant. I told Deputy Armistead there was no point in physically removing him from the vehicle, and to go ahead and transport this male to jail. It was quite evident that the male would not cooperate with our directions or with the testing procedure.

I told the EMS personnell, who had been waiting inside to do the blood draw, that the male is not cooperating and thanked them for their time. I then left the incident and returned home, going again off duty. No further action.

END OF SUPPLEMENTAL
Deputy Steve Lowrance #202

LOWRANCE #202
Deputy Steve Lowrance

3-22-21
Date

**DISTRICT/COUNTY COURT,
SAN JUAN COUNTY, COLORADO**

Court Address: 1557 Greene St.
Silverton, CO 81433
Phone Number: (970) 387-5790

Plaintiff: People of the State of Colorado

Defendant: **Clapper, Evan**

Officer's Name: **Abigail Armistead**

Phone Number: 970-387-5531
Fax Number: 970-387-0251

COURT USE ONLY

Case Number:

Div.: Ctrm.:

**AFFIDAVIT OF PROBABLE CAUSE
SUBSEQUENT TO WARRANTLESS ARREST**

I, Deputy Abigail Armistead, a peace officer with the San Juan County Sheriff's Office, by signing my name below, before the notary public named below, solemnly, sincerely, and truly declare and affirm that for the following facts and information establishing probable cause for the warrantless arrest of: Clapper, Evan (DOB: 08/27/78) on 03/17/2021 at approximately 2130, in case number 21-032, for the crime(s) or offenses(s) of:

CRS 42-4-1301(1)(A)	OFFENSE Drove Under the Influence of Alcohol	TYPE M2
CRS 42-4-1409(3)	OFFENSE Drove Uninsured Motor Vehicle - NPOI	TYPE MT1
CRS MTC-1101(1)	OFFENSE Speeding 33 MPH in a 25 MPH Zone	TYPE TIA
CRS 42-4-113(6)	OFFENSE No Registration Card in Vehicle	TYPE TIB
CRS 42-3-114	OFFENSE Displayed Expired Number Plates	TYPE TIB
CRS 42-4-703(A)	OFFENSE Failed to Stop as Required at Stop Sign	TYPE TIA
CRS 18-8-104(1)(A)	OFFENSE Obstructing a Peace Officer	TYPE M2

Are true and correct to the best of my knowledge, information, and belief.

On March 17th, 2021, at approximately 2130 hours, I was patrolling on Greene Street and traveling northbound when I observed a vehicle traveling southbound towards me on Greene Street that appeared to be traveling faster than the posted 25 MPH speed limit. I observed my radar which was set to opposite direction mode, and saw it display a speed of 30, 31, 33, and 33, while emitting a solid steady tone. The vehicle passed by me and I pulled over and turned in my seat to look back as it approached the stop sign at the intersection of Greene Street and Highway 550. I saw the brake lights come on and the vehicle slowed slightly but proceeded through the intersection and entered Highway 550 before coming to a complete stop. I made a u-turn intending to follow the vehicle and initiate a traffic stop. The vehicle

turned right off of the highway and into the San Juan Services Gas Station where it continued through the parking lot and around the rear of the building before turning onto Reese Street at the intersection with Highway 550 where there is another stop sign. The vehicle did not stop or slow down at this stop sign and immediately turned left to enter the highway. I observed that as the vehicle attempted to negotiate the turn, it had turned so widely that both the front and rear passenger side tires ended up in the gravel ditch and remained there while the vehicle continued in motion for approximately 10-15 feet before the driver corrected the vehicle back onto the roadway. After the roadway was clear of oncoming traffic, I also turned left and intercepted the vehicle within approximately 0.25 miles. I activated my emergency lights and siren and the driver slowed but remained in motion for approximately 100 yards before coming to a stop. I observed that the vehicle was a white Toyota 4Runner bearing Utah license plate "W734LW." I ran the plate through dispatch and was informed that it had expired in December of 2020. I observed the registration stickers on the plate also read December of 2020.

I contacted the driver who was the lone occupant of the vehicle and explained the reason for the stop which was for traveling 33 MPH in a posted 25 MPH zone and for failing to stop at two different stop signs. As I was speaking, I observed that his eyes were watery and he was smiling, which I found somewhat unusual. Based on this unusual behavior, the glassy look of his eyes, his failure to obey two different stop signs, and his failure to stay on the pavement while negotiating the turn onto the highway, I then asked the driver if he had been drinking. His speech was slow and slurred and he said that he had one beer. I requested his driver's license, registration, and insurance. He passed me his license and I identified him as Evan Clapper of Moab, Utah. He said that he had just cleaned out his vehicle and did not have the registration card but that he did have proof of insurance. Again, I observed that his speech was slow and slurred with long pauses in between words. He began fumbling with a stack of credit cards seemingly looking for an insurance card. As he did so, I asked if he was sure that he had only had one beer. He stopped looking through the cards and said that he had a beer after skiing and after dinner. He did not resume looking for the insurance card until I asked him about it again, to which he responded by saying he couldn't find it. I directed him to remain inside his vehicle while I returned to my patrol car where I placed a call to the Undersheriff to request that he meet me at my location and act as a cover car while I continued my investigation. Approximately 15 minutes later at about 2150 hours, the Undersheriff arrived on scene and I asked Mr Clapper if he would be willing to perform voluntary roadside maneuvers, to which he agreed. I asked him out of the vehicle and as he opened the door, I observed a strong odor of an unknown alcoholic beverage. He appeared unsteady on his feet and used the vehicle to balance himself while exiting. I proceeded to walk Mr Clapper through the voluntary roadside maneuvers and observed that he was unsteady on his feet and unable to satisfactorily complete them as compared to a sober person.

After the roadside maneuvers, I asked Mr Clapper to take a seat in the vehicle again where I explained the Colorado Express Consent law and asked if he would cooperate with a blood draw. Mr Clapper asked if he could take the test tomorrow and I said that would not be an option. He thought it over for a moment and then agreed to be transported to the sheriff's office for a blood draw. I asked him out of the vehicle and motioned to the Undersheriff to come closer to assist me in placing Mr Clapper in handcuffs. The Undersheriff asked Mr Clapper to turn around and put his hands behind his back which he did cooperatively until he felt the handcuffs being put on, at which time he moved his arms and attempted to walk away from us. The Undersheriff directed Mr Clapper to stop moving and remain calm and I grabbed his arm to hold it still behind his back while the Undersheriff finished cuffing him. Mr Clapper verbally objected to being placed in cuffs and continued to do so after being placed in the rear of my patrol vehicle. I told him that they would be removed upon arrival at the sheriff's office for the blood draw.

I searched his vehicle incident to arrest and located an open and empty beer can behind the center console that divided the two front seats. I also located approximately an open case of White Claw alcoholic beverages directly behind the driver's seat that only had about half of the cans left in it, all of which were still sealed and unopened.

When we arrived at the sheriff's office, Mr Clapper refused to step out of the patrol vehicle and go inside the building unless we removed the handcuffs. The Undersheriff informed Mr Clapper that he

would remove them once we got inside but that they needed to stay on until then. Mr Clapper repeatedly refused to exit the vehicle. The Undersheriff attempted to persuade him for approximately 15 minutes and Mr Clapper continued to refuse. The Undersheriff again explained the Colorado Express Consent law to Mr Clapper and stated that if he refused to exit the vehicle, he would be charged with obstructing a peace officer and transported to jail. Mr Clapper continued to protest the handcuffs and say that he would not exit the vehicle unless they were removed. After approximately 20 minutes of Mr Clapper refusing to cooperate, he was then transported to La Plata County Detention Center.

Your affiant states that the offense(s) of

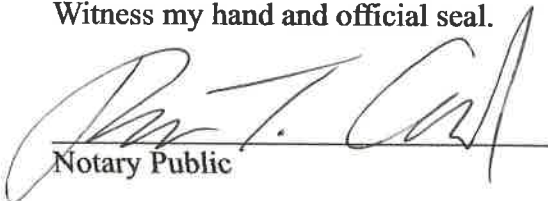
Drove Under the Influence of Alcohol	TYPE M2
Drove Uninsured Motor Vehicle - NPOI	TYPE MT1
Speeding 33 MPH in a 25 MPH Zone	TYPE TIA
No Registration Card in Vehicle	TYPE TIB
Displayed Expired Number Plates	TYPE TIB
Failed to Stop as Required at Stop Sign	TYPE TIA
Obstructing a Peace Officer	TYPE M2

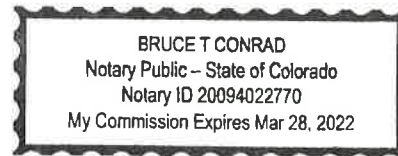
occurred in the County of San Juan, in the State of Colorado.


Affiant – Applicant

The foregoing affidavit was subscribed and sworn to before me this 19 day of MARCH, 20 21, in the County of San Juan, State of Colorado.

Witness my hand and official seal.


Notary Public



My commission expires on 03/28/22.

-
- Probable Cause Found
 - Probable Cause Not Found



Judge Anthony Edwards
San Juan County Court Judge

District Court Judge
Sixth Judicial District