

CAUSE NUMBER: _____

THE STATE OF TEXAS	§	_____ COURT
	§	
	§	
COUNTY OF _____	§	_____ COUNTY, TEXAS

AFFIDAVIT FOR ARREST AND DETENTION

The undersigned Affiant, who after being duly sworn by me, on oath, makes the following statement: I have good reason to believe and do believe that:

John Smith, W/M, DOB: 01/01/1981, TXDL: 12345678,

On or about the June 8th, 2025, in the City of Bastrop, and County of Bastrop, more specifically at the 9000 East Highway 71, did then and there commit the offense of:

DWI Third or More – Third Degree Felony, in violation of Penal Code Chapter 49.04.

My belief of the foregoing statement is based upon the following facts:

Your Affiant is Trooper Samuel Samplier, Badge Number 54321, who is currently employed with the Texas Department of Public Safety as a Peace Officer. Your Affiant has been a peace officer for 9 years and holds current SFST certification. Your affiant also holds specialized training in Advanced Roadside Impaired Driving Enforcement (ARIDE) Certification and Drug Recognition Expert (DRE).

On Sunday, June 8th, 2025, at approximately 11:00 p.m., I, Trooper Samuel Samplier, Badge Number 54321, was conducting routine patrol duties on State Highway 71, a public roadway in Bastrop, Bastrop County, Texas. I was operating a patrol unit outfitted with emergency lights, siren, and department markings, stenciled around my vehicle, identifying my patrol unit as a Police Vehicle. I was traveling eastbound, approaching State Highway 29.

I observed a vehicle, later identified as a black 2024 Toyota Tundra, displaying TXLP: ABC1234, traveling eastbound in the center lane. I observed the Toyota Tundra speeding at 80

miles an hour in a 65 mile an hour zone. I confirmed speed with the front mobile Doppler radar antenna at 80 mph in a 65 mph zone, in violation of Texas Transportation Code Chapter 545.352. I am certified in use of the Mobile Doppler Radar by the Texas Department of Public Safety. I also observed the Toyota Tundra following too closely behind a vehicle in front of it at an unsafe distance, in violation of Texas Transportation Code Chapter 545.062.

I got behind the vehicle and activated my emergency lights to initiate the traffic stop. Upon activation of my emergency lights, the driver of the Toyota Tundra did not react to my presence at all. I then activated my siren, and the driver finally stopped abruptly, slowing down from 80 miles an hour to 50 miles an hour in the center lane and then started to move over to the right and pulled over on a right-improved shoulder of the highway and came to a stop. I exited my patrol vehicle, wearing the department-issued uniform, clearly identifying me as a Police Officer, and made a passenger-side approach on the Toyota Tundra.

Upon contact at the passenger window, I asked the driver for his driver license and proof of insurance. During the contact with the driver, I detected a strong odor of unknown metabolized alcoholic beverage coming from inside the vehicle. The driver had bloodshot glassy eyes, droopy eyelids, slurred speech, and a disheveled appearance. The driver also had a bit of vomit on his t-shirt. The driver was not able to provide proof of insurance. I identified the driver by his Texas Driver License as John Smith, W/M, DOB: 01/01/1981, TXDL: 12345678. I asked Mr. Smith to step out of the vehicle. As he exited the vehicle, Mr. Smith lost his balance, almost fell, and cut himself on the door. At the back of the vehicle, Mr. Smith had to hold himself not to fall over.

During the interview with Mr. Smith outside of his vehicle, Mr. Smith still displayed all common signs of intoxication, bloodshot glassy eyes, droopy eyelids, slurred speech, and a distinct odor of unknown metabolized alcoholic beverage coming from his breath. I asked Mr. Smith where he was going to and where he was coming from. Mr. Smith stated that he was coming from his friend's house and going back to his house. I told Mr. Smith that he's heading away from Austin, and Mr. Smith looked at me and said, "Really? I didn't realize." I asked Mr. Smith if he knew where he was, and Mr. Smith said that he believed that he was in Austin. I told Mr. Smith that he was actually in Bastrop, Texas, and Mr. Smith looked surprised, saying that he could have sworn this was Austin. I asked if he consumed any alcohol at his friend's house, and Mr. Smith said, "Yeah, I did." I asked how much alcohol he consumed, and Mr. Smith stated, "I honestly don't remember." I asked if it was too much, and Mr. Smith stated, "No, I never drink too much." I asked if he drank more than five beers, and he said, "I wasn't drinking beer, I was drinking whiskey." I asked if he had more than two glasses of whiskey, and he said, "Yeah, he probably did." I asked if he could estimate the number of glasses of whiskey that he had, and Mr. Smith stated, "If I had to guess, I had about seven glasses of whiskey." At that time, I confirmed that Mr. Smith drank seven glasses of whiskey, and he stated, "That's what I said." I asked if Mr. Smith had any dinner last night, and Mr. Smith said that, "Yeah, he had dinner at his friend's

house. They had some steak." I asked if he remembered what time that was, and he said, "Just regular dinner time." Afterward, I asked Mr. Smith if he had any medical conditions or any head injuries or any other injuries that I should know about, and Mr. Smith stated, "No, nothing that you should know about." So I confirmed that Mr. Smith had no medical conditions that would impair him from taking a field sobriety test, and he said, "No, no, he was completely fine."

I am certified to administer the Standardized Field Sobriety Tasks. I determined to administer SFSTs on Mr. Smith. I administered the following sobriety tasks on a paved, improved shoulder of State Highway 71 at 9000 East Highway 71, Bastrop, Texas 78633:

Horizontal Gaze Nystagmus (HGN) (6 Possible Clues – 2 in each eye).

I placed Mr. Smith in the testing position, facing away from passing traffic and moving lights of the passing traffic, provided Mr. Smith instruction for the HGN test, and presented Mr. Smith with a stimulus, the tip of my finger, in front of Mr. Smith's eyes. Mr. Smith's pupils were of equal size. There was equal tracking in both eyes. No resting nystagmus was observed, and Mr. Smith did not claim to have had any recent head injuries.

During the test, the following clues were observed:

- Lack of smooth pursuit - There was a lack of smooth pursuit in both eyes. Eyes did not pursue smoothly, eyes "bounced" or "jerked" as they tracked the stimulus.
- Distinct and sustained Nystagmus at maximum deviation - At maximum deviation, there was a distinct and sustained nystagmus present in both eyes.
- Onset of Nystagmus prior to 45 degrees - Nystagmus onset prior 45 degrees was observed in both eyes.

Total of 6 clues were observed. I administered a Vertical Nystagmus Test on Mr. Smith, and Vertical Nystagmus was observed in both eyes.

Also, Mr. Smith continued to move his head from side to side, even though I told him not to do so multiple times. Therefore, I had to restart the test at least four different times to complete the proper HGN test.

Walk and Turn (8 Possible Clues).

I placed Mr. Smith in the instructional position with his right foot in front of his left foot with the heel of the right foot touching the toe of the left foot. I demonstrated and explained the task in detail for Mr. Smith. Mr. Smith stated that he understood all the instructions.

During the test, the following clues were observed:

- Can't keep balance during instructions (or Broke instructional position) - Mr. Smith lost balance during the instructions by separating his feet and staying side by side as he was not able to maintain a position with one foot in front of the other.
- Incorrect number of steps - Mr. Smith did an incorrect amount of number of steps going forward doing 11 out of nine steps.
- Stopped Walking (or Stopped before completing the test) - Mr. Smith stopped before completing the test and step number 11, Mr. Smith stopped and asked, "Do I need to go back now?"
- Improper Turn – Mr. Smith did an improper turn by just doing a quick about-face turn.
- Stepped off the line – Mr. Smith stepped offline going forward on steps three and seven and Mr. Smith stepped offline going back on steps two and six.
- Used Arms for Balance – Mr. Smith used his arms for balance throughout the majority of the test going forward and going back.

Total of 6 clues were observed.

Also, Mr. Smith almost fell, however, he caught himself and repositioned to continue with the test.

One Leg Stand (4 Possible Clues).

I placed Mr. Smith in the instructional position. I demonstrated and explained the task in detail for Mr. Smith. Mr. Smith stated that he understood all the instructions. I asked Mr. Smith which leg he preferred to lift off the ground, and Mr. Smith advised that he preferred to lift his right leg. Mr. Smith chose to lift his right leg for this task.

During the test, the following clues were observed:

- Put Foot Down - Mr. Smith continued to put the foot down, unable to keep the foot up for more than about a second. Mr. Smith put the foot down approximately over 20 times throughout the test.
- Used arms for Balance - Mr. Smith used his arms for balance throughout the test.

Total of 2 clues were observed.

Also, Mr. Smith never was able to elevate his foot more than about two or three inches off the ground.

Based on clues observed and totality of the circumstances, I determined Mr. Smith was operating a motor vehicle, namely a black 2024 Toyota Tundra, in a public place, State Highway 71, Bastrop, Bastrop County, Texas, while not having the normal use of Mr. Smith's mental and physical faculties by reason of introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or other substance into his body.

Consequently, Mr. Smith was placed under arrest for DWI Third or More, Texas Penal Code Chapter 49.09(b).

In my patrol vehicle, I advised Mr. Smith of his DIC-24 Statutory Warning orally and in writing, by playing the recording of the Warning on my computer and pulling up the written version of the Warning on my computer screen for Mr. Smith to follow along, at 11:35 p.m. I asked Mr. Smith for a breath specimen, and Mr. Smith agreed to provide the specimen.

The Criminal History return on Mr. Smith yielded a result for 2 previous convictions for DWI: in Travis County on 02/02/2012, and in Hays County on 03/03/2013.

I inventoried the Toyota Tundra and released the vehicle to Bastrop City towing. While in my vehicle, while waiting for the wrecker, Mr. Smith fell asleep in my vehicle.

Mr. Smith was transported to Bastrop County DPS district office. I am a certified Intoxilyzer 9000 operator, operator certificate number 22334. During the first test, Mr. Smith did not blow properly into the instrument for the instrument to register a breath sample. I attempted for Mr. Smith to retake the sample multiple times, Mr. Smith refused to follow my instructions and provide a valid breath sample. At that time, I took Mr. Smith's actions as a refusal. I prepared paperwork for a Blood Search Warrant for Mr. Smith's blood. I presented the affidavit and the search warrant to Judge Kenny Clarkson in person, who read and signed the search warrant for Mr. Smith's blood. I transported Mr. Smith to the phlebotomist office inside of the Bastrop County Jail, where a certified technician collected a sample of Mr. Smith's Blood, under the search warrant, at 12:45 AM, following all protocols. I collected and secured the blood vials containing Mr. Smith's blood sample and properly sealed the sample in a blood kit. Upon completion of the execution of the Blood Search Warrant at Bastrop County Jail, I transported Mr. Smith back to Bastrop County Jail, where Mr. Smith was booked in and released into custody of jail staff.

Therefore:

As a result of this investigation and all evidence collected thus far, your Affiant concludes that on June 8th, 2025, Mr. Smith committed the offense of DWI Third or More, Texas Penal Code Chapter 49.09(b). To wit: A person commits an offense if the person is intoxicated while

operating a motor vehicle in a public place and has previously been convicted two times of any other offense relating to the operating of a motor vehicle while intoxicated.

AGAINST THE PEACE AND DIGNITY OF THE STATE

Affiant

SWORN AND SUBSCRIBED TO before me by said Affiant on this day of _____, 20____.

Magistrate

(OR) Notary Public/Texas Peace officer in and for Bastrop County, Texas
My Commission Expires _____

On this the _____ day of _____, 20____, I hereby acknowledge I have examined the foregoing affidavit and have determined that probable cause exists for the issuance of an arrest warrant for the individual accused therein.

MAGISTRATE
(Municipal)(Justice)(County)Court (City of Bastrop)
(PCT OR C.C. AT LAW #_____)
Bastrop COUNTY, TEXAS