



UNIVERSITY OF GEORGIA POLICE DEPARTMENT

INCIDENT REPORT

CASE NUMBER: 13-0230

ORI GA0290200

INCIDENT INFORMATION					
Location @ 5 STAR CAR WASH			Zone		SOL. / J.P.
Address OCONEE ST			City ATHENS		State GA
					Zip 30602
Report Date 01/26/2013	Report Time 01:07	From Date 01/26/2013	From Time 01:07	To Date 01/26/2013	To Time 01:07

INCIDENT TYPE					
1	Description DUI - ALCOHOL		Statute 40-6-391		Location Type HIGHWAY/ROAD/ALLEY
Attempted ☐		Used ☐		Weapon 1	
Completed ☒		☐ Alcohol ☐ Drugs ☐ Computers		Weapon 3	
Bias Motivation		Bias Target		Hate Group	
Forced Entry		Type of Force		Security	
Entry		Exit		Structure Occupied	
2	Description UNDERAGE POSS OR CONSUMPTION OF ALCOHOL		Statute 3-3-23		Location Type HIGHWAY/ROAD/ALLEY
Attempted ☐		Used ☐		Weapon 1	
Completed ☒		☐ Alcohol ☐ Drugs ☐ Computers		Weapon 3	
Bias Motivation		Bias Target		Hate Group	
Forced Entry		Type of Force		Security	
Entry		Exit		Structure Occupied	
3	Description FAILURE TO MAINTAIN LANE / IMPROPER DRIVING		Statute 40-6-48		Location Type HIGHWAY/ROAD/ALLEY
Attempted ☐		Used ☐		Weapon 1	
Completed ☒		☐ Alcohol ☐ Drugs ☐ Computers		Weapon 3	
Bias Motivation		Bias Target		Hate Group	
Forced Entry		Type of Force		Security	
Entry		Exit		Structure Occupied	

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VICTIMS										
1	Name(Last, First, M) STATE OF GEORGIA					DOB		Age 0	Sex	Race
Address					City		State		Zip	
Home Phone			UGA Affiliation			Hair Color	Eye Color	Height	Weight	
OLN	State	Employer				Business Phone		Student of		

OFFENDERS										
1	Name(Last, First, M) KIM, SUNKUN					DOB		Age 20	Sex M	Race A
Address					City		State		Zip	
Home Phone			UGA Affiliation			Hair Color BLK	Eye Color BRO	Height 5'10"	Weight 186 LBS	
OLN	State	Employer				Business Phone		Student of UNIVERSITY OF GEORGIA		

VEHICLE INFORMATION						
1	Tag Number	Tag County	State	Tag Year	VIN	
Make HONDA	Model ACCORD	Year 2008	Color BLACK	Owner		
Vehicle Notes						
Status		Status Date		Value		NIC Number

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Notes/Narratives**NARRATIVE****Vehicle in Motion**

On 012613 at approximately 0107 hours, while I was traveling west bound on William St I observed that the driver of a black 2008 Honda Accord [REDACTED] was staring intently at my patrol vehicle as the Accord was traveling east bound on William St approach the turn / merge lane for east bound Oconee St. I watched the vehicle as it began to negotiate this turn and observed that the passenger side rear tire of the vehicle stuck and then traveled up onto the concrete curb. As the vehicle completed the turn onto Oconee St and the tire came off the curb. I completed a legal U turn with my patrol vehicle and began to accelerate to catch up to the Accord to initiate a traffic stop on it. As we approached the intersection with Oak St I activated the emergency lights of my patrol vehicle to initiate the traffic stop with the final being in the lot of the 5 Star Car Wash.

Personal Contact

I made contact with the driver (Kim, Sunkun) while he was still seated in the driver's seat of the vehicle. He was the only occupant in the vehicle. I asked the driver if he knew why I had stopped him and he stated "for running over that curb." I confirmed that was the reason for the stop and then asked him why he had done that, and in a very halting, stumbling manner the driver pointed toward the floor board of his vehicle and conveyed that his foot had slipped on his floor mats. While speaking with the driver I smelled moderate and distinct odor commonly associated with alcoholic beverages coming from the passenger compartment. I asked for and received his driver's license. I then asked the driver how much he had drank tonight and at first he stated that he "doesn't really drink", then he stated that he "had a drink while he was eating dinner." I asked him when this had occurred and he stated around 1830 or 1900 hours. I asked what the drink was and he stated that it was a Yuengling. I then tried to confirm that it was one Yuengling and the driver then stated that it was one and half Yuenglings and that he could not finish the second one. I then returned to my patrol vehicle to check the driver's information on GCIC. After confirming his information, I returned to the Accord and requested that the driver step from the vehicle, which he did in a normal manner.

Once the driver was at the rear of the vehicle, I asked him several more questions to establish when he had consumed his Yuenglings. The final time frame that the driver developed for when he consumed his beers was between 1930 or 2000 to 2030 hours. While speaking with the driver, I was standing approximately three feet away. At this distance I could still smell an odor commonly associated with alcoholic beverages coming from his breath and person. At this point, I explained to the driver that I wanted him to perform some voluntary field sobriety exercises to make sure he was safe to driver to which the driver replied "yeah."

Standardized Field Sobriety

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These SFSTs were performed on a flat, almost dry concrete pad in front of the car wash. The area was level. It was lit by the outside light mounted above the door for the car wash. I asked the driver if he had any physical problems that would prevent him from walking a straight line or standing on one leg or in problems with his eyes and the driver stated "not physically," but then he explained to me a situation involving his ex-girlfriend that he had seen that night at a party that was very distracting to him. After this story, the driver threw out that he was sore from playing basketball today, but he agreed that he still should be able to perform the exercises. I then moved the driver to the location where he could safely perform the SFSTs.

Horizontal Gaze Nystagmus

I placed the driver with his back toward traffic and then in a position with his feet together and his hands down by his side. I showed him my red pen light and instructed him to follow the light with his eyes and his eyes only and to keep his head still and he said "ok." I checked for and observed equal pupil size in both eyes and no resting nystagmus. When I checked for equal tracking the driver moved his head to follow the stimulus. I stopped and brought the stimulus back to the center of the driver's face and reminded him to keep his head still. I then began to check for equal tracking again and the driver again began to move his head. I again brought the stimulus back to the center of the driver's face and again reminded him to keep his head still to which he grabbed his head and muttered "yeah." After this I was able to check for and observe equal tracking in both eyes. When asked, the driver stated that he was not wearing contacts or his glasses which he wears to read.

During HGN I asked the driver to stop chewing his gum so aggressively. When I did the driver voluntarily walked over to a trash can and threw away his gum. Since this was a substantial disruption to the exercise, I started HGN over. I then checked for and observed the following 2 clues:

- Lack of smooth pursuit - both eyes

I then checked for but did not observe any vertical nystagmus.

Walk and Turn

I then showed the driver my SFS field notes card and instructed him to imagine a straight line the width of that card in front of him. With that line in mind I put the driver in the proper starting position and instructed him to stay in that position and not to do anything else until instructed. I asked if he understood and he stated "yes sir." I then properly explained and demonstrated the walk and turn exercise. Once I completed the demonstration and explanation, I again asked the driver if he understood and he stated "yes sir." I observed the following 1 clue during the instruction phase:

- Can't keep balance during the instructions - the driver broke from the starting position by stepping away from my position as I finished demonstrating the exercise. I put him back in the proper starting position and reminded him to remain in that position. Then the driver broke from the starting position again after I instructed him to begin the exercise but before he took his first forward step by stepping

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back while he was asking a question about the counts.

I observed the following 2 clues during the walking stage:

- Misses heel to toe - the driver missed heel to toe by more than half an inch on step 4 up the line.
- Improper turn - the driver completed an about face turn instead of the demonstrated and explained turn.

I observed a total of 3 clues during the walk and turn exercise. During the walk and turn I made the following observations:

- After the driver broke from the starting position for the second time he counted his first step down the line as what I took to be him resetting into the proper starting position. The driver counted the resetting of his right foot in front of his left foot as one, then eight more steps, then he took one more uncounted step. This bizarre occurrence caused me to at first think that the driver had taken 10 steps and say incorrect number of steps. By giving the driver the benefit of the doubt and disregarding his verbal counts and using my own counts of his steps he took a total of nine steps.
- While walking back down the line the driver's steps became more and more exaggerated to the point where the last few would be described as almost goose stepping with him raising his foot approximately 8 to 10 inches off the ground, slamming it down, and then sliding it into the heel to toe contact position. This was an odd occurrence and the point where the driver's foot initially touched the ground could be counted as a miss I chose to give him the benefit of the doubt again and let him have his foot slides.

One Leg Stand

I put the driver in the proper starting position and instructed him to stay that way until instructed to do otherwise. I asked the driver if he understood and he stated "yes sir." I then properly explained and demonstrated the exercise. When asked he stated that he understood. The driver raised his left leg. I observed no clues during the one leg stand exercise. I did observe the following:

- I had to instruct the driver to look down at his foot twice during the exercise.
- The driver counted in a manner other than explained. He counted in a manner like one one thousand instead of one thousand and one as explained and demonstrated.

Non-standardized Field Sobriety**Rhomberg Balance**

I put the driver in the proper position for this exercise. I then properly explained and demonstrated it to him. The driver estimated 30 seconds in 29 seconds.

Due to the fact that the driver had driven on a curb, admitted to drinking (with changing amounts of drinks), displayed slow speech, and demonstrated 2 clues on HGN and 3 on Walk and Turn, I felt the driver was under the influence of alcohol to the point where he was less safe. I placed him under arrest for DUI Alcohol (# 038115), Underage possession of Alcohol (#038116), and failure to maintain lane

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(#038117). The driver was placed in double locked behind the back handcuffs and searched incident to arrest. The driver was then seated in the rear seat of my patrol vehicle where I promptly read him the Georgia Implied Consent Notice for suspects under Age 21 and asked for a breath test. The driver agreed to submit to the test. The driver and his personal possessions including a wallet, cell phone, and key chain were then transported to the Athens-Clarke County Police Department East Side precinct for the administration of the breath test. I performed the breath test [REDACTED] The driver registered a .030 g on the Intox 5000. The driver was then transported to the Clarke County Jail where he and his possessions were turned over to the deputies on duty. The vehicle was towed by Steve of Jerry's to their impound lot. There is mvr footage from vehicle 94882, Worn's flex camera, and my flex camera.

CONTINUATION

[EMPTY]

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