

THE STATE OF TEXAS

AFFIDAVIT FOR ARREST WARRANT OR CAPIAS

COUNTY OF DALLAS

WARRANT # M1540137

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED THE UNDERSIGNED AFFIANT WHO, AFTER BEING DULY SWORN BY ME ON OATH STATED:

MY NAME IS Bill Bassinger, AND I AM A PEACE OFFICER OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS.

I HAVE GOOD REASON TO BELIEVE THAT ON OR ABOUT THE 02 DAY OF DECEMBER, 2014, ONE ERICK ALEJANDRO HIPOLITO

RACE: WHITE/CAUCASIAN SEX: MALE HEIGHT: 72 WEIGHT: 170 D.O.B.: 08/19/1991

DID THEN AND THERE IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, COMMIT THE OFFENSE OF DRIVING WHILE INTOXICATED BAC >=0.15 A VIOLATION OF PC 49.04(D), CLASS A MISDEMEANOR

MY BELIEF IS BASED ON THE FOLLOWING FACTS AND INFORMATION: R.D. NIELSEN 1052, PEACE OFFICER, MESQUITE POLICE DEPARTMENT, WHO PARTICIPATED IN THE INVESTIGATION OF THE ALLEGED OFFENSE, FURNISHED TO ME, THE AFFIANT, ON 01/08/2015 THE FOLLOWING INFORMATION:

DESCRIBED IN ATTACHMENT LPD141201119482 BEGINNING ON PAGE 1 AND ENDING ON PAGE 3, WHICH IS ATTACHED HERETO AND IS HEREBY INCORPORATED HEREIN FOR ALL PURPOSES.

I BELIEVE THIS INFORMATION FURNISHED BY THE REPORTING PERSON IS CREDIBLE.

WHEREFORE, AFFIANT REQUESTS THAT AN ARREST WARRANT OR CAPIAS BE ISSUED FOR THE ABOVE ACCUSED INDIVIDUAL IN ACCORDANCE WITH THE LAW.

[Signature]
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME ON THE 8 DAY OF Jan. 2015 .

[Signature]
MAGISTRATE IN AND FOR DALLAS COUNTY, TEXAS

ON THIS THE 8 MAGISTRATE'S DETERMINATION OF PROBABLE CAUSE DAY OF Jan. 2015, THE UNDERSIGNED MAGISTRATE HEREBY ACKNOWLEDGES THAT HE HAS EXAMINED THE ABOVE AFFIDAVIT AND HAS DETERMINED THAT PROBABLE CAUSE EXISTS FOR THE ISSUANCE OF AN ARREST WARRANT FOR THE INDIVIDUAL ACCUSED THEREIN.

[Signature]
MAGISTRATE IN AND FOR DALLAS COUNTY, TEXAS

Narratives

MESQUITE POLICE DEPARTMENT
P.O. BOX 850137
MESQUITE, TEXAS 75185-0137
(972) 285-6336

Arrest Number: LPD141201119482

ENTERED DATE/TIME: 12/2/2014 02:11:54

NARRATIVE TYPE: ARREST NARRATIVE

SUBJECT: HIPOLITA, ERICK DWI

AUTHOR: NIELSEN, R.D.

On 12/01/2014 at 23:49 hours, Officer Nielsen was on patrol in the 1900-block of N. Gross Rd, Mesquite, Dallas County, Texas. Officer Nielsen observed a blue Nissan Altima displaying TX LP CCX8488 turn on to north bound N. Gross Rd from Loyce Dr, then immediately turn on to east bound Anita Dr. Officer Nielsen followed the vehicle and observed that it stopped at the intersection of Anita Dr/Jane St. The vehicle was stationary for several seconds before the driver actuated the right turn signal. The vehicle continued south on Jane St before turning west on Loyce Dr and proceeding to the intersection of Loyce Dr/N. Gross Rd. Officer Nielsen observed that the vehicle turned right on to north bound N. Gross Rd, directly into the number two lane. At this point, N. Gross Rd is a three lane road, with the number three lane clear of any obstacles or impediments.

Officer Nielsen activated the overhead red and blue lights on his fully parked MPD patrol car at the intersection of Gus Thomasson Rd/Motley Dr. Officer Nielsen observed that the suspect vehicle continued north on Gus Thomasson with no noticeable intent of stopping. Officer Nielsen activated the siren on his squad car and observed the vehicle stop at the intersection of Gus Thomasson Rd/Towne Centre Dr. At this time, the signal light for north bound traffic was flashing yellow. Officer Nielsen exited his vehicle and began approaching the suspect vehicle, at which time the suspect vehicle began driving north on Gus Thomasson Rd. Officer Nielsen got back in his vehicle and turned the siren on his squad car on. The suspect vehicle finally came to a stop in the parking lot of 2620 Gus Thomasson Rd.

Officer Nielsen contacted the driver and sole occupant of the vehicle and identified him verbally as Hipolita, Erick Alejandro (W/M 08/19/91). Hipolita was very slow to respond to simple questions, and provided nonsensical answers (unable to give his birthday). Officer Nielsen observed that Hipolita spoke with a slur and displayed red, watery eyes. Officer Nielsen observed a red cup in the center console containing an orange beverage. Hipolita stated that he had consumed a "bottle of vodka" prior to his contact with Officer Nielsen. Hipolita later retracted this statement, saying he had consumed from a bottle of Vodka.

Officer Nielsen is trained and certified in administering standardized field sobriety tests (SFST's) to include the evaluation for horizontal gaze nystagmus (HGN). Officer Nielsen intended to administer a HGN, walk and turn, and one leg stand evaluation.

Officer Nielsen had Hipolita exit the vehicle. While frisking Hipolita, Officer Nielsen could smell the distinct odor of alcohol emanating from Hipolita's person. Hipolita stated that he had consumed the vodka at his home in Little Elm. Officer Nielsen instructed Hipolita in the HGN evaluation. Officer Nielsen observed that Hipolita did not display a resting nystagmus. Additionally, Hipolita's pupils tracked the stimulus equally and were equal in size. These observations make Hipolita a candidate for the HGN evaluation.

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Officer Nielsen administered a HGN evaluation and observed the following clues:

Lack of smooth pursuit (both eyes)
Distinct and sustained nystagmus at maximum deviation (both eyes)
Onset of nystagmus prior to 45 degrees (both eyes, approximately 35 degrees)

Total: 6/6

Hipolita did not display vertical nystagmus. Hipolita swayed back and forth heavily during the HGN evaluation.

Officer Nielsen administered a walk and turn evaluation and observed the following clues:

Could not maintain balance during instructions
Miss heel to toe
Steps off the line
Improper number of steps (10 on first walking phase, 10 on second)
Improper turn

Total: 5/8

Officer Nielsen administered a one leg stand evaluation and observed the following clues:

Puts foot down

Total: 1/4

Based on Officer Nielsen's observations of Hipolita's driving behavior, coupled with observations of his person and his performance on the SFST's, Hipolita was placed under arrest for DWI at this time. During an inventory of Hipolita's vehicle, officers located a half-full bottle of Tito's Vodka in the front passenger floorboard.

Hipolita was read the DIC-24 statutory warning at the scene and consented to providing a specimen of blood. Hipolita was transported to DRG, where he willingly provided a specimen of blood at 00:53 hours. The vials containing Hipolita's specimen have been logged into the MPD property room as evidence. Hipolita was transported and booked into the Mesquite jail without further incident.

William's wrecker service arrived on scene and took custody of Hipolita's vehicle. Officer Nielsen's squad car (unit P299) has functional audio/video equipment installed in it. The footage from this incident has been saved as evidence.

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NARRATIVE AMENDED

E. ONORATO 1058 12/19/2014

In reference to Hipolito, Erick the alcohol content lab report returned with the following results:
0.209 grams of alcohol per 100 milliliters of blood.

Based on the results the charge of driving while intoxicated will be dismissed and the correct charge of driving while intoxicated bac ≥ 0.15 will be filed in its place. A CJIS will be sent to the state to reflect the changes to the charge.
