

IN THE COUNTY COURT OF DAWES COUNTY, NEBRASKA

IN THE MATTER OF THE DETENTION OF

Timothy J. Walz

STATE OF NEBRASKA
County of Dawes

CASE NO. CR95-512

AFFIDAVIT OF REASONABLE
OR PROBABLE CAUSE FOR
ARREST WITHOUT A WARRANT
(MISDEMEANOR)

The undersigned, a law enforcement officer, being first duly sworn upon oath, deposes and says:

Pursuant to Section 29-401, I have arrested and detained, without a warrant, the above-named person on Sept. 23, 1995, at 2:30 p.m. for the offense(s) of: DWI 60-6126

occurring on Sept. 23, 1995, at 2:30
FACTS ARE:

At approximately 2:30 on 9/23/95 Trooper Rasporshet #222 observed a Silver 1993 Mazda NE/65-B176 traveling at a high rate of speed. The vehicle was tracked by radar at 90mph/55mph zone. Contact was made with the driver who was identified as Timothy Walz DOB 4/6/64. A strong odor of alcoholic beverage was detected emitting from Mr. Walz breath and person. Mr Walz was given Field Sobriety tests which he failed. Mr Walz then submitted to a Preliminary Breath Test which he failed. Mr Walz was transported to the Chadron Hospital where a blood test was taken. Mr Walz was then transported to the Dawes County Jail and booked in at approximately 2:45 on 9/23/95.

WITNESSES ARE:

Arrest without a warrant on a misdemeanor offense is permissible for the following reasons:

- A. the offense was committed in my presence.
- B. The person will not be approached unless immediately arrested or he/she is to be avoided to prevent detection and/or leave the jurisdiction.
- C. The person has threatened to cause injury to self, others, or to property.
- D. The person may destroy or conceal evidence of the commission of such misdemeanor.