

DRUNKS AND THIEVES After Thanksgiving 2016 Edition



By John Hoffmann

November 28, 2016

DRUNK DRIVER LEAVES BAR THEN THEN CRASHES INTO 24-FITNESS CENTER:

On a Monday night into Tuesday morning December 9, 2014 Corey Gerken, 26, of unincorporated West St. Louis County was the last person to leave the The Haus, a bar in the shopping center at the Northeast corner of Clayton Road and Baxter in Chesterfield, MO. A security video backed up a statement by an employee of the bar that Gerken was drunk as he had been drinking at the bar and staggered out of the bar. The employee added his speech was slurred.

A few minutes later Gerken was behind the wheel of his 2004 GMC Envoy and promptly drove over a parking barrier and crashed into the wall of the 24-Hour Fitness Center.

Chesterfield Police Officer Thompson was the first officer to arrive at the scene. He witnessed Gerken behind the wheel of the GMC SUV. Upon colliding with the building the airbags in the GMC went off and Gerken had a cut on his head. An ambulance was dispatched.

When Thompson arrived and pulled his police car behind the wrecked GMC. The police car's video caught the vehicle into the wall and Gerken behind the driver's seat after impact. He had blood on his face and clothes. When asked what had happened Gerken gave a response that had nothing to do with driving.

He said he was mad because his girl friend was with another man. He then returned to matter at hand.

"I fucked up real bad. I did that shit. I smashed into it," said Gerken.

Officer Thompson said Gerken's breath reeked of alcoholic beverage, his eyes were bloodshot, his balance was unsure, he staggered when trying to walk and swayed when trying to stand still, plus his speech was confused, profane and slurred.

He was arrested, but transported to a hospital with another Chesterfield Police Officer escorting him. Meanwhile Officer Thompson was able to determine that Gerken's driver's license was suspended and there was an active warrant for his arrest.



Corey Gerken

At the Hospital Gerken refused to allow blood to be drawn. He was uncooperative with ER staff demanding that he be allowed to smoke a cigarette before being treated. The ER staff eventually treated him and wasted no time in finding him fit for commitment.

Gerken also refused to be interviewed. He was charged in Chesterfield Municipal Court with DWI, Careless and Reckless Driving and Driving While Suspended.

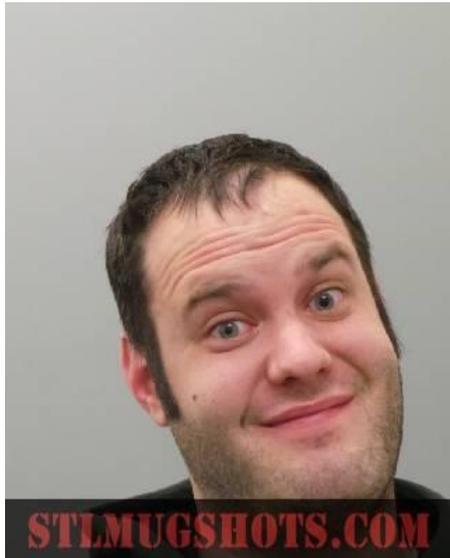
OUTCOME: This may surprise many regular readers but Gerken appeared in Chesterfield Municipal Court where the judge and prosecutor are famous for reducing charges so defendants leave court with no points and often no fine for DWI charges.

That was the exception to the rule in the case of Gerken. On October 27, 2015 Gerken pled guilty to DWI. He was fined \$1,000 and sentenced to 90 Days in Jail, but the jail sentence was immediately suspended and he was placed on a 2-year probation term. This despite Gerken having a 2009 DWI arrest in Town and Country.

However, the disposition of Careless and Reckless Driving charge for driving into the building ran true to form for the city prosecutor. It was reduced to Illegal Parking and Gerken was fined \$150. I guess technically since his vehicle was against the damaged building and blocked a sidewalk that would be a "parking violation."

He also pled guilty to Driving While Suspended and was fined \$200.

Six months before appearing in Chesterfield Court Gerken was arrested in Fenton for driving on a Revoked License. His case in the Fenton Municipal Court produced something I have not seen before with Municipal Courts taking care of local attorneys. His case has been continued until October of 2025.



LANE WEAVING AND HIGH ON MARIJUANA DRIVER SMOKING

WEED IN THE CAR: The driver got a No-Points, No-Fine probation term on the DWID from Judge Joe Dueker and was turned into an Illegal Parker and Litterer by Chesterfield Prosecutor Tim Engelmeyer.

On Saturday night August 30, 2014 at about 10:20 at night Sgt. Weiss was eastbound on I-64 from Boones Crossing when he observed a silver 2002 Chevrolet Monte Carlo weaving across lanes.

Sgt. Weiss stopped the Chevy on I-64 at Timberlake Manor Driver. Upon contacting the driver Kwan Scott, 19, of Wellston, Sgt. Weiss immediately smelled a heavy odor of burnt marijuana from inside the car that was only occupied by Scott.

As most police sergeants are want to do these days Sgt. Weiss called for a patrolman to come and write up the incident and make the arrest. Officer Rupp was dispatched.

When Officer Rupp arrived he could still smell the strong odor of marijuana from inside the car. He went to the driver's side door and looked in. He saw marijuana on the driver's seat. When he opened the door he spied a large baggie of marijuana in the driver's door.

Scott had the usual signs of drug intoxication. His eyes were bloodshot and glassy. His speech was confused and at times incoherent, his balance was unsure. He was cooperative and took field sobriety tests that he failed.

He was arrested for Driving While Intoxicated-Drugs, Possession of Marijuana and Improper Lane Usage.



Kwan Scott

At the police station Scott was read his rights per the Miranda Ruling and agreed to be interviewed. Scott denied having anything to drink but admitted having smoked marijuana in his car when he got off of work. He stated that he wasn't high as he had just smoked "a little weed."

He was taken to an area hospital ER for a blood draw. On July 1, 2015, yes 10 months later Officer Rupp got the blood test results back from the Missouri Highway Patrol Lab.

(Folks this is reality. Lab results don't come back quickly like they do on CSI.) Scott's blood tested for the presence of THC (marijuana).

Scott had been charged with Improper Lane Use, Possession of Marijuana and DWI-D.

OUTCOME: The case was "jury demanded" to the Associate Circuit Court in Clayton. It was prosecuted by Chesterfield Municipal Prosecutor Tim Engelmeyer who never wants to go to trial and is always ready to reduce charges. The case was before Judge Joe Dueker, who has a track record of making sure impaired drivers leave his court with No-Points on their license and no fine for the DWI, instead with a secret SIS probation.

On 01/21/16 Scott pled guilty to the DWID and was placed on a No-Points, NO-Fine SIS probation by Judge Dueker.

Then Engelmeyer reduced the Marijuana Possession charge to Littering (\$300 fine) and the Improper Lane Use to Illegal Parking (\$300).

NEW CHARGES: Here are some new charges filed in 2016 against Scott,

04/05/16 Scott led Highway Patrol Troopers on a car chase/pursuit in St. Charles County. He was charged with Felony Resisting Arrest by Fleeing Creating Risk of Injury to Others.

He was also charged Driving While Revoked as a Misdemeanor 1st Offense. This wasn't his first offense. Chesterfield charged him with Driving While Revoked on 08/31/14, but City Prosecutor Tim Engelmeyer on 01/21/16 reduced that to "Illegal Parking." Engelmeyer's actions have hurt the Highway Patrol and the St. Charles Courts. Engelmeyer is literally the most dangerous man in Chesterfield.

Scott was also charged with Careless and Impudent Driving in the Highway Patrol case. He was charged with Improper Lane Use that could be used in sentencing in St. Charles, if only Engelmeyer had not completely dropped that charge.

The Highway Patrol also charged Scott with Failure to Yield to an Emergency Vehicle.

On 08/26/16 Scott was arrested again by the Highway Patrol in St. Charles for Possession of Marijuana.

OFFICER FORGOT SOMETHING IMPORTANT IN HIS DWI REPORT AS DWI CHARGE IS DROPPED:

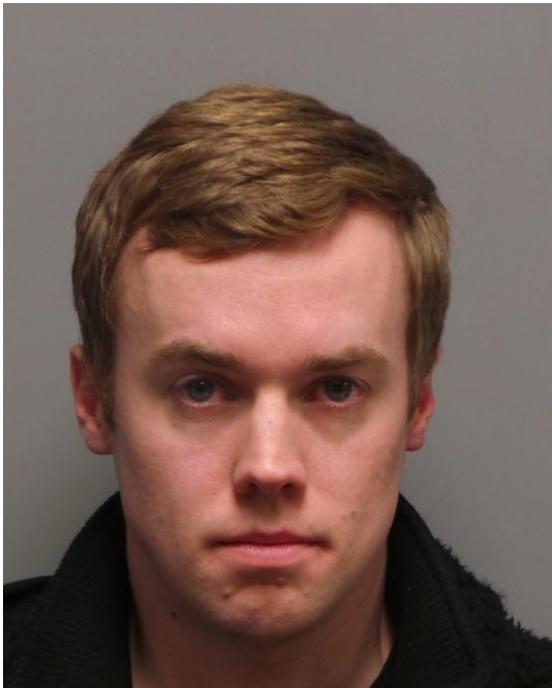
On Saturday morning February 28, 2015 at 1:36 am Chesterfield police officer Shane Howes while on patrol observed a 2004 Subaru pulled off on the shoulder with the emergency flashers on. Officer Howes pulled behind the car to see if he could assist the driver.

Once out of his patrol car he observed the Subaru had a flat front right tire. Officer Howes contacted the driver, Andrew Thorpe, 28, of Clayton, who said he was waiting for a tow truck driver to show up and change the tire. At that time Officer Howes noticed that Thorpe had been drinking, as his breath smelled of intoxicants, his eyes were bloodshot and watery and his speech was slurred.

Thorpe had said he had been at the Fox and Hound and had a "few beers."

Thorpe failed a number of field sobriety tests and refused to take a field breath test. He was arrested for DWI and taken to the police station. At his request the car was left on the shoulder.

At the police station Thorpe refused to answer any questions and refused to take the official breath test. He was cited for DWI.



Andrew Thorpe

Looking at Thorpe's mug shot he does look drunk.

But there were two very important things missing from Officer Howes report. This important information might have been captured on Howe's dash cam and body mic, but there is an old saying in police work, "If it isn't in your police report, it didn't happen." What surprises me is that a supervisor approved the report.

Officer Howes never put in his report if the Subaru's engine was running. It is hard to make a DWI case if you cannot show the vehicle was operating and you cannot use the person's statement as the only evidence to make a prima facia case.

The other thing he missed was how the flat tire occurred. He could have shown by physical evidence the only person in the car was indeed operating it if you could show impact on something that caused the flat tire.

OUTCOME: The case was heard by Associated Circuit Judge Joe Dueker. It was prosecuted by perhaps the most ethically challenged prosecutor and muni judge around, Timothy Engelmeyer. But in this case Engelmeyer actually got a lot better deal for the public than for the defendant, which is usually not the case.

He reduced the DWI charge to Careless and Impudent Driving which Thorpe pled guilty to on January 21, 2016. He was fined \$300. If there was a bench trial, I don't think either DWI or Careless Driving could have been proven.

FELONY SHOPLIFTING CASE AT TOWN AND COUNTRY TARGET STORE BY COOK AT YA-YAS WAS MADE AFTER THE FACT: Normally store security officers see a suspicious person or a group of people and either follow them in the store or watch them from the security office using store video cameras.

In this case Target Store Loss Prevention Agent Kyle Hanephin was using a video camera to sweep the store on September 24, 2015 when he noticed missing expensive cologne on a store shelf. He then used recorded video and reviewed the shelf going back three days to September 21, 2016 at 2:36. That is when he saw a white/male steal three bottles of Gucci (2 bottles) and Versace (1 bottle) cologne valued at \$169.97. The suspect put the bottles in the Target hand basket.

The thief then went to the Pet Section of the store, took out of his pocket a Target shopping bag and placed the cologne in the shopping bags. He left the hand basket on the floor and then walked out of the store.



Hanephin thought he recognized the person on the video stealing the cologne as a known thief who hits Target stores. He sent a facial photo to other Target Store security agents in the metropolitan area. The security supervisor at the Brentwood Target Store recognized the suspect as someone who had stolen items from the Brentwood Target in the past and had presented his driver's license on a "return scam" when he brought back stolen items claiming he lost the sales slip wanting a refund.

The suspect was identified as **Jason Ode, 36**, who has claimed to be living in Arnold, Ballwin, South County, South St. Louis City,

Jason has been arrested more than once. Here are a few of his most recent mug shots.



02/09/15 Domestic Disturbance 7/8/15 Stealing



7/27/15 Domestic Assault 1/31/16 Felony Stealing

Once he identified Ode, Kyle Hamephin called Town and Country Police and filed a report. Officer Fowle determined that Ode had prior arrests for Robbery, Assault, Resisting Arrest, Auto Theft, Possession of Narcotics, Possession of Burglar Tools and numerous arrests for Stealing. On 09/30/15 he also had two outstanding theft warrants both for Stealing, one from Shrewsbury and the other from the St. Louis County PD. police.

An Arrest Wanted was placed in the police computer system.

On October 9, 2015 the Town and Country Police Department was notified that Ode was being held by the St. Louis Police as a fugitive from Town and Country. Det. Nicoletti arrested Ode and back at the Town and Country Police station Ode was read his rights per the Miranda Ruling and waived them.

He was shown photos of him stealing the cologne and admitted that was him. There was one paragraph in Det. Nicoletti's report that was very interesting. Ode said that the clothes he was wearing that day were all stolen from Target Stores.

I explained to Ode the circumstances of my investigation and presented him with a photo of a white male subject wearing a white golf hat and blue shirt exiting the Town and Country Target. While Ode was looking at the picture, I asked him if that was him and he said yes. I asked Ode what he stole that day and he said some cologne and clothes. Ode then laughed and said the outfit he had on now was all stolen from Target that day.



Town and Country Mug Shot from 10/9/15. Chesterfield Mug Shot from Aug. 25, 2015

JUST A MONTH EARLIER: Ode had been caught stealing from the Chesterfield Wal Mart Store in the past and had been issued a Trespass Ban Notice, meaning if he returned to the store he could be arrested for Trespassing. This seemed to have no effect on him Tuesday afternoon August 25th at 5:54 PM. He was back in the Wal Mart Store at 100 THF Blvd in Chesterfield Valley.

He was immediately recognized by a store security officer who kept him under surveillance. The security officer also called a police cell phone assigned to Officer Krumm and told him there was a known shoplifter loading up a shopping cart who was likely to leave the store without paying.

As Officer Krumm was arriving at the shopping center Ode had pushed the cart outside without making any attempt to pay for anything. He was contacted by the security officer and abandoned the shopping cart and ran.

This was right at the time Officer Krumm arrived and Krumm gave chase on foot. From the police report here is what happened next:

Ode ran towards Chesterfield Airport Road and I ran at an angle that would intersect his path prior to his reaching Chesterfield Airport Road, a busy arterial roadway with heavy traffic. Ode then turned back towards THF Blvd still sprinting with myself in pursuit. I again yelled "Stop! Police!" but Ode did not stop and rounded the corner of the Olive Garden going behind the restaurant headed east. Ode then ran between the back restaurant wall and the bushes lining the exterior of the building. I maintained pursuit. We then rounded the east corner and turned back towards Chesterfield Airport road. Ode then ran between some bushes back onto the parking lot. At this point I had gained to within 5 feet of Ode and had drawn my department issued Taser from its holster. Ode turned, saw the Taser, and then stopped running and placed his hands in the air. With the Taser drawn I then ordered Ode to lay on the ground in the prone position and he complied. I stood over Ode and kept the Taser aimed at his back while he was in the prone position. Upon arrival of PO Sorenson (DSN 294), I holstered my Taser and handcuffed Ode behind the back with handcuffs that were double-locked and checked for proper fit. After Ode was handcuffed I advised dispatch that Ode was in custody and that any other cars should respond with caution.

Ode had stolen \$176 worth of merchandise that was in the shopping cart. Officer Krumm was interested in some of the items Ode had stolen as they were not high dollar or cheaper items that drug abusers can sell quickly like detergent.

Here is the list of the stolen property:

- 1.) Economy Mix Bird Food, SKU: 008615533310, Value: \$6.44
- 2.) Economy Mix Bird Food, SKU: 008615533310, Value: \$6.44
- 3.) Economy Mix Bird Food, SKU: 008615533310, Value: \$6.44
- 4.) Pennington Select Black Oil Sunflower Seed, SKU: 002149600059, Value: \$8.46
- 5.) Pennington Safflower Seed, SKU: 002149601555, Value: \$16.34

- 6.) Athletex brand gray duffel bag, SKU: 002096860479, Value: \$9.77
- 7.) One batch of 3 bananas, SKU: 000000004011KI, Value: \$0.65
- 8.) Wilson-Jones brand blue binder, SKU: 007891061429, \$4.94
- 9.) Avery Heavy Duty biner, SKU: 007771118706, Value: \$6.43
- 10.) Cambridge Business Notebook, SKU: 003857629670, Value: \$8.88
- 11.) PNY Portable Charger, SKU: 075149258000, Value: \$19.94
- 12.) OMN USB Charger, SKU: 068113105614, Value: \$6.94
- 13.) Just USB cable, SKU: 070595405052, Value: \$19.98
- 14.) Jam Transit Headphones, SKU: 003126206382, Value: \$49.88
- 15.) Mike & Ike box of candy, SKU: 007097047100, Value: \$0.98
- 16.) Swedish Fish brand box of candy, SKU: 007046243123, Value: \$0.98
- 17.) Sour Patch Kids bunnies box of candy, SKU: 007046243383, Value: \$1.00
- 18.) 1 bottle of Pure Leaf Tea, SKU: 001200028617, Value: \$1.58

Ode was booked for Felony Stealing due to at least three prior convictions for stealing. He was also booked for trespassing and resisting arrest. He commented several times how surprised he was how fast Officer Krumm was in the foot pursuit.

Ode made a confession to stealing the items but would not tell Officer Krum why he had stolen so much low cost bird seed. Krumm ask at one point if there was a use of bird seed by drug abusers that he did not know about. Ode said there wasn't but declined to say why he stole the bird seed. Finally during booking and fingerprinting he said why he was stealing bird steal. This again is from the police report:

I then escorted Ode to the booking area. In the booking area Ode indicated he didn't like jail. I said you need to stop getting caught. Ode then said "I gotta stop stealing shit, that's what I need to do." I then asked Ode why the birdseed. Ode explained that he had other receipts for that merchandise and that he planned to use the old receipts to return the stolen birdseed to another Walmart for cash.

Background and outcome: Here are some of the arrests and convictions we could find on Ode.

03/23/16	Misdemeanor Drug Charge	St. Louis City PD
12/03/15	Tampering with a Motor Vehicle	St. Louis City PD
	Felony Resisting Arrest by Fleeing	
	Resisting/Interfering Felony Arrest	
	02/23/16 pled guilty to all charges place in drug treatment program	
	04/15/16 Probation violation warrant issued	
09/21/15	Felony Stealing	Town and Country PD
	Pled Guilty 2/18/16 sentenced to 4 years prison then placed on	

	4-year probation term	
08/25/15	Felony Stealing	Chesterfield PD
	Pled Guilty 2/18/16 4-years in Prison then Placed on 5-year Probation Term	
04/30/15	Felony Stealing	Manchester PD
	02/18/16 Pled Guilty 7 years Prison but placed on 5-year probation term	
03/06/12	Felony Stealing by Force	Manchester PD
	Pled Guilty Sentenced to 4 years Prison Early release	
11/14/05	Felony Theft	Jefferson County
	Pled Guilty 04/03/06 and sentenced to 10 years prison. Released on 06/21/07	
02/04/03	Felony Drug Possession	Ladue PD
	Misdemeanor Possession of Drug Paraph	Ladue PD
	Pled Guilty 120 days jail on misdemeanor and 7 years prison for felony, but immediately placed on probation	
07/26/02	2 Counts of Felony Stealing 2 cts Mids Stlg	Clayton PD
	Pled guilty 1 yer jail misdemeanor thefts, see below for felony	
08/25/02	Robbery	Shrewsbury PD
	Pled guilty 2/23/03 Sentenced 6 years prison but sent to special prison program and released 9/17/03 on probation. Violated Probation on 12/14/05. He was then entered into Cocaine addiction program and later released	

OUTCOME: On 02/18/16 Judge Robert Cohen sentenced Ode on the Town and Country theft case and one from Chesterfield to four years in prison. He immediately place Ode on probation.

On March 17, 2016 a warrant was issued for Ode's arrest by the St. Ann Municipal Court for Failure to Appear on a Speeding citation.

On March 23, 2016 Ode was arrested in St. Louis on drug charges. A warrant was issued and he was arrested again on May 24, 2016. On 10/28/16 he was sentenced to six months in jail on the drug charge.

On 07/21/16 a warrant was issued for Ode's arrest for violating his probation on the two theft charges and others.

SHOPLIFTING SUSPECT LIES ABOUT HIS NAME, BUT HAS A SCHOOL ID ON HIM AND AN OUTSTANDING WARRANT: Devon Sparkling had gone to Parkway Central H.S. In his freshman year he did well in the high jump on the PC track team. That was in 2011. By December 7, 2013 he had an outstanding warrant for his arrest for failure to pay fines with the Chesterfield Municipal Court.

He was also at Chesterfield Mall where he was shoplifting at an unusual store. He got caught trying to shoplift a shot glass at Spencer Gifts. While there is an immediate market for stolen polo shirts or North Face jackets, there isn't a high demand for stolen gag gifts from Spencer Gifts. One has to think Sparkling wanted that shot glass himself.

The store's manager Anna Neningen held Sparkling until Officer Queen of the Chesterfield Police arrived.



Devon Sparkling

On Officer Queen's arrival Devon Sparkling become Davon Thomas born on 10/31/96. He told Officer Queen he was Thomas. However he had a Parkway School ID on him with his photo showing him to be Devon Sparkling. (It is a good thing for Sparkling as there is a Davon Thomas in the City of St. Louis who was born in 1994 with felony gun conviction that he is on 3-years probation.)

Sparkling admitted that he had lied and was charged with Failing to Appear ref his court fine, Stealing (shoplifting at Spencers) and Making a False Declaration (giving a false name).

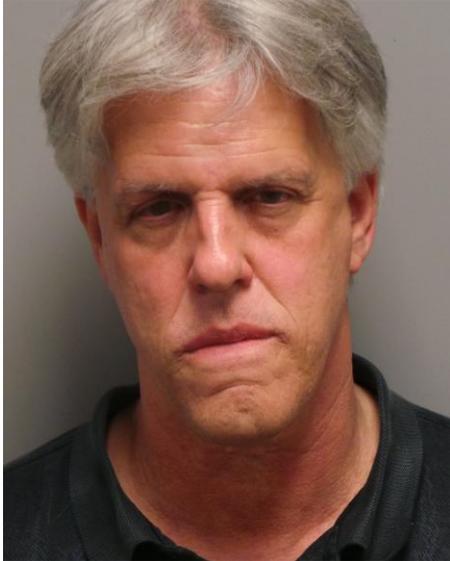
Despite having failed to pay a prior fine Sparkling pled guilty on 04/21/15 and was given a one-year probation term by Chesterfield Municipal Judge Rick Brunk.

CHESTERFIELD RESIDENT DRIVES DRUNK INTO A DWI CHECK POINT. HE THEN INSULTS AND THREATENS OFFICERS, THEN GETS NO POINTS AND NO FINE.

Chesterfield Officer Jason Stumpf was working a late night DWI check point on Long Road near Wildhorse Creek Road on Friday night into Saturday morning August 22, 2015.

At about 1:14 am John Robert Zeuschel, 63, was drunk and on Long Road headed home to his house at 1638 Highland Valley Drive. He was stopped at the DWI checkpoint and things did not go well.

He admitted that he had been drinking while at a bowling alley but used the old plea how he was almost home.



John Zeuschel

While Zeuschel refused to take any field sobriety tests, Officer Stumpf quickly noted that his eyes were bloodshot, his speech was slurred, his breath smelled of booze, he didn't stagger when walking, he stumbled plus he was belching and swearing. This is just two paragraphs from Officer Stumpf's report:

I asked Zeuschel where he was coming from and he replied a bowling alley. Zeuschel quickly then became argumentative, stating that he has driven all this way and he was now almost home. Zeuschel continued to make several comments reference to him needing to just get home, and that he was close enough that he could make the drive. Before I could request any Standardized Field Sobriety Test, Zeuschel stated he wasn't blowing into any machine and that he can't do the "little heel to toe touch thing, or the alphabet backwards." I then explained the reasons on why I now request Zeuschel to perform field sobriety test. Zeuschel continued to be argumentative and refused to comply with my request. As a result of Zeuschel's admission to alcohol consumption, along with the other signs of impairment, I instructed Zeuschel to place his vehicle into the parked gear and to exit the vehicle. Zeuschel continued to express his unwillingness to cooperate, but finally exited his vehicle.

Due to Zeuschel's admission of alcohol consumption, his inability to properly follow simple instructions, and the indicators of impairment, I informed Zeuschel that he was under arrest for Driving While Intoxicated. As I was placing the handcuffs onto Zeuschel, he stated "fuck you". Zeuschel was then escorted to Police vehicle #21 where he was placed in the rear seat area and seat belted before transported. As I was securing Zeuschel into the rear seat, he made the statement, "I hope all you cops die!"

It should be noted that during the time inside the booking and processing area, Zeuschel continued to be insulting to all Officers present, and made several comments that were threatening in nature.

Here is a good example what the local police have to put up with dealing with assholes like Mr. Zeuschel.

OUTCOME: On October 27, 2015 or two months after his arrest the fix was in. Zeuschel pled guilty to DWI. Despite threatening Chesterfield Police Officers and hoping all the police officers would die, Judge Rick Brunk let Zeuschel leave the court room with No-Points and No-Fine being placed on a 2-year probation.

ATTITUDE SHIFTING FROM HAPPY TO SAD TO ANGRY FOR CHESTERFIELD SWERVING DRUNK DRIVER: **Michelle Suzanne Berry, 31**, of unincorporated county near Maryland Heights and later of South County was driving her silver 2010 Mazda CX7 north on Clarkson Road a little after midnight of Thursday April 16, 2015.

With Chesterfield Officer Palozola driving behind her, Berry start weaving from left to right and then right to left. Officer Palozola stopped her on Clarkson at Baxter Road. The officer immediately noticed that Berry's breath had a heavy smell of intoxicants. He also observed an open beer bottle (cold to the touch) in the door compartment along with an open bottle of wine and vodka on the front passenger floor. Her speech was slurred and confused. When he asked for her license she touched her purse and then stared. Her eyes were glassy and bloodshot, plus she used at time profanity. Officer Palozola wrote how Berry's speech was "quickly shifting from happy to sad to angry.

When Officer Palozola asked her to get out of the car she fell to her left against the side of the car. She then failed all the field sobriety tests and was arrested. After her arrest a marijuana smoking pipe with residue was also found in the car.



Michelle Berry

At the station Berry refused to take a breath test. She was cited for DWI, Improper Lane Use (weaving), Operate a Motor Vehicle with an Open Container of Alcoholic Beverage and Possession of narcotic Paraphernalia.

BACKGROUND: Berry did 30 days in jail in connection with a Stealing case out of Richmond Heights in 2003. She also did 30 days in jail in connection with a 2008 Assault case. We found evidence of a prior DWI in St. Louis in 2006.

OUTCOME: On January 21, 2016 Berry pled guilty to DWI, Improper Lane Use and to the reduced charge of "Littering" to the charge of OMV with an Open Container. Judge Duecker fined her \$500 for the DWI and sentenced her to 60 days in jail, but immediately placed her on a 2-year probation term in lieu of jail. The Improper Lane Use charge resulted in a \$300 fine and the amended charge to "Littering" resulted in a \$125 fine.

This was an unusual case. Berry left the courtroom with an actual DWI conviction and a fine for DWI. She got 14 points total.

DRIVING ON THE WRONG SIDE OF THE ROAD APPROACHING A DWI SOBRIETY CHECK POINT IS A BAD START: (We originally ran this in a regular June newsletter) Timothy Munch, 57, of 12309 Ballas Lane Town and Country had left a friend's house in Chesterfield and was on the way to pick up his daughter. Murch had been drinking. His wife, Becky Murch, who had nothing to drink, was in the passenger seat of the 2013 Range Rover.

Officer Lantz was part of a DWI Check Point on Long Road before Wildhorse Creek Road. Officer Lantz reported that a Range Rover was approaching the check point on the wrong side of the road.

When he contacted the driver, Timothy Murch, he could see that Murch's eyes were bloodshot, his breath had a "moderate" smell of intoxicants, his speech was slurred and once outside of the car he swayed when trying to stand still or walking.



Timothy Murch

Murch failed the field sobriety tests and then made a mistake. He refused to take a field breath test. Had he, he might not have been arrested.

The Range Rover was released to Becky Murch who said she should have been the one driving. From the police report:

I went to speak to his wife (Becky Murch) who was in the passenger seat. I informed her, her husband was being arrest for driving while intoxicated. She said "I figured as much. I knew I should have drove.

He was arrested and transported to the Chesterfield PD where in an interview he said he had three beers. At the station he agreed to take the official breath test. The results were .076 which is under the legal limit but the test was 1-hour and 10-minutes after Murch was stopped. If his BAC level was going down he would have been drunk by Missouri standards at the time of the arrest. However, if his BAC was going up he would have been under the limit at the time of the stop.

OUTCOME: On 11/10/15 Chesterfield city prosecutor Tim Engelmeyer dropped the DWI all together. The Improper Lane violation was reduced to "Illegal Parking" which

Murch pled guilty to and was fined \$250. He left the courtroom with no points on his license.

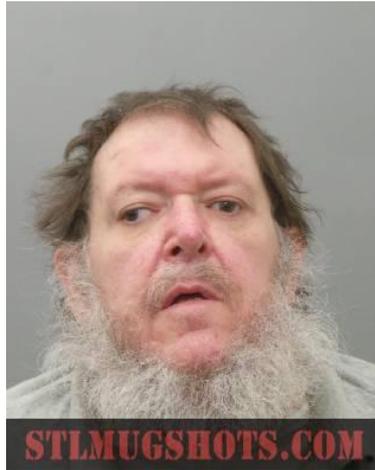
SIDEBAR: We requested the Murch Report in April and received it in May of 2016. At the same time Murch was trying to get the report quashed.

On 01/12/16 Murch filed a petition in the St. Louis County Circuit Court to expunge this arrest report. By the time I got the report in late May of 2016 a hearing had been scheduled for June 30, 2016. The case was dropped by Murch on September 6, 2016.

MAN WAS MORE THAN TWICE THE LEGAL LIMIT AT 2 O'CLOCK IN THE AFTERNOON. Walter Koch, 50, of 1005 Clark Street in Fenton, MO. made an illegal U-Turn on Woods Mill Road north of Clayton Road next to the Schnuck's Supermarket. It was September 4, 2015, Labor Day and it was 2:06 in the afternoon.



09/04/15



12/11/15

Officer Wilson saw the violation and pulled over Koch. Upon contacting Koch, Officer Wilson noticed a bottle of mouthwash on the front seat of his 2010 Kia Rio. Also on the passenger seat was a cooler.

Officer Wilson smelled intoxicants on Koch's breath, noticed that his eyes were watery, bloodshot and that Koch was staring. Officer Wilson reported that Koch's speech was slurred and confused and once out of the car his balance was unsure and he staggered when walking.

Koch told Officer Wilson that he had not had anything to drink since the prior night. Koch failed the field sobriety tests and then failed a field breath test.

Also it was determined that Koch had prior DWI arrests and convictions and an outstanding warrant from Jefferson County for DWI.

A search of Koch's Kia before it was towed showed there were still two cans of beer in the cooler on the front seat.

At the police station Koch did take an official breath test which showed his BAC level to be .188%. From the police report:

At the Town and Country Police Station, Koch was advised of the Missouri Implied Consent Law. He agreed to the breath test. The results of the test indicated that Koch had a BAC of .188%.

We were able to find these two prior DWI cases against Koch, although there was at least one more at a Municipal Court level and maybe more.

01/10/90	DWI (2nd DWI Misdemeanor)	St. Louis County PD
	Pled Guilty Fined \$350	
03/30/11	Felony DWI	Jefferson Co Sheriff's Office
	P.G. 6/15/16 Sentence to 3 years prison, but placed on 5-years probation	

OUTCOME: Koch was charged with Felony Drunk Driving. On April 18, 2016 he pled guilty and was sentenced to 120 Days in the County Jail as Shock time, four years in prison, but the four years was stayed for a five-year probation term.

VOMITING DRUNK DRIVER FOUND AT CBC HIGH SCHOOL. NO HE WASN'T A STUDENT: At 11:27 on Monday night April 11, 2015 CBC staffer Joe Gunn discovered a car with the engine running of the school's parking lot. The adult Hispanic driver was passed out behind the wheel. Gunn was able to get him to turn off the maroon 2001 Chevy Ventura and then called the police.

Officer Katie Exline arrived and found the driver Moises Honoratto Medina, 46, a native of Peru, living in St. Ann, behind the wheel. He had vomited in the car and on himself. His eyes were bloodshot, glassy and staring. Officer Exline reported that his breath had a strong odor of intoxicants and his speech was slurred, incoherent and mumbling. Once she got him out of the car he had trouble standing.

Medina told Officer Exline that he he did not know how he got to the CBC parking lot. He admitted that he was drunk and said he had been in a fight with his wife, who wanted a divorce.

This is from Officer Exline's report:

Honoratto could barely walk. He was staggering and stumbling. I made him sit on the front of my push bumper of car 8301, to keep from falling over. Honorotta spoke English, but it was broken at times. Honoratto said "My wife say I want a divorce." I asked him to follow my finger to perform the Horizontal Gaze Nystagmus test. This was difficult as he moved his head side to side after he was repeatedly given instructions not to move his head. Honoratto said "I understand, I'm Drunk." "I live in St. Ann, I got in a fight with my wife." She said "You're illegal, that's the problem." Sgt. Walker tried to perform the HGN test and also had difficulty. Sgt. Walker asked him to follow this officer's instructions. Honoratto stated "I'm drunk, I drink, I understand the lady." Honoratto could not perform the Walk and Turn or One Leg Stand test because he could not stand up. The result of the PBT field sobriety test exceeded a .080% BAC. Honoratto provided a Missouri Non-Driver's ID card, and did not have vehicle insurance.

Medina said he was sick and was taken to Mercy Hospital. Once arriving at the hospital but before getting out of the police car, Medina threw up again. In the hospital he refused to allow blood drawn for a police BAC test. He was treated for intoxication and checked for a possible concussion. Officer Exline reported that he would sleep, then wake up and vomit in both the waiting room and the CT Scan room.

Medina did not have a driver's license, only a Missouri ID card. He was charged with No Operators License and DWI. His wife arrived at the hospital and had posted a \$350 bond. Medina was release to the staff of Mercy and then later to his wife. There was no in custody mug shot.

A court search and mug shot search only revealed that Medina's wife filed divorce papers against him in September of 2015 and then dropped the suit in March of 2016.

OUTCOME: On April 7, 2016 Medina pled guilty to both charges before Judge Joe Dueker after his lawyer moved the case to the Associated Circuit Court in Clayton.

Medina had the DWI reduced to an 8-point Excessive BAC. He pled guilty and was fined \$200. He was placed on a 2-year no-points probation term for No Operator's License.

DRUNK WOMAN DECIDES TO DRIVE ON THE RIGHT AND SPEED PAST VEHICLES ON I-270. It was 10:35 on Friday night September 18, 2015 Tara Dietz, 27, of Chicago, Illinois was driving her 2016 GMC Acadia NB of I-270, when she decided to

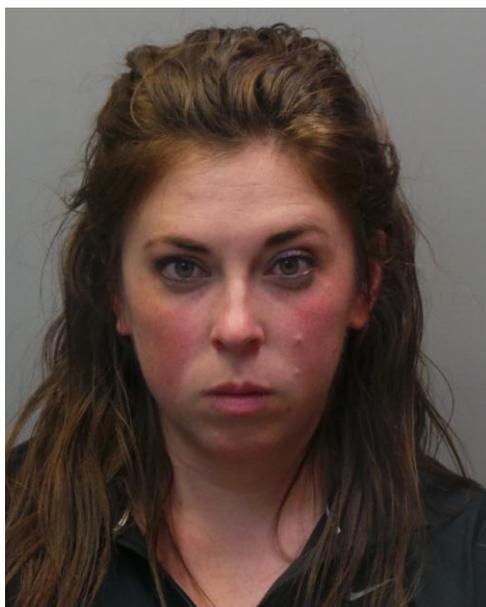
get in the far right lane and start passing traffic on the right at 80 MPH. Tara forgot two things. First she was driving a large SUV that is easy for a cop to spot and follow. Second, she forgot to check her mirrors for police cars.

Sgt. Wolfe of the Town and Country Police was behind her and clocked her between 80 and 90 mph as she passed cars on the right and then switched two lanes to her left.

Sgt. Wolfe got Dietz to stop on I-270 at Olive Blvd. There he found her breath had a strong odor of intoxicants, her eyes were watery and bloodshot, her speech was confused and she swayed back and forth when trying to stand still.

Dietz failed a number of field sobriety tests, including reciting the alphabet beginning with the letter "J" and stopping at the letter "W." Each try she would stop at the letter "P." She said she had two vodka and water drinks earlier. She failed the unofficial field breath test.

As Sgt, Wolfe likes to do, he called Cpl. Chris Moore to the scene and Moore took over the arrest.



Tara Dietz

At the police station Dietz refused to take the official "Breath Test." Dietz was cited for speeding and DWI.

OUTCOME: On April 5, 2016 Dietz plead guilty to Speeding and DWI before Judge Joseph Dueker of the St. Louis County Associate Circuit Court. She was fined \$200 for speeding and placed on a 2-year no-fine, no-points probation term for DWI.

THANKSGIVING MORNING DRUNK DRIVER TAKING THE LONG WAY HOME

FROM CLAYTON: It was 1:04 AM on Thursday morning, Thanksgiving Day November 26, 2015. It was warm for the day and very warm for the hour at 59-degrees.

Town and Country Officer Yaakub was on the midnight watch and had driven out to Timberlake Parkway in Chesterfield and was turning around to return to Town and Country and check buildings and the South Outer Forty Road. While at the stoplight on Timberlake Manor and South Outer Forty he noticed that a 2014 Jeep Cherokee had was going EB on the S. Outer Road and had stopped for a red light with the entire Jeep in front of the white stop line.

When the light for the Jeep went green Officer Yaakub watched it drive east weaving between the two lanes and then driving onto the shoulder. He caught up to the Jeep and followed it into Town and Country as the driver continued to weave from the two lanes onto the shoulder. He stopped the Jeep and contacted the driver, Dustin Cameron Smith, 28, who lives in an area north off Olive Blvd. in unincorporated St. Louis County.



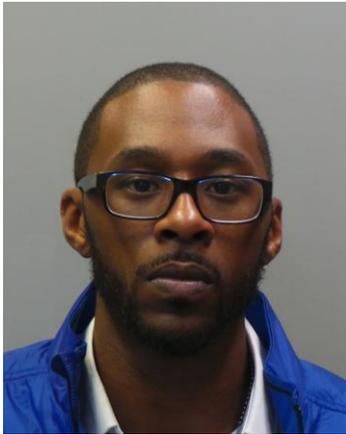
Smith weaves off the road onto the shoulder



Half of Smith's car is now on the shoulder



From the shoulder Smith weaves to the left.



Dustin Smith

Smith said he was coming home from Clayton and being with his cousin. He was already west of "home." According to Officer Yaakub, Smith's eyes were bloodshot, he had a strong odor of intoxicants on his breath and his speech was slurred. Smith claimed he had only one drink.

Officer Yaakub wrote that Smith would go from being polite to being insulting.

We reviewed the video/audio recording of the stop. The officer was right.

After taking some field sobriety tests, Smith refused to take a field Breath Test. He was arrested and transported to the police station where he refused to take the official Breath Test.

Smith had a prior DWI in 2014 when he also refused to take a breath test. He was sued in a case involving an injury auto accident in 2012.



Smith with his hands up immediately before being handcuffed.

Smith was arrested for Improper Lane Use and DWI. This is when he got loud and demanding . Smith demanded that he be told what he was under arrest for despite being told several time he was under arrest for DWI.

At one point Officer Yaakub told Smith that he had told him five times we was under arrest for DWI. Smith continued to argue about being notified that he was arrested.

Prior to his being transported to the police station a police officer was doing an inventory of Smith's car. Officers used to be able to do a search incident to arrest but that was ruled unconstitutional. However for liability reasons of a person claiming something was stolen from their car after it was towed by the police inventory searches are expected by the courts.

This is when Smith went on a repetitive rant.

"You guys are something. I'm saying for the record. You can't go through my car. You are an individual and you can't go through my car."

On the way to the police station Smith was screaming, "Read me my rights!"

Officer Yaakub turned up the FM radio to drown out Smith screams and the next thing you know Smith is loudly singing along with the song.

All of a sudden it was like James Corden's Late, Late Show Carpool Karaoke.



As a matter of fact while Smith was loudly singing to the turned up music in the police car as I listened on a laptop computer, a command member of the police department came out of his office to see what the hell was going on during an arrest. I explained that his officer had just defused an angry suspect.

OUTCOME: Smith transferred the case to the Associated Circuit Court of St. Louis County. On May 5, 2016 Smith pled guilty in front of Judge Joe Dueker, The second time DWI was given a No-Points, No-Fine probation for DWI. He was fined \$300 after pleading guilty to Improper Lane Use.

ADMITTED DRUNK DRIVER, CRASHES INTO A CAR ON I-64 EXIT TO I-270, REFUSED BREATH TEST, PLEADS GUILTY AND RECEIVES A NO-FINE NO-POINTS PROBATION: Angela Canavan, 27, of Kirkwood, MO was driving her drunk and passed out brother home from St. Charles. It was 2:45 AM on Wednesday night into Thursday morning December 10, 2015. Canavan was driving her 2004 Blue Toyota Corolla.

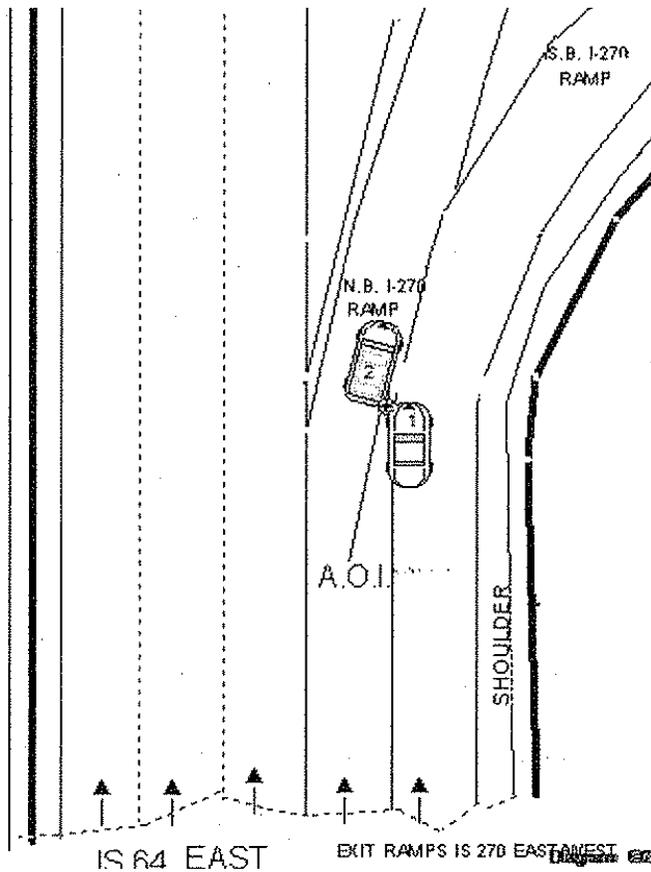
Also driving east on I-64 this morning was Wanda Hayes, who was driving her 2009 silver Ford Escape. Hayes reported that she had been behind the blue Toyota and the vehicle was swerving across a number of lanes, making her stay behind the swerving car. She reported that at EB I-64 at I-270 she got into the exit lane to go north on I-270 to go to her home in St. Ann. She said the Toyota was in the exit lane to go south.

Hayes continued that the driver of the Toyota then swerved and struck the right rear of her Ford with the left front of the Toyota.

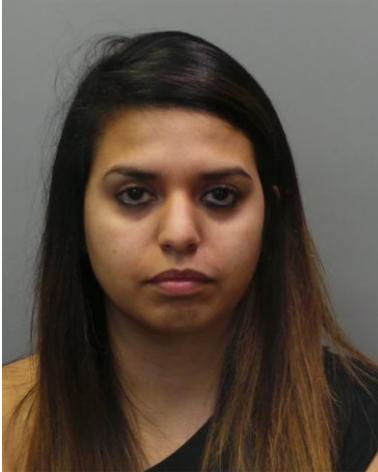
Hayes added that when Canavan got out of her car she poured out a drink.

The damaged to the cars agreed with Hayes statement.

Canavan stated she was exiting from I-64 onto SB I-270 and Hayes' Ford was stopped on the ramp and she verred to the right to try and avoid it, but struck the car. According to the damage to the vehicle, the accident could not have happened according to Caravan's statement.



Town and Country Police Officer Joshua Hamel noticed that Canavan appeared to be drunk. Her breath had a strong smell of intoxicants, her eyes were watery and bloodshot, her speech was slurred and confused, plus her balance was unsure. She fail a number of field sobriety tests, including counting and saying the alphabet. A field breath test showed she was drunk.



Angela Canavan

At the police station Canavan refused to take an official breath test. However during an interview she made an interesting admission. She stated she for three hours before the accident she had margaritas with girl friends. She went to St. Charles to pick up her drunk step-brother at what time she had two Jack Daniels and Coke. This is from the police report:

WHAT WERE YOU DOING DURING THE LAST THREE HOURS PRIOR TO CONTACT WITH LAW ENFORCEMENT?

HAD MARGARITAS WITH GIRLFRIENDS THEN PICKED UP STEP BROTHER

WERE YOU OPERATING THE VEHICLE AT THE TIME OF THE CRASH OR STOP?

YES NO

HAVE YOU BEEN DRINKING?

YES NO

IF YES, WHAT WERE YOU DRINKING?

2 DRINKS OF JACK DANIELS AND COKE

TIME STARTED

11:00 PM

TIME STOPPED

1:20 AM

HOW MUCH?

2 CUPS

WHERE?

BOBBY'S PLACE, MAIN STREET

ARE YOU UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE?

YES NO

OUTCOME: CANAVAN's attorney had the case moved to Clayton. She was only charged with DWI and was not charged with causing the accident. Canavan pled guilty to DWI on April 7, 2016 before Judge Joe Dueker. She was placed on a 2-year No-Record, No-Fine, No-Points probation term.

The state dropped the Breath Test Refusal case and her license was never suspended despite the fact that she was in an accident, failed field tests, appeared to be drunk and admitted being intoxicated.

UPDATE ON POLICE OFFICER KILLED BY DRUNK DRIVER: If you remember our Drunks and Thieves Newsletter that appeared just after Thanksgiving in 2015 had the story about the rookie Montgomery County police officer, Noah Leotta,

who had volunteered to work DWI enforcement on one of his days off was struck and killed in Rockville, Maryland by a drunk driver on December 3.



Officer Noah Leotta Defendant Luis Reluzco

Officer Leotta lived in the same area I lived for 16 years and he was killed on a road in Rockville, Maryland where I regularly drove and patrolled in the last five years of my 30-year law enforcement career.

The suspect, Luis Reluzco had been drinking at a Hooters located on the southern part of Rockville for over three hours. His Blood Alcohol level was .22%. He had three prior DWI arrests between 1988 and 1999.

On July 21, 2016 Hooters agreed to surrender its Liquor License by November 1, 2016 and close the restaurant and not try to sell the license after serving an intoxicated person (Reluzco). Reluzco had given a statement that all his alcohol that evening was consumed at Hooters.



On October 27, 2016 the defendant Luis Reluzco, pled guilty in Montgomery County Circuit Court. It was a three-and-a-half hour sentencing hearing.

During the first six months after Officer Leotta's death the Maryland State Legislature did something amazing. They toughened the drunk driving laws and required ignition locks-breathalyzers that require the the driver to pass a breath test before the car will start, for all people on probation for DWI offenses.

There are no municipal courts in Maryland and all DWI cases are heard before State District Court Judges.

Reluzco was sentenced by Circuit Court Judge Ann Harrington, who I used to appear before, to the maximum of 10 years in prison. Reluzco could be released in as few as 2 1/2-years under Maryland's liberal prison sentencing rules.

But what is amazing while Town and Country and Chesterfield judges will often allow DWI cases to drag on from two and three years, this case was over in 10 1/2-months with a prison sentence and a tougher state law called "Noah's Law" passed. Plus the business that got him drunk was forced to close and surrender its liquor license.

WHAT WRONG WITH THESE PHOTOS I RECENTLY TOOK AT THE DES PERES DIERBERG'S?





Yes, Dierbergs has Christmas candy, mostly kids' favorites like M&Ms, Twix, Snickers and Nestles Crunch right with the Jim Beam and Wine.

May as well start sending the message to kids, "Candy and Booze all good."