

Control Number: 22F112246

STATE OF INDIANA

vs.

Cause Number: _____

Thomas C. Henry

AFFIDAVIT FOR PROBABLE CAUSE

I, I. WYSS 1989F, swear or affirm under penalty of perjury, that I am a Law Enforcement Officer with the FORT WAYNE Police Department, and that on the 8TH day of OCTOBER, 2022, at approx (time) 2223 hrs. (Name) Thomas C. Henry, a (Sex) M F (Race) White (DOB) 11 / 08 / 1951 was observed at (location) In Front of [REDACTED], Allen County, Indiana, operating a vehicle under the following facts and circumstances.

PRELIMINARY OBSERVATIONS OF VEHICLE (CHECK ALL THAT APPLY)

- I observed the accused operate a vehicle in my presence and view. In-car video # _____
- I had reason to believe the accused operated a vehicle because Accused admitted to driving and being involved in a motor vehicle crash. Accused advised he had too many glasses of wine at a fundraiser and should not have given a friend a ride home.
- _____ observed the accused operate a vehicle.
- The accused while driving: Drove left of center Failed to maintain lane Drove off roadway Struck curb Weaving
- The accused while driving: struck another motor vehicle
- Other reason for stop of the defendant _____
- Road / Weather conditions: good rain ice snow construction other _____
- Number of passengers in vehicle under age 18 0 Relationship of passengers to driver Wife and mother-in-law
- Name / DOB / Address of Passengers Cindy Henry [REDACTED]

CRASH INFORMATION (CRASH REPORT ATTACHED)

- No crash was involved. The accused admitted to being the driver involved in the crash. Driver Pinned / Trapped in vehicle
- _____ witnessed the crash and identified the accused as a driver involved in the crash.
- Result of the accused's driving: Property Damage Hit-Skip Personal Injury Serious Bodily Inj. Catastrophic Inj. Fatality
- Victim: (Name/Address/DOB): Potts Torri Ann
- Nature of Injury: Property Damage

OBSERVATIONS OF DEFENDANT (CHECK ALL THAT APPLY)

- I made the following observations from 2233 hrs. on 10 / 08 / 2022 through 2347 hrs. on 10 / 08 / 2022
- Balance: falling needed support swaying sure other _____
- Walking: falling needed support swaying sure other _____
- Turning: falling needed support swaying sure other _____
- Eyes: watery bloodshot normal redden Pupils: normal dilated constricted
- Face: pale flushed normal redden Speech: good thick tongued slurred mumbled other _____
- Odor of alcoholic beverage on breath: strong moderate faint none other odor _____
- Clothing appearance: orderly soiled pants unzipped disorderly (describe) _____
- Finger dexterity: apparently normal clumsy slow trouble with license other _____
- Attitude: argumentative angry cooperative crying profanity other _____
- Alcoholic beverage containers found: location / brand / condition / number _____
- Drugs / Paraphernalia found: _____
- Other: _____

SOBRIETY TESTS (SFST FORM ATTACHED)

- Refused all standardized field sobriety tests (SFST) (explain) _____
- Unable to offer SFST due to condition (explain) _____
- SFST performed: gaze nystagmus walk & turn one leg stand _____
- DRE conducted by (form attached) _____ Impaired by: _____
- SFST performed at (location) B90A

CHEMICAL TEST

- I advised the accused of the Implied Consent Law and the accused submitted to refused a chemical test.
- I was unable to offer a chemical test to the defendant because such person was unconscious
- The accused was observed for 50 minutes preceding the 1st chemical breath test by I. Wyss 1989F

Test #1

- I am a qualified chemical test operator and determined from a chemical breath test that the defendant had a BAC of .152 %
- I was told by _____ a qualified chemical test operator, the result of the chemical test was _____ % BAC.
- Such chemical breath test was administered at 2339 hrs. on 10 / 08 / 2022, at (location) Allen County Lockup B90A

Test #2

- I am a qualified chemical test operator and determined from a chemical breath test that the defendant had a BAC of _____ %
I was told by _____ a qualified chemical test operator, the result of the chemical test was _____ % BAC.
Such chemical test was administered at _____ hrs. on ___ / ___ / ___, at (location) _____
I was told by _____ the result of the chemical test was 0. _____ % BAC. Such chemical test was administered by drawing or taking a blood sample at _____ hrs. ___ / ___ / ___ at (location) _____ and it was analyzed by _____
I was told by _____ the result of the chemical test determined that the accused had in his/her body a controlled substance metabolite, or a drug, to wit: _____
Such test was administered by drawing or taking a sample of [] blood [] urine at _____ hrs. on ___ / ___ / ___ at (location) _____ and analyzed by _____

WITNESSES

Chemical Test Operator: I. Wyss 1989F Transporting Officer: I. Wyss 1989F
Emergency/Medical Personnel: _____ Hospital/Ambulance Authority: _____
Police/Fire/Other: K. Asplund 2022F, D. Wilkins 1767F, J. McConnell 1932F, M. Sierks 1679F
Person who drew the blood: _____

INTERVIEW (iRecord Room Number or Video Control Number: 22F112246)

Time & Date: 2340 Hrs. 10 / 08 / 2022 Miranda Rights read: [x] Yes [] No Waived: [x] Yes [] No at (location) At Scene/at B90
Were you operating a vehicle? [x] Yes [] No Have you been drinking? [x] Yes [] No
Where were you drinking? Civic Theater
What have you had to drink? Wine
How much have you had to drink? _____
When did you start drinking? _____ Hrs. ___ / ___ / ___ When did you stop? _____ Hrs. ___ / ___ / ___
Have you had any alcoholic beverages to drink since the crash? [] No [] Yes (what/when) _____
Do you have any physical defects? [x] No [] Yes (explain) _____
Are you under the care of a doctor? [] No [] Yes Do you take insulin? [] Yes [] No
Are you taking any kind of medication? [] No [] Yes (time/kind/dosage) _____
(Medications continued) _____
Have you had any warning not to take your medication with alcohol? [] Yes [] No
Have you used any drugs recently? [] No [] Yes (time/kind/amount) _____
Are you under the influence of alcohol and or drugs? [] No [] Yes (quote) " _____ "
" _____ "
" _____ "

PRIOR CONVICTIONS

A computer printout of the defendant's driving record shows the defendant [x] has not [] has been convicted of OWI within the past seven (7) years of this occurrence _____

Subscribed and sworn before me this 9 day of October, 2022. My commission expires 5-20-2026.

Signature of Affiant: I. Wyss 1989F
Deputy Prosecuting Attorney / Notary Public

COURT DETERMINATION

It has been determined there was probable cause the defendant violated I.C. 9-30-5 this _____ day of _____, _____ and charges are pending herein. I recommend suspension of defendant's driving privileges on (date) _____ or upon notice from the Bureau of Motor Vehicles. _____, Court, _____, County _____

Judge's Signature

BUREAU OF MOTOR VEHICLES CERTIFICATE

Table with columns: Date of Arrest (10/08/2022), Time (2350), Driver's License No., License State (IN), HAZMAT (NO), CDL (NO), Name (Thomas Henry), Date of Birth (11/08/1951), Court Code, Cause, Sex (M), Weight (185), Height (510), Eyes (bro), Hair (grey), The above Motorist (REFUSED/FAILED Alcohol Test 0.152% BAC), BUREAU USE ONLY.