

GEORGIA DEPARTMENT OF PUBLIC SAFETY

POST OFFICE BOX 1456
ATLANTA, GEORGIA 30371-2303

Investigative Services Division

Face Sheet

Incident Type: Administrative Case number IA-0142-2010
Complaint Other Date Opened: 11/23/2010
Classification: Date Closed: 12/13/2010

Incident Date:

Incident Address:

Incident City: Incident State GA

Level Investigated: IA

Name: THOMAS,RANDY Troop G Post 12

Brief Narrative:
Perjury - State Court of Colquitt County

Supervisor: Angie Holt, Director

Investigator: TFC2 Jason Ellis 198

**File Reviews
Date and Initials**

**Final Investigative Actions:
Date:**

_____	_____	_____	Investigative actions terminated
_____	_____	_____	Forward to Commanding Office
_____	_____	_____	Forward to Legal Services
_____	_____	_____	Forward to Personnel

Disposition: SUSTAINED

Comments: 1-4-11 Copy of Case Summary provided to J. Thurman, ^{DPS HUMAN} _{RESOURCES}

Georgia Department Of Public Safety

Investigative Services Division

Case Summary Information

Case Number: IA-0142-2010

Date Opened: 11/23/2010

Incident Type: Administrative

Date Closed: 12/13/2010

Complaint
Classification: Other

Name: Thomas,Randy

Troop: G

Post: 12

Investigator: TFC2 Jason Ellis

Badge Number: 198

Complainant's
FirstName:

Complainant's
LastName:

Complainant's
Address:

Complainant's
City:

Complainant's
State: GA

Complainant's
Phone Number:

Incident
Address:

Incident City:

Incident State: GA

Citizen/Troop 1
Complainants:

Investigated IA
by IA/Troop:

Disposition: SUSTAINED

Comments: Perjury - State Court of Colquitt County



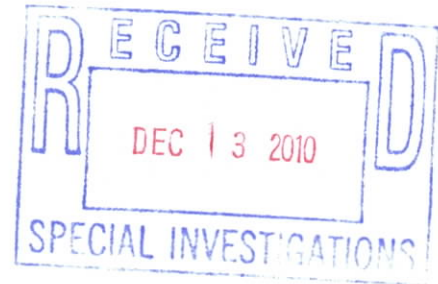
*stand
file
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Colonel Bill Hitchens
Commissioner

Georgia State Patrol
Post Office Box 1456
Atlanta, Georgia 30371-1456
(404) 624-7451

Major Mark W. McDonough
Commanding Officer

MEMORANDUM



DATE: December 13, 2010
TO: Mrs. Angie M. Holt
Director - Special Investigations Division
FROM: Major Mark W. McDonough
Commanding Officer
SUBJECT: Misconduct by a DPS employee (Perjury) – TFC Randy Thomas, #782
IA-0142-2010

I have reviewed your Investigative Summary in regards to Misconduct by TFC Randy Thomas, #782; I concur with your findings.

Effective December 15, 2010, TFC Thomas is dismissed from the Department of Public Safety. Please consider this case closed.

MWM/clb

Copy furnished:
Lt. Colonel F. D. Snellings, Jr.
Lieutenant D. W. Dixon, Jr.
SFC S. A. Woodell
Mrs. Melissa D. Rodgers
Mr. Dan Roach



Colonel Bill Hitchens
Commissioner

Department of Public Safety
Post Office Box 1456
Atlanta, Georgia 30371-1456
Phone: (404) 624-7523


Angie M. Holt
Special Investigations Director

MEMORANDUM

TO: Major Mark McDonough
Commanding Officer

TO: Melissa Rodgers
Director, Legal Services

Dan Roach
Director, Personnel Services

FROM: Angie M. Holt
Director, SID 

DATE: December 2, 2010

RE: IA-0142-2010

Attached are an investigative summary and a compact disc of the complete file on the above captioned case.

It is requested you properly dispose of the compact disc and summary upon completion of your review of the file.

Thank you.

Enclosures (2)

GEORGIA DEPARTMENT OF PUBLIC SAFETY

POST OFFICE BOX 1456
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Investigative Services Division

Face Sheet

Incident Type: Administrative Case number IA-0142-2010
Complaint Classification: Other Date Opened: 11/23/2010
Date Closed:
Incident Date:
Incident Address:
Incident City: Incident State GA
Level Investigated: IA
Name: THOMAS,RANDY Troop G Post 12
Brief Narrative: Perjury - State Court of Colquitt County

Supervisor: Angie Holt, Director

Investigator: TFC2 Jason Ellis 198

File Reviews
Date and Initials

12/2/10 awt _____

Final Investigative Actions:
Date:

_____ Investigative actions terminated
_____ Forward to Commanding Office
_____ Forward to Legal Services
_____ Forward to Personnel

Disposition:

Comments: _____

Georgia Department Of Public Safety
Investigative Services Division
Case Summary Information

Case Number: IA-0142-2010 **Date Opened:** 11/23/2010
Incident Type: Administrative **Date Closed:**
Complaint Classification: Other
Name: Thomas,Randy
Troop: G **Post:** 12
Investigator: TFC2 Jason Ellis **Badge Number:** 198

Complainant's
FirstName: **Complainant's**
LastName:
Complainant's
Address:
Complainant's GA
City: **State:**
Complainant's
Phone Number:

Incident
Address:
Incident City: **Incident State:** GA

Citizen/Troop 1 **Investigated** IA
Complainants: **by IA/Troop:**
Disposition:

Comments: Perjury - State Court of Colquitt County

IA-0142-2009

EXHIBIT LIST

EXHIBIT #	DESCRIPTION
Exhibit 1	Case Investigation Summary
Exhibit 2	Complaint Information - Correspondence Received by SFC Scott Woodell, Post Commander, Post 12 from Solicitor Keith F. Allen, State Court of Colquitt County and Interdepartmental Memorandum Received by LT Dennis Dixon, Acting Commander Troop G, from SFC Scott Woodell
Exhibit 3	Incident Report #I100007748-01, Uniform Traffic Citation #'s E00232466 & E00232466, CMI Intoxilyzer 5000 Serial #SN68-012472 Printer Card Stamp Dated 08/07/2010 at 6:20 p.m., and GBI – DOFS Log Sheet (Intoxilyzer 5000 Serial #SN68-012472)
Exhibit 4	Incident Report #I100007749-01, Uniform Traffic Citation #'s E00232469 & E00232471, CMI Intoxilyzer 5000 Serial #SN68-012472 Printer Card Stamp Dated 08/07/2010 at 6:26 p.m., and GBI – DOFS Log Sheet (Intoxilyzer 5000 Serial #SN68-012472)
Exhibit 5	Troop G Communications CAD Information Dated 08/07/2010 (Regarding TFC Randy Thomas)

IA-0142-2009

- Exhibit 6 Order On Pre Trial Motions Document Composed by Honorable Richard T. Kent, Colquitt County State Court Judge (State of Georgia VS. Jason Scott Thompson)
- Exhibit 7 Correspondence Received by Honorable Barbara Brown, State Administrative Hearings Judge, from Robert D. Jewell, P.C.
- Exhibit 8 Correspondence Received by SFC Scott Woodell, Post Commander Post 12, from Solicitor Keith Allen, Colquitt County State Court
- Exhibit 9 Investigative Summary - Garrity Warning Signed by TFC Randy Thomas Dated 11/23/2010, Polygraph Report Prepared by Investigator Steve Duncan Dated 11/23/2010, and Written Statement Prepared by TFC Randy Thomas Dated 11/23/2010, DVD Evidence of Polygraph Examination and Post Polygraph Interview of TFC Randy Thomas by Investigator Steve Duncan and Receipt for Property #A-003925
- Exhibit 10 Daily Duty Roster and Cad Report Dated August 6, 2010

Exhibit # 1

CASE SUMMARY

On November 23, 2010, at 8:45 a.m., Director Angie Holt of the Special Investigations Division discussed case number IA-0142-2010 with Investigators Steve Duncan and Jason Ellis. The case involved a complaint of perjury made against TFC Randy Thomas by the Colquitt County State Court (State Court Judge Richard Kent and Solicitor Keith Allen) (Exhibits #2 & #6). TFC Randy Thomas is assigned to Post 12 Thomasville as a trooper in Troop G. Holt telephoned LT Dennis Dixon (Acting Troop G Commander) in order to discuss Thomas' availability for a polygraph examination on November 23, 2010, at 1:00 p.m., at the Special Investigations Division. Dixon told Holt she could expect Thomas' arrival for the polygraph examination at 1:00 p.m.

Holt provided Ellis with the supporting case documents for review on November 23, 2010. Ellis reviewed two incident reports completed by Thomas and determined that Thomas arrested Marvin Lee Brown on August 6, 2010, shortly after 9:59 p.m., for DUI (refusal) in Colquitt County, Georgia (Exhibit #3). Thomas transported Brown to the Colquitt County Jail where he released Brown to the custody of the jailors.

On August 7, 2010, shortly after 12:00 a.m., Thomas arrested Jason Scott Thompson for DUI (refusal) in Colquitt County, Georgia (Exhibit #4). Thomas

transported Thompson to the Colquitt County Jail where he released Thompson to the custody of the jailors.

Ellis requested the Post 12 daily duty roster dated August 6, 2010, from Chief Operator Angie Ellis (Exhibit 10). Ellis verified that Thomas was on-duty on August 6, 2010, from 5:59 p.m., until 2:05 a.m.

In a letter to SFC Scott Woodell (Post Commander, Post 12 Thomasville) dated October 25, 2010, regarding Thomas' DUI case against Thompson, Solicitor Keith F. Allen (Colquitt County State Court) stated that former Assistant District Attorney Bert Jewell was representing Thompson in his DUI case. Jewell told Allen that Thomas had falsified the log book associated with the Intoxilyzer tests at the Colquitt County Sheriff's Office. Allen initially believed the allegation made by Jewell was a "gambit" or "negotiation" to reduce the DUI charge against Thompson in which Allen refused to negotiate a plea agreement.

Allen discussed with Thomas the allegation made by Jewell at the preliminary hearing and requested a copy of the printout showing Thompson's refusal. The printout was obtained directly from Post 12 Thomasville by Allen's secretary independent of Thomas. The printout associated with Thompson's DUI case reflected a date and time of August 7, 2010, (date of the arrest) at 6:26/6:27 p.m. (Exhibit #4). The Intoxilyzer 5000 test log book maintained at the Colquitt County Jail reflected the test was

performed on August 7, 2010, at 1:00 a.m. (Exhibit #4). The disparity in the times recorded on the Intoxilyzer 5000 log book and the time stamped on the Intoxilyzer 5000 printout concerned Allen (Exhibit #2). Thomas told Allen the time on the Intoxilyzer 5000 print out was wrong, and that he performed the test on the morning of the stop and not at the time stamped on the printout. S/TFC 2 Mike Gurley (Implied Consent) was contacted by Allen's secretary regarding the time discrepancy. Gurley informed Allen that he was not aware of any malfunction with the Intoxilyzer 5000 that would have resulted in the error regarding the time the test was performed.

Jewell notified Allen that Thompson testified under oath at Thompson's Administrative License Suspension Hearing on November 4, 2010, that he (Thomas) performed Thompson's DUI test on the morning of the arrest (1:00 a.m.) and not at 6:26 p.m. / 6:27 p.m., of August 7, 2010.

On October 22, 2010, Allen noticed Uniform Traffic Citation #E00232468 which was issued by Thomas on August 6, 2010, at 9:59 p.m., for DUI refusal regarding Brown. Allen compared the DUI citation issued by Thomas to Brown, the Intoxilyzer 5000 print out, and the Intoxilyzer 5000 log book associated with the Intoxilyzer 5000 at the Colquitt County Sheriff's Office. Allen discovered the entry prior to Thompson's entry on the log book was for Brown. Brown's entry was recorded as July 6, 2010, (a month prior) to Brown's actual stop which was on August 6, 2010. The Intoxilyzer 5000 printout

attached to Brown's DUI citation reflected that Brown's DUI test was performed on August 7, 2010, at 6:20 p.m. / 6:21 p.m.

Allen reported to Woodell that production of an Intoxilyzer 5000 printout was completely unnecessary to the prosecution of either of the DUI cases; however printouts were produced in both cases by Thomas (Exhibit #2). Allen reported to Woodell there was a significant question regarding the timing of the tests and an apparent disparity regarding the Intoxilyzer 5000 log book and the printouts. Allen reported his concern that Thomas intentionally entered an incorrect time on the logbook that conflicts with the Intoxilyzer 5000 printout, which would constitute a false statement or misrepresentation. Allen stated in his letter to Woodell if Thomas testified the next date (October 26, 2010) under oath that the test was performed on August 7, 2010, at 1:00 a.m., he believed perjury would be an issue.

Woodell contacted Gurley and asked if there was any way a different time could have been produced by the Intoxilyzer 5000, and Gurley stated he did not know of a way the disparity in time could happen with the Intoxilyzer 5000. Gurley also told Woodell he had been subpoenaed to testify on October 26, 2010, in a motion hearing regarding Thomas' DUI case against Thompson (Exhibit #2).

Woodell telephoned Chief Operator Angie Ellis and requested a CAD Report for the date of August 7, 2010, that pertained to Thomas' whereabouts on the date in question at 6:00 p.m. The CAD Report reflected Thomas at the Colquitt County Sheriff's Office from 6:07 p.m., until 6:31 p.m., which was consistent with the Intoxilyzer 5000 printouts in question (Exhibit #2).

Woodell telephoned Thomas and asked him directly if he went by the Colquitt County Sheriff's Office the next day (after Thomas arrested Thompson) in order to print off an Intoximeter 5000 printout at 6:26 p.m. (Exhibit #2). Woodell warned Thomas that he needed an honest answer, as his question was potentially a "career changing" question. Thomas told Woodell that he did not, that he printed the card previously at 1:00 a.m.

On October 25, 2010, Woodell received a telephone call from Allen who stated that a second DUI case made by Thomas was in question (Marvin Lee Brown) (Exhibit #2). Allen told Woodell the Intoxilyzer 5000 printout associated with Brown's case reflected a time stamp produced five minutes prior to the time stamped on the Intoxilyzer 5000 printout that was associated with Thompson's DUI case. Woodell telephoned Dixon to inform him of what he had learned from Allen.

On October 26, 2010, Woodell telephoned Allen's secretary and requested a transcript of the court proceedings that would involve Thomas. The secretary assured Woodell a court reporter would be present at the hearing (Exhibit #2).

On November 4, 2010, Honorable Richard T. Kent (Colquitt County State Court Judge) issued an Order On Pre Trial Motions regarding **State of Georgia VS. Jason Scott Thompson** (Exhibit #6). Kent stated that Thomas testified under oath that he went into the Intoxilyzer 5000 room at the Colquitt County Sheriff's Office shortly after the traffic stop on August 7, 2010, at or around 1:00 a.m., and entered the necessary data on the Intoxilyzer machine and printed out a refusal to submit to test. Thomas supplied the printout from the machine to the State, where it was admitted into evidence. The printout reflected a stamp indicating it was printed on August 7, 2010, at 6:26 p.m. (17 hours after Thomas testified he made the printout). *Thomas testified that the time was incorrect on the printout.*

Gurley testified that he inspected the Intoxilyzer 5000 before and after August 7, 2010, and no defect was noted in the time clock on that machine. Gurley testified the time clock on the Intoxilyzer 5000 was not significantly off prior to August 7, 2010, during his quarterly check nor was it off after August 7, 2010, during the subsequent quarterly test (Exhibit #6).

Kent reported that Thomas' testimony that he printed out a refusal on the Intoxilyzer 5000 machine at or around 1:00 a.m., on August 7, 2010, was not credible. In this case, the Court found that Thomas had been impeached as a witness (Exhibit #6).

On November 19, 2010, Allen composed a letter to Woodell regarding Thomas' courtroom testimony and impeachment as a witness in the Thompson case. Allen informed Woodell in the letter that he was convinced Thompson was guilty of the charges made by Thomas. Allen stated he had no other option than to enter a nolle prosequi regarding the case against Thompson, due to Thomas' credibility issues that were addressed in Kent's order.

On November 23, 2010, at approximately 1:00 p.m., Investigator Steve Duncan performed the polygraph examination of Thomas and concluded that Thomas' physiological responses were indicative of deception when Duncan asked Thomas specific questions regarding when he printed off the DUI refusals on the Intoxilyzer 5000 at Colquitt County Sheriff's Office (Exhibit #9). Duncan conducted a post polygraph interview of Thomas where he confronted Thomas with the results of the polygraph examination. Thomas confessed to Duncan that he returned to the Colquitt County Sheriff's Office on August 7, 2010, at approximately 6:20 p.m., (Exhibit #9-DVD), where

he printed out an additional copy of the Intoxilyzer 5000 results (See Exhibits #3 & #4). Thomas claimed he printed out the Intoxilyzer 5000 results on the date of the arrests, but he did not know what happened to the copies. Thomas told Duncan he returned to the Colquitt County Sheriff's Office in order to print another copy of the Intoxilyzer 5000 results. Thomas prepared a written statement regarding his actions when he printed the copies of the Intoxilyzer 5000 results at the Colquitt County Sheriff's Office (Exhibit #9).

Conclusion

ALLEGATION: Misconduct by a DPS employee (Perjury), TFC Randy Thomas

FINDINGS: SUSTAINED

It is alleged that TFC Randy Thomas testified falsely under oath in the State Court of Colquitt County. Judge Richard T. Kent (Colquitt County State Court Judge) stated that Thomas testified under oath that he went into the Intoxilyzer 5000 room at the Colquitt County Sheriff's Office shortly after the traffic stop on August 7, 2010, at or around 1:00 a.m., and entered the necessary data on the Intoxilyzer machine and printed out a refusal to submit to test.

Overwhelming evidence exists that supports the allegation of perjury made by the Colquitt County State Court against Thomas. Thomas was not truthful with his supervisor (Woodell) when confronted directly about his actions. Thomas was not truthful when he participated in the polygraph examination administered by Duncan. Thomas confessed his involvement in the matter when he disclosed to Duncan that he returned to the Colquitt County Sheriff's Office on August 7, 2010, to print out copies of the Intoxilyzer 5000 results of Brown and Thompson's DUI refusals. It is also evident Thomas falsified the GBI – DOFS log book associated with the Intoxilyzer 5000 at the Colquitt County Sheriff's Office. Court records (transcripts and letters by members of the Court) exist associated with Thomas' false testimony under oath (perjury). CAD Records reflect Thomas was on-duty and present at the Colquitt County Sheriff's Office when it is alleged that Thomas falsified the Intoxilyzer 5000 log book and printed out both Brown and Thompson's DUI refusal test results.

Ellis identified the following departmental policies and statutes violated by Thomas.

Mission and Core Beliefs Policy #1.01.3

Oath of Office Policy #3.02.1

Code of Ethics Policy #3.03

Code of Conduct Policy #3.01; 3.01.3; 3.01.4, A. 8-9, B. 1, F. 1, G. 1-2, 10, H. 2-3

Evidence and Property Policy 12.01

O.C.G.A. §16-10-70 Perjury

O.C.G.A. § 16-10-20 False Statements and Writings

Exhibit # 2

Keith F. Allen

SOLICITOR, STATE COURT OF COLQUITT COUNTY

814 1ST STREET S.E.

MOULTRIE, GA 31768

MAILING ADDRESS:

P.O. BOX 2228

MOULTRIE, GA 31776-2228

email:k.allenatty@windstream.net

CONTACT NUMBERS:

TELEPHONE (229) 985-3228

TELECOPIER (229) 890-3971

October 25, 2010

TFC Scott Woodell
Post Commander-Tifton Post
Georgia State Patrol

Re: Trooper Randy Thomas cases

Received By:
OCT 26 2010
Commanding Officer

Dear Sir:

As you are probably aware, Trooper Thomas arrested Jason Thompson, an investigator with the Colquitt County Sheriff's Office on August 7, 2010 for DUI and other charges (see Citation #E00232469-71). He has provided us with a CD of the stop and his preliminary testimony regarding same. In preliminary meetings with the attorney for Mr. Thompson, Bert Jewell, a former Assistant District Attorney in this Circuit, Mr. Jewell indicated that Trooper Thomas had falsified some documentation in regard to the arrest, namely a logbook of Intoxilyzer tests and results maintained in the Colquitt County Sheriff's Office. My initial reaction was that this was a gambit or negotiation to reduce the DUI charge which I refused to do. However, the information was of such a nature that it merited further examination.

I discussed this with Trooper Thomas at the preliminary hearing and requested a copy of the printout showing a refusal. My secretary obtained a copy of the printout from your post, independent of Trooper Thomas. The printout reflected a time of testing as 18:26/18:27 hours on the date of the arrest, August 7, 2010. The log book maintained by the Sheriff's Office showed that the test was performed at 1:00 a.m. on the morning of the arrest, August 7, 2010. This disparity is what concerns me. I spoke with Trooper Thomas and he advised me that the printout was wrong and that he performed the test on the morning of the stop and not at 18:26/18:27 that afternoon. I had heard that there had been some repair problem with that particular Intoxilyzer machine and my assistant called Mr. Gurley at the Americus Post who we understand was the individual that maintains the machines. Our question to him was whether any malfunction with the machine that he was aware of would have resulted in the wrong time being reflected on the printout. He indicated that he was not aware of or familiar with any malfunction on the machine that would have resulted in an error regarding the time the test was performed.

1A-0142-2010

EXHIBIT NO. 2

SOLICITOR, STATE COURT OF COLQUITT COUNTY

TFC Scott Woodell

October 25, 2010

Page 2

Mr. Jewell, the defense attorney for Mr. Thompson has since advised me that at an Administrative Hearing on the DUI refusal, Trooper Thomas testified under oath that he performed the test on the morning of the arrest (at 1:00 a.m.) and not at 18:26/18:27 of that day. I did not attend the ALS hearing and therefore do not know if that information is correct.

On Friday, October 22, 2010, we noticed Citation # E00232468 issued by Trooper Thomas on August 6, 2010 at 21:59 hours, again for a DUI (refusal) against Marvin Lee Brown. Today, in looking at the log sheet for the Intoxilyzer, we noticed that the entry prior to Jason Thompson's entry was for Marvin Brown, logged in on July 6, 2010 @22:30 hours. This date was a month prior to the actual stop on August 6, 2010, which I take to be an error in logging. However, the printout attached to the ticket indicates it was performed on August 7, 2010 at 18:20/18:21 hours, approximately five (5) minutes before Mr. Thompson's Intoxilyzer printout.

Production of a printout was completely unnecessary to the prosecution of the cases. However, printouts were produced in these two (2) cases. I am not aware of whether others were performed in other refusal cases made by this officer. However, in looking at these two (2) citations, the logbook maintained at the Sheriff's Office and the printouts for the refused tests, there appears to be a significant question as to the timing of the tests and an apparent disparity with regard to the logbook and the printouts. In short, it appears that Trooper Thomas logged in the tests as of the time of the arrests but performed the tests at different times than as logged in.

If this is correct, then several problems arise:

1. If Trooper Thomas has intentionally entered an incorrect time on the logbook that conflicts with the Intoxilyzer printout, then that constitutes a false statement or misrepresentation.
2. I have been unable to obtain any information from Mr. Gurley that any existing or potential malfunction of the Intoxilyzer would produce an incorrect time.
3. If Trooper Thomas testified under oath to a false statement in the ALS hearing in regard to the disparity in time in the logbook and the printout, then I have a question as to whether this would constitute perjury.
4. If he testifies tomorrow (October 26, 2010) in the scheduled motion hearing, under oath that the test was performed at 1:00 a.m. rather than at the time of 18:26/18:27 as reflected on the printout, then I would think that perjury would also be an issue.
5. This issue is now known to the defense attorney and I am sure will be communicated to every other defense attorney in this circuit, making credibility an issue in each of this officer's cases.

1A-0142-2010

EXHIBIT NO. 2

SOLICITOR, STATE COURT OF COLQUITT COUNTY

TFC Scott Woodell

October 25, 2010

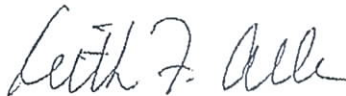
Page 3

6. I am now burdened with the prosecution of a former local law enforcement officer that I am convinced was driving under the influence but may not be able to overcome the issue of the arresting officer's credibility to prove the case.

I am not offering an opinion as to the correctness of this officer's actions or whether he performed any falsifications. However, my review of this issue has led me to disclose the available information to you for your review and advice. I would appreciate any determination that you have made with regard to the officer's credibility as that would impact the prosecution of any cases made by this officer.

Attached or enclosed please find copies of the relevant citations for Jason Thompson and Marvin Brown with incident reports, copies of the Intoxilyzer printouts, and copies of the GBI-DOFS Log Sheet for the relevant entries. If any other information is needed, please advise me.

Very Truly Yours,



Keith F. Allen
Solicitor, State Court
Colquitt County, Georgia

Encl.

1A-0142-2010

EXHIBIT NO. 2

INTER-DEPARTMENTAL MEMORANDUM

Date: October 26th, 2010

To: Lt. Dennis Dixon #47
Acting Commander - Troop G

From: SFC Scott A. Woodell #952 *SAW*
Commander – Post #12 Thomasville

Subject: Colquitt County State Court Complaint on TFC Randy Thomas #782

I am respectfully submitting this memorandum in order to explain my involvement in dealing with the complaint alleged against TFC Randy Thomas #782 by the Colquitt County State Court.

August 7th, 2010

TFC Thomas #782 arrests Jason Scott Thompson, a Colquitt Sheriff's Office Investigator, for DUI; Speeding (87/55); Open Container Violation.

The aftermath of this arrest raised tension between Sheriff's Deputies and TFC Thomas. I spoke with the Sheriff in length about the incident and explained my concerns for the trooper in hopes of quelling some of the animosity between the two.

October 18th, 2010

TFC Michael Moses #486 approaches me at the post and relays concerns from Colquitt County State Solicitor Keith Allen in relation to TFC Thomas's case involving Mr. Thompson.

TFC Moses explained that Keith Allen was to call me, that he had questions about our policy regarding DUI refusals. That there seemed to be a problem with the time between when TFC Thomas arrested Mr. Thompson and the time recorded on Intoxilyzer Logs and a print out card. TFC Moses also advised that Keith Allen had questioned him about it in length. I asked TFC Moses why TFC Thomas printed a refusal card to begin with and TFC Moses advised that he had talked to TFC Thomas about it and that TFC Thomas said that was the way he had been trained to handle a refusal.

The remainder of that week I was tasked with The Sunbelt Agricultural Expo in Moultrie, but never received a call from Keith Allen.

October 25th, 2010

IA-0142-2010

EXHIBIT NO. 2

During the morning I received a phone call from Colquitt County State Court Judge Richard Kent. He relayed to me a brief description of the concerns and questions surrounding the case and encouraged me to contact Keith Allen for more details. Judge Kent relayed his concerns to me about the trustworthiness of TFC Thomas's testimony and future credibility on the stand in his court.

Immediately after getting off the phone with Judge Kent, I attempted to contact Keith Allen for more information. Mr. Allen was unavailable and I asked for him to return my call at his earliest convenience.

While waiting for Mr. Allen to call me back, I contacted TFC Thomas and asked him about the situation. He advised that he setup the Intoxilyzer at 0100 hrs when he made the arrest and did not know why the machine would have printed a different time. I then asked him if he went to the Sheriff's Office the next day and then print the card and he stated that he did NOT. He was adamant that he had printed the card at 0100 hrs.

Giving TFC Thomas the benefit of a doubt, I contacted STpr Mike Gurley with implied consent, who had tested the Intoxilyzer in question, and asked if there was any way that a different time could have been produced. STpr Gurley advised that he did not know of a way it could happen and that other than a defective plug on the keyboard, there was nothing wrong with the machine. I asked STpr Gurley if the keyboard issue could cause the disparity in time and he advised that it would NOT. STpr Gurley then advised me that he had been contacted by Mr. Keith Allen and questioned about the Intoxilyzer. STpr Gurley also advised that he was subpoenaed to testify at a motion hearing involving this case on October 26th, 2010.

After speaking with STpr Gurley I contacted CCEO Angie Ellis of Troop G Communications and asked her to forward me TFC Thomas's CAD record for the day in question as to when the intox print out card was supposed to have been produced. The CAD record showed TFC Thomas getting out at the Sheriff's office at 1807 hrs and going back in service at 1831 hrs. This time frame is consistent with the times on the intox print outs in question.

I then contacted Lt. Dixon #47 and apprised him of the situation. I advised Lt. Dixon that I was still waiting to hear from Mr. Keith Allen, that I had court in Grady County and I would contact him as soon as I heard from Mr. Allen.

I then chose to call TFC Thomas back and I spoke with him as to what I had learned. I preceded the question by informing him that this was a career changing question and that I needed an honest answer. I asked directly, did he or did he not go by the Sheriff's Office the next day and print off an Intox card at 1826 hrs. He answered me by saying that he did NOT, that he did it at 0100 hrs. I asked him if he was sure and he stated yes sir. I then ended my phone conversation with TFC Thomas.

I proceeded to court and during a court recess I received a message to call Mr. Keith Allen. I called Mr. Allen and discussed in great detail the situation described in Mr. Allen's letter to me, which is included in this packet. He also informed me that there now appeared to be a second case in question involving a Marvin Lee Brown subject, with an intox card produced five minutes prior to the one already in question, involving similar circumstances on the part of TFC Thomas.

1A-0142-2010

EXHIBIT NO. 2

As soon as I was released from court I contacted Lt. Dixon and updated him on the latest information learned.

October 26th, 2010

I contacted Mrs. Connie Campbell who is the secretary for Mr. Keith Allen and asked if a court reporter would be present for the motion hearing scheduled for this date and she advised there would be. I then asked if I could request a copy of the transcripts. She said she would let the judge know.

As of this memo the motion hearing had not taken place yet.

1A-0142-2010

EXHIBIT NO. 7

Exhibit # 3

DPS INCIDENT REPORT

Report Number 1100007748-01	Report Date / Time 08/06/2010 09:59 PM	Reporting Agency GEORGIA DEPARTMENT OF PUBLIC SAFETY
Agency Case Number 2010-0387-12	Agency CAD Number GSPG10CADD12682	Range of Occurrence Date/Time 08/06/2010 09:59 PM to 08/06/2010 11:25 PM

INCIDENT TYPE(S)
DUI

INCIDENT LOCATION

County COLQUITT	Location THIGPIN TRAIL	Latitude N 31 13 42.26	Longitude W 83 48 12.22
Street Address	City	State GA	Zip Code

INVESTIGATIVE TIMES (IN HOURS)					VEHICLE MILES	BOAT ENGINE HOURS	AIRCRAFT ENGINE HOURS
ON BOAT	ON LAND	IN AIR	ADMINISTRATIVE	TOTAL			
:	:	:	:	:	:	:	:

OTHER RELATED LOCATION

County COLQUITT	Location THIGPIN TRAIL	Latitude N 31 13 42.26	Longitude W 83 48 12.22
Street Address	City	State	Zip Code

PERSON: SUSPECT

First Name MARVIN	Middle Name LEE	Last Name BROWN	Suffix	Date of Birth 1/1959	Age 50	Race W	Sex M	Height 508	Weight 175	Hair BRO	Eyes GRN	Marital Status MARRIED
Master Name Index Number GSP10MNI118074	Custodial Status ARRESTED	Driver's License or Other ID 054057114		State GA	Class or Type C	Expires 12/24/2016						
Address 1120 HOWELL ROAD		Address (Other)		City DOERUN	State GA	Zip Code 31744	Phone	Phone (Other)				
Vehicle on Report Associated with Person TagNo: 235ZYN State: GA Year: 1984 Make: FORD Model: LGT CONVTL 'F								Person's Role in Vehicle DRIVER				
Occupation CONSTRUCTION WORKER			Employer				Master Business Index Number					
Address		Address (Other)		City	State	Zip Code	Phone	Phone (Other)				

ARREST INFORMATION

County of Arrest COLQUITT	Location Description THIGPIN TRAIL
Arrest Delivered To (Jail / Booking Facility) COLQUITT COUNTY SHERIFFS OFFICE	P.O. BOX 188
Arresting Officer THOMAS, R	Rank TFC
Badge / ID Number 782	Unit / Assignment G-12
Moultrie, GA 31776	
229-616-7430	

CHARGES

Violation	Counts	Violation Type	Violation Classification / Level
> 40-6-391(a)(1-5) DRIVING UNDER THE INFLUENCE	1	STATE LAW	GEORGIA TRAFFIC CODE
> 40-6-4B FAILURE TO MAINTAIN LANE	1	STATE LAW	GEORGIA TRAFFIC CODE
> 40-8-23(D) TAG LIGHT REQUIRED	1	STATE LAW	GEORGIA TRAFFIC CODE

DUI

Stop Date / Time 08/06/2010 21:59	Traffic LIGHT	Weather CLEAR	Lighting DARKNESS	Passengers 1	Implied Consent Read YES 08/06/2010 22:23	THIGPIN TRAIL / AT SCENE
Test Type: BREATH / REFUSED / Date: 08/06/2010 22:30						

Horizontal Gaze Nystagmus

	Left	Right	Clues	Notes
Eye Does Not Pursue Smoothly	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6 clues	
Distinct Nystagmus at Maximum Deviation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Nystagmus Onset Before 45 degrees	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Eye Color GRN				

Walk and Turn

Unable to Balance Begins too Soon Improper Turn

	Steps	1 - 9	10 - 18	Clues	Notes
Stops Walking	<input type="checkbox"/>	<input type="checkbox"/>		1 clue	
Misses Heel to Toe	<input type="checkbox"/>	<input type="checkbox"/>			
Steps Off Line	<input type="checkbox"/>	<input type="checkbox"/>			
Raises Arm(s)	<input type="checkbox"/>	<input type="checkbox"/>			
Actual Number of Steps Taken		9	9		

One Leg Stand

	Seconds	0 - 10	11 - 20	21 - 30	Clues	Notes
Sways	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		2 clues	
Raises Arms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Hops	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Feet Down	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

1A-0142-2010

EXHIBIT NO. 3

Report Number 1100007748-01	Report Date/Time 08/06/2010 09:59 PM	Reporting Agency GEORGIA DEPARTMENT OF PUBLIC SAFETY
Agency Case Number 2010-0387-12	Agency CAD Number GSPG10CAD012682	Range of Occurrence Date/Time 08/06/2010 09:59 PM to 08/06/2010 11:25 PM

Other Observations		<input type="checkbox"/> Romberg		<input type="checkbox"/> Eye Lid Tremors		<input type="checkbox"/> Swaying		<input type="checkbox"/> Internal Clock / 30 Seconds	
<input checked="" type="checkbox"/> PBT		<input checked="" type="checkbox"/> Positive		<input type="checkbox"/> Negative		Results .121		Breath Odor STRONG	
Eye Condition BLOODSHOT		Behavior POLITE		General Appearance NOTHING UNUSUAL		Speech Patterns NORMAL			

VEHICLE										
State & License Plate Number Expires GA 235ZYN 12/24/2010		VIN 2FTCF15H8ECA93690		Year 1984	Make FORD	Model LGT CONVTL 'F	Style TK	Color BLU		
<input type="checkbox"/> CMV	<input type="checkbox"/> HazMat	Released to IN-LAW								<input type="checkbox"/> Vehicle Towed

Poisons Related to Vehicle
DRIVER: Brown, Marvin Lee

NARRATIVE

On 08/06/2010, I was traveling north on Thigpin Trail. I observed the vehicle traveling ahead of me passenger's side tires crossed the white line. I activated my blue lights and made a traffic stop. I approached the vehicle from the driver's side. I asked the driver for his driver's license which identified him as Marvin Lee Brown, DOB: /1959. I asked Mr. Brown where was he coming from and he stated he just left his brother-in-laws house. While talking to Mr. Brown, I detected a strong intoxicant odor of alcohol emitting from his breath and his eyes were red. I asked Mr. Brown how much he had to drink and he stated 6 beers since 6pm. I retrieved my alco-sensor from the patrol car. Mr Brown tested positive. I asked Mr. Brown if he had any medical problems and he said no. The first field sobriety test performed was Horizontal Gaze Nystagmus (HGN). I instructed Mr. Brown to put his feet together and to place his arms on his side and to keep his head still and follow the tip of my finger with his eyes only. Mr. Brown said he understood my instructions. 6 clues were detected. The second field sobriety test performed was the walk and turn test. I explained and demonstrated the test for Mr. Brown and he said he understood my instructions. Mr. Brown could not keep his balance during the instructional stage. 1 clue was detected. The third field sobriety performed was the one-leg stand test. I explained and demonstrated the test for Mr. Brown and he said he understood my instructions. Mr. Brown raised his left leg first then raised his right leg. He put his foot down on the count of 1 thousand 1 and 1 thousand and 7 and stopped the test on his own and said, "I am 50 years old". Also Mr. Brown was swaying during the test. 2 clues were detected. I tested Mr. Brown again on the alco-sensor and result were positive. I pat searched Mr. Brown and placed him in the back seat of my patrol car. I read Mr. Brown the Implied Consent Notice/Suspects Age 21 or over and asked him to submit to the state administered chemical test of his breath. Mr. Brown said he would take the test. En route to the jail, Mr. Brown changed his answer and said he does not want to take the state administered test. Mr. Brown was released to jail personnel for booking.

Partial Audio/Video (VHS)

RELATED REPORTS	
Report Name	Report Number / Description
Uniform Traffic Citation	E00232466
Uniform Traffic Citation	E00232467
Uniform Traffic Citation	E00232468

REPORTING OFFICER / SUPERVISOR APPROVAL					
Reporting Officer			Approving Supervisor		
ID Number 702	Rank TFC	Name THOMAS, R	ID Number 278	Rank SGT	Name TABB, W.
Signature <i>R. Thomas</i>			Signature <i>Sgt. M. Tabb #278</i>		

1A-0142-2010

EXHIBIT NO. 3

DS-32 (01/10)

GEORGIA

UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION

Court Case Number GSP0000000 NCIC Number Citation Number E00232468

GEORGIA DEPARTMENT OF PUBLIC SAFETY

Upon Month August (Day) 6 (Year) 2010 at 21:59 [X] P.M.

Operator License No. 054067114

License Class or Type C State GA Endorsements Expires 12/24/2016

Name BROWN (Last) MARVIN (First) LEE (Middle)

Address 1120 HOWELL RD

City DOERUN State GA Zip Code 31744

DOB 12/24/1959 Hair BRO Hgt 508 Wgt 175 Sex M Eyes GRN

Veh Yr. 1984 Make FORD Style LGT CONVNTNL *F Color BLU

Registration No. 235ZYN Yr. 12/24/2010 State GA

CDL [] YES [X] NO ACCIDENT [] YES [X] NO INJURIES [] YES [X] NO FATALITIES [] YES [X] NO

[X] 2-LANE ROAD [] VASCAR [] Laser [] Radar [] Patrol Vehicle [] Other

Within the State of Georgia, did commit the following offense: SPEEDING

(Clocked by / Serial # Calibration/Check:) at MPH in a zone

[X] DUI (Test Administered: [] BLOOD [X] BREATH [] URINE [] OTHER) DUI Test Results

TEST ADMINISTERED BY (If Applicable): THOMAS, R 35753

OFFENSE (Other than above) DUI / ALCOHOL / 0.08 GRAMS OR MORE 21 YOA OR OVER

In Violation of Code Section: 40-6-391(A)(5) of [X] State Law [] Local Ordinance

Remarks REFUSED

Table with columns: WEATHER, ROAD (A), ROAD (B), TRAFFIC, LIGHTING, COMMERCIAL VEHICLE INFORMATION. Includes checkboxes for Clear, Dry, Concrete, Light, Daylight, 16+ Passengers, etc.

County Of COLQUITT and miles of (city)

THIGPIN TRAIL at or near mile post or within (city)

at/on (secondary location)

OFFICER (Print) THOMAS, R Badge# 782 Div. G-12

You are hereby ordered to appear in Court to answer this charge on Tuesday, July 27, 2010

at 0830 in the COLQUITT COUNTY STATE COURT

at P.O. BOX 188, MOULTRIE, GA 31776

NOTICE: This citation shall constitute official notice to you that failure to appear in Court at the date and time stated on this citation to dispose of the cited charges against you shall cause the designated Court to forward your driver's license number to the Department of Driver Services, and your driver's license shall be suspended. (Georgia Code 17-6-11 and 40-6-56) The suspension shall remain in effect until such time as there is a satisfactory disposition in this matter or the Court notifies the Department of Driver Services.

LICENSE DISPLAYED IN LIEU OF BAIL [] YES [X] NO RELEASED TO SIGNATURE ACKNOWLEDGES SERVICE OF THIS SUMMONS AND RECEIPT OF COPY OF SAME

SIGNATURE

ARRESTING OFFICER'S CERTIFICATION

The undersigned has just and reasonable grounds to believe, and does believe, that the person named herein has committed the offense set forth, contrary to law.

SIGNATURE R. Thomas Badge # 782

Signature of Arresting Officer

AUTHORIZED AND APPROVED PURSUANT TO CODE 40-13-1 D.D.S. REG 375.3-4570.19

COURT COPY

1A-0142-2010

EXHIBIT NO. 3

E00232468

DS-32 (01/10)

GEORGIA

UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION

GSP0000000

E00232466

Court Case Number

NCIC Number

Citation Number

GEORGIA DEPARTMENT OF PUBLIC SAFETY

Upon Month August (Day) 6 (Year) 2010 at 21:59 A.M. P.M.

Operator License No. 054067114

License Class or Type C State GA Endorsements Expires 12/24/2016

Name BROWN (Last) MARVIN (First) LEE (Middle)

Address 1120 HOWELL RD State GA Zip Code 31744

City DOERUN State GA Zip Code 31744

DOB 12/24/1959 Hair BRO Hgt 508 Wgt 175 Sex M Eyes GRN

Veh Yr. 1984 Make FORD Style LGT CONVTL F Color BLU

Registration No. 235ZYN Yr. 12/24/2010 State GA

CDL YES NO ACCIDENT YES NO INJURIES YES NO FATALITIES YES NO

2-LANE ROAD VASCAR Laser Radar

Within the State of Georgia, did commit the following offense: SPEEDING Patrol Vehicle Other

(Clocked by / Serial # Calibration/Check:) at MPH in a zone

DUI (Test Administered: BLOOD BREATH URINE OTHER) DUI Test Results

TEST ADMINISTERED BY (If Applicable):

OFFENSE (Other than above) FAILURE TO MAINTAIN LANE

In Violation of Code Section: 40-6-48 of State Law Local Ordinance

Remarks

WEATHER	(A) ROAD	(B)	TRAFFIC	LIGHTING	COMMERCIAL VEHICLE INFORMATION
<input checked="" type="checkbox"/> Clear	<input checked="" type="checkbox"/> Dry	<input type="checkbox"/> Concrete	<input checked="" type="checkbox"/> Light	<input type="checkbox"/> Daylight	<input type="checkbox"/> 15+ Passengers
<input type="checkbox"/> Cloudy	<input type="checkbox"/> Wet	<input checked="" type="checkbox"/> Blacktop	<input type="checkbox"/> Medium	<input checked="" type="checkbox"/> Darkness	<input type="checkbox"/> Commercial Vehicle Violation
<input type="checkbox"/> Raining	<input type="checkbox"/> Ice	<input type="checkbox"/> Dirt	<input type="checkbox"/> Heavy	<input type="checkbox"/> Other	<input type="checkbox"/> Hazardous Material Violation
<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other			

County Of COLQUITT and miles of (city) THIGPIN TRAIL

on at or near mile post or within (city)

ation (secondary location)

OFFICER (Print) THOMAS, R Badge# 782 Div. G-12

You are hereby ordered to appear in Court to answer this charge on Tuesday, July 27, 2010

at 0830 in the COLQUITT COUNTY STATE COURT

at P.O. BOX 188, MOULTRIE, GA 31776

NOTICE: This citation shall constitute official notice to you that failure to appear in Court at the date and time stated on this citation to dispose of the cited charges against you shall cause the designated Court to forward your driver's license number to the Department of Driver Services, and your driver's license shall be suspended. (Georgia Code 17-6-11 and 40-6-56) The suspension shall remain in effect until such time as there is a satisfactory disposition in this matter or the Court notifies the Department of Driver Services.

LICENSE DISPLAYED IN LIEU OF BAIL YES NO RELEASED TO

SIGNATURE ACKNOWLEDGES SERVICE OF THIS SUMMONS AND RECEIPT OF COPY OF SAME

SIGNATURE

ARRESTING OFFICER'S CERTIFICATION

The undersigned has just and reasonable grounds to believe, and does believe, that the person named herein has committed the offense set forth, contrary to law.

SIGNATURE R. Thomas Signature of Arresting Officer

AUTHORIZED AND APPROVED PURSUANT TO CODE 40-13-1 D.D.S. REG 375.3-4570.19

COURT COPY

E00232466

NCIC NO. GSP0000000

E00232466

IA-0142-2010

EXHIBIT NO. 3

DS-32 (01/10)

GEORGIA UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION

E00232467

Court Case Number GSP0000000 NCIC Number E00232467 Citation Number

GEORGIA DEPARTMENT OF PUBLIC SAFETY Upon Month August (Day) 6 (Year) 2010 at 21:59 [X] P.M.

Operator License No. 054067114 License Class or Type C State GA Endorsements Expires 12/24/2016

Name BROWN (Last) MARVIN (First) LEE (Middle) Address 1120 HOWELL RD

City DOERUN State GA Zip Code 31744

DOB 12/24/1959 Hair BRO Hgt 508 Wgt 175 Sex M Eyes GRN

Veh Yr. 1984 Make FORD Style LGT CONVTL F Color BLU Registration No. 235ZYN Yr. 12/24/2010 State GA

CDL [] YES [X] NO ACCIDENT [] YES [X] NO INJURIES [] YES [X] NO FATALITIES [] YES [X] NO

[X] 2-LANE ROAD Within the State of Georgia, did commit the following offense: SPEEDING [] VASCAR [] Laser [] Radar [] Patrol Vehicle [] Other

(Clocked by / Serial # Calibration/Check:) at MPH in a zone

[] DUI (Test Administered: [] BLOOD [] BREATH [] URINE [] OTHER) DUI Test Results TEST ADMINISTERED BY (If Applicable):

OFFENSE (Other than above) TAG LIGHT REQUIRED In Violation of Code Section: 40-8-23(D) of [X] State Law [] Local Ordinance

Remarks

Table with columns: WEATHER, (A) ROAD, (B), TRAFFIC, LIGHTING, COMMERCIAL VEHICLE INFORMATION. Includes checkboxes for Clear, Dry, Concrete, Light, Daylight, 16+ Passengers, etc.

County Of COLQUITT and miles of (city) THIGPIN TRAIL

at or near mile post or within (city)

at/on (secondary location) OFFICER (Print) THOMAS, R Badge# 782 Div. G-12

You are hereby ordered to appear in Court to answer this charge on Tuesday, July 27, 2010 at 0030 in the COLQUITT COUNTY STATE COURT at P.O. BOX 108, MOULTRIE, GA 31776

NOTICE: This citation shall constitute official notice to you that failure to appear in Court at the date and time stated on this citation to dispose of the cited charges against you shall cause the designated Court to forward your driver's license number to the Department of Driver Services, and your driver's license shall be suspended. (Georgia Code 17-6-11 and 40-5-56) The suspension shall remain in effect until such time as there is a satisfactory disposition in this matter or the Court notifies the Department of Driver Services.

LICENSE DISPLAYED IN LIEU OF BAIL [] YES [X] NO RELEASED TO: SIGNATURE ACKNOWLEDGES SERVICE OF THIS SUMMONS AND RECEIPT OF COPY OF SAME

SIGNATURE

ARRESTING OFFICER'S CERTIFICATION The undersigned has just and reasonable grounds to believe, and does believe, that the person named herein has committed the offense set forth, contrary to law.

SIGNATURE Signature of Arresting Officer Badge # 782

AUTHORIZED AND APPROVED PURSUANT TO CODE 40-13-1 D.D.S. REG 375.3-4570.19 COURT COPY

NCIC NO. GSP0000000

E00232467

1A-0142-2010

EXHIBIT NO. 3

10/22/2010 10:28 AM Keith Allen's Office
EXHIBIT NO. 3
1A-0142-2010



THIS SIDE UP. THIS EDGE IN. FORM NUMBER 015010

COLQUITT SO 2
INTOXILYZER - ALCOHOL ANALYZER
GA MODEL 5000 SN 68-012472
08/07/2018

OPER NAME=THOMAS, RANDY, I
PERMIT NUMBER= 35753
SUB NAME=PERM, MARVIN L
SUB DOB = / / 59
DRIV LIC=054067114
ARR OFF NAME=THOMAS, RANDY, I
ARR OFF AGENCY= GSP
VIOLATION TIME= 21:59
VIOLATION DATE= 08/06/10
CASE NUMBER= 12-0382-10

TEST TIME
DIAGNOSTICS OK 18:20EDT
AIR BLANK .000 18:20EDT
SUBJECT SAMPLE REFUSED 18:20EDT
AIR BLANK .000 18:21EDT
SUBJECT REFUSED TO CONTINUE.

Marvin Lee Brown
SUBJECT'S NAME

TIME FIRST OBSERVED INSTRUMENT LOCATION

Randy Thomas
OPERATOR

ADDITIONAL INFORMATION AND/OR REMARKS



INTOXILYZER® INSTRUMENT PRINTER CARD
© 1986 BY CMI INC



GBI - DOFS LOG SHEET

AGENCY NAME: COLQUITT CO. S. O.

INTOXILYZER 5000 - SERIAL NUMBER: 68-012472

DATE	TIME	SUBJECT NAME	DRIVERS LICENSE NUMBER	OPERATOR	ARRESTING OFFICER	SAMPLE (1)	SAMPLE (2)	BLOOD DRAWN (Y/N)
4-3-10	0436	Ruiz, Rodriguez R.	Unlicensed 980925993	R. Jordan	R. Jordan	.133	.137	N
040910	2321	Blackwell, Demetrius	unlicensed	J. Branner	J. Branner	.027	.027	N
050410	2216	Conroy, Jerry Kyle	034985245	J. Branner	J. Branner	.189	.210	N
05-04-10	2340	Gray, Jerry Kyle	034985245	J. Branner	J. Branner	.187	.220	Y
5-22-10	0243	Christopher, Michelle	No License	R. Benton	J. Brown	.159	.151	N
05-25-10	0026	RILEY, NANCY	055696577	WYNN	WYNN	.099	.096	N
6-07-2010	1036	Quarterly	Inspection	M. Gurley	GSP	.076	.077	N/A
6-13-2010	0554	Rouse, Aaron	057422508	D. Lindsay	Meeker	.035	.033	N
061510	0102	Birto, Heriberto	052069256	J. Branner	J. Branner	.134	refused	N
06125/10	0648	DeLoach, James L	024541294	F. Hernandez	D. Lindsay	.298	.273	N
06125/10	0717	DeLoach, James L	074841824	F. Hernandez	D. Lindsay	.276	.268	N
06129/10	0808	Bell, Dorian	052750170	R. Harris	"	.000	.000	N
2 July 10	1706	Reynolds, William G	050467714	Moses	Moses	.858	.087	N
07105/10	2255	Martin, Joseph	203028960	T. Rayner	Williams, F.	.103	.078	N
7-6-10	2230	Brown, Marvin	054067114	Thomas	Thomas	Refused	Refused	N

1A-0142-2010

EXHIBIT NO 3

Exhibit # 4

IA-0142-2010

DPS INCIDENT REPORT

Report Number 00007749-01	Report Date / Time 08/07/2010 12:26 AM	Reporting Agency GEORGIA DEPARTMENT OF PUBLIC SAFETY
Agency Case Number 2010-0390-12	Agency CAD Number GSPG10CAD012702	Range of Occurrence Date/Time 08/07/2010 12:00 AM to 08/07/2010 01:29 AM

INCIDENT TYPE(S)
DUI

INCIDENT LOCATION

County COLQUITT	Location SUMNER ROAD CONTINUED TO SR35/SR133	Latitude N 31 12 32.14	Longitude W 83 46 40.52
Street Address		City MOULTRIE	State GA
		Zip Code 31768	

INVESTIGATIVE TIMES (IN HOURS)					VEHICLE MILES	BOAT ENGINE HOURS	AIRCRAFT ENGINE HOURS
ON BOAT	ON LAND	IN AIR	ADMINISTRATIVE	TOTAL			
:	:	:	:	:			

OTHER RELATED LOCATION

County COLQUITT	Location SUMNER ROAD	Latitude N 31 10 56.09	Longitude W 83 45 40.93
Street Address		City	State GA
			Zip Code

PERSON: SUSPECT

First Name JASON	Middle Name SCOTT	Last Name THOMPSON	Suffix	Date of Birth 07/08/1977	Age 33	Race W	Sex M	Height 601	Weight 250	Hair BRO	Eyes BRO	Marital Status MARRIED
Master Name Index Number GSP10MNI118339	Custodial Status ARRESTED	Driver's License or Other ID 039767681		State GA	Class or Type C	Expires 07/08/2019						
Address 1940 FUNSTON SIGSBEE ROAD		Address (Other)		City MOULTRIE	State GA	Zip Code 31768	Phone	Phone (Other)				
Vehicle on Report Associated with Person TagNo: BJQ4052 State: GA Year: 2006 Make: FORD Model: SRW SUPER DUTY							Person's Role in Vehicle DRIVER					

Occupation INVESTIGATOR	Employer COLQUITT CO SHERIFF'S OFFICE	Master Business Index Number
Address		Address (Other)
City MOULTRIE		State GA
Zip Code 31768		Phone 229-626-7430
		Phone (Other)

ARREST INFORMATION

County of Arrest COLQUITT	Location Description SR35/SR133
Arrest Delivered To (Jail / Booking Facility) COLQUITT COUNTY SHERIFFS OFFICE	
P.O. BOX 188	MOULTRIE, GA 31776
Arresting Officer THOMAS, R	Rank TFC
Badge / ID Number 782	Unit / Assignment G-12
Master Business Index Number 229-616-7430	

CHARGES

Violation	Counts	Violation Type	Violation Classification / Level
> 40-6-181 SPEEDING IN EXCESS OF MAXIMUM LIMITS	1	STATE LAW	GEORGIA TRAFFIC CODE
> 40-6-253 POSSESSION OF OPEN CONTAINER IN VEHICLE PASSENGER AREA	1	STATE LAW	GEORGIA TRAFFIC CODE
> 40-6-391(a)(1-5) DRIVING UNDER THE INFLUENCE	1	STATE LAW	GEORGIA TRAFFIC CODE

DUI

Stop Date / Time 08/07/2010 00:00	Traffic LIGHT	Weather CLEAR	Lighting OTHER	Passengers 2	Implied Consent Read YES 08/07/2010 00:14	SR35/SR133
Test Type: BREATH / REFUSED / Date: 08/07/2010 00:00						

Horizontal Gaze Nystagmus

	Left	Right	Clues	Notes
Eye Does Not Pursue Smoothly	<input type="checkbox"/>	<input type="checkbox"/>		not performed
Distinct Nystagmus at Maximum Deviation	<input type="checkbox"/>	<input type="checkbox"/>		
Nystagmus Onset Before 45 degrees	<input type="checkbox"/>	<input type="checkbox"/>		
Eye Color BRO				

Walk and Turn

Unable to Balance Begins too Soon Improper Turn

Steps 1 - 9 10 - 18

	1 - 9	10 - 18	Clues	Notes
Stops Walking	<input type="checkbox"/>	<input type="checkbox"/>		not performed
Misses Heel to Toe	<input type="checkbox"/>	<input type="checkbox"/>		
Steps Off Line	<input type="checkbox"/>	<input type="checkbox"/>		
Raises Arm(s)	<input type="checkbox"/>	<input type="checkbox"/>		
Actual Number of Steps Taken				

One Leg Stand

Seconds 0 - 10 11 - 20 21 - 30

	0 - 10	11 - 20	21 - 30	Clues	Notes
Sways	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		not performed
Raises Arms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Jops	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Foot Down	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

1A-0142-2010

EXHIBIT NO. 4

Report Number 1100007749-01	Report Date/Time 08/07/2010 12:26 AM	Reporting Agency GEORGIA DEPARTMENT OF PUBLIC SAFETY
Agency Case Number 2010-0390-12	Agency CAD Number GSPG10CAD012702	Range of Occurrence Date/Time 08/07/2010 12:00 AM to 08/07/2010 01:29 AM

Other Observations		<input type="checkbox"/> Romberg		<input type="checkbox"/> Eye Lid Tremors		<input type="checkbox"/> Swaying		<input type="checkbox"/> Internal Clock / 30 Seconds	
<input checked="" type="checkbox"/> PBT		<input checked="" type="checkbox"/> Positive		<input type="checkbox"/> Negative		Results .115			
Breath Odor		STRONG ODOR OF ALCOHOL							
Eye Condition BLOODSHOT		Behavior TALKATIVE		General Appearance NOTHING UNUSUAL			Speech Patterns NORMAL		

VEHICLE										
State & License Plate Number/Expires GA BJJQ4052 07/08/2011		VIN 1FTWW31P06EB46304		Year 2006	Mnke FORD	Model SRW SUPER DUTY		Style TK	Color BLK	
<input type="checkbox"/> CMV	<input type="checkbox"/> HazMat	Released to CVT TOWING								<input checked="" type="checkbox"/> Vehicle Towed

Persons Related to Vehicle
DRIVER: Thompson, Jason Scott

NARRATIVE

On 08/07/2010, I was patrolling north on Sumner Road. I observed an oncoming vehicle approaching at a high rate of speed. I activated my radar to confirm the speed. The radar indicated a speed of 87mph in a 55mph zone. The vehicle made a right turn onto SR35 and drove into the Chevron parking lot at the intersection of SR35 and SR133. I activated my blue lights and made a traffic stop. I approached the vehicle from the driver's side. I asked the driver for his driver's license. The driver stated he didn't have his license on him. I asked the driver is the vehicle registered in his name and he said yes. GCIC revealed that the vehicle is registered to a Jason Scott Thompson, DOB:07/08/1977. Mr. Thompson advised me that he was an investigator with the Sheriff's Department and the 2 passengers are also investigators. While talking to Mr. Thompson, I observed a strong odor of an alcohol beverage emitting from his breath and his eyes were red. I asked Mr. Thompson to exit his vehicle and to stand in front of my patrol car. Mr. Thompson used his left arm to support his balance against his vehicle. While talking to Mr. Thompson at the front of my patrol car, a strong odor of alcohol was still present. I asked Mr. Thompson how much he had to drink and he stated about 8 or 9 beers since 8pm. I retrieved my alco-sensor and tested Mr. Thompson, the result was positive (.115). I then placed him under arrest for DUI, pat searched Mr. Thompson and placed handcuffs on his wrists and escorted him to the back seat of my patrol car. I asked Mr. Thompson what was his age and he stated 33 years old. I read Mr. Thompson the Implied Consent Notice/Suspects age 21 or Over and asked him to submit to the stated administered chemical test of his breath under the Implied Consent Law. Mr. Thompson said no 3 times to taking the state administered chemical test. I radioed for #810 S/Tpr Underwood to come an assist me. By this time, the 2 other investigators exited the vehicle. The investigators names are Chris (don't know last name) and Shawn Ladson. One of the investigators kept hindering me from doing my job. He kept walking towards the vehicle after being told to stay away, also he wanted to speak with Mr. Thompson. He got angry when I told him no. I told them to stand at least 25 feet from me. I walked back to the vehicle and observed a pistol on the floor board. I asked Mr. Thompson was the weapon his or the Sheriff's Department. Mr. Thompson stated the weapon belongs to the Sheriff's Department. I asked Mr. Thompson if he wanted me to call someone to get his vehicle and he said, "You can tow that shit". By this time S/Tpr Underwood arrived at the scene. I informed S/Tpr Underwood what was going on with Mr. Thompson. One of the investigators phoned there supervisor (Mike Murfin) and he arrived at the scene. S/Tpr Underwood gave the weapon to Mike Murfin, Mr. Thompson supervisor. While inventorying the vehicle, I observed an open container of beer. I transported Mr. Thompson to the Colquitt County Sheriff's Office. Mr. Thompson was released to jail personnel for booking.

Note:Field Sobriety was not performed due to safety reasons

Audio/Video (VHS)

RELATED REPORTS	
Report Name	Report Number / Description
Vehicle Tow Receipt	Tag: GA/BJQ4052
Uniform Traffic Citation	E00232469
Uniform Traffic Citation	E00232470
Uniform Traffic Citation	E00232471

1A-0142-2010

EXHIBIT NO. 4

DS-32 (01/10)

GEORGIA

UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION

GSP0000000

E00232469

Court Case Number

NCIC Number

Citation Number

GEORGIA DEPARTMENT OF PUBLIC SAFETY

Upon Month August (Day) 7 (Year) 2010 at 0:00

A.M. P.M.

Operator License No. 039767681

License Class or Type C State GA Endorsements Expires 07/08/2019

Name THOMPSON JASON SCOTT (Last) (First) (Middle)

Address 1940 FUNSTON SIGSBEE RD

City MOULTRIE State GA Zip Code 31768

DOB 07/08/1977 Hair BRO Hgt 601 Wgt 250 Sex M Eyes BRO

Veh Yr. 2006 Make FORD Style SRW SUPER DUTY Color BLK

Registration No. BJQ4052 Yr. 7/8/2011 State GA

CDL YES NO ACCIDENT YES NO INJURIES YES NO FATALITIES YES NO

2-LANE ROAD VASCAR Laser Rader

Within the State of Georgia, did commit the following offense: SPEEDING

(Clocked by / Serial # DECATUR / GENESIS 2 SELECT /G2S-21023

Calibration/Check: 08/06/2010 06:04 PM at 87 MPH in a 55 zone

DUI (Test Administered: BLOOD BREATH URINE OTHER) DUI Test Results

TEST ADMINISTERED BY (If Applicable):

OFFENSE (Other than above) SPEEDING IN EXCESS OF MAXIMUM LIMITS

In Violation of Code Section: 40-6-181 of State Law Local Ordinance

Remarks SUPER SPEEDER

Table with columns: WEATHER, ROAD, TRAFFIC, LIGHTING, COMMERCIAL VEHICLE INFORMATION. Includes checkboxes for conditions like Clear, Dry, Concrete, Light, Daylight, etc.

County Of COLQUITT and miles of (city)

SUMNER ROAD at or near

on mile post or within (city)

at/on (secondary location)

OFFICER (Print) THOMAS, R Badge# 782 Div. G-12

You are hereby ordered to appear in Court to answer this charge on Tuesday, July 27, 2010

at 0830 In the COLQUITT COUNTY STATE COURT

at P.O. BOX 188, MOULTRIE, GA 31776

NOTICE: This citation shall constitute official notice to you that failure to appear in Court at the date and time stated on this citation to dispose of the cited charges against you shall cause the designated Court to forward your driver's license number to the Department of Driver Services, and your driver's license shall be suspended.

LICENSE DISPLAYED IN LIEU OF BAIL YES NO RELEASED TO APPEAR

SIGNATURE ACKNOWLEDGES SERVICE OF THIS SUMMONS AND RECEIPT OF COPY OF SAME

SIGNATURE

ARRESTING OFFICER'S CERTIFICATION

The undersigned has just and reasonable grounds to believe, and does believe, that the person named herein has committed the offense set forth, contrary to law.

SIGNATURE R. Thomas Badge # 782

Signature of Arresting Officer

AUTHORIZED AND APPROVED PURSUANT TO CODE 40-13-1 D.D.S. REG 375.3-4570.19

COURT COPY

E00232469

NCIC NO. GSP0000000

E00232469

1A-0142-2010

EXHIBIT NO. 4

*Best reviewed
Video 9-27-10
etc*

DS-32 (01/10) GEORGIA
UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION

Court Case Number GSP0000000 NCIC Number E00232471 Citation Number E00232471

GEORGIA DEPARTMENT OF PUBLIC SAFETY

Upon Month August (Day) 7 (Year) 2010 at 0:00 A.M. P.M.

Operator License No. 039767681

License Class or Type C State GA Endorsements _____ Expires 07/08/2019

Name THOMPSON JASON SCOTT
 (Last) (First) (Middle)

Address 1940 FUNSTON SIGSBEE RD
 City MOULTRIE State GA Zip Code 31768

DOB 07/08/1977 Hair BRO Hgt 601 Wgt 250 Sex M Eyes BRO

Veh Yr. 2006 Make FORD Style SRW SUPER DUTY Color BLK

Registration No. BJQ4052 Yr. 7/8/2011 State GA

CDL YES NO ACCIDENT YES NO INJURIES YES NO FATALITIES YES NO

2-LANE ROAD

Within the State of Georgia, did commit the following offense: SPEEDING VASCAR Laser Radar
 (Clocked by / Serial # _____) Patrol Vehicle Other _____

Calibration/Check: _____) at _____ MPH in a _____ zone

DUI (Test Administered: BLOOD BREATH URINE OTHER) DUI Test Results _____

TEST ADMINISTERED BY (If Applicable): THOMAS, R 35753

OFFENSE (Other than above) DRIVING UNDER THE INFLUENCE

In Violation of Code Section: 40-6-391(a)(1-5) of State Law Local Ordinance

Remarks REFUSED

WEATHER	(A) ROAD	(B)	TRAFFIC	LIGHTING	COMMERCIAL VEHICLE INFORMATION
<input checked="" type="checkbox"/> Clear	<input checked="" type="checkbox"/> Dry	<input type="checkbox"/> Concrete	<input checked="" type="checkbox"/> Light	<input type="checkbox"/> Daylight	<input type="checkbox"/> 16+ Passengers
<input type="checkbox"/> Cloudy	<input type="checkbox"/> Wet	<input checked="" type="checkbox"/> Blacktop	<input type="checkbox"/> Medium	<input checked="" type="checkbox"/> Darkness	<input type="checkbox"/> Commercial Vehicle Violation
<input type="checkbox"/> Raining	<input type="checkbox"/> Ice	<input type="checkbox"/> Dirt	<input type="checkbox"/> Heavy	<input type="checkbox"/> Other	<input type="checkbox"/> Hazardous Material Violation
<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other			

County Of COLQUITT and _____ miles of (city) _____

SUMNER ROAD

on _____ at or near _____ mile post _____ or within (city) _____

a/On (secondary location) _____

OFFICER (Print) THOMAS, R Badge# 782 Div. G-12

You are hereby ordered to appear in Court to answer this charge on Tuesday, July 27, 2010 at 0830 in the COLQUITT COUNTY STATE COURT at P.O. BOX 188, MOULTRIE, GA 31776

NOTICE: This citation shall constitute official notice to you that failure to appear in Court at the date and time stated on this citation to dispose of the cited charges against you shall cause the designated Court to forward your driver's license number to the Department of Driver Services, and your driver's license shall be suspended. (Georgia Code 17-6-11 and 40-5-56) The suspension shall remain in effect until such time as there is a satisfactory disposition in this matter or the Court notifies the Department of Driver Services.

LICENSE DISPLAYED IN LIEU OF BAIL YES NO RELEASED TO APPEAR
 SIGNATURE ACKNOWLEDGES SERVICE OF THIS SUMMONS AND RECEIPT OF COPY OF SAME

SIGNATURE _____

ARRESTING OFFICER'S CERTIFICATION
 The undersigned has just and reasonable grounds to believe, and does believe, that the person named herein has committed the offense set forth, contrary to law.

SIGNATURE R. Thomas Signature of Arresting Officer
 Badge # 782

AUTHORIZED AND APPROVED PURSUANT TO CODE 40-13-1 O.D.S. REG 375.3-4570.19

E00232471
 NCIC NO. GSP0000000
 E00232471
 CLERK OF SUPERIOR COURT
 COLQUITT COUNTY, GA
 AUG 11 PM 3:02
 COURT COPY

1A-0142-2010

EXHIBIT NO. 4

10-22-10 for Beckly @ CCSD - Can't get video footage because it only records for 18 days & then its gone.

THIS SIDE UP. THIS EDGE INFO NUMBER 015010

COLQUITT SU 2
INTOXILYZER - ALCOHOL ANALYZER
GA MODEL 5000 SN 68-012472
08/07/2010

OPER NAME=THOMAS, RANDY, I
PERMIT NUMBER= 35753
SUB NAME=THOMPSON, JASON, S
SUB DOB =07/06/77
DRIV LIC=039767681
ARR OFF NAME=THOMAS, RANDY, I
ARR OFF AGENCY= GSP
VIOLATION TIME= 00:00
VIOLATION DATE= 08/07/10
CASE NUMBER= 12-0390-10

TEST 5/210L TIME
DIAGNOSTICS OK 18:26EDT
AIR BLANK .000 18:26EDT
SUBJECT SAMPLE REFUSED 18:26EDT
AIR BLANK .000 18:27EDT
SUBJECT REFUSED TO CONTINUE.

Jason Scott Thompson
SUBJECT'S NAME

TIME FIRST OBSERVED INSTRUMENT LOCATION

Randy Thomas
OPERATOR

ADDITIONAL INFORMATION AND/OR REMARKS



INTOXILYZER'S INSTRUMENT PRINTER CARD
© 1988 by CMI INC.

1A-0142-2010

EXHIBIT NO. 4

GBI - DOFS LOG SHEET

AGENCY NAME: COLQUITT CO. S. O.

INTOXILYZER 5000 - SERIAL NUMBER: 68-012472

DATE	TIME	SUBJECT NAME	DRIVERS LICENSE NUMBER	OPERATOR	ARRESTING OFFICER	SAMPLE (1)	SAMPLE (2)	BLOOD DRAWN (Y/N)
9/16/2010	1140	Thompson, Gibson B. W. Quarterly	C39 767 681 Inspection	Thomas	Thomas	Refused	078.079	N/A

1A-0142-2010

EXHIBIT NO. 4

Exhibit # 5



TROOP G

Unit History

Printed By:
JBOLTON

Printed On:
10/25/2010 11:25:54 AM

Begin Date / Time	End Date / Time	Call Number / Agency Description	Dispatcher
08/07/10 17:59:29	08/08/10 02:09:21	0782 GSPG THOMAS, RANDY	JCARR

1A-0142-2010

EXHIBIT NO. 5

Printed By:
AELLIS

CAD UNIT STATUS CHANGE LOG

Page 1 of 1
Printed On:
10/25/2010 11:39:10

Date	Time	CallNo	Agency	Status	Description	Incident	Role	Activity/Location	Dispatcher
08/07/10	18:07:40	0782	GSPG	10-06	NOT AVAILABLE; BUSY			COLQUITT CO. SO	JSWANNER

END OF REPORT

Page 1 of 1

1A-0142-2010

EXHIBIT NO. 5

Printed By:
AELLIS

CAD UNIT STATUS CHANGE LOG

Page 1 of 1
Printed On:
10/25/2010 11:44:29

Date	Time	CallNo	Agency	Status	Description	Incident	Role	Activity/Location	Dispatcher
08/07/10	18:31:38	0782	GSPG	10-08	AVAILABLE	GSPG10CAD012761			JSWANNER
END OF REPORT									Page 1 of 1

1A-0142-2010

EXHIBIT NO. 5

Exhibit # 6

COLQUITT COUNTY STATE COURT

FILED-CLERK SUPERIOR COURT
COLQUITT COUNTY, GA.

10 NOV -4 AM 8:45

STATE OF GEORGIA

CAROLYN MARSHALL, CLERK

VS.

Case # 10SCR2863

JASON SCOTT THOMPSON

ORDER ON PRE TRIAL MOTIONS

The Court upon review of the evidence submitted, applicable law and Defendant's motion makes the following findings of fact and rulings.

1. GSP Randy Thomas testified under oath as follows: He stated that while on patrol on August 7, 2010, he met a vehicle traveling at a high rate of speed. He activated his radar and confirmed that the vehicle was traveling at a rate of 87 miles per hour in a 55 mile per hour zone. Based on that observation, he stopped the vehicle being driven by Jason Thompson. In relevant part he further testified that after the stop upon observation and questioning of Jason Thompson, he had probable cause to arrest Defendant for Driving Under the Influence of Alcohol. On audio tape in the patrol car, GSP Thomas can be heard correctly reading the implied consent warnings to the Defendant. Defendant verbally refused the requested test.
2. GSP Randy Thomas testified under oath that he went into the Intoxilyzer 5000 room at the Colquitt County Sheriffs's Department shortly after the stop on August 7, 2010, at or around 1:00 a.m. At that time, he input the necessary data on Intoxilyzer machine 2 and printed out a refusal to submit to test. Defendant Thompson was not present in the Intoxilyzer room when this was done. GSP Thomas supplied the print out from the machine to the State. It was admitted into evidence as Defendant's Exhibit 1. Defendant's exhibit 1 showed a time stamp indicating it was printed at 6:26 p.m. on August 7, 2010. It was pointed out to GSP Thomas by Defense Counsel that this time was some 17 hours after he testified that the print out was done. GSP Thomas testified that the print out time was not correct.
3. GSP officer Mike Gurley testified that he is responsible for checking and certifying that the Intoxilyzer 5000 is operating correctly. He stated that he had never tested an Intoxilyzer more than a few minutes off from the correct time. He testified that the only explanation would be if the internal battery was defective. GSP Gurley testified that he inspected the machine in question before and after August 7, 2010, and no defect was noted in the time clock on that machine. Essentially, he testified that the clock on the machine in question was not significantly off before August 7, 2010, during his quarterly check nor was it off after August 7, 2010, during the subsequent quarterly test.
4. Defendant's counsel admitted into evidence an Intoxilyzer 5000 print out on a separate Defendant, Marvin Lee Brown. Mr. Brown was also stopped by GSP Thomas and was charged with DUI refusal. Mr. Brown was stopped around 9:59 p.m. on August 6, 2010. The print out

ATH
1A-0142-2010

EXHIBIT NO. 6

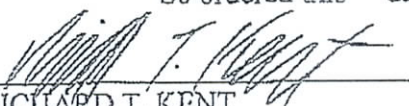
on Mr. Brown from Intoxilyzer 5000 machine 2 showed a print out time of 6:20 p.m. on August 7, 2010. Defense Counsel has argued that GSP Thomas printed both of these results from machine no. 2 at the Colquitt County Sheriff Department in sequence the day after the arrests as indicated on the time stamps from the print outs.

5. Defense counsel has argued that GSP Randy Thomas has falsely testified to the Court about the time of his printing out the Intoxilyzer 5000 refusal. Defendant further asserts that this affects GSP Thomas credibility in regards to the reason for the stop and no probable cause existed for the stop without credible evidence.

The Court finds that GSP Randy Thomas' testimony that he printed out a refusal on Intoxilyzer 5000 machine no. 2 at or around 1:00 a.m. on August 7, 2010, is not credible. That testimony is completely inconsistent with the facts of the case. There is no evidence to support that testimony. Specifically, GSP Gurley's testimony indicates that there is no way that machine's time clock was off by more than 17 hours. The print out from the machine itself specifically contradicts GSP Thomas' testimony.

Georgia law is clear in that if a witness has been impeached, his testimony may be disregarded completely unless it is supported by other credible testimony. In this case, the Court finds that GSP Randy Thomas' has been impeached. Accordingly, the Court finds that his testimony is not credible and not supported by any other credible evidence. GSP Thomas' testimony under Georgia law may be disregarded completely. Accordingly, there is no credible evidence to support probable cause for the stop of the car driven by Defendant. Therefore, any and all evidence gathered after the stop of the vehicle is hereby suppressed. The state shall not mention any evidence gathered at the scene including the refusal.

So ordered this 4th day of November, 2010.


 RICHARD T. KENT
 COLQUITT COUNTY
 STATE COURT JUDGE

Clerk's Certificate

This is to certify that I have this day mailed a true and correct copy of the foregoing Order to all attorneys having cases listed thereon and to each Pro Se party listed thereon.

This 7th day of November, 2010.


 Deputy Clerk, Colquitt Superior Court
 State

1A-0142-2010

EXHIBIT NO. 6

Exhibit # 7

ROBERT D. JEWELL, P.C.

ATTORNEYS AT LAW

ROBERT D. JEWELL
bertjewelllaw@yahoo.com

12 S. MAIN STREET
MOULTRIE, GA 31768

TEL: 229-616-1011
FAX: 229-616-7766
WWW.MOULTRIELAWYER.COM

JUSTIN B. ALLEGOOD
jballegood@gmail.com

November 9, 2010

Hon. Judge Barbara Brown
State Administrative Hearings
230 Peachtree Street, Suite 850
Atlanta, Georgia 30303

RE: Jason Scott Thompson vs. D.D.S.
Docket No.: OSAH-DPS-ALS-1106808-35-Brown

Dear Judge Brown:

Please find enclosed a certified copy of the Order on Pre-Trial Motions in the above referenced case. As you can see Pre Trial Court found that there was no probable cause for the stop because the officer's testimony was not credible. I anticipate that the solicitor will have no choice but to dismiss this case. I request that the court reconsider it's position in this case.

Should you need any other information regarding this case please do not hesitate to call. Thank you for your attention. I am,

Sincerely,

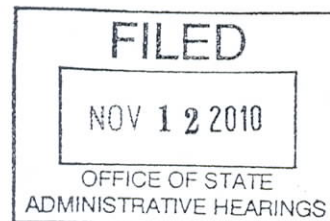


ROBERT D. JEWELL

RDJ:law

enclosure

cc: Jason Thompson



IA-0142-2010

EXHIBIT NO. 7

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

JASON SCOTT THOMPSON,
Plaintiff,

v.

Department of Driver Services,
Defendant

Docket No.: OSAH-DPS-ALS-1106808-35-Brown
Agency Reference No.: 039767681



FINAL DECISION

I. Introduction

Plaintiff requested a hearing in response to Defendant's issuance of an administrative license suspension of Plaintiff's driver's license or privilege to drive in the State of Georgia in accordance with the provisions of O.C.G.A. § 40-5-67.1. For the reasons indicated below, Defendant's action is **AFFIRMED**.

II. Findings of Fact

The Judge has considered the entire evidence in this case, and based upon a preponderance of the credible evidence makes the following findings of fact:

- The arresting officer initiated a stop as the result of:
 - a traffic violation (speeding and no driver's license)
 - a road block
 - an accident investigation
 - other: _____
- The Plaintiff was in actual physical control of a moving motor vehicle in this State at the time
 - of the initial stop.
 - the Plaintiff was involved in an accident which resulted in a serious injury fatality no serious injury or fatality.
 - other: _____
- After approaching the Plaintiff, the arresting officer noticed that the Plaintiff had:

<input checked="" type="checkbox"/> strong odor of an alcoholic beverage	<input checked="" type="checkbox"/> red eyes	<input type="checkbox"/> slow speech	<input type="checkbox"/> slow movement
<input checked="" type="checkbox"/> admission to consuming alcohol	<input type="checkbox"/> glassy eyes	<input type="checkbox"/> slurred speech	<input checked="" type="checkbox"/> unsteadiness
<input type="checkbox"/> odor of a controlled substance	<input type="checkbox"/> watery eyes	<input type="checkbox"/> confused	<input type="checkbox"/> clothing disarrayed
<input type="checkbox"/> other: _____			
- The arresting officer requested that the Plaintiff perform the following field sobriety evaluations which were not completed to the satisfaction of the arresting officer:
 - alphabet finger to nose HGN one leg stand walk and turn alcosensors
 - other: _____
- These facts caused the arresting officer to believe that the Plaintiff had consumed an unknown quantity of alcohol in such a manner as to make the Plaintiff a less safe driver.
- The Plaintiff was thereupon lawfully placed under arrest for driving under the influence of alcohol or drugs and properly read the applicable implied consent notice.
- After being properly advised of the applicable implied consent notice, the Plaintiff:
 - refused to submit to the state designated test(s) as requested by the arresting officer.
 - refused to provide adequate sample(s) for the state administered test(s) designated by the arresting officer.
 - at the request of the arresting officer submitted to the state-administered chemical test(s) to determine the blood concentration of alcohol or a chemical substance in the body of the Plaintiff. The state administered chemical test(s) were properly administered by an individual possessing a valid permit issued by the Division of Forensic Sciences of the Georgia Bureau of Investigation on an instrument in good working order and approved by the Division.
 - The results of the test indicated that the Plaintiff exceeded the minimum alcohol concentration allowable by statute and was greater than .02 .04 .08.
 - The results of the test indicated that the Plaintiff was under the influence of a controlled substance.

III. Conclusions of Law

Based upon the above findings of fact, the Judge makes the following conclusions of law:

- The arresting officer had reasonable grounds to believe the Plaintiff was driving or in actual physical control of a moving motor vehicle while under the influence of alcohol or a controlled substance and was lawfully placed under arrest for violating O.C.G.A. § 40-6-391 and O.C.G.A. §40-5-67.1(g)(2)(A)(i).
- The Plaintiff was involved in a motor vehicle accident or collision resulting in serious injury or fatality. O.C.G.A. §40-5-67.1(g)(2)(A)(ii).
- At the time of the request for the test or tests the arresting officer informed the Plaintiff of his implied consent rights and the consequence of submitting or refusing to submit to such test. O.C.G.A. §40-5-67.1(g)(2)(B).
- The Plaintiff refused the state designated test(s) or failed to provide an adequate sample for testing. O.C.G.A. §40-5-67.1(g)(2)(C)(i).
- The test results indicated an alcohol concentration of 0.08 grams or more; or, for a Plaintiff under the age of 21, an alcohol concentration of 0.02 grams or more; or, for a Plaintiff operating or having actual physical control of a commercial motor vehicle, an alcohol concentration of 0.04 grams or more. O.C.G.A. §40-5-67.1(g)(2)(C)(ii).
- The test or tests were properly administered by an individual possessing a valid permit issued by the Division of Forensic Sciences of the Georgia Bureau of Investigation on an instrument approved by the Division of Forensic Sciences or a test conducted by the Division of Forensic Sciences, and the machine at the time of the test was operated with all its electronic and operating components prescribed by its manufacturer properly attached and in good working order. A copy of the operator's permit showing that the operator has been trained on the particular type of instrument used and one of the original copies of the test results or, where the test is performed by the Division of Forensic Sciences, a copy of the crime lab report shall satisfy the requirements of this subparagraph. O.C.G.A. §40-5-67.1(g)(2)(D).

Accordingly, the suspension of the Plaintiff's driver's license and driving privilege by Defendant was proper. O.C.G.A. § 40-5-67.1.

IV. Decision

IT IS HEREBY ORDERED THAT the decision of Defendant to administratively suspend the Plaintiff's driver's license, permit or privilege to operate a motor vehicle, commercial motor vehicle in this state is **AFFIRMED**.

SO ORDERED, this 4th day of November 2010.

Barbara A. Brown
BARBARA A. BROWN, JUDGE



VOLUME _____ PAGE _____

1A-0142-2010

EXHIBIT NO. 7

Exhibit # 8

Keith F. Allen

SOLICITOR, STATE COURT OF COLQUITT COUNTY

814 1ST STREET S.E.

MOULTRIE, GA 31768

MAILING ADDRESS:

P.O. BOX 2228

MOULTRIE, GA 31776-2228

email:k.allenatty@windstream.net

CONTACT NUMBERS:

TELEPHONE (229) 985-3228

TELECOPIER (229) 890-3971

November 19, 2010

SFC Scott Woodell
Post Commander-Post #12 Thomasville
Georgia State Patrol

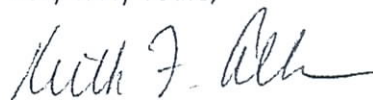
Re: Trooper Randy Thomas DUI case v. Jason Thompson

Dear Sir:

As a follow-up to my previous letter, I am informing you that Pre-Trial Motions were held in the above case and testimony was taken under oath from Trooper Thomas. A copy of Judge Kent's order on the Pre-Trial Motion was previously provided to you by my secretary. Judge Kent found that the testimony of Trooper Thomas that the Intoxilyzer machine printed out a erroneous test time on two separate occasions (in Mr. Thompson's case and Mr. Brown's case) such times being approximately six minutes apart when the log entries made by Trooper Thomas showed that the tests were logged in on different days was not credible. Therefore, the Court found that Trooper Thomas had been impeached and that his testimony as to the probable cause of the stop was not supported by any other credible evidence and should be disregarded completely.

The Court then ordered that any and all evidence gathered after the stop be suppressed. As you will understand, the credibility of a trooper is all important when testifying regarding issues where they are the only prosecution witness. Without other credible evidence of the stop and with the refusal of the DUI test, I cannot prosecute Mr. Thompson, although I am convinced that he was guilty of the charges against him. It is difficult enough to obtain a conviction if I do not have to try to explain to a jury the issues the credibility issues identified in Judge Kent's order. Although I have no other options at this time but to enter a nolle prosequi in this case, I am in no hurry to do any favors to help Mr. Thompson reverse his administrative suspension.

Very Truly Yours,



Keith F. Allen
Solicitor, State Court
Colquitt County, Georgia

IA-0142-2010

EXHIBIT NO. 8

Exhibit # 9

INVESTIGATIVE SUMMARY

On November 23, 2010, at 8:45 a.m., Director Angie Holt of the Special Investigations Division discussed case number IA-0142-2010 with Investigator's Steve Duncan and Jason Ellis. The case involved a complaint of perjury made by the Colquitt County State Court (State Court Judge Richard Kent and Solicitor Keith Allen) against TFC Randy Thomas who is assigned to Post 12 Thomasville. On November 4, 2010, State Court Judge Richard Kent composed an Order On Pre-Trial Motions that impeached Thomas as a witness in the DUI case that involved Jason Scott Thompson.

On November 23, 2010, shortly after 9:00 a.m., Holt telephoned LT Dennis Dixon (Acting Troop G Commander) in order to schedule Thomas for a polygraph examination at DPS Headquarters on November 23, 2010, at 1:00 p.m. Thomas arrived at the Special Investigations Division as scheduled by Holt.

On November 23, 2010, at approximately 1:15 p.m., Holt assigned case number IA-0142-2010 to Ellis for further investigation and provided Ellis all supporting case documentation. Duncan performed the polygraph examination of Thomas and concluded that Thomas' physiological responses were indicative of deception when Duncan asked Thomas specific questions regarding when he printed off the DUI

refusals on the Intoxilyzer 5000 at Colquitt County Sheriff's Office (Exhibit #9). Duncan conducted a post polygraph interview of Thomas where he confronted Thomas with the results of the polygraph examination. Thomas confessed to Duncan that he returned to the Colquitt County Sheriff's Office on August 7, 2010, at approximately 6:20 p.m., (Exhibit #9-DVD), where he printed out an additional copy of the Intoxilyzer 5000 results (See Exhibits #3 & #4). Thomas claimed that he printed out the Intoxilyzer 5000 results on the date of the arrests, but he did not know what happened to the copies. Thomas told Duncan he returned to the Colquitt County Sheriff's Office in order to print another copy of the Intoxilyzer 5000 results. Thomas prepared a written statement regarding his actions when he printed the copies of the Intoxilyzer 5000 results at the Colquitt County Sheriff's Office (Exhibit #9).

On November 23, 2010, as Thomas prepared to leave the Special Investigations Division, Thomas asked Ellis what discipline he could expect regarding the allegation made against him. Ellis explained to Thomas that Ellis only reported the facts regarding assigned cases, and that disciplinary decisions were made by the Command Staff, Legal Services, and Human Resources. Ellis informed Thomas that his intentional false testimony (Under Oath) undermined the public's trust regarding his personal integrity and character. Ellis informed Thomas that integrity and honesty was the minimum standard considered to serve as a peace officer.

Ellis asked Thomas to elaborate why he made the decision to lie under oath regarding his testimony associated with the Thompson DUI case. Thomas told Ellis he knew the Thompson DUI case was "high profile". Thomas told Ellis he believed the Intoxilyzer 5000 print out was a necessary element of his DUI case against Thompson. Thomas claimed he "lost" the Intoxilyzer print out he made at the Colquitt County Jail shortly after he arrested Thompson for DUI. Thomas told Ellis he knew that Thompson had previously avoided DUI prosecution by Retired Trooper J.B. Miller.

No further information was obtained regarding case number IA-0142-2010 on November 23, 2010.

GEORGIA DEPARTMENT OF PUBLIC SAFETY

SPECIAL INVESTIGATIONS DIVISION

GARRITY WARNING

I wish to advise you that you are being questioned as part of an official investigation of the Georgia Department of Public Safety, Special Investigations Division. You will be asked questions specifically, directly and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges which could result in your dismissal from the Georgia Department of Public Safety. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent administrative charges.

Randy Thomas
Signature

11-23-10
Date

James B. Hill
Signature

11-23-10
Date

Maguire

11/23/10

Department of Public Safety
Special Investigations Division

Polygraph Unit



OFFICIAL REPORT

IA-0142-2010

EXHIBIT NO. 9



STATE OF GEORGIA
DEPARTMENT OF PUBLIC SAFETY
POLYGRAPH SERVICES UNIT

10-S-173

IA-0142-2010

OFFICIAL REPORT

FULTON
COUNTY

DATE 11-23-10

ISSUE: Allegation of lying about when Subject printed off refusal receipts on an Intox Machine in Colquitt County.	INVESTIGATOR: JASON ELLIS
VICTIM: N / A	POLYGRAPHER: STEVEN D. DUNCAN
SUBJECT(S): RANDY IVAN THOMAS	

- Based upon the polygraph chart recordings of subject(s) ___ it is the polygraphist's opinion that physiological responses which are indicative of deception **WERE NOT NOTED** when subject(s) answered relevant questions regarding the issue.
- Based upon the polygraph chart recordings of subject(s) ___ it is the polygraphist's opinion that physiological responses, which are indicative of deception, **WERE NOTED** when the subject(s) answered relevant questions regarding the issue.
- Based upon the polygraph chart recordings of subject(s) ___ it is the polygraphist's opinion that chart recordings were not adequate to form a definite opinion, therefore an **INCONCLUSIVE** opinion is rendered.

The following questions were among those asked during the Polygraph Examination:

Did you lie about when you printed off those refusals on the Intox?

Did you lie about when you printed off those refusals on the Intox at Colquitt County S.O.?

The Subject answered no to all of these questions. The Subject was advised of the result of the Examination and was given an opportunity to explain his responses. The Subject stated he thought he had printed them off initially but couldn't find them so he went back and reprinted them later. The Subject provided a written statement to this effect which was given to the Case Investigator.

POLY 7
(Rev. 4/97)

IA-0142-2010

EXHIBIT NO. 9

I printed out the intox and didn't know what happened to my copy. The next day around 6:20 pm I went back to the Colquitt County Jail and printed out the copy again. The dates were 8-7-10.

Randy Thomas 11-23-10

1A-0142-2010

EXHIBIT NO. 7

DEPARTMENT OF PUBLIC SAFETY
 GEORGIA STATE PATROL

A- 003925

RECEIPT FOR PROPERTY

CASE NO. IA-0142-2010
 ADDRESS

NAME OF PERSON FROM WHOM PROPERTY WAS OBTAINED
 OWNER OTHER NONE Inv. Nigel Lange

LOCATION WHERE PROPERTY WAS OBTAINED
 Polygraph Case File Storage Room
 DATE 12/1/10 TIME 0950 AM
PM

(Include model, serial number, identifying marks, condition, and value, when appropriate.)

ITEM NO.	QUANTITY	FILE NO.	DESCRIPTION OF PROPERTY
1	1		Copy of 10-5-173 DVD/R Memorex

NAME AND BADGE NUMBER OF TROOPER OBTAINING PROPERTY: TPC2 Jason Ellis #198
 CASE TROOPER TPC2 Jason Ellis #198

CHAIN OF CUSTODY

ITEM NO.	DATE	RELINQUISHED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY (INCLUDE LAB CASE#)
1	12/1/10	Inv. Nigel Lange	TPC2 Jason Ellis	Received a copy of DVD/R Labeled 10-5-173 for Case File # IA-0142-2010

DEPARTMENT OF PUBLIC SAFETY
 GEORGIA STATE PATROL

A- 003925

RECEIPT FOR PROPERTY

NAME OF PERSON FROM WHOM PROPERTY WAS OBTAINED
 OWNER OTHER NONE

CASE NO.

IA-042-2010

ADDRESS

LOCATION WHERE PROPERTY WAS OBTAINED

Polygraph Case File Storage Room

DATE

12/1/10

TIME

0950

AM
PM

ITEM NO.	QUANTITY	FILE NO.	DESCRIPTION OF PROPERTY
1	1		Copy of 10-5-173 DVD/R Memorex
gbe gbe gbe gbe			

NAME AND BADGE NUMBER OF TROOPER OBTAINING PROPERTY:

TR2 Jason Ellis #198

CASE TROOPER

TR2 Jason Ellis #198

CHAIN OF CUSTODY

ITEM NO.	DATE	RELINQUISHED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY (INCLUDE LAB CASE#)
1	12/1/10	Inv. Nigel Lange	TR2 Jason Ellis	Received a copy of DVD labeled 10-5-173 for Case File # IA-0142-2010

Exhibit # 10

Georgia State Patrol Daily Duty Roster

Unit: Post 12 Thomasville

Roster Date: Friday, August 6, 2010

Duty: Patrol		Route	Orders
203-Kelley,G	7:00 - 15:00	Grady Thomas	
519-Jones,K	8:00 - 16:00	Mitchell Colquitt	
952-Woodell,S	8:00 - 16:00	Post	
278-Tabb,W	10:00 - 18:00	Post	
551-Vanlandingham Jr,J	17:00 - 1:00	Thomas Grady	
782-Thomas,R	18:00 - 2:00	Colquitt Mitchell	
810-Underwood Jr,B	18:00 - 2:00	Thomas Colquitt	
Duty: Supervisor Call		Route	Orders
952-Woodell,S	0:00 - 0:00		
Duty: Regular Pass		Route	Orders
486-Moses,M	0:00 - 0:00		
Duty: Leave-Other		Route	Orders
672-Wynn,T	0:00 - 0:00		
736-Gay,C	0:00 - 0:00		
Duty: Office		Route	Orders
Martin,P	8:00 - 16:30		
Duty: Detached		Route	Orders
747-Singleton,S	0:00 - 0:00		
971-West III,W	0:00 - 0:00		

Memoranda: (747 and 971 G-D.U.I. Task Force)

Tpr. Meed Kelly #203 Has Night Crash Call.

By Order Of:
(#551) Corporal Vanlandingham Jr,J.

From: Troop G Command

On Call:

#48-1st Lt. Jenny Williams

Contact Info: [Primary Phone #] 229-931-2400; [Other Numbers]



TROOP G
Unit History

Begin Date / Time	End Date / Time	Call Number / Agency Description	Dispatcher
08/06/10 17:59:14	08/07/10 02:05:37	0782 GSPG THOMAS, RANDY	MHUFFMA

1A-0142-2010

EXHIBIT NO. 10