

2026 LETSAC
ANATOMY OF A DWI MOCK TRIAL – REPORT

Sir:

On 02/11/2024, at approximately 0113 hours, I was assigned to DWI Enforcement and was traveling west on High Ridge Blvd approaching Hwy PP. I observed a vehicle approaching the intersection from the opposite side of Hwy PP on High Ridge Blvd. The vehicle stopped at the stop sign and activated its turn signal to turn south on Hwy PP. The vehicle made a wide arching turn and drove towards Hwy 30. I pulled behind the vehicle as it was stopped at the traffic light. The traffic light turned green and the vehicle proceeded through the intersection. As the vehicle was crossing the eastbound lanes of Hwy 30, approaching Rock Creek Road, the vehicle activated the left turn signal. I observed the vehicle begin a left turn into oncoming traffic lanes of Rock Creek Road. The vehicle quickly jerked back into the proper lane of travel. The vehicle turned onto Hunning Road where I activated my emergency lights to conduct a traffic stop. The vehicle pulled partially onto Pleasant View Drive with the rear of the vehicle still on Hunning Road. The vehicle came to a stop and activated the hazard lights. The vehicle is described as:

2017 Audi A3

White in color

MO LIC: NOT-REAL

VIN: WKDLKE549822FAASD

I approached the driver and sole occupant of the Audi. As I approached the area of the trunk, I observed a strong odor of alcohol coming from the vehicle. I stood at the B pillar of the driver's side of the vehicle and observed the male driver. Due to my position, the male looked at me out of the corner of his eye. I observed the male's eyes exhibit nystagmus while at maximum deviation. His eyes were severely bloodshot and glassy as he stared at me. I moved to the driver's window. The male was not speaking and just continued to stare at me. I identified myself and informed the male of the reason for the stop. The male slurred something inaudible. I asked him to repeat what he had said. The male slurred that he did not commit the violation. I requested the male's driver's license. The male exhibited severe dexterity problems with his fingers and had difficulty pulling his license from his wallet. The male eventually pulled his license from his wallet and reached out to hand it to me. As it touched my fingertips, the male released the license causing it to fall to the ground. I picked the license up and identified him as:

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Doe, Benjamin J W/M

DOB: 09/03/1978

OLN: X65478932

6134 Timber Hollow Drive

High Ridge, MO 63049

I read off his name and asked him what he would like for me to call him. Benjamin slurred that he goes by BJ. I asked BJ where he was driving to. BJ slurred that he was driving home. I asked him where he was driving from. BJ slurred that he was at Johnny’s Hideout. I asked BJ how much alcohol he consumed prior to attempting to drive home. BJ scoffed and slurred that he had “some”. I asked BJ what time he took his last drink of alcohol. BJ again scoffed and slurred, “I don’t know.” I don’t know was slurred, making it sound like ‘I-own-no’. During our interaction, BJ would randomly squint one eye while I spoke to keep me in focus.

I responded back to my patrol vehicle and deactivated my emergency lights and spotlight. I conducted a computer inquiry search on BJ.

I approached BJ and requested him to exit the Audi to speak to me further. BJ instantly asked why I wanted him to exit the vehicle. I informed BJ that I would not be doing my job unless I ensured he was not impaired by the alcohol he admitted to consuming. BJ scoffed and slurred that he never admitted to consuming any alcohol. I asked BJ to please exit the vehicle.

I observed BJ open the door and grab the door’s frame. BJ pulled himself to his feet. Once he was standing, BJ staggered into the rear passenger door of the vehicle as he shut the driver’s door. I asked him to walk back to the front of my patrol vehicle. BJ used his vehicle to stabilize him as he walked to keep his balance by leaning on the Audi with every step. BJ released his vehicle’s crutch and staggered to the front of my patrol vehicle. BJ exhibited an apparent gait ataxia as he walked, specifically a widened foot base causing him to sway side to side as he walked. I had BJ face away from my patrol vehicle. When he spun to face me, he staggered back into my patrol vehicle. Once BJ stabilized himself, he stood without support. BJ severely swayed in an orbital manner as he stood. While standing in the open air, I again observed a strong odor of alcohol coming from BJ’s breath.

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BJ again asked me why I pulled him over. I explained the violation he had committed again to him. BJ scoffed and became argumentative by informing me that I made the violation up and pulled him over for no reason. I informed BJ that I would not argue with him. BJ laughed and informed me he gets paid to argue. Before I could ask BJ if he would attempt performing field sobriety, BJ announced that he would not do any “FSFT’s” without an attorney present. I informed him that I wanted to ensure he was not impaired by the alcohol and asked him if I could just check his eyes. BJ scoffed and said no. I asked BJ if he would provide a breath sample into my preliminary breath tester. BJ exclaimed, “No!”

Due to the totality of circumstances, I placed BJ under arrest for Driving While Intoxicated.

I instructed BJ to turn around and place his hands behind his back, and that he was under arrest for DWI. BJ slurred that I did not have probable cause to make the arrest since I did not conduct any “FSFT’s”. Probable cause was slurred as ‘Pobable coss’. As I was handcuffing BJ, I asked him why he was speaking to me like an attorney. BJ replied that he was an attorney, a DWI defense attorney. I applied the handcuffs behind BJ back and double locked them for his safety. I informed BJ that since he was a DWI defense attorney, he should know the case law allowing a DWI arrest without having to perform field sobriety tests. BJ simply laughed and uttered, “I hope you know what you’re doing. I informed him the case law was Gannon v. Director of Revenue.

In Gannon v. Director of Revenue, the Court found that an officer may develop probable cause to arrest an individual for driving while intoxicated absent any field sobriety tests at all. The tests merely supplement the officer’s other observations in determining whether probable cause exists.

I escorted BJ to the front passenger seat of my patrol vehicle while grabbing his upper arm to ensure he did not fall. During escort, BJ’s steps were uncertain and unsteady. I observed BJ’s muscle tone to be extremely flaccid. I conducted a search of his person in an attempt to locate the key fob to BJ’s Audi. I asked BJ where his key fob would be since it wasn’t in his pocket. He slurred that it would be in his car somewhere or he would not have been able to drive.

I checked the front passenger seat for any items of contraband (narcotics, weapons, alcoholic beverages, ect.) prior to placing BJ in the front passenger seat of my patrol vehicle. I secured BJ into the front passenger seat of my patrol vehicle, affixed the shoulder and lap belt with the child restraint locking device.

While applying the seatbelt, BJ asked me for my name. I provided my last name, and BJ slurred, “Gamm? I know who you are.” I ignored his statement. BJ added, “I’ve read your reports. I’ll beat you.” I shut the door.

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I searched BJ's vehicle for the key fob and did not locate it. I opened the passenger door and asked BJ where the key fob would be located. BJ blankly stared at me and slurred that it was in his pocket. I reminded BJ that I had already searched him, and it was not in his pocket. BJ squinted at me with his right eye to focus and slurred that it must be in the car. Cpl Smith, who arrived to assist me on the stop, searched the Audi and located the key fob buried under trash on the passenger floorboard.

I sat in the driver's seat of my patrol vehicle and was preparing paperwork. BJ slurred, "I hope you understand that I'm going to fuck you on this." I asked if he was planning on hiring Travis Noble to represent him. BJ scoffed and exclaimed, "Noble is a bitch!" BJ asked me questions relating to the DWI Unit and informed me that he knows everything about me and the DWI Unit.

I retrieved the Alcohol Influence Report and began to fill out the first page. I asked BJ if his address was the same as his address on his driver's license. BJ slurred that it wasn't. He provided his current address and informed me that he lived with his dad. BJ advised his address was on Timber Hollow Drive. Although he slurred his speech so poorly, Timber Hollow sounded like 'Timerollow', and he advised the zip code was 63409 when it was actually 63049. I had him repeat the address three separate times and finally asked him how to spell it. BJ spelled it correctly, and I stated, "Oh! Timber Hollow!" BJ slurred, "I thought you were smart." I replied, "Sorry, I don't speak drunk." BJ laughed hard at my statement.

I advised BJ of the Missouri Implied Consent listed on page two of the Alcohol Influence Report Form and requested BJ to provide a sample of his breath. BJ advised he would not cooperate by saying "no". BJ laughed and informed me that he would beat my case against him because he did not conduct any 'FSFT's' or provide a breath sample. He slurred, "You got nothing on me!" I asked him about his slurred speech. He stated his speech was not slurred. I asked him if he remembered having to spell his address for me to understand him. BJ slurred, "No I didn't." BJ slurred that since I have no body worn camera or in-car camera, I could not prove that he was drunk.

I read BJ his rights as stated on the Alcohol Influence Report form. BJ advised he understood his rights. BJ refused to answer any questions.

I issued BJ the following citations:

Failed to Drive Single Lane – 240070622

Drive While Intoxicated-Alcohol - 240070623

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I seized BJ's driver's license and presented him with the Department of Revenue form 4323, or the Notice of Revocation. I asked BJ if I needed to explain the form to him. BJ slurred, "Form 4343? I think I know it." I explained the form anyway.

High Ridge Towing responded to the scene and secured the Audi.

BJ was complaining about the position of his handcuffs throughout our interaction. He begged me to place them up front. Prior to transport, I positioned the handcuffs in front of his body.

I began transport of BJ to the Jefferson County Jail for booking and processing. During the transport, BJ talked for the duration. BJ was arguing with me to not take him to booking for the majority of the transport. BJ exhaled after the 5th time I explained why we had to go to booking and stopped asking. He changed the subject and asked me if, when I type this report, I would "go" easy on him. I informed BJ that I would type this report just like I type all of my reports. Several minutes elapsed and BJ asked me the same question as if he had forgotten that he already asked it. I provided BJ with the same answer.

We arrived at booking and I escorted BJ into the intake area. I had BJ sit on the bench to wait for the Corrections Officer. The Corrections Officer entered the room, and we began the inventory of BJ's possessions. The Corrections Officer informed BJ that he would have to remove his necklace. Due to BJ's lack of finger dexterity from the alcohol, he struggled with the clasp for a few moments and finally told the Corrections Officer that he needed to remove it because he couldn't. While the Corrections Officer was removing BJ's necklace, he squinted at me and exclaimed, "You're a big fucker!" The Corrections Officer removed BJ's necklace and instructed him to remove his shoes. BJ again exclaimed, "Wow! You're a big fucker!" I informed BJ the Corrections Officer was trying to speak to him. The C.O. again asked for his shoes. BJ sat and removed his shoes. He stood back up as the C.O. handed him the jail shoes, which were plastic slides. BJ was having difficulty sliding his feet into the slides and had to place his hands on the wall to help him keep his balance.

BJ was handcuffed up front again and escorted to the sallyport to go through the body scanner. After the scan, he was escorted to the intake area again. The C.O. stopped him to remove the handcuffs. BJ stopped and staggered back into the wall when the handcuffs were removed.

He was escorted to Holdover cell 212 where he would remain until he could be processed. BJ stood near the entrance to the cell staring at the wall for a brief time. I observed through the Holdover cell's camera that he was severely swaying as he stood.

I released BJ to the Corrections Officer and was to be released to a sober driver.

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I requested a copy of the jail surveillance video from the time I parked in the sallyport at 0230 until 0300. Corporal Beattie, the jail supervisor, burned the video onto a disc and forwarded it to me. I seized and entered the disc as evidence. The disc was labeled:

549-1: Jail Video Doe

I am requesting the contents of this report to be forwarded to the Municipal Prosecutor's Office for their consideration.

I have nothing further to report.

Respectfully submitted,

Deputy Nicholas Gamm #549



Scan the QR Code to register your verdict after the trial