

In the Iowa District Court for Polk County

State of Iowa, <i>Plaintiff,</i> v. Sean P. Murphy, <i>Defendant.</i>	Agency Case No.: WH17-0359 Agency: Windsor Heights Police Department County Attorney Preliminary Complaint Review
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COMES NOW the undersigned Assistant Polk County Attorney and states as follows:

I have read and reviewed the attached complaint and affidavit. I:

- Approve** the charge as OPERATING WHILE INTOXICATED—Serious Misdemeanor—in violation of Iowa Code Section 321J.2 and ask the court to find probable cause for this charge.
- Request that the Court enter the attached **Arrest Warrant**.
- Advise the court and the clerk of court that despite the officer’s request for an Arrest Warrant, the defendant has reportedly been taken into custody, so **an arrest warrant is no longer required**.

With regard to a bond amount, the State requests that:

- The State requests that the Court enter the attached **No Contact Order**.
- The State requests defendant be held without bond until initial appearance, so a **No Contact Order** may be entered with the following victim at the following location:
_____.

- Bond be continued at Initial Appearance.

WHEREFORE the State respectfully requests the Court find probable cause and allow the case to proceed under the circumstances set out above.

Respectfully submitted,
JOHN P. SARCONI by:

/s/ Bret Lucas
Assistant Polk County Attorney
Polk County Attorney’s Office
222 Fifth Avenue, Des Moines, IA
(515) 286-3737
ctyatty@polkcountyiowa.gov

IN THE IOWA DISTRICT COURT IN AND FOR

POLK COUNTY

This Complaint and Affidavit is to be:

- Filed with Court Clerk (cc: CA)
- Submitted to County Attorney
- Filed with JCO - Defendant is a Juvenile

Agency Case Number: **17-0359**

Arrest Date: **05/03/2017**

THE STATE OF IOWA

VS.

OFFENDER

Last MURPHY		First SEAN		Middle PATRICK		Suffix	
Address 6714 ELMCREST DRIVE				City WINDSOR HEIGHTS		State IA	Zip Code 50324
Date of Birth [REDACTED]		Gender MALE	Race WHITE - W		Ethnicity NOT OF HISPANIC ORIGIN - N		
State IA	Height 5' 11"	Weight 220 LBS	Eye Color BLUE - BLU		Hair Color UNKNOWN OR COMPLETELY BALD - XXX		

OFFENSE

State <input checked="" type="checkbox"/>	County <input type="checkbox"/>	Local <input type="checkbox"/>	Code Section 321J.2(2)(A)	Crime Description OPERATING WHILE UNDER THE INFLUENCE 1ST OFFENSE	Class SRMS		
Location Type 13 - HIGHWAY/ROAD/ALLEY							
Literal Description 1200 BLOCK 73RD ST							
Address 1200 BLOCK 73RD ST				City WINDSOR HEIGHTS		State IA	Zip Code 50324
Is Date and Time of Incident Known? YES		Incident Date or Low Range 05/03/2017		Upper Date Range	Incident Time or Low Range 22:49		Upper Time Range

STATUS OF OFFENDER/JUVENILE

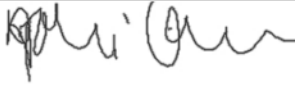
<input type="checkbox"/> TAKEN INTO CUSTODY	CUSTODY		<input checked="" type="checkbox"/> SUMMONS TO APPEAR (Citation Issued)
<input type="checkbox"/> WARRANT REQUESTED	<input type="checkbox"/> NO CONTACT ORDER REQUESTED	<input type="checkbox"/> RELEASED TO PARENT/GUARDIAN	

NARRATIVE

Narrative of Offense Committed

On or about the above stated date and time, the Defendant did operate a motor vehicle by one or more of the following means: a. While under the influence of an alcoholic beverage or drugs or a combination of such substances; b. While having an alcohol concentration of .08 or more as measured in the person's breath, blood or urine; c. while any amount of a controlled substance is present in the person as measured in the person's blood or urine

SUMMONS I promise to appear in said court at said time and place.

 Signature of Defendant	Court Date 05/11/2017
	Court Time 1:00 PM
In the Court At POLK COUNTY JUSTICE CENTER 222 5TH AVE, DES MOINES 50309	

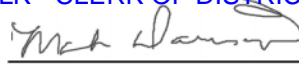
AFFIDAVIT

STATE OF IOWA, POLK COUNTY

I, the undersigned, being duly sworn, state that all facts contained in this Complaint and Affidavit, known by me or told to me by other reliable persons form the basis for my belief that the defendant committed this crime

State all facts and persons relied upon supporting elements of alleged crime

On 5.03.2017, I initiated a traffic stop on the defendant for speeding. The defendant refused to stop his vehicle for several blocks and I had to box the defendant's vehicle in a driveway as he continued to try to back out. The defendant admitted to consuming alcohol before driving. The defendant smelled strongly of an alcoholic beverage and had bloodshot watery eyes. The defendant refused all testing.



DAVISON, MARK

0113

Signature of Complainant or Officer, Officer Name & Number

GENERAL PROBABLE CAUSE

Defendant Implicated

03 - ADMISSION/STATEMENTS, 05 - OPERATING MOTOR VEHICLE, 08 - CRIME OBSERVED BY OFFICERS, 09 - NEAR SCENE OF CRIME

Operating Motor Vehicle in County

Polk - 77

Other Physical Evidence

Attempted To Inflict Injury

OWI

OWI
01 - REFUSED TO SUBMIT TO A P.B.T., 06 - ERRATIC DRIVING/TRAFFIC VIOLATIONS, 08 - BLOODSHOT/WATERY EYES, 09 - REFUSED TEST AFTER IMPLIED CONSENT ADVISORY, 13 - ALCOHOL ODOR ON BREATH, 16 - FIELD SOBRIETY TESTS REFUSED

BAC on Datamaster

DCI Lab Screen Positive for Drugs

Field Sobriety Tests Refused

HGN, WALK AND TURN, ONE LEG STAND, PBT

Number of Offense

1 - FIRST OFFENSE

STATE OF IOWA,

POLK COUNTY



Subscribed and sworn to before me by the person(s) signing the Complaint and Affidavit(s) on 05/04/2017

Notary Name **C CLINGAN**

Signature of Verifying Party

Commission Number **768757**

My Commission Expires **07/16/2017**

Peace Officer

Notary

Prosecuting Attorney

Any person who fails to appear in court as specified by the citation may be guilty of a separate offense and the court may issue a warrant for their arrest.