

**DRIVING UNDER THE INFLUENCE  
ARREST - INVESTIGATION REPORT**

CHP 202 (Rev. 10-21) OPI 066

Felony

COURT <b>MARTINEZ</b>	FILE NUMBER 202200298	EVIDENCE/PROPERTY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO E- <b>E20220085</b>
AREA 320	BEAT 682	CRASH REPORT NUMBER
DATE/TIME OF ARREST/REPORT 03/19/2022 0127	DATE/TIME OF INCIDENT <input type="checkbox"/> SAME 03/19/2022 0110	LOCATION OF ARREST/INCIDENT I-680N JSO MONUMENT BLVD
CAD NUMBER <input type="checkbox"/> NONE 220319GG00145	CITATION NUMBER LL35919	OFFENSE(S) CHARGED OR INVESTIGATED 23152(A) VC, 23152(B) VC
		JUS 8715 REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO NUMBER:

**SUBJECT NO 1 OF 1**

NAME (last, first, middle) <b>THORPE, LAMAR, ANTHONY</b>		RESIDENCE ADDRESS [REDACTED]	
AKA	HOME PHONE [REDACTED]	MAILING ADDRESS	<input checked="" type="checkbox"/> SAME
RACE Black or African American	ETHNICITY Not Hispanic or Latino	SEX Male	BIRTHDATE 04/06/1981
DRIVER LICENSE NUMBER [REDACTED]	STATE CA	DDL STATUS [REDACTED]	HAIR BLK
		EYES BRN	HEIGHT 5-09
		WEIGHT 120	PLACE OF BIRTH (city, state, country) LOS ANGELES, CA
EMPLOYER	BUSINESS PHONE	BUSINESS ADDRESS	MISC. (SSN, INS #, ETC.)
BOOKING, CII, FBI, ETC. NUMBER(S) CITE AND RELEASE	WHERE BOOKED/CONFINED CITE AND RELEASE	DATE/TIME 03/19/2022 0335	FINGERPRINTED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
NOTIFICATION (Who, How, When), EXPLAIN IN NARRATIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> FOREIGN NATIONAL <input type="checkbox"/> IMMUNITY CLAIM			NOTIFIED BY

LAST NAME, FIRST NAME, AND MIDDLE INITIAL  
**THORPE, LAMAR, ANTHONY**

**VEHICLE**

LICENSE [REDACTED]	STATE CA	REG. YEAR 2022	VIN/EN NUMBER [REDACTED]	VEHICLE WAS <input checked="" type="checkbox"/> STORED <input type="checkbox"/> PARKED <input type="checkbox"/> RECOVERED <input type="checkbox"/> RELEASED <input type="checkbox"/> IMPOUNDED	STORAGE AUTHORITY 22651(H) VC
VEH YEAR 2016	MAKE VOLVO	MODEL XC90	COLOR SIL	BODY TYPE 4 Door	LOCATION OF VEHICLE/RELEASED TO/ADDRESS/TELEPHONE NUMBER BAYVIEW TOW 925-334-1245
NAME OF REGISTERED OWNER			<input checked="" type="checkbox"/> SAME AS SUBJECT	ADDRESS	<input checked="" type="checkbox"/> SAME AS SUBJECT
NAME OF LEGAL OWNER			<input checked="" type="checkbox"/> SAME AS R/O	ADDRESS	LOCATION OF KEYS WITH VEHICLE

**WITNESS/PASSENGER/VICTIM**

BIRTHDATE	SEX	NAME	<input checked="" type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER <input type="checkbox"/> VICTIM	ADDRESS/AGENCY	PHONE RES: BUS: [REDACTED]
	M	OFFICER J. DEL ROSARIO #22568		CHP CONTRA COSTA	
	F	MASSIEL MELENDEZ	<input checked="" type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER <input type="checkbox"/> VICTIM	CONTRA COSTA COUNTY CRIME LAB	RES: BUS: [REDACTED]
			<input type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER <input type="checkbox"/> VICTIM		RES: BUS:
			<input type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER <input type="checkbox"/> VICTIM		RES: BUS:

**ADMONITION OF RIGHTS**

- YOU HAVE THE RIGHT TO REMAIN SILENT.
- ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
- YOU HAVE THE RIGHT TO TALK WITH AN ATTORNEY AND TO HAVE AN ATTORNEY PRESENT BEFORE AND DURING QUESTIONING.
- IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FREE OF CHARGE TO REPRESENT YOU BEFORE AND DURING QUESTIONING, IF YOU DESIRE.

THE ABOVE STATEMENT WAS READ TO THE ARRESTEE BY:

NOT ADVISED  ARRESTING OFFICER  DR. ID: TIME:

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU? <input type="checkbox"/> YES <input type="checkbox"/> NO	HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW? <input type="checkbox"/> YES <input type="checkbox"/> NO	WAIVER STATEMENT
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**MISDEMEANOR INCARCERATION** (To be completed upon physical arrest for any misdemeanor, pursuant to Section 853.6 of the Penal Code.)

As determined by the arresting officer, the person arrested:

- was so intoxicated as to be a danger to themselves or others.
- required medical examination or medical care or was otherwise unable to care for their own safety.
- was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the California Vehicle Code (Note 5 and 8 if also applicable).
- had one or more outstanding arrest warrants issued.
- could not provide satisfactory evidence of personal identification.
- if released immediately, would jeopardize the prosecution of the offense or offenses for which arrested or the prosecution of any other offenses.
- would be reasonably likely to continue the offense or offenses, or the safety of persons or property would be imminently endangered if immediately released.
- demanded to be taken before a magistrate or refused to sign the citation.
- would not appear at the time and place specified in the notice.
- Other:

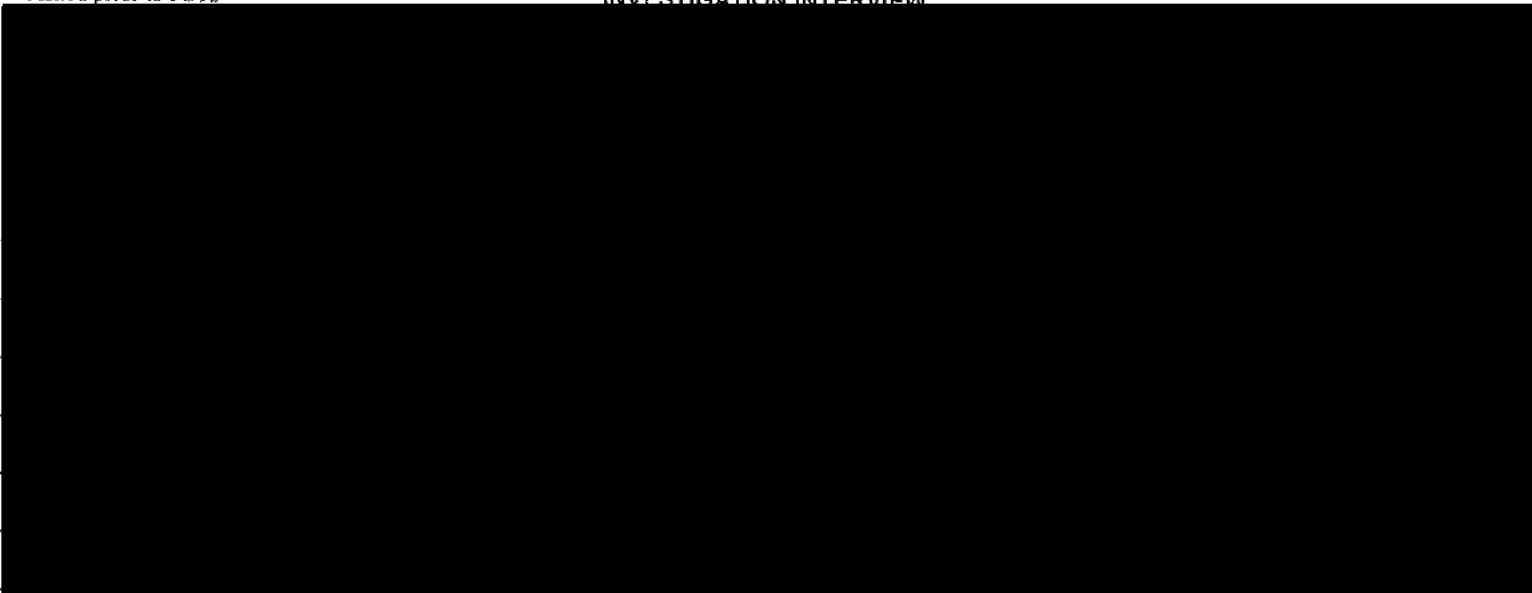
ARRESTING/INVESTIGATING OFFICER (Print name/rank) J. DAGNINO IV/ OFFICER	ID NUMBER 22534	REVIEWED BY (Print name/rank) HILL	ID NUMBER SSG 15505	DATE 3/21/22
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**THORPE, LAMAR, ANTHONY**

**LL35919**

\* Asked prior to PSTs

**INVESTIGATION INTERVIEW**



**OBJECTIVE SIGNS/APPEARANCE/FIELD SOBRIETY TEST LOCATION**

BREATH ODOR OF ALCOHOLIC BEVERAGE PRESENT: Moderate <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	GLASSES/LENSES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	EYES (appearance) WATERY	DEMEANOR COOPERATIVE	SPEECH SLOWED/ SLURRED
CLOTHING WORN: CONDITION AND DESCRIPTION BLACK SNEAKERS, JEANS, GRAY JACKET - ALL IN FAIR CONDITION				
DESCRIBE TEST LOCATION, SURFACE, WEATHER, AND LIGHTING FLAT/ SMOOTH CONCRETE SIDEWALK, COOL, FLASHLIGHT/ PATROL VEHICLE/ STREETLIGHT LIGHTING				

**PRELIMINARY ALCOHOL SCREEN INFORMATION**

**P.A.S. Admonition:** I am requesting that you take a preliminary alcohol screening test to further assist me in determining whether you are under the influence of alcohol. You may refuse to take this test; however, this is not an implied consent test and, if arrested, you will be required to give a sample of your blood, breath, or urine for the purpose of determining the actual alcoholic and drug content of your blood.

THE SUBJECT WAS ADVISED OF THE ABOVE STATEMENT BY:

<input type="checkbox"/> NOT ADVISED	<input checked="" type="checkbox"/> ARRESTING OFFICER	<input type="checkbox"/> OR	ID:	TIME:				
PAS SERIAL NUMBER	TEMPERATURE	ZEROED <input type="checkbox"/> YES <input type="checkbox"/> NO	RESULTS NO. 1 <input checked="" type="checkbox"/> Refused	TIME 1	RESULTS NO. 2	TIME 2	RESULTS NO. 3 (if needed)	TIME 3
LOCATION OF TEST	<input type="checkbox"/> At scene	BREATH SAMPLE <input type="checkbox"/> Automatic <input type="checkbox"/> Manual	OFFICER ADMINISTERING PAS TEST <input type="checkbox"/> OR	<input type="checkbox"/> ARRESTING OFFICER	ID NUMBER	AREA		

**CHEMICAL TEST INFORMATION**

<input checked="" type="checkbox"/> Implied Consent Admonishment, Section 23612 CVC	DRUG ADMONISHMENT <input checked="" type="checkbox"/> N/A	ATTACHMENTS <input type="checkbox"/> CHP 202 DRE <input checked="" type="checkbox"/> OTHER		
<input type="checkbox"/> Refused Test(s) (Complete DS 367)	<input type="checkbox"/> Yes <input type="checkbox"/> Refused (Complete DS 387)	DMV DS 367		
TYPE OF TEST	TIME	ID OF SAMPLE(S)	RESULTS, IF AVAILABLE	DISPOSITION OF SAMPLE(S)
1 <input checked="" type="checkbox"/> Breath	0213   0219	500496-1146	.121   .124	ATTACHED
2 <input type="checkbox"/> Blood				
3 <input type="checkbox"/> Urine				

TEST GIVEN	LOCATION WHERE TEST WAS CONDUCTED	NAME AND TITLE OF PERSON GIVING TEST OR TAKING SAMPLE
1	CHP CONTRA COSTA AREA OFFICE	<input checked="" type="checkbox"/> ARRESTING OFFICER <input type="checkbox"/> OR
2		<input type="checkbox"/> ARRESTING OFFICER <input type="checkbox"/> OR
3		<input type="checkbox"/> ARRESTING OFFICER <input type="checkbox"/> OR

**CHEMICAL TEST ADVISEMENT**

- A. The breath testing equipment does NOT retain any breath sample for later analysis by you or anyone else.
- B. If you want a sample retained, you may provide a blood or urine sample that will be retained at no cost to you. If you do so, the blood or urine sample may be tested for alcoholic or drug content by either party in a criminal prosecution.
- C. Do you wish to provide an additional sample?  YES  NO  N/A

**WATSON ADVISEMENT**

You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder.

DO YOU UNDERSTAND  YES  NO READ VERBATIM:  YES  NO  DID NOT ADVISE (Explain in narrative)

ARRESTING OFFICER  OR ID:  N/A

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER
03/19/2022	0127	9320	022534 LL35919

1 **FIELD SOBRIETY TESTS (FSTs):**

2 Lamar Anthony Thorpe will be referred to as Lamar for the duration of this report for easier  
3 reading. I explained and demonstrated a series of FST's to Lamar and did not administer any test  
4 unless he indicated he understood them as instructed. All times were obtained via my wristwatch.  
5

6 **HORIZONTAL GAZE NYSTAGMUS (HGN):**

7 Lamar related he was wearing soft contact lenses. His eyes were watery, his pupils were equal,  
8 and he was able to track the tip of my finger with both eyes. He displayed the following:

- 9
- Lack of smooth pursuit in both eyes.
  - Distinct and sustained nystagmus at maximum deviation in both eyes.
  - Onset of nystagmus prior to 45 degrees in his right eye, at approximately 40  
12 degrees.
  - Lack of convergence in his left eye.
- 14

15 **WALK AND TURN:**

16 During Walk and Turn, Lamar displayed the following:

- 17
- Lamar lost his balance during the instruction phase. I instructed him to set back up in  
18 the starting position.
  - Lamar used his arms for balance by raising them more than six inches from his  
20 sides.
  - Stepped offline between steps 5 and 6, during the first set of steps.
  - Missed heel to toe contact by more than 1" between steps 3 & 4 of the first set.
- 23

24 **ONE LEG STAND:**

25 Lamar raised his left foot for the test, and he displayed the following:

- 26
- Swayed from center, left to right.
  - Used his arms for balance by raising them more than six inches from his sides.
  - Put his foot down twice and was instructed to lift his foot and continue the test.
- 29

**NARRATIVE/SUPPLEMENTAL**

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03/19/2022	0127	9320	022534	LL35919

1 **MODIFIED RHOMBERG:**

2 Lamar was instructed to end the test once he reached an internal estimated count of thirty-  
3 seconds, and he ended the test at fifty-two seconds.

- 4           • His eyes displayed tremors.
- 5           • He swayed from center, front to back.
- 6           • Lamar displayed a bounding pulse in his neck.

7  
8 **PRELIMINARY ALCOHOL SCREENING DEVICE (PAS):**

9 I advised Lamar of the PAS admonition from the CHP 202S and he refused to provide a sample.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
J. DAGNINO/ OFFICER	022534	03/19/2022		

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03/19/2022	0127	9320	022534	LL35919

**1 NARRATIVE:****2 OBSERVATIONS PRIOR TO CONTACT:**

3 On 03/19/2022 at approximately 0110 hours, I was on patrol, in full CHP uniform, driving a fully  
 4 marked black and white CHP patrol vehicle, with my partner Officer J. Del Rosario #22568  
 5 (passenger). On the date and time mentioned, I was traveling northbound on I-680, just south of  
 6 Monument Boulevard within the #4 lane, monitoring traffic. Traffic was moderately light, and I  
 7 observed a silver SUV just ahead of my location, within the #5 lane, that was struggling to  
 8 maintain its center lane position. I accelerated my patrol vehicle and positioned it directly behind  
 9 the silver SUV, now identified as a silver Volvo with a California license plate of [REDACTED] and  
 10 continued to monitor the Volvo's driving behavior. While monitoring the Volvo's driving behavior, I  
 11 observed the Volvo continue to struggle to maintain a center lane position, by crossing over the  
 12 broken white lane divider line on left side and the solid white line on the right side. The Volvo was  
 13 also traveling at approximately 59 MPH in a posted 65 MPH zone.

14  
 15 After observing the Volvo's driving behavior, I activated my patrol vehicle's emergency Code 3  
 16 lights and initiated an enforcement stop on the Volvo. The driver of the Volvo applied the brakes  
 17 and began to pull to the right shoulder on SR-242 northbound, just north of the I-680 transition.  
 18 Using the patrol vehicle loudspeaker (PA), my partner began to instruct the driver of the Volvo to  
 19 exit at the Clayton Road exit. The driver of the Volvo continued to drive on the shoulder of SR-  
 20 242, until my partner directed the Volvo to turn right onto Market Street and pull to the right curb  
 21 edge, just south of Clayton Road. The Volvo followed instructions given by my partner and pulled  
 22 to the right curb edge, just south of the Clayton Road and Market Street intersection. I parked  
 23 directly behind the Volvo, exited my patrol vehicle and made a passenger side approach of the  
 24 Volvo.

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**1 OBSERVATIONS UPON CONTACT:**

2 I contacted the driver, who was the only occupant in the vehicle, through a lowered passenger  
3 window and immediately detected the odor of an alcoholic beverage emitting from within the  
4 Volvo. I advised the driver for the reason of the stop and asked for his license, registration, and  
5 insurance. The driver provided me with a California Driver License and was positively identified as  
6 Lamar Anthony Thorpe with a date of birth of 04/06/1981 and a [REDACTED]

7 [REDACTED]  
8  
9 Upon contact, Lamar displayed objective signs and symptoms of intoxication: watery eyes, droopy  
10 eye lids and slurred speech. Lamar was also wearing a white Michelob Ultra wristband around his  
11 right wrist and related he was on his way home from dinner. I asked Lamar if he had consumed  
12 any alcoholic beverages prior to driving and he related he had nothing to drink. I directed Lamar to  
13 exit the vehicle and meet me near my patrol vehicle to answer a series of questions and perform a  
14 series of voluntary field sobriety tests. Lamar exited his vehicle and met me on the concrete  
15 sidewalk. While speaking with Lamar outside the vehicle, I could smell the odor of an alcoholic  
16 beverage emitting from his breath. I asked Lamar the remainder of the pre-FST questions which  
17 he answered accordingly (Refer to page "2"). I explained and demonstrated a series of Field  
18 Sobriety Tests (FST's) to Lamar, which he did not complete as explained and demonstrated.

**20 ARREST:**

21 Due to Lamar operating a motor vehicle upon a highway, his admission to operating a motor  
22 vehicle, the distinct odor of an alcoholic beverage emitting from his breath, his objective signs and  
23 symptoms of alcohol impairment (watery eyes, slowed/ slurred speech, droopy eye lids) and his  
24 poor performance on the field sobriety tests, I determined Lamar was operating a motor vehicle  
25 while under the influence of alcohol and was impaired. I placed Lamar under arrest for violation of  
26 California Vehicle Code section 23152(a) VC (Misdemeanor DUI). Lamar was searched incident  
27 to arrest and placed in the front seat of my patrol vehicle. I advised Lamar of Implied Consent  
28 (23612 VC) and he chose to submit to a chemical breath test.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
J. DAGNINO/ OFFICER	022534	03/19/2022		

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER
03/19/2022	0127	9320	022534 LL35919

1 **ARREST (Continued):**

2 Lamar was transported to the CHP Contra Costa Area Office for the chosen chemical test. I  
 3 observed Lamar for fifteen minutes prior to administering the chemical breath test to ensure he did  
 4 nothing to compromise the test. Lamar provided two breath samples with results of .121% and  
 5 .124%. I advised Lamar of Trombetta and he declined any further testing.

6  
 7 Following the chemical test, Lamar signed the CHP 215/ Promise to Appear in my presence and  
 8 was released to [REDACTED]

9  
10  
11 **EVIDENCE:**

12 Item #1        1 Compact Disc containing video of news clip/ suspect's admission to driving while  
 13                    under the influence.

14  
15 **OTHER FACTUAL INFORMATION:**

16 The same morning following the incident, ABC 7 news uploaded an article regarding the arrest/  
 17 incident. In the video, Lamar Anthony Thorpe (Mayor of Antioch, Ca) relates he was arrested by  
 18 the California Highway Patrol for driving under the influence. In the video, Lamar related he  
 19 assumes full responsibility for his actions and admits to operating a motor vehicle while under the  
 20 influence. The video was copied onto a compact disc, booked into the CHP Contra Costa  
 21 temporary evidence locker and a copy was attached with this report.

22  
 23 The patrol vehicle utilized is equipped with a Wireless Mobile Video Audio Recording System  
 24 (WMVARS) that was on at the time of the incident and which may or may not have captured all  
 25 relevant information.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
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**1 RECOMMENDATIONS:**

2 I recommend a copy of this report be forwarded to the Contra Costa County District Attorney's

3 Office for review and prosecution of Lamar Anthony Thorpe for the following charges:

4

5 • 23152(a) VC – Misdemeanor - Driving Under the Influence.

6 • 23152(b) VC – Misdemeanor - Driving Under the Influence over .08% BAC.

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PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
J. DAGNINO/ OFFICER	022534	03/19/2022		

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