

DISTRICT COURT OF MARYLAND FOR BALTIMORE (City / County)

LOCATED AT (COURT ADDRESS) 120 E. CHESAPEAKE AVE., TOWSON, MD 21286	DISTRICT COURT CASE NUMBER	RELATED CASES:
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COMPLAINANT			DEFENDANT								
NAME (LAST, FIRST, M.I.) KINDERVATER			TITLE OFFICER			NAME (LAST, FIRST, M.I.) PIERCE, BERNARD HAYWARD			TITLE		
AGENCY AE	SUB-AGENCY PC06	I.D. NO. (OFFICE)	MAFIS NAME (LAST, FIRST, M.I.)			TITLE					
WORK TELEPHONE (410) 887-2361		HOME TELEPHONE ( )		ID NO.	RACE BLK	SEX M	HT 6'	WT 230	D.O.B. (MM/DD/YY) 23		
ADDRESS 115 WEST SUSQUEHANNA AVENUE			APT. NO.			CC/OCA 150770139	HAIR BLK	EYES BRN	OTHER ASSOCIATION		
CITY TOWSON MD			STATE			ZIP CODE 21204			DRIVER'S LICENSE #		
CITY TOWSON MD			STATE			ZIP CODE 21204			STATE		
WORK TELEPHONE ( )			HOME TELEPHONE ( )			ADDRESS			APT. NO.		
CITY BALTIMORE MD			STATE			ZIP CODE 21209					

- DOMESTIC VIOLENCE       HATE CRIME  
 VULNERABLE ADULT ABUSE       CHILD ABUSE

**STATEMENT OF PROBABLE CAUSE**

ARREST ON TRAFFIC / NATURAL RESOURCES / MASS TRANSIT CITATIONS / CRIMINAL CHARGES / MUNICIPAL ORDINANCES / PUBLIC LOCAL LAWS

THE DEFENDANT HAS BEEN ARRESTED UPON THE FOLLOWING INFORMATION OR OBSERVATION (MAKE A PLAIN, CONCISE AND DEFINITIVE STATEMENT OF ESSENTIAL FACTS CONSTITUTING THE OFFENSE CHARGED.)

-- SEE ATTACHED FORM PC DC/CR4A --

CONTINUED ON ATTACHED SHEET (FORM DC/CR 4A)

PROBABLE CAUSE CHARGES # \_\_\_\_\_  
LACK OF PROBABLE CAUSE CHARGES # \_\_\_\_\_

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE MATTERS AND FACTS SET FORTH IN THE FOREGOING DOCUMENT ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DATE 3-18-15	ARRESTING OFFICER
AGENCY AE	SUB-AGENCY PC06
I.D. NO.	

I HAVE REVIEWED THE STATEMENT OF CHARGES AND HAVE DETERMINED THAT THERE IS PROBABLE CAUSE TO DETAIN THE DEFENDANT

THERE IS NOT PROBABLE CAUSE TO DETAIN THE DEFENDANT AND I HAVE ACCORDINGLY RELEASED HIM ON HIS OWN RECOGNIZANCE

DATE	JUDICIAL OFFICER	COMMISSIONER I.D. NO.
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TRACKING NUMBER



DISTRICT COURT OF MARYLAND FOR ..... BALTIMORE ..... (City / County )

LOCATED AT (COURT ADDRESS)	DISTRICT COURT CASE NUMBER
120 E. CHESAPEAKE AVE., TOWSON, MD 21286	150770139

DEFENDANT'S NAME (LAST, FIRST, M.I.)	MAFIS NAME
PIERCE, BERNARD HAYWARD	

STATEMENT OF PROBABLE CAUSE (CONTINUED)

ARREST ON TRAFFIC / NATURAL RESOURCES / MASS TRANSIT CITATIONS / CRIMINAL CHARGES / MUNICIPAL ORDINANCES / PUBLIC LOCAL LAWS

Officer Kindervater # 5115 is a certified moving and stationary Doppler radar operator in the State of Maryland. The radar unit was checked before and after the stop and found to be working properly. The unit is certified as accurate by Baltimore County Electronics Services. They maintain records of the internal calibration at their Hunt Valley facility.

On 3-18-15 at approximately 0154 hours Officer Kindervater was in unmarked patrol unit 1456 traveling southbound on Dulaney Valley Rd. passing the entrance to Towson Town Center (In front of Macy's). Officer Kindervater observed a vehicle traveling northbound on Dulaney Valley Rd. (From the roundabout) at a high rate of speed. The vehicle entered the influence of the radar at 55 MPH in a clearly posted 30 MPH zone. Officer Kindervater turned around and was finally able to catch up to the blue Ford Mustang bearing Maryland temporary registration 380314T near Locustvale Rd. Officer Kindervater observed the Ford Mustang was straddling the divided white lane lines for lanes two and one. Officer Kindervater activated his emergency equipment and stopped the vehicle near Interstate 695 on Dulaney Valley Rd.

CONTINUED ON ATTACHED SHEET (FORM DC/CR 4A)

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**STATEMENT OF PROBABLE CAUSE (CONTINUED)**  
ARREST ON TRAFFIC / NATURAL RESOURCES / MASS TRANSIT CITATIONS / CRIMINAL CHARGES / MUNICIPAL ORDINANCES / PUBLIC LOCAL LAWS

Officer Kindervater approached the driver's side and observed a male driver and a front seat female passenger seated inside of the Mustang. Officer Kindervater explained to the male driver why he stopped him and asked for his license and registration. The male driver looked at Officer Kindervater with a confused look and slurred "What did I do again?" Officer Kindervater detected an odor of an alcoholic beverage from his breath. He noticed his eyes were glassy, bloodshot and his pupils were dilated. Officer Kindervater again explained why he stopped the male driver and again asked for his license and registration. The male driver slurred "Wow, ok can you point your flash light in the back seat so I can get my wallet?" The male located his wallet from the rear seat and fumbled opening the wallet up. The male driver's movements were extremely slow and exaggerated as he opened the wallet. The male driver fumbled trying to remove his license from inside of his wallet. His fingers slipped off of the license twice before he was able to retrieve it. The male then fumbled through the contents of his glove box and retrieved his registration. The male driver was positively identified as Defendant Bernard Hayward Pierce by his Pennsylvania driver's license. Officer Kindervater asked the defendant if he had a local address or was the Pennsylvania address his current address. The male mumbled something

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PIERCE, BERNARD HAYWARD
MAFIS NAME

STATEMENT OF PROBABLE CAUSE (CONTINUED)
ARREST ON TRAFFIC / NATURAL RESOURCES / MASS TRANSIT CITATIONS / CRIMINAL CHARGES / MUNICIPAL ORDINANCES / PUBLIC LOCAL LAWS

but Officer Kindervater was unable to understand him. Officer Kindervater asked the defendant to repeat himself. The defendant slurred "Yes I live around here, 2012" then Officer Kindervater was again unable to understand the defendant. Officer Kindervater asked the defendant to repeat the street name. The defendant slurred "Burdock"; the defendant also slurred the spelling of the street name. Officer Swaby # 5713 and Officer Butler # 4508 arrived to assist.

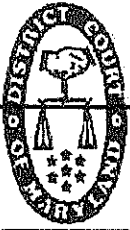
Officer Kindervater asked the defendant if he had consumed any alcoholic beverages prior to operating his vehicle. The defendant slurred "Yeah I had two." Officer Kindervater asked the defendant to step out of the vehicle to perform field sobriety tests. The defendant slurred "Yeah sure Officer." The defendant placed his right hand on the driver's door and his left hand on the driver's seat for support while exiting. Officer Kindervater asked defendant Pierce what kind of alcoholic beverages he consumed. Defendant Pierce slurred "Three shots of Jack."

The battery of tests performed by the defendant was the Horizontal Gaze Nystagmus, Vertical Nystagmus, the Walk & Turn and the One Leg Stand. Prior

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STATEMENT OF PROBABLE CAUSE (CONTINUED)

ARREST ON TRAFFIC / NATURAL RESOURCES / MASS TRANSIT CITATIONS / CRIMINAL CHARGES / MUNICIPAL ORDINANCES / PUBLIC LOCAL LAWS

to the defendant performing the tests, they were explained and demonstrated by Officer Kindervater. The surface utilized for these tests was reasonably level, dry, clean and free of any debris. The defendant stated that he had no physical disabilities that would affect his performance of these tests. The defendant showed clues of impairment in his performance of these tests.

On the Horizontal Gaze Nystagmus, the defendant showed 6 of 6 clues of impairment.

-The defendant displayed Lack of Smooth Pursuit.

-The defendant displayed Distinct and Sustained Nystagmus at Maximum Deviation.

-The defendant displayed Nystagmus Onset Prior to 45 Degrees in both eyes.

-The defendant displayed Vertical Nystagmus in both eyes.

-The defendant had trouble following the directions and the stimulus at the beginning of the test.

-Prior to this test the defendant's eyes were checked and found to be tracking equally and have equal-sized, dilated pupils.

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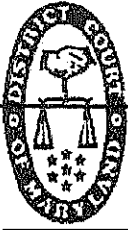
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STATEMENT OF PROBABLE CAUSE (CONTINUED)
ARREST ON TRAFFIC / NATURAL RESOURCES / MASS TRANSIT CITATIONS / CRIMINAL CHARGES / MUNICIPAL ORDINANCES / PUBLIC LOCAL LAWS
On the Walk & Turn, the defendant showed 6 of 8 clues of impairment.
-The defendant could not keep his balance and stepped out of the instructions stance 1 times.
-The defendant missed touching heel to toe on steps 3,5,6,8 and 9 of the first set of steps and on all steps of the second set of steps.
-The defendant stepped off the line 11 times on steps 3 and 5 of the first set of steps and on all steps of the second set of steps.
-The defendant raised his arms for balance throughout the duration of the test.
-The defendant made an improper turn by failing to keep his lead foot planted as explained and demonstrated. He turned to the right lost his balance and took a step to his left to gain his balance.
-The defendant stopped walking on steps 1,2 5 and 7 of the second set of steps to gain his balance.
- The defendant was wobbling and swaying throughout the duration of this test.
On the One Leg Stand, the defendant showed 3 of 4 clues of impairment.
-The defendant swayed throughout the duration of the test.
-The defendant raised his arms for balance throughout the duration of the test.

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The defendant put his foot down 5 times during the test at 7 seconds, 13 seconds 18 seconds 22 seconds and 25 seconds of the test.

Based on Officer Kindervater's observations of the defendant and his performance of the tests, it was Officer Kindervater's opinion that he was under the influence of an alcoholic beverage to the degree that he could not drive a vehicle in a safe manner. At 0209 hours, Officer Kindervater placed the defendant under arrest for DUI/DWI. While Officer Kindervater was helping the defendant into the rear seat of his patrol vehicle the defendant asked if this incident could be kept off of the books. Officer Kindervater explained that he was under arrest for DUI and that it couldn't be kept off the books. The defendant advised he would take citations if it could be kept off the books. The defendant then slurred "Never mind."

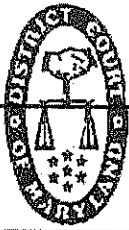
While en-route to precinct six the defendant uttered "Do you know what happened the last time a Ravens player got a DUI? I'm getting cut tomorrow, not like you care."

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While at the precinct the defendant lost his balance on several occasions.

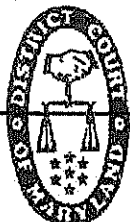
Officer Kindervater asked the defendant normal booking questions for processing purposes. Officer Kindervater observed the defendant was passed out with his head down while he was sitting on the metal bench. Officer Kindervater had to shake his left shoulder to wake him up. Officer Kindervater asked the defendant how much he weighed. The defendant slurred "530". Officer Kindervater again asked him his weight also asking him if his previous statement was accurate. Defendant Pierce slurred "Yeah 530". Officer Kindervater asked the defendant if he meant he could bench press 530 Lbs. the defendant slurred "No I'm 530 Lbs, I mean 230 Lbs."

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He was given a Notice to Appear Form and released to Mr. Terrance Darwin West.
"ALL EVENTS DID OCCUR IN BALTIMORE COUNTY"

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