

DRUNKS AND THIEVES December 2015 Holiday PART 2



By John Hoffmann

December 24, 2015

SOME PEOPLE ASK WHY I HAVE SPEND ALL THIS TIME DOCUMENTING THE LACK OF PROSECUTION OF DWI DEFENDANTS. The simple answer is that they are very dangerous. Across Europe tough DWI laws have led to fewer drunken driving accidents and safer roads. If you have ever driven in Europe you know that roads, especially in England, Scotland and Ireland can be tough enough to drive sober.

But here is another reason. I lived in the Washington, DC suburb of Montgomery County for a little more than 15 years. I was a cop there and a police commander. I worked for a city department and later in a special County wide enforcement job.

Noah Leotta, 24, grew up in the area where we lived. He went to the high school that served our neighborhood. He went to a college where I worked part time for the Athletic Department. He worked for the Montgomery County Police as a college intern and was later hired as a police officer. After graduating from the police academy he was assigned to the same police district that covered his neighborhood.

Here is what happened to Noah this month: He volunteered to work overtime on a DWI Task Force that was in operation between Thanksgiving and New Years. On the night of December 3, while on a traffic stop along Maryland Rt-355 that is heavily traveled running through the middle of the Rockville and Bethesda business districts, he was hit by a 47-year-old drunk driver. He died six days later. He was buried a week before Christmas.



Before driving drunk and killing Officer Leotta the suspect, Luis Gustavo Reluzco, was just another drunk driver. He lived in the same area of Olney, Maryland where Officer Leotta grew up. This was his third DWI arrest in 25 years. He had been drinking at a Hooters in Rockville, Maryland for four hours before hitting Officer Leotta.

Had he been arrested just as another first or second time DWI without killing anyone in Chesterfield and hired the right local defense attorney, Chesterfield prosecutor Tim Engelmeyer and Judge Rick Brunk based on our three-years of research would have waived their magic wands and turned Reluzco into a \$500 Illegal Parking suspect and he would have left the courtroom on a probation DWI sentence that involved No Public Record, No-Points and No-Fine.

OF A CHESTERFIELD RESIDENT'S SEVEN DWI ARRESTS AT LEAST SIX OCCURRED IN CHESTERFIELD. WE LOOK AT THOSE: In our Ex Alderman newsletter #184 from July 13, 2015 we reported how Joseph Carbone, 74, of 15740 Plymton Avenue had been charged by the Ballwin Police with his seventh DWI.



2015 mug shot

At least six of the DWI arrests occurred in Chesterfield. We attempted to obtain all six of those arrest reports, but the one from **1995** had been destroyed. We did obtain the other five reports. Here is a synopsis of each arrest:

October 18, 1995 Carbone was arrested by the Chesterfield for Misdemeanor DWI with one prior conviction. This is the case where the police report has been destroyed. He Pled guilty on February 7, 1997 and was sentenced to eight months in the County Jail. At the time of this arrest he had at least one prior DWI we have been unable to find.

On March 16, 1998 (Sunday night/Monday morning) at 12:22 am, Officer Schlemmer was northbound on Clarkson Road. He observed a vehicle being driven by Carbone going south weaving across the center line into Officer Schlemmer's lane.

Officer Schlemmer also clocked Carbone speeding 63 MPH in the 45 MPH zone. He stopped Carbone on Kehrs Mill Road off of Clarkson. Carbone had trouble rolling down his window. His breath smelled of intoxicants and he said he had a "couple of drinks."

He failed the field sobriety tests and was arrested. At the police station when he was read the Missouri Implied Consent law and asked if he would take a breath test, the amount of drinks he had suddenly changed. He said he had **at least five beers** and refused to take a breath test. By this time he had already had at least two DWI convictions and he was charged as a felony persistent offender.

On October 9, 1998 he pled guilty and was sentenced to 5-years in prison, but was allowed to go on probation after serving 120 days. He was released from jail on 01/29/1999. But he returned to the Missouri Department of Corrections on 12/16/99 when he violated his probation.

On September 3, 1998 Carbone was arrested again for DWI and Driving with a Revoked License by the Chesterfield PD according to court records. This was one month before he would plead guilty to his third DWI. Officer Dunn was the arresting officer on Clayton Road. Here is the arrest in Officer Dunns own words:

On 9/3/98, at approximately 0110 hours, I was traveling westbound on Clayton Road. As I approached the intersection at Baxter, I observed a blue Oldsmobile, bearing MSL [REDACTED], traveling in front of me. As I followed behind, I observed the vehicle swerve to the left of the lane, crossing the center line, then immediately swerve to the right side of the lane. As I continued to follow the vehicle, it again crossed over the center line.

I then activated my emergency lights and sirens, at which time, the vehicle began to straddle the center line. The vehicle then swerved to the right and stopped in the middle of the traffic lane.

I then began to change the sound of my siren, at which time, the vehicle drove forward past Delmar Garden Nursing Home and pulled to the shoulder. I contacted the driver, who identified himself as Carbone, and immediately smelled what appeared to be an intoxicant on his breath. I asked Carbone if he had been drinking and he stated, "I really need a break tonight." I asked him again if he had been drinking and he stated, "I had about 4 drinks at a party for a friend who had just died." Carbone continued to repeat that he needed a break tonight and that he only lives a few minutes away.

It should be noted, Carbone refused to complete the field sobriety tests, as well as the portable breath machine.

Based on Carbone's driving impairment, the smell of intoxicants on his breath, the admission of drinking, and poor performance on the field sobriety tests, he was placed under arrest for Driving While Intoxicated.

Carbone refused a breath test at the Police Station and refused to make any statements. His drivers' license was also revoked at the time of the stop.

A felony DWI warrant was issued.

On May 10, 1999 he pled guilty. He was sentenced to 3-years in prison, but was given a Suspended Execution of Sentence and placed on probation. The probation would be revoked on December 16, 1999. Carbone was off to spend Christmas in prison.

On July 11, 1999 while on probation from going to prison for DWI Carbone was arrested again by the Chesterfield Police at 1:35 am on a Saturday night/Sunday morning on Clayton Road.

Officer Rogers observed Carbone swerving repeatedly across across lanes and twice onto the shoulder. Once Carbone was stopped he could not produce a driver's license (because his was revoked) and he gave his brother Peter's name and date of birth. (So much for brotherly love!)

His breath smelled of alcohol and his eyes were bloodshot. He stated he had "two drinks." He failed field sobriety tests and later refused to take a breath test at the police station.

While conducting record checks it was determined that Carbone had given his brother's name instead of his own.

On December 16, 1999 Carbone pled guilty to the charges of Felony DWI and Driving with a Revoke License and was sentenced to 4 years in prison. He would be out of prison in two years.

On April 24, 2002, a Wednesday night at 11:16 pm Carbone was arrested by Officer Ovca for lane weaving on Clarkson Road, then driving straight in the right turn only lane and for speeding 57 MPH in a 45 MPH zone.

At the time of the stop Carbone appeared to be very intoxicated. His speech was slurred and confused. He told Officer Ovca that he left his driver's license in his briefcase and then for his second consecutive time tried to pass himself off as his brother Peter. This time it was about to work.

After failing the field sobriety tests, he was arrested and taken to the police station.

At the police station, as usual, he refused to take a breath test.

Officer Ovca had prepared three citations in the name of Peter Carbone including DWI.

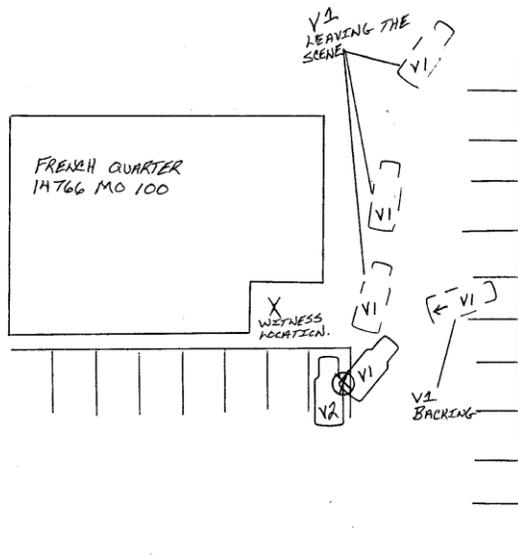
However Joseph Carbone made one serious mistake. He called his brother Peter to bail him out. When Peter arrived Officer Ovca meet him and Peter introduced himself. Ovca then asked who he was there to bail out. Peter said he was there to bail out his brother Joe.

Officer Ovca and Sgt. Weiss then spoke to Joe Carbone and showed him his mug shot from his last arrest. Carbone sighed and a search of his wallet showed no driver's license but other ID in the name of Joseph Carbone. It was back to the holdover cell for Carbone. Now Officer Ovca was going to make some overtime.

On Thursday morning April 25, 1999 Ovca went to the Prosecuting Attorney's Office in Clayton and obtained a felony warrant for Driving While Intoxicated and warrants for Making a False Declaration (giving a false name) and Driving While Revoked.

On October 11, 2002 Carbone pled guilty to the Felony DWI, Driving While Revoked and Making a False Declaration. He was sentenced to six months in jail for Driving While Revoke and the False Declaration and 3-years in prison for the DWI.

On February 22, 2007 Carbone left the French Quarter Bar in Ballwin, where he had been drinking and backed into a car in the parking lot in front of two witnesses. He was not arrested for four days so he could not be charged with DWI. He was charged with Driving While Revoked and Leaving the Scene of an Accident. He was charged in Ballwin City Court, however his attorney had the case moved to the County Associate Court. There the Ballwin city prosecutor dropped the 12-point Driving While Revoked charge to a 2-point Drive Without a Driver's License. The 6-point Leaving the Scene of an Accident charge was dropped to a 2-point Careless Driving charge.



On May 17, 2007 Carbone pled guilty to the reduced charges and was fined \$2,000; \$1,000 for each charge. The car he was driving at the time of incident was his brother Peter's Buick.

On Wednesday June 17, 2009 at 9:33 pm Chesterfield Officer Ghassemi stopped and arrested Carbone for DWI. This time Carbone was driving a black Mercedes Benz 2-door coupe. Carbone had run a stop sign at the Dierberg's Supermarket and nearly hit a car.

After being stopped, Officer Ghassemi asked for his driver's license. Carbone searched the glove box and came up with an insurance card, but said he could not find his driver's license. For at least the third time he claimed he was Peter Carbone.

As usual, Carbone's breath reeked of the smell of liquor, his speech was slurred and he was mumbling and he was staggering when he walked. What field sobriety tests he would take, he failed and he was arrested.

Carbone had originally said he had only two beers at Krieger's Pub. At the police station he refused to take a breath test. A search of his wallet revealed ID that showed him to be Joseph Carbone and not his older brother Peter Carbone. At first he denied being Joseph even when the ID showed him to be Joseph, but eventually admitted being Joseph.

Officer Ghassemi cut Carbone a big break, by charging him with the stop sign violation, false name and driving while revoke in Municipal Court. The DWI case was sent to the County Prosecuting Attorney's Office and felony charges were filed.



2009 mug shot

On 12/13/11 in Chesterfield Municipal Court Carbone pled guilty to:

Stop Sign Violation \$73.50 fine and \$26.50 in costs

Driving while Revoked \$223.50 in fine and \$26.50 in costs

False Declaration \$ 73.50 in fines and \$26.50 in costs

On June 8, 2012, three years after the arrest Carbone pled guilty to the DWI and Judge Carolyn Whittington at first sentenced him to 7-years in prison, but then allowed him to serve just 120 days. She then placed him on a 5-year probation term. However, she released Carbone from probation on 02/01/15. 74 days later he was arrested again.

April 15, 2015 Carbone was arrested for Felony Chronic DWI and Driving While Revoked by the Ballwin Police. His cases are pending. His next court appearance is set for January 25, 2016.



DRUNK DRIVER WITH A BAC OF .21% GOT NO POINTS, NO FINE PROBATION:

On Wednesday morning December 3, 2014 at 1:30 AM Officer Hamel of the Town and Country Police had clocked a 2005 Pontiac mini-van travelling east bound on I-64 east of I-270 at 88 MPH. Officer Hamel got behind the van and observed that the driver had put on the right turn signal to go south from I-64 to I-270. However at the last minute the vehicle went left to go NB on I-270.

At the same time Officer Hamel observed that despite the fact it was not raining, the rear window wiper was operating. The driver was stopped on NB I-270 at I-64. Officer Daniel Wilkey arrived and assisted Officer Hamel. The driver Holly Renee Neinhaus, 29, of O'Fallon, MO was contacted and appeared to be very intoxicated. Her breath smelled strongly of alcoholic beverages. Her eyes were bloodshot. She was staggering when walking and swaying when trying to stand still.



Holly Neinhaus

When asked to step out of the car, the following occurred per the police report.

Holly Neinhaus

attempting to take off her jacket while seated in the driver seat. Neinhaus looked at me and continued to attempt to remove her jacket. Neinhaus was having difficulty taking her jacket off before she exited the vehicle. She appeared confused, and tried to take her jacket off before unbuckling her seatbelt. After unbuckling the seat belt and exiting the vehicle, Neinhaus was able to remove her jacket. She placed her jacket on the driver's seat, at which time I observed what appeared to be the contents of Neinhaus's purse scattered on the driver's seat and driver's side floor board. When Neinhaus opened the vehicle door, I immediately detected the strong odor of an alcoholic beverage coming from the inside of the vehicle.

She failed the field sobriety tests and was arrested. One of the tests was to recite the alphabet starting with the letter "D" and ending with the letter "W". She said the following, "H, I, J, K, W, L."

At the police station she said she had been at a concert at the Pageant and had five rum and diet cokes.

She agreed to take a breath test which showed her blood alcohol content to be .21%.

OUTCOME: On March 5, 2015 Nienhaus pled guilty to DWI and Speeding before Town and Country Municipal Judge Dean Waldemer. Despite the fact that she was almost three times the legal limit she was placed on a no-record, no-fine and no-points probation term for DWI and fined \$400 for speeding.



A driver with a .212% BAC and speeding gets a special "No fine, No DOR record" probation for DWI from Judge Dean Waldemer.

17-YEAR-OLD CHESTERFIELD WOMAN FINED \$1,000 FOR SPEEDING 103 MPH IN TOWN AND COUNTRY: Andrea Wiele of 16659 Kehrsgrrove Drive in Chesterfield had just turned 17 10-days earlier when on a Tuesday night she was clocked driving her 2007 Toyota Camry at 103 MPH on on I-270 before Clayton Road. Then she began to try elude Officer Fowle by not pulling over and changing lanes at 103 MPH. All this was at just after 11 o'clock at night.

Once Andrea was stopped she was arrested, same as is anyone doing over 100 MPH in Town and Country. She was taken to the Town and Country Police Station. She was officially charged with Speeding 103 MPH in a 60 MPH zone and Failure to Yield to an Emergency Vehicle while Making Unsafe lane Changes at 103 MPH.



Uniform Citation

Violator's Copy

ORI NO. MO 0957200 TOWN AND COUNTRY POLICE
STATE OF MISSOURI
DIVISION OF 21st CIRCUIT COURT

140060154

STATE OF MISSOURI DIVISION

IN THE CIRCUIT COURT OF TOWN AND COUNTRY MUNICIPAL COUNTY 1

COURT ADDRESS (Street, City, Zip)
1011 MUNICIPAL CENTER DRIVE DR, TOWN AND COUNTRY, MO, 63131

COURT DATE COURT TIME AM PM COURT PHONE NO.
11/20/2014 7:00 PM (314) 432-1420

I, KNOWING THAT FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY LAW, STATE THAT I HAVE PROBABLE CAUSE TO BELIEVE THAT:

ONABOUT (Date) AT TIME HWY CLASS UPON / AT OR NEAR (LOCATION)
10/24/2014 2312 HRS EB IS 270 BE IS 64

WITHIN CITY / COUNTY AND STATE AFORESAID,
NAME (LAST, FIRST, MIDDLE)
WIELE, ANDREA, CAROLINE

STREET ADDRESS
16659 KEHRSGROVE DR

CITY STATE ZIP CODE
CHESTERFIELD MO 63005-4595

DATE OF BIRTH RACE SEX HEIGHT WEIGHT
10/14/1997 W F 506 130

DRIVER'S LIC. NO. CDL: STATE
[REDACTED] YES NO MO

EMPLOYER

ADDRESS (Street, City, State, Zip)

DID UNLAWFULLY OPERATE/DRIVE PARK C.M.V. WITH HAZ. MAT

YEAR	MAKE	MODEL	STYLE	COLOR
2007	TOYOTA	CAMRY	4D	SIL
REGISTERED WEIGHT	L I C	NUMBER	STATE	YEAR
[REDACTED]	[REDACTED]	[REDACTED]	MO	2015

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE. THE FACTS SUPPORTING THIS BELIEF ARE AS FOLLOWS:
EXCEEDING SPEED LIMIT 60 MPH ZONE (PACED TCPD CAR #5. VIDEO)

Subject taken into custody. (Complete "For Issuance of a Warrant" section on reverse side.)

DRIVING POSTED SPEED LIMIT DETECTION METHOD
103 MPH 60 MPH STATIONARY RADAR WATCH (AIR) PACE
MOVING RADAR WATCH (GROUND) OTHER

IN VIOLATION OF: STATUTE/ORDINANCE - CHARGE CODE
 RSMo. **320.010 90000050**
 ORD.

SEAT BELT VIOLATION: STATUTE/ORDINANCE - CHARGE CODE
 RSMo.
 ORD.

IN FATAL CRASH IN CRASH DWI / BAC OCN

OFFICER BADGE TRP / ZONE DATE
/s/ P.O. Fowle 00074 10/24/2014

ON INFORMATION, UNDERSIGNED PROSECUTOR CHARGES THE DEFENDANT AND INFORMS THE COURT THAT ABOVE FACTS ARE TRUE AND PUNISHABLE BY: RSMo ORD. Sec 100.150

PROSECUTOR'S SIGNATURE DATE

I promise to dispose of the charges of which I am accused through court appearance or prepayment of fine and court costs.
SIGNATURE X

DR. LIC. POSTED
 YES
 NO

Uniform Citation

Violator's Copy

ORI NO. MO 0957200 TOWN AND COUNTRY POLICE
STATE OF MISSOURI
DIVISION OF 21st CIRCUIT COURT

140060155

STATE OF MISSOURI DIVISION

IN THE CIRCUIT COURT OF TOWN AND COUNTRY MUNICIPAL COUNTY 1

COURT ADDRESS (Street, City, Zip)
1011 MUNICIPAL CENTER DRIVE DR, TOWN AND COUNTRY, MO, 63131

COURT DATE COURT TIME AM PM COURT PHONE NO.
11/20/2014 7:00 PM (314) 432-1420

I, KNOWING THAT FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY LAW, STATE THAT I HAVE PROBABLE CAUSE TO BELIEVE THAT:

ONABOUT (Date) AT TIME HWY CLASS UPON / AT OR NEAR (LOCATION)
10/24/2014 2312 HRS EB IS 270 BE IS 64

WITHIN CITY / COUNTY AND STATE AFORESAID,
NAME (LAST, FIRST, MIDDLE)
WIELE, ANDREA, CAROLINE

STREET ADDRESS
16659 KEHRSGROVE DR

CITY STATE ZIP CODE
CHESTERFIELD MO 63005-4595

DATE OF BIRTH RACE SEX HEIGHT WEIGHT
10/14/1997 W F 506 130

DRIVER'S LIC. NO. CDL: STATE
[REDACTED] YES NO MO

EMPLOYER

ADDRESS (Street, City, State, Zip)

DID UNLAWFULLY OPERATE/DRIVE PARK C.M.V. WITH HAZ. MAT

YEAR	MAKE	MODEL	STYLE	COLOR
2007	TOYOTA	CAMRY	4D	SIL
REGISTERED WEIGHT	L I C	NUMBER	STATE	YEAR
[REDACTED]	[REDACTED]	[REDACTED]	MO	2015

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE. THE FACTS SUPPORTING THIS BELIEF ARE AS FOLLOWS:
DRIVER FAILED TO YIELD WHEN CHANGING LANES -UNSAFE LANE CHANGES AT 103 MPH.

Subject taken into custody. (Complete "For Issuance of a Warrant" section on reverse side.)

DRIVING POSTED SPEED LIMIT DETECTION METHOD
MPH MPH STATIONARY RADAR WATCH (AIR) PACE
MOVING RADAR WATCH (GROUND) OTHER

IN VIOLATION OF: STATUTE/ORDINANCE - CHARGE CODE
 RSMo. **332.040 90512050**
 ORD.

SEAT BELT VIOLATION: STATUTE/ORDINANCE - CHARGE CODE
 RSMo.
 ORD.

IN FATAL CRASH IN CRASH DWI / BAC OCN

OFFICER BADGE TRP / ZONE DATE
/s/ P.O. Fowle 00074 10/24/2014

ON INFORMATION, UNDERSIGNED PROSECUTOR CHARGES THE DEFENDANT AND INFORMS THE COURT THAT ABOVE FACTS ARE TRUE AND PUNISHABLE BY: RSMo ORD. Sec 100.150

PROSECUTOR'S SIGNATURE DATE

I promise to dispose of the charges of which I am accused through court appearance or prepayment of fine and court costs.
SIGNATURE X

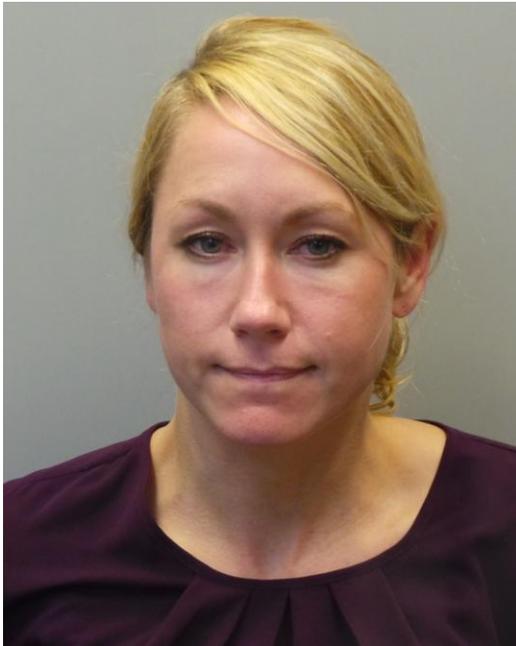
DR. LIC. POSTED
 YES
 NO

OUTCOME: On August 13, 2015 Wiele pled guilty to both charges in front of Judge Joseph Dueker after the cases were moved from Town and Country Municipal Court to the Associate Circuit Court in Clayton.

Dueker gave Wiele a no-fine, no-points one-year SIS probation on the Failure to Yield charge, which included attending driving school.

On the 103 in a 60 MPH zone Judge Dueker fined Wiele \$1,000 with 2-points going on her driving record.

DWI DRIVER ON I-270 IS CLEARLY DRUNK, BUT HAS DWI DROPPED AND PLED GUILTY TO CARELESS DRIVING: It was hard for Officer McNutt to miss seeing Kimberly Palmer, 35, of Troy, Illinois and her 2007 Honda CRV.



Kimberly Palmer

Officer McNutt had patrolled the southbound lanes of I-270, exited at Manchester and was looping around to go north onto I-270. To do this you have to leave Town and Country go through a slender section of unincorporated St. Louis County into Des Peres and then reenter the NB ramp from Manchester Road in Des Peres.

It was about 3:20 am on Friday night/Saturday morning November 1, 2014. McNutt was waiting to turn left onto the entrance ramp, when Palmer in her CRV turned right from Manchester Rd. and hit the curb. She then accelerated down on the shoulder of the ramp. McNutt turned on his in-car camera in time to catch Palmer driving at high speed on the shoulder.



Officer McNutt followed the Honda north on I-270. I later watched the in-car video of the incident and arrest. As Palmer drove north she weaved across the lane divider twice, but for over a half mile she drove with her right wheels on the lane divider markings.

Officer McNutt stopped her just north of I-64. When he asked her how much she had to drink, "Not much," was the reply. However her eyes were bloodshot and her speech was slurred.

While Palmer was still seated in her car McNutt asked her to recite the alphabet starting with the letter "J" and stopping with the letter "S."

"Oh really," said said stalling. She then started sing-songing the alphabet starting with the letter "A" and going past "S." That is where more problems occurred.

"Q, R, S, T, Z," she said triumphantly said.

She failed other field tests. When Officer McNutt asked her to count backwards from 57 to 40 she asked "Why?"

"Just making sure you are okay to drive," said McNutt.

"Oh my God you are making me so nervous," Palmer said.

When Palmer asked her to walk in a heel to toe fashion, Palmer played Perry Mason on him.

"I know I'm okay to refuse this. What if I refuse it," asked Palmer.

Officer McNutt explained that he would have to use her bloodshot eyes, the smell of alcohol on her breath, her slurred speech, her inability to recite the alphabet to make up his mind.



She did the heel to toe test and did not fail as badly as she had other tests.

The last test was a one-leg stand. She started to fall or stumble three times before being able to stand on one foot.

"Oh, shit, she exclaimed after losing her balance the first time.

She then refused to take an unofficial field breath test and was arrested.



At the police station is an interview of standard questions on a report form. Palmer's answer considering her condition appeared to be mixed. Some seemed to be lies and one seemed to be honest when she admitted that she felt she was under the influence of alcohol.

WHAT WERE YOU DOING DURING THE LAST THREE HOURS PRIOR TO CONTACT WITH LAW ENFORCEMENT?		
AT A FRIENDS HANGING OUT		
WERE YOU OPERATING THE VEHICLE AT THE TIME OF THE CRASH OR STOP?		
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
HAVE YOU BEEN DRINKING?	IF YES, WHAT WERE YOU DRINKING?	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	BEER	
TIME STARTED	TIME STOPPED	
6PM	8PM	
HOW MUCH?	WHERE?	ARE YOU UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE?
4	FRIENDS	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Palmer refused to take a breath test at the police station also.

Palmer was issued a citation for Driving While Intoxicated.

OUTCOME: Palmer's lawyer from Clayton moved the case to the Associate Circuit Court in Clayton on a fake jury demand, but he had no intention of having a jury hear this case. City prosecutor Brian Malone reduced the 12-point DWI charge not to and 8-point Excessive BAC charge, but to a 2-point Careless Driving charge.

On August 13, 2015 Palmer pled guilty to Careless Driving and was fined by Judge Dueker \$250.

Our Follow Up: I had been tracking this case and requested a report under the Missouri Open Records Law. I have found that Officer McNutt routinely writes brief narratives on DWI reports, relying heavily on the in-car video and audio recording and ignoring the fact that over time that video while not likely but could still be damaged and unable to play.

Also defense attorneys, the city prosecutor and judges in pre sentencing don't have time to watch a 30 minute video. They do have time to read a two-page report with lots of observations and quotes from the suspects. In this case Officer McNutt wrote three paragraphs of his observations up to the arrest. The post arrest portion of the report was about 60-words. The entire report was around three-quarters of a page with four short one sentence paragraphs.

There was a saying when I was a young police officer in the 1970s which is still true today. "If it isn't in your report, it didn't happen."

Since it was hard to tell exactly what happened and how intoxicated Palmer was, so before I blamed the City Prosecutor for failing to do his job, I filed another Sunshine request to view the video/audio recording of the arrest.

I took several photos from the video including Palmer's speeding car on the shoulder of the road and her arrest. I also took notes from her statements which allowed me to write up an account of her arrest that was three times as long as Officer McNutt's report.

In the end it was very clear that that Palmer was intoxicated and the DWI charge against her should not have been reduced. If a judge or jury saw the audio/video recording there is little doubt that Palmer would have been convicted. This is another example of St. Louis County/Town and Country justice. Palmer was rewarded for refusing to take a breath test.

Palmer's attorney had appealed the Breath Test Refusal Driving Privilege Revocation. That has been repeatedly continued and now has a setting in 2016.

SEX TOY PARTY ORGANIZER HAS CREDIT CARD STOLEN AT PARTY. On the day after Thanksgiving 2014, at 3 pm Lori Marie Cheatham went to the Chesterfield Police Department to report her Pay Pal credit/debit card had been stolen and used at the Mobil on the Run on Chesterfield Airport Road, on the day before Thanksgiving Wednesday November 26. Cheatham said when she found the card missing she went to the Mobil station where the manager let her watch the video of the person using the card for \$37.02 in gasoline.



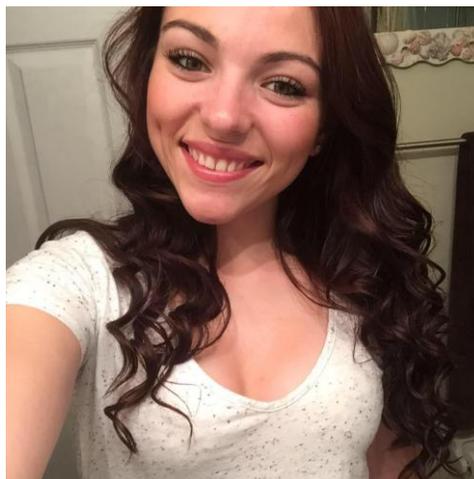
The victim Lori Cheatham

When watching the video she immediately recognized person using the card as Samantha Keeven, 21, of O'Fallon, Missouri. Both Cheatham and Keeven work together putting on in home parties selling sex toys for a firm called Pure Romance.

The two worked a party off Lydia Hill in Chesterfield in the afternoon the day before Thanksgiving. (Nothing says being thankful more than some Turkey, dressing, lubricant and a new vibrator.) She said she left her purse out all day.

Stealing a credit card device even if you only use it for just \$36 worth of gas is a Felony in Missouri.

Keeven came to the Chesterfield Police Department on Wednesday December 3 after being contacted by Officer Sorenson.



Mug shot December 2014 Sami Keeven Facebook photo May of 2015

She confessed to stealing the card. Here is her confession per the police report:

After reading Keeven her Miranda Rights, she acknowledge them and decided to waive her rights. I asked Keeven to explain to me what happened

the day of 11/26/14 at work involving Cheatham's credit card. Keeven immediately began crying and admitted to taking the credit card and using it at Mobil to get gas. Keeven stated she took the card from Cheatham's wallet while they were at work. Keeven said she then drove to Mobil located at 17195 Chesterfield Airport Rd to get gas. Keeven stated she took the card because she didn't have any money and was about to run out of gas. Keeven said she knew what she did was wrong and after she used the card she began to feel sick to her stomach. After using the card for gas Keeven said she threw the card in the trash. Keeven said she attempted to apologize to Cheatham, but she never responded to her phone calls or text messages.

On 12/30/14 a Felony Theft of Credit Card Device warrant was issued.

OUTCOME: On June 29, 2015 the charge was reduced to a misdemeanor Stealing charge. Keeven pled guilty. Judge John Borbonus immediately gave her a no-record, no-fine SIS probation term for 2-years. He further ordered her to be either in school or working during the probation period. According to her facebook page she currently has three jobs.

A VERY DRUNK DRIVER IS CHASED BY TOWN AND COUNTRY COPS INTO CREVE COEUR AND IS ARRESTED. SHE IS THEN REPRESENTED BY THE GUY WHO IS THE CREVE COEUR JUDGE AND CHESTERFIELD PROSECUTOR. THIS IS THE PROBLEM THAT NO ONE WILL ADDRESS! On December 10, 2014 at 1:47 AM Kelly Whittaker, 24, of Valley Park was observed by Town and Country Sgt. Wolfe driving at about 100 MPH in a 60 MPH zone and weaving between three lanes in her yellow 2007 Mustang.

Sgt. Wolfe finally got her stopped north of I-64 which put her in Creve Coeur. Whittaker, according to Sgt. Wolfe, was a triple threat in the balance department. She swayed when trying to stand still and staggered and stumbled when she tried to walk. Her breath had a strong smell of intoxicants, her speech was slurred and her eyes were both bloodshot and glassy.



Kelly Whittaker

At the time of the stop Whittaker admitted that she had been drinking at a bar in Hillsboro. That answer would change in 40-minutes. She badly failed all the field sobriety tests. Two tests were stopped as officers feared she would fall and injure herself. She took an unofficial field breath test that showed she was intoxicated.

She was arrested and taken from Creve Coeur to the Town and Country Police Station. There she refused to take the official breath test.

In an interview done 40 minutes after her arrest she denied that she had been drinking at all, despite admitting it at 1:47 am. Despite denying she had anything to drink twice at the station she refused to take a breath test. Later in the interview she said she was drinking after all, but only one drink in Hillsboro. She answered "Yes" when asked if she thought she was intoxicated.

She was cited for DWI, Speeding 99/60 Failure to Signal Lane Change.

OUTCOME: This clear hazard to the public was represented by none other than Tim Engelmeyer, the Chesterfield city prosecutor and the CREVE COEUR JUDGE! Since the police could not stop her until she got into Creve Coeur she was also driving drunk in Creve Coeur, MO.

On April 9, 2015 Whittaker pled guilty before Judge Dean Waldemer to DWI and was given a no-official record, no-points and no-fine SIS probation term. She was fined \$600 for speeding and the lane weaving charge was dismissed.



Odd as it may seem Judge Engelmeyer got a good deal from Judge Waldemer on his client who was arrested in Creve Coeur where Engelmeyer is the judge.

When they appealed her revocation to the Department of Revenue Engelmeyer did not use Whittaker's Valley Park address but instead used his law office address for her home address.

TOWN AND COUNTRY JUDGE IS WISE DEALING WITH SHOPLIFTER FROM VALLEY PARK Sarah Anne Martin, 32, of Valley Park was becoming a regular at shoplifting at the Town and Country Target Store. Store employees were told to keep a look out for her.

On Saturday December 13, 2014 store employees recognized Martin being in the store at 9:10 am and notified the store's security officer who immediately put Martin under surveillance.



Sarah Anne Martin 2014 Town and Country mud shot

The security officer watched Martin place a number of DVDs and later some wax melts of Febreeze behind her purse in the shopping cart. As she worked her way to the checkout she moved the DVDs, Febreeze and a birthday card into her purse. She was

observed paying for a few items and then leaving the store without paying for the items in her purse.

She was stopped outside of the store and taken into custody and taken to the security office.

It was determined she had stolen the following items:

\$59.97 DVD The Marvel Guardians of the Galaxy
\$19.99 DVD Dawn of the Planet of the Apes
\$24.99 Blue Ray DVD How to Train Your Dragon
\$24.99 Blue Ray DVD The Lego Movie
\$24.99 Blue Ray DVD Sleeping Beauty
\$24.99 Blue Ray DVD Earth to Echo
\$ 4.99 Birthday Card
\$ 5.98 2 Febreeze Wax Melt

Martin admitted she had been stealing from the store for some time, claiming she was selling the items at her home after posting them on her facebook page. She said she had been shoplifting since she lost her job to support herself and child.

Here is her past record that we we able to find.

05/23/14 Fraudulently Attempting to Obtain Cont Sub Creve Coeur PD
Pled Guilty 05/18/15 Probation



Martin's mug shot in 2014 on drug charges

OUTCOME: Martin pled guilty in Town and Country Municipal Court on March 12, 2015. Judge Dean Waldemer did something unusual, but smart. Since Martin didn't have any money and was stealing to support herself and despite having a drug conviction, he assessed \$26.50 in court costs and did not fine Martin.

What's the point of fining someone who doesn't have any money? She won't come to future court dates to pay a fine, because she doesn't have any money. A warrant will be issued and the police will have to spend time picking her up. This way she has a record of conviction that can be used to charge her with a felony if she continues to get arrested for stealing.

DWI THREE TIMES THE LEGAL LIMIT GETS NO POINTS AND NO FINE: ON Saturday December 13, 2014 at about 9:35 pm Town and Country Officer Cpl. Chris Moore was stopped in the marked police car at the southbound red light on Woods Mills Road and Clayton Road. As the light for Moore turned green Cpl. Moore observed the driver of a gray 2009 Honda Civic going east on Clayton Road disobey the red light and turn left onto NB Woods Mill Road. The car in front of Moore's police car had to stop and honk at the Honda.

Moore stopped the Honda on the parking lot of the Phillips 66 gas station. He contacted the driver Ramakrishna Boreddy, 43, of Ellisville who immediately appeared to be drunk. Boreddy's driver's license had been expired for a month.

Boreddy despite it being December 13 and about 40-degrees at the time of the stop was barefoot. His breath had a very strong odor of alcoholic beverage. His speech was slurred, confused and at times mumbling. His eyes were watery and bloodshot.

His balance was unsure.



From Cpl. Moore's police report we learned that Boreddy made an admission that he was drunk, but "not that drunk."

I turned around and stopped the vehicle on the parking lot of the Phillips 66 Service station at Woods Mill and Clayton. I made contact with the driver listed on page #1. I asked the driver if he had been drinking tonight and he stated: "Nothing like that." I asked the driver again and he stated "I'm not that drunk." I inquired again and he said he had 2 drinks.

After failing the field sobriety tests and a field breath test Boreddy was arrested and taken to the Town and Country Police Station. He agreed to take a breath test. The result of the test showed his block alcohol level to be .235%.

Boreddy agreed to be interviewed at the police station. He clearly was confused in his answers. This from Cpl. Moore's report:

INTERVIEW — RECORD PERSON'S RESPONSES			
WHAT TIME IS IT NOW? NO	WHAT IS THE DATE? 12/13/14	WHAT DAY OF THE WEEK IS IT? TODAY IS HARD TO SAY	WHAT CITY (COUNTY) ARE YOU IN NOW? CHESTERFIELD ELLISVILLE
WHEN DID YOU LAST EAT? IN THE MORNING		WHAT DID YOU LAST EAT? (CRIED) I DIDN'T EAT CEREAL	
WHAT WERE YOU DOING DURING THE LAST THREE HOURS PRIOR TO CONTACT WITH LAW ENFORCEMENT? NOTHING			
WERE YOU OPERATING THE VEHICLE AT THE TIME OF THE CRASH OR STOP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
HAVE YOU BEEN DRINKING? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, WHAT WERE YOU DRINKING? WINE SIR		
TIME STARTED MAYBE AROUND 6 O CLOCK PM? YES		TIME STOPPED 6:35 PM? YES SIR	
HOW MUCH? 35 ML	WHERE? IN THE CAR	ARE YOU UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO N/A	

OUTCOME: On April 9, 2015 Boreddy pled guilty before Town and Country Judge Dean Waldemer to both DWI and Disobeying a Red Electric Signal. Waldemer placed Boreddy on a 2-year SIS probation term that had no fine and no points. He did fine Boreddy \$350 for running the red light.



Three time over the legal limit isn't high enough to keep Judge Waldemer from giving someone a probation sentence with no points and no fine from driving drunk and almost hitting a car broadside.

DRUNK DRIVER CLAIMS THAT HE DOES NOT DRINK AND THEN REFUSED TO TAKE A BREATH TEST On Friday night March 6, 2015 Officer Jason Stumpf of the Chesterfield Police observed the driver of a black 2014 Mercedes Benz weaving between lanes as the car went down the entrance to EB I-64 from Boone's Crossing. Officer Stumpf followed the Mercedes and watched it continued to weave across lane markers. He turned on the in-car camera as the driver continued to weave and then sped up to 70 mph in the 60 mph zone with a marked police car behind him.

Officer Stumpf tried to stop the car before it exited on Highway 141 in Town and Country. The driver would not stop until he was on NB Highway 141.

Officer Stumpf stated that the driver, Thomas Helbig, 59, of 136 Saylesville in Chesterfield, had slurred speech, bloodshot eyes and there was a strong odor of alcoholic beverage coming from the car. Helbig claimed that "he did not drink" and the smell was from the female passenger, who he said had been all over him in the car.

Despite claiming he did not drink and had nothing to drink, Helbig refused to take any field sobriety tests or take a field breath test. From the report:

I made several request, and explanations for the request to either perform the S.F.S.Ts., or the P.B.T., but Helbig continued to refuse even though he claimed not to have consumed alcohol before driving. As a result of the reckless driving patterns, the odor of intoxicating alcohol, and other indicators of consumption, I informed Helbig that he was under arrest for operating a motor vehicle while in an intoxicated condition.

He also refused to take a breath test at the police station.



Thomas Helbig

Take a good look at Helbig's mug shot and make up your own mind if he was drunk and a liar claiming he does not drink.

OUTCOME: Chesterfield Prosecutor Tim Engelmeyer, a man who hates to actually prosecute anyone, dropped the DWI charge. Helbig pled guilty to Careless and Impudent Driving and fined \$300 and pled guilty to an amended charge of Illegal Parking instead of the Speeding and lane weaving violations also with a \$300 fine.

A COUNTY JUDGE ACTUALLY CONVICTS PRIOR DWI ARRESTED BY TOWN AND COUNTRY We routinely show cases where Judge Joseph Dueker gives people convicted of doing 113 MPH or DWIs with BAC levels 2 and 3 times over the legal limit no-points no-fine probation terms. Here is a case involving Judge Dueker where someone actually got convicted.

Cherise Taylor of St. Charles had a prior DWI arrest and refused to take a breath test in 2007 in St. Charles. On Tuesday night/Wednesday morning September 17, 2014 at 2:45am Taylor was driving a 2013 Silver Chevrolet Camaro when she attracted the attention of Town and Country Officer Fowle.

Taylor was WB on I-64 and was speeding 82 MPH when she went into the Ballas Road exit lane and then whipped back onto the main portion of road without signaling than got into the NB I-270 exit lane.

She was stopped going onto NB I-270. Here is what Officer Fowle wrote happened next.

I stopped the suspect driver and requested to see her driver's license and proof of insurance card. The driver handed me her Missouri driver's license. The driver was identified from that license as Cherice L. Taylor B/F 02/19/1973. Taylor admitted to speeding at 77 mph on the highway. I explained to Taylor the reasons for the traffic stop. I immediately noticed a strong odor about Taylor that smelled like an intoxicating beverage. Taylor's eyes were watery, bloodshot and glassy. Taylor initially denied drinking any alcoholic beverages. Taylor agreed to perform several field sobriety tests (See the observations and results of those tests on page one of the AIR. Also see the video from the in-car camera that was transferred to the video server). Taylor also agreed to submit to a portable test of her breath at the scene. The result of the PBT field sobriety test exceeded a .080% BAC. Taylor eventually admitted to drinking alcoholic beverages.

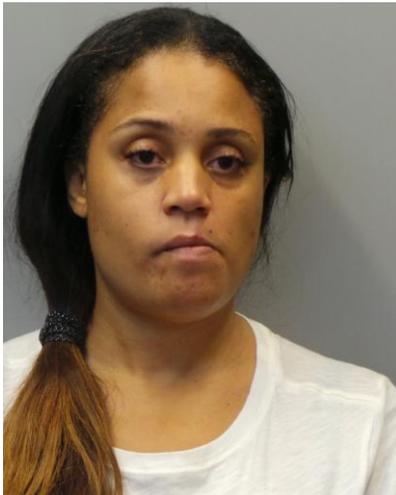
The alphabet test was especially amusing. Davis was asked to recite the alphabet starting with the letter "J" and ending with the letter "W." Here is her first try:

Davis: J, K...J, H, A, K

Here is her second try:

Davis: J, K, J, K, M, O, P

After her arrest and at the police station Davis refused to take a breath test. Despite showing signs of intoxication and failing a field breath test in an interview she denied that she had been drinking.



Cherice Taylor

OUTCOME: After having the case continued in the Town and Country Municipal Court for nine months, Davis' lawyer made a "jury demand" and transferred the case to the St. Louis County Associate Circuit Court.

On September 10, 2015 Taylor pled guilty to DWI before Judge Joseph Dueker. The companion charges were dropped by the city prosecutor. Dueker sentenced Taylor to 60 days in jail and fined her \$300. He stayed the jail time and placed her on a 2-year SES probation term, meaning she will receive both points and have to pay the fine.

In a week we will have another report on more new cases. These cases will be some with the most outrageous cases we have reviewed in a long time. We will also provide a way councilpersons and alderpersons can put a stop to the reduced charges and no-fine no-points probations if they really wanted to.

UPDATE: In our Post-Thanksgiving DRUNKS AND THIEVES Report we wrote how Donald Rafalowski who was placed on probation after pleading guilty on 04/21/14 to a one-car into a fix object DWI accident at a Chesterfield outlet mall that happened on November 30, 2013. At the time of the accident Rafalowski's kids were in the car. He was given a No-Fine, No-Points, SIS probation term.

On April 14, 2015 a little less than a year after being on the two-year probation for the Chesterfield DWI/accident with his kids, he was arrested for DWI by the Cottleville Police in St. Charles County. He was charged as a Prior Offender.

On December 10, 2015 He pled guilty in St. Charles and was sentenced to 180 days in jail, but the sentence was stayed and he was placed on a 2-year SES probation term.

A week after the guilty plea no one has notified the St. Louis County probation folks about this clear violation of Rafalowski's probation in the Chesterfield crash with his kids in the car.



ELLISVILLE JUDGE LETS THE WOMAN WHO THREATENED TO PEE IN THE POLICE CAR IF SHE WAS ARRESTED AND WAS MY MIDNIGHT CALLER OFF DESPITE THREE PRIOR DWIs. Ellisville Judge Donald Anderson is as blind at looking after the public's safety as Rick Brunk in Chesterfield, Tim Engelmeyer in Creve Coeur or Dean Waldemer in Town and Country. Take for example the cases of Kathleen Huggard.



Kathleen's second DWI conviction came in Wildwood, when she pulled up to an intersection in the middle of the night and got out of her car and began screaming at a passenger. Unfortunately for her there were two County police officers assigned to the City of Wildwood on a parking lot at the intersection shooting the breeze taking in her performance.

When she was being arrested Huggard told the cops if she wasn't released from handcuffs she would urinate in the police car taking her to jail. After being read her rights and asked if she understood them Huggard's response to the police was "Fuck You! You can talk to my lawyer."

Chesterfield Prosecutor Tim Engelmeyer had been her lawyer and after criticizing Engelmeyer in the newsletter, she began emailing me and then started calling my house between 2:30 and 3:30 in the morning.

A year later in 2014 she was arrested for DWI in Ellisville and charged with Felony DWI.

In 2014 she pled guilty and was sentenced to 120 days in jail but was placed on probation for three years.

Later Circuit Judge Sandra Farragut-Hemphill oversaw her probation. (This is the same judge that earlier this month refused to sentence a man to jail for a DWI crash on Thanksgiving night 2014 when he was driving on the wrong side of the road and hit a car head-on injuring four people in a family including a child that had his arm severed by the seat belt.)

Huggard was brought in for two probation violations and each time instead of going to jail her probation was extended. The latest was on November 5, 2015 when Farragut-Hemphill found she had violated her probation for the second time and extended her probation for an extra year.

Meanwhile in Ellisville the police twice caught Huggard driving on a revoked Driver's License with no special use provision.

She was arrested on June 18, 2014 and again on three weeks later on July 3, 2014. The cases were filed before Ellisville Municipal Judge Donald Anderson. Anderson allowed the cases to be continued for 1 1/2 years before sentencing on November after a September 24 guilty plea. Anderson even granted a continuance when Huggard failed to appear in court, which would normally result in a warrant.

On November 19 Anderson allowed both Driving While Revoked charges against a person on probation for felony drug driving to be reduced to No-Points, No-Jail Parking Violations.

Anderson is the same judge who gave a DWI probation sentence to Catherine Austermann, who while drunk at 1:50 in the afternoon caused an injury auto accident on Manchester Road and 11:30 at night was arrested at a convenience after a clerk refused to sell her beer because she did not have a driver's license. Instead of leaving, she took the beer to a restroom, locked herself in and started drinking the beer. When Anderson placed her on probation she already an ex-con having served felony drug sentences and who had several felony drug charges pending against her.

Anderson is the same judge who placed Chesterfield chronic bad boy Theodore Federer on probation for DWI while he was already on probation for a DWI accident in Camden County.

NEXT WEEK: We will have Part 3 of the Holiday 2015 Drunks and Thieves newsletter. This edition will include easy ways for elected officials to stop prosecutors and judges from reducing cases to Illegal Parking and Littering and avoid conflicts of interest.