

Upon completion of P.O.S.T., I was assigned to uniformed patrol for two and one half years. During that time I have made numerous arrests of persons in violation of various criminal codes pertaining to the use possession of marijuana. I assisted in surveillances and search warrants during my patrol duties, wherein amounts of narcotics were seized. I have had continual contact with admitted narcotic users, conversing with them regarding updated and current information on the usage, possession and sales of narcotics.

In June 1999 I was transferred to the Detective Bureau. I was first assigned to investigate burglary cases. During this assignment, I arrested numerous offenders not only for burglary, but during the course of my investigations, found that many of the suspects were motivated to commit burglaries by need to supply narcotic habits.

I received further training in the following areas. I completed and eighty hour block of instruction at the Drug Enforcement Administration Basic Narcotic Investigator School, a forty hour block Clandestine Laboratory Certification Course, a thirty-two hour block presented by the California Narcotics Association. I was assigned to the DEA Metro Narcotics Task Force from June 2000 to January 2003. I conversed frequently and assisted other detectives whose primary assignment is narcotic investigations. During these conversations and assists I've learned the habits and related criminal activity associated with narcotics crimes. I have continued to become versed in all aspects of narcotics sellers and users. I have written narcotics search warrants that resulted in narcotic seizures and convictions.

In January 2003 I was reassigned to uniformed patrol for four years where I continued to arrest persons in violation of criminal codes pertaining to the use or possession of narcotics and criminal codes pertaining to burglary, theft, fraud/forgery. In March 2007 I was assigned to the Millcreek Street Crimes Unit where I investigate property crimes (burglary, theft, stolen vehicles, fraud/forgery). I assist other detectives whose primary assignment is property crimes and I continue to investigate known narcotics users and distributors.

On December 10, 2012 at approximately 2300 hours Detective Fowler observed a black lift Dodge Ram traveling southbound on State Street approaching 3900 South.

Detective Fowler observed the vehicle making a right turn onto 3900 South into the eastbound travel lanes almost hitting a vehicle traveling eastbound, cross over the center median and pull into the KFC parking lot.

Detective Fowler then observed the vehicle go over the curb and stop in the parking lot of the U-haul.

Detective Fowler observed the driver get out of the vehicle and walk around to the passenger rear side when he made contact with the driver who was identified as Jonathan Fishback by Utah driver's license and the front passenger as Jake Reading.

Detective Fowler said when he spoke to Jonathan he had a strong odor of alcohol coming from his breath, red and watery eyes and slurred speech. Jonathan was being un-cooperative and was placed in custody.

Officer G. Evans arrived on scene and spoke to Jonathan who agreed to submit to field sobriety tests. Officer Evans had Jonathan perform the eye nystagmous, walk and turn and the one leg stand.

Jonathan had lack of smooth pursuit, 6 points on the walk and turn which included missing heel to toes, arms raised and miscounted his steps and 4 points for the one leg stand which included not following the instructions and not putting his leg out 6 inches in front of him, swaying and hopping to maintain balance. After the field sobriety tests were completed Jonathan was placed back in custody and taken to the Millcreek Office for further investigation.

Officer Evans conducted the DUI interview and Jonathan refused to give a breath sample.

Your Affiant is asking for the blood draw during the night time hours due to Jonathan is in custody and if waiting til morning for the blood draw the alcohol in his system will have metabolized.

A warrant for a blood draw is necessary to prevent the loss of evidence, to wit: through dissipation of the alcohol or any other controlled substance, from the blood.

WHEREFORE, your affiant prays that a Search Warrant be issued for the seizure of said blood at any time day or night, using a reasonable amount of force to obtain the sample.

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on: 11th day of December, 2012 by /s/ TRACY CRENO

IN THE THIRD DISTRICT COURT - ALL DEPARTMENT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

SEARCH WARRANT

No. 1158330

COUNTY OF SALT LAKE, STATE OF UTAH

To any peace officer in the State of Utah:

Proof by Affidavit made upon oath or written affirmation subscribed under criminal penalty of the State of Utah having been made to me by Officer TRACY CRENO of Unified Police Department, this day, I am satisfied that there is probable cause to believe

That

In the body of Jonathan Denis Fishback, further described as White male, 6'06, 203 lbs, brown hair, green eyes, Utah DL 171336336;

In the City of South Salt Lake City, Utah, County of Salt Lake, State of Utah, there is now certain property or evidence described as:

Blood belonging to Jonathan Denis Fishback.

And that said property or evidence:

Contains evidence of the crime or crimes of: Driving Under the Influence, in violation of Utah Code Ann. Section 41-6a-502, specifically, the substance alcohol.

YOU ARE THEREFORE COMMANDED: at any time of the day or night, using the reasonable amount of force necessary, to obtain a body fluid sample in the form of blood.

Dated: 11th day of December, 2012 /s/