

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Court Division

IN THE MATTER OF:

AFFIDAVIT AND REVOCATION REPORT OF

- CHARGING OFFICER
CHEMICAL ANALYST

G.S. 20-16.2, 20-16.5, 20-17.8, 20-19(c3), 20-139.1

Name
Address
City State Zip
Race Sex Date Of Birth Drivers License No. State Citation No.

The undersigned being first duly sworn says:

- 1. I am a law enforcement officer. On the ... day of ... at ... (a.) (p.) m., I had reasonable grounds to believe the above named person, hereinafter referred to as driver, operated a vehicle ... while committing an implied-consent offense in that ...
2. The driver has a drivers license restriction: ... alcohol concentration. ... ignition interlock.
3. The driver violated a drivers license restriction by: ... refusing to be transported. ... having no ignition interlock on the vehicle being driven. ... having an inoperable ignition interlock on the vehicle being driven. ... failing to personally activate the ignition interlock on the vehicle being driven.
4. I charged the driver with the implied-consent offense of: ... G.S. 20-138.1; ... Other Offense ... and the driver has one or more pending offenses for which the drivers license had been or is revoked under G.S. 20-16.5.
5. After charging the driver, I took the driver before ... a chemical analyst authorized to administer a test of the driver's breath.
6. I am a chemical analyst and possess a current permit issued by the Department of Health and Human Services authorizing me to conduct chemical analyses of the breath utilizing the Intoxilyzer, Model 5000.
7. I informed the driver, orally and also gave notice in writing of the rights specified in G.S. 20-16.2(a). I completed informing the driver of the rights as indicated on the attached ... DHHS 3908. ... DHHS 4003.
8. I began observing the driver for the purpose of complying with the observation period requirements for a breath analysis in accordance with the methods approved by the Commission for Health Services at ... (a.) (p.) m. on the ... day of ...
9. On the ... day of ... at ... (a.) (p.) m., I, the charging officer, ... The charging officer in my presence requested the driver to submit to a chemical analysis of his/her breath or blood and, for blood, I directed the taking of a blood sample by a person qualified under G.S. 20-139.1.
10. The driver was unconscious or otherwise incapable of refusal and therefore the notification of rights and request to submit to a chemical analysis were not made. I directed the taking of a blood sample by a person qualified under G.S. 20-139.1.
11. The driver submitted to a chemical analysis of his/her breath. I administered the chemical analysis to the driver in accordance with the methods approved by the Commission for Health Services using an Intoxilyzer, Model 5000, an automated instrument, and it printed the results of the driver's chemical analysis on the attached test record, DHHS 3908, which is made part of this Affidavit. The most recent preventive maintenance was performed on this Intoxilyzer on the ... day of ... as shown on the preventive maintenance record. I provided the driver with a copy of the attached test record before any trial or proceeding in which the results of the chemical analysis may be used.
12. A sample of the driver's blood was collected for a chemical analysis as indicated on the attached DHHS 4003.
13. The driver willfully refused to submit to a chemical analysis as indicated on the attached ... DHHS 3908. ... DHHS 4003. The willful refusal occurred in an implied-consent offense involving death or critical injury to another person.

SWORN AND SUBSCRIBED TO BEFORE ME

Signature Of Chemical Analyst/Charging Officer DHHS Permit No.

Date Signature Of Official Authorized To Administer Oaths

Print Name Of Chemical Analyst/Charging Officer

Notary SEAL (Date Commission Expires)

Magistrate Assistant CSC Deputy CSC CSC

Agency Name