

McLean County Incident Summary Report - 202205494

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Report # 202205494	Bloomington PD	
Report Date: 05/07/2022 22:04	Start Date: 05/07/2022 19:57	* 202205494 *
	End Date: 05/07/2022 23:15	
		202205494
Status: 03 - Cleared by adult arrest		
Summary:	DOG BITE COMPLAINT LEADS TO FELONY AGGRAVED DUI (3+) // DWLR // OBSTRUCTING JUSTICE ARREST	
Report Type:		

Incident Location

Address 100 BLOCK S EVERGREEN LAN

Intersection:

BLOOMINGTON, IL 61704

Beat: 4 -

2022-00019913

Distance:

Incident Offenses

1 - 2410 DUI - ALCOHOL CONCENTRATION IN BLOOD OR BREATH 0.08 OR MORE - CITATION 283505 11-501(A)(2) DUI ALCOHOL (FELONY) - Original Report

2 - 3730 OBSTRUCTING JUSTICE - - Original Report

3 - 2480 DRIVING WHILE DRIVERS LICENSE, PERMIT, OR PRIVILEGE TO OPERATE MOTOR VEHICLE IS - CITATION 283506 6-303(A) DRIVING WHILE LICENSE REVOKED (REVOKED ON 9/28/16 FOR 6 - Original Report

Incident People

SAMEDY, FITZGERALD - 09/06/1986 - Arrestee - Original Report - DCN: L76999893 - Arrest * 101031280 *
Date: 05/07/2022

101031280

[REDACTED] - Witness - Original Report

[REDACTED] - Other - Original Report

[REDACTED] - Witness - Original Report

[REDACTED] - Witness - Original Report

[REDACTED] - Witness - Original Report

[REDACTED] - Witness - Original Report

[REDACTED] - Original Report

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[REDACTED] - Other - Original Report

Incident Businesses

SOCIETY Original Report

240024054
240024054

Incident Vehicles

2014 WHI KIA , IL Lic #: CM30728 - Original Report

150943233
150943233

Incident Property

Original Report - DOCUMENT;DUI PAPERWORK;

110730157
110730157

Incident Officers

Approving SERGEANT WILLIAM LYNN - BPD - 7843 - Original Report

Reporting OFFICER BRYAN MCCALL - BPD - 12416 - Original Report

Arresting OFFICER BRYAN MCCALL - BPD - 12416 - Original Report

Assisting OFFICER WILLIAM SHELTON - BPD - 12539 - Original Report

Assisting OFFICER BRENNAN BURNS - BPD - 12582 - Original Report

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Incident Narrative 1 05/07/2022 22:04

Reporting OFFICER BRYAN MCCALL - BPD, ID # 12416

On Saturday, 05/07/2022, at approximately 1957 hours, I was in a marked squad car, unit #20. I was wearing my full department issued police uniform.

During this incident, I was equipped with a Body-Worn Camera (BWC). The BWC video was flagged and my BWC was later placed in a docking station to be uploaded to Evidence.com. Prior to completing this report, I have reviewed portions of my BWC video.

The following is a summary of this incident. This summary is paraphrased and may or may not represent the actual words used. The order of the items discussed may vary from that of the actual conversations occurring during this incident.

Officers were dispatched to [REDACTED] South Evergreen Lane for a dog bite report. The caller stated his neighbor's dog bit the caller's son.

I arrived on scene and observed several people standing in front of [REDACTED] and [REDACTED] South Evergreen Lane. I also observed a white KIA SUV (Illinois registration CM30728) parked on the roadway in front of [REDACTED] South Evergreen Lane. The vehicle was still running with the keys in the ignition.

Officers Burns and Shelton arrived on scene to assist.

I began to speak with several people regarding the dog bite incident. Please see EJS report 202205527 for further details on the dog bite investigation.

During the course of the incident, it was determined that the suspect dog (Budda) belonged to Fitzgerald Samedy. I first spoke with [REDACTED] (victim of the dog bite) and [REDACTED] and [REDACTED] ([REDACTED] parents). Also present was [REDACTED] ([REDACTED] grandfather) and [REDACTED] grandmother).

[REDACTED], and [REDACTED] all stated they were in the front yard and witnessed Fitzgerald driving the white SUV that was parked in the roadway. [REDACTED] stated Fitzgerald first drove past their house, stopped in the middle of the roadway, and backed up to the location that police later found his vehicle stopped at. Fitzgerald wanted to take his dog and they told him the dog was in the backyard and to wait for police. They noted that there was nobody else with Fitzgerald when he pulled up in the vehicle. Fitzgerald waited with them until police arrived.

It should be noted, I had briefly spoke to Fitzgerald earlier when I first arrived and could smell the strong odor of an alcoholic beverage coming from his breath. I also know Fitzgerald from previous police contacts and know him to have a revoked driver's license for previous DUI's.

I concluded my conversation with the above listed subjects and made contact again with Fitzgerald. While speaking with Fitzgerald, I observed his eyes to be glassy. At times, Fitzgerald had slowed and slurred speech. Fitzgerald's movements were slow and lethargic. When asked questions, Fitzgerald had some delayed responses as if it took him a period of time to think of what to say. I could smell the strong odor of an alcoholic beverage emanating from his breath. The odor grew stronger as Fitzgerald spoke. I observed a wet spot on Fitzgerald's pants in front of his crotch area. It appeared that he had urinated on himself. I noticed Fitzgerald would often stare off into the distance after I asked him a question.

Officer Burns ran Fitzgerald through Bloomington Dispatch and they confirmed his driver's license was still revoked.

I asked Fitzgerald who the KIA belonged to. He stated it belonged to his wife ([REDACTED]). I asked if he drove the vehicle and Fitzgerald paused and did not answer me. I asked again and he stated something to the effect of "I had to find my dog." I informed him that driving intoxicated on a revoked license was not the best way to look for his dog. It should be noted, Fitzgerald lives in the residence directly behind [REDACTED] South Evergreen Street.

I asked Fitzgerald how much he had to drink several times. He finally responded by saying "in my garage?" Due to his question, I asked how much he had to drink in his garage. Fitzgerald finally stated he believed he needed a lawyer. I asked if I could conduct HGN and check his eyes. Fitzgerald said no and turned away from me so I could not even see his eyes. It became clear he was not going to be cooperative with any further DUI investigation.

Due to the totality of the circumstances, I believed I had established clear probable cause that Fitzgerald was in actual physical control of a vehicle minutes before police arrived. I also believed from my observations that Fitzgerald was heavily intoxicated.

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At this time, I placed Fitzgerald under arrest for DUI. Fitzgerald was handcuffed behind his back with properly fitted handcuffs that were double locked. Fitzgerald was searched incident to arrest with no contraband found. I told Fitzgerald he was under arrest for DUI and DWLR. Fitzgerald was placed in the back seat of my squad car.

Fitzgerald's wife, [REDACTED], arrived on scene in a different vehicle. Upon seeing the KIA sitting in the roadway she stated something to the effect of "I didn't realize he drove this over here." Due to her statement, I believed she had been unaware that Fitzgerald used her vehicle.

I completed a tow report and a tow inventory. Joe's Towing arrived on scene and towed the vehicle. I provided [REDACTED] a Towed Vehicle Hearing Notice (6/1/22 at 1000 hours).

I noticed the neighbors at [REDACTED] South Evergreen were outside on their porch. I decided to make contact with them to see if they observed anything. I spoke with [REDACTED] and he stated the following:

[REDACTED] heard a commotion and came outside. He learned Budda had attacked [REDACTED]. Soon, he witnessed a white KIA SUV pull up and park in the roadway. He saw Fitzgerald get out of the driver's seat. He noted that Fitzgerald was very easy to identify due to the cowboy boots and cowboy hat that he (Fitzgerald) was wearing. [REDACTED] noted he could smell alcohol coming from Fitzgerald's person from several feet away.

I transported Fitzgerald to the Bloomington Police Department.

I checked Fitzgerald's mouth for foreign objects and started the 20-minute observation period at 2111 hours. I issued Fitzgerald a citation for 11-501(a)(2). I read Fitzgerald the Warning to Motorist, which he later signed. It should be noted, I had to explain the Warning To Motorist to Fitzgerald several times even though I placed a copy in front of him for him to read. He also continued to ask many of the same questions about other topics multiple times. This is a common behavior of someone who is intoxicated.

At 2141 hours, Fitzgerald refused to provide a breath sample into the EC/IR-II (Serial # 012747 & Test # 1895).

I requested Officer Burns sit with my custody while I applied for a search warrant. Officer Burns continued the observation period during this time. I spoke with the on-call ASA Ashley Scarborough. I completed a search warrant complaint in regards to the incident. At 2222 hours, the Honorable Pablo Eves granted and signed the search warrant.

I provided Fitzgerald with a copy of the search warrant. I read it to him in its entirety. Fitzgerald stated he needed a lawyer before he could decide. I told him that was not an option and that a judge had signed this warrant demanding him to "provide no resistance to the taking of the sample" such as breath. Fitzgerald stood up at first as if he was going to comply, then he sat back down. I told Fitzgerald to provide and breath sample as instructed by the search warrant and he stated he wanted a lawyer. Fitzgerald then acknowledged that he was refusing to comply with the warrant.

At 2239 hours, Fitzgerald again refused to provide a breath sample into the EC/IR-II (Serial # 012747 & Test # 1896). I explained he would be charged with a felony. Fitzgerald became upset and stated that was not fair because the criminal charge wasn't written on the search warrant. I asked if that changed his mind and if he was willing to comply with the warrant, however, Fitzgerald still refused to comply.

At 2239 hours, Fitzgerald again refused to provide a breath sample into the EC/IR-II (Serial # 012747 & Test # 1896).

I transported Fitzgerald to the McLean County Jail where I issued him the following paperwork:

- Citation 283505 11-501(a)(2) DUI Alcohol
- Citation 283506 6-303(a) Driving While License Revoked (Revoked on 9/28/16 for 6-205A2)
- Warning to Motorist
- Law Enforcement Sworn Report with Voided Receipt to Drive
- Search Warrant copy and breath receipt copy

I checked Fitzgerald's criminal history and observed a DUI conviction in 2009 and 2016. I also observed that he pled guilty to a McLean County Felony DUI in 2018.

Fitzgerald was charged with the following:

- Aggravated DUI (3+)

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- Aggravated DUI while DWLR
- DWLR
- DUI Alcohol
- Obstructing Justice

Fitzgerald was released to the jail staff for further booking.

During my time with Fitzgerald, I continued to smell the strong odor of an alcoholic beverage emanating from his breath. While leaving the police department, Fitzgerald stumbled while walking down a step. He also ran into the police squad car door while attempting to exit the vehicle.

I packaged a copy of all DUI paperwork as evidence and placed it into Standard Evidence Locker #8 for safekeeping. I also uploaded a copy to Evidence.com.

On 5/8/22, I conducted a neighborhood canvas in reference to the dog bite. During this, I made contact with Fitzgerald's next door neighbor, [REDACTED]. [REDACTED] told me that he heard a lot of noise on 5/7/22 and realized that Fitzgerald's dog got out. [REDACTED] told Fitzgerald he needed to get his dog. [REDACTED] said Fitzgerald started walking towards the side of the fence as if he was walking to the neighbor's house. Fitzgerald then walked back to the front of the house. [REDACTED] did not see what happened after that because he went inside. [REDACTED] described Fitzgerald as "pretty drunk."

I ended my neighborhood canvas.

Later on 5/8/22, I listened to a jail phone call Fitzgerald made on 5/8/22 at 1305 hours. He appears to be speaking with his wife, [REDACTED] ([REDACTED]). During the conversation, [REDACTED] and Fitzgerald were talking about the incident that took place on 5/7/22.

Fitzgerald asks [REDACTED] "Did Budda break out? Like he broke through the fence?"

[REDACTED] stated "I just know that when you came in you told me... we got a big problem... We gotta go find Budda."

Fitzgerald then tells [REDACTED] how he can justify what he did. It sounds like Fitzgerald says something to the effect of the kid being in danger because of Budda. Fitzgerald says if anyone asks why he did things the way that he did, he would claim that [REDACTED] was "in the shower." Fitzgerald goes on to say "I was the only one, by the time 911 showed up, because I'm hearing screaming, yelling. I went down and it's faster to drive than to walk.

Fitzgerald continued by telling [REDACTED] that he refused all breath and blood tests and field sobriety tests. He stated that the police screwed up by not "testing" him for "alcohol." Fitzgerald added that the "police didn't catch me driving."

I found it odd that he was asking if Budda broke out since it was clear that Budda had broken out. Due to my conversation with [REDACTED], I know [REDACTED] told Fitzgerald that his dog broke out and was in the neighbor's yard. [REDACTED] said Fitzgerald started walking down the side of his yard, but then turned around and went back up front. It should be noted, if Fitzgerald had continued walking down the side of the yard, he would've been at the neighbor's yard where Budda was. He could've called for Budda and that would've been the fastest way to help if Fitzgerald truly believed the child was in danger.

In addition, Fitzgerald never called 911 and he even attempted to take his dog and leave before police arrived according to [REDACTED] and [REDACTED]. They told him to leave the dog until police arrived.

It should be noted, when police arrived, Fitzgerald told Officer Burns he did not know where Budda was at.

It appears that instead of walking or having his sober wife (who has a valid driver's license) drive to look for the dog, Fitzgerald chose to drive himself and is now talking to [REDACTED] about how to justify what he did.

Another phone call on 5/8/22 at 0411 hours was made from Fitzgerald to [REDACTED]. In the call Fitzgerald asks if she is okay. [REDACTED] says "Hell no I'm not okay. I wanna cuss your ass straight the fuck out. The hell was you thinking?" From her comments, I believed she was displeased with the way Fitzgerald handled the situation. She also added that he should've put the dog up when she told him to and that he is at fault for what happened.

I downloaded the phone calls to Evidence.com.

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This report is cleared by the adult arrest of Fitzgerald Samedy (Code 03).