

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA**

**CCN Number:15018779**

**GERSTEIN AFFIDAVIT**

**District of Columbia**

**VS**

**NUNEZ, AVERY NELSON**

Officer **MACPHERSON, WILLIAM**, Badge **U11104**, personally appeared on **02/07/2015** and under penalty for making a false statement, set forth the below statement regarding the named defendant as true and/or as based upon information s/he believes to be true, and that the events occurred in the District of Columbia.

The event occurred on **02/07/2015** at approximately **0230** at **1700 H ST NW** in Washington DC.

ON SATURDAY, FEBRUARY 7, 2015, AT APPROXIMATELY 02:30 HOURS, AO (MACPHERSON, W BADGE #0892) WHILE OPERATING A MARKED SECRET SERVICE VEHICLE, RESPONDED TO A CALL OF A VEHICLE OBSERVED BY AAO1(CROZIER, R BADGE# 1565) TRAVELING THE WRONG WAY WEST BOUND IN THE 1700 BLOCK OF H STREET NW (NOI #265009743) WITH NO HEADLIGHTS ON. AO LOCATED THE VEHICLE AT THE CORNER OF 18TH AND H STREET NW AND PROCEEDED TO CONDUCT A TRAFFIC STOP. THE VEHICLE, A BLACK HYUNDAI ACCENT, BEARING VIRGINIA LICENCE PLATE (VBZ-9853) AND OCCUPIED TWO TIMES WAS FACING COUNTER FLOW ON A ONE WAY STREET. AO AND AAO1 APPROACHED THE VEHICLE AND IDENTIFIED THE DRIVER OF-1 BY HIS VIRGINIA DRIVERS REGISTRATION (# A69642250) AS MR. AVERY NELSON NUNEZ.

OF1 WAS ADVISED BY AAO1 TO PUT HIS VEHICLE IN PARK AND TURN OFF THE VEHICLE. AO ASKED FOR AN NCIC /WALES, CHECK OVER THE RADIO ON THE VEHICLES TAG WHICH RETURNED CLEAR. AAO1 OBSERVED THAT OF1 WAS SWEATING PROFUSELY AND HIS EYES WERE GLAZED OVER. OF1 ALSO WAS NOT ABLE TO PUT THE VEHICLE INTO PARK AND TURN IT OFF. AAO1 HAD TO ASSIST OF-1 WITH PUTTING THE VEHICLE INTO PARK AND TURNING OFF THE ENGINE. AAO1 THAN PROCEEDED TO INFORM AO THAT THERE WAS AN ODOR CONSISTENT WITH AN ALCOHOLIC BEVERAGE EMANATING FROM OF1'S BREATH AND ABOUT HIS PERSON. AAO1 ALSO OBSERVED TWO OPEN BUD LIGHT BEER BOTTLES SITTING IN THE CENTER CONSOLE OF THE VEHICLE WITH THE BOTTLE CAPS PLACED UNDER THEM (NOI #265009732). THERE WAS ALSO VOMIT ON THE STEERING WHEEL, OF1'S PANTS AND THE SEAT IN BETWEEN OF1'S LEGS. AO THAN PROCEED TO REQUEST A FIELD SOBRIETY TECHNICIAN AND CRIME SCENE TO RESPOND TO THE SCENE FOR PICTURES OF THE BUD LIGHT BOTTLES.

USPP OFFICER (DEVERE, M. BADGE# 126) RESPONDED AT 02:47 AND CONDUCTED SFST'S AND INFORMED AO THAT OF1 SHOWED ENOUGH CLUES OF IMPAIRMENT TO BE ARRESTED FOR DUI.

AT 03:21 HOURS, OF1 WAS PLACED UNDER ARREST FOR DUI, AND POCA.

OF1 WAS TRANSPORTED TO 960 OHIO DRIVE SW WHERE HE WAS PROCESSED AND ADVISED OF HIS RIGHTS. OF-1 PROVIDED TWO BREATHE SAMPLES WITH THE FIRST BEING .125 AT 04:53 HRS AND THE SECOND BEING .134 AT 04:58 HRS.

ANA TOWING RESPONDED TO THE SCENE AND TOWED THE VEHICLE TO 1913 BLADENSBURG RD NE WASHINGTON D.C. FOR SAFE KEEPING.

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Police Officer

\_\_\_\_\_  
Witness / Assistant Attorney General for the District of Columbia

**MACPHERSON, WILLIAM**

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name of Witness / Deputy Clerk

The foregoing statement was made under penalty of criminal prosecution and punishment for false statements pursuant to D.C. Code § 22-2514