

DISTRICT/COUNTY COURT, SAN JUAN COUNTY, COLORADO		
Court Address:	1557 Greene St. Silverton, CO 81433	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>
Phone Number:	(970) 387-5790	Case Number:
Plaintiff:	People of the State of Colorado	Div.:
Defendant:	Clapper, Evan	Ctrm.:
Officer's Name:	Abigail Armistead	
Phone Number:	970-387-5531	
Fax Number:	970-387-0251	
AFFIDAVIT OF PROBABLE CAUSE SUBSEQUENT TO WARRANTLESS ARREST		

I, Deputy Abigail Armistead, a peace officer with the San Juan County Sheriff's Office, by signing my name below, before the notary public named below, solemnly, sincerely, and truly declare and affirm that for the following facts and information establishing probable cause for the warrantless arrest of: Clapper, Evan (DOB: 08/27/78) on 03/17/2021 at approximately 2130, in case number 21-032, for the crime(s) or offenses(s) of:

- | | | |
|---------------------|-------------------------------------------------|----------|
| CRS 42-4-1301(1)(A) | OFFENSE Drove Under the Influence of Alcohol | TYPE M2 |
| CRS 42-4-1409(3) | OFFENSE Drove Uninsured Motor Vehicle - NPOI | TYPE MT1 |
| CRS MTC-1101(1) | OFFENSE Speeding 33 MPH in a 25 MPH Zone | TYPE TIA |
| CRS 42-4-113(6) | OFFENSE No Registration Card in Vehicle | TYPE TIB |
| CRS 42-3-114 | OFFENSE Displayed Expired Number Plates | TYPE TIB |
| CRS 42-4-703(A) | OFFENSE Failed to Stop as Required at Stop Sign | TYPE TIA |
| CRS 18-8-104(1)(A) | OFFENSE Obstructing a Peace Officer | TYPE M2 |

Are true and correct to the best of my knowledge, information, and belief.

On March 17th, 2021, at approximately 2130 hours, I was patrolling on Greene Street and traveling northbound when I observed a vehicle traveling southbound towards me on Greene Street that appeared to be traveling faster than the posted 25 MPH speed limit. I observed my radar which was set to opposite direction mode, and saw it display a speed of 30, 31, 33, and 33, while emitting a solid steady tone. The vehicle passed by me and I pulled over and turned in my seat to look back as it approached the stop sign at the intersection of Greene Street and Highway 550. I saw the brake lights come on and the vehicle slowed slightly but proceeded through the intersection and entered Highway 550 before coming to a complete stop. I made a u-turn intending to follow the vehicle and initiate a traffic stop. The vehicle

turned right off of the highway and into the San Juan Services Gas Station where it continued through the parking lot and around the rear of the building before turning onto Reese Street at the intersection with Highway 550 where there is another stop sign. The vehicle did not stop or slow down at this stop sign and immediately turned left to enter the highway. I observed that as the vehicle attempted to negotiate the turn, it had turned so widely that both the front and rear passenger side tires ended up in the gravel ditch and remained there while the vehicle continued in motion for approximately 10-15 feet before the driver corrected the vehicle back onto the roadway. After the roadway was clear of oncoming traffic, I also turned left and intercepted the vehicle within approximately 0.25 miles. I activated my emergency lights and siren and the driver slowed but remained in motion for approximately 100 yards before coming to a stop. I observed that the vehicle was a white Toyota 4Runner bearing Utah license plate "W734LW." I ran the plate through dispatch and was informed that it had expired in December of 2020. I observed the registration stickers on the plate also read December of 2020.

I contacted the driver who was the lone occupant of the vehicle and explained the reason for the stop which was for traveling 33 MPH in a posted 25 MPH zone and for failing to stop at two different stop signs. As I was speaking, I observed that his eyes were watery and he was smiling, which I found somewhat unusual. Based on this unusual behavior, the glassy look of his eyes, his failure to obey two different stop signs, and his failure to stay on the pavement while negotiating the turn onto the highway, I then asked the driver if he had been drinking. His speech was slow and slurred and he said that he had one beer. I requested his driver's license, registration, and insurance. He passed me his license and I identified him as Evan Clapper of Moab, Utah. He said that he had just cleaned out his vehicle and did not have the registration card but that he did have proof of insurance. Again, I observed that his speech was slow and slurred with long pauses in between words. He began fumbling with a stack of credit cards seemingly looking for an insurance card. As he did so, I asked if he was sure that he had only had one beer. He stopped looking through the cards and said that he had a beer after skiing and after dinner. He did not resume looking for the insurance card until I asked him about it again, to which he responded by saying he couldn't find it. I directed him to remain inside his vehicle while I returned to my patrol car where I placed a call to the Undersheriff to request that he meet me at my location and act as a cover car while I continued my investigation. Approximately 15 minutes later at about 2150 hours, the Undersheriff arrived on scene and I asked Mr Clapper if he would be willing to perform voluntary roadside maneuvers, to which he agreed. I asked him out of the vehicle and as he opened the door, I observed a strong odor of an unknown alcoholic beverage. He appeared unsteady on his feet and used the vehicle to balance himself while exiting. I proceeded to walk Mr Clapper through the voluntary roadside maneuvers and observed that he was unsteady on his feet and unable to satisfactorily complete them as compared to a sober person.

After the roadside maneuvers, I asked Mr Clapper to take a seat in the vehicle again where I explained the Colorado Express Consent law and asked if he would cooperate with a blood draw. Mr Clapper asked if he could take the test tomorrow and I said that would not be an option. He thought it over for a moment and then agreed to be transported to the sheriff's office for a blood draw. I asked him out of the vehicle and motioned to the Undersheriff to come closer to assist me in placing Mr Clapper in handcuffs. The Undersheriff asked Mr Clapper to turn around and put his hands behind his back which he did cooperatively until he felt the handcuffs being put on, at which time he moved his arms and attempted to walk away from us. The Undersheriff directed Mr Clapper to stop moving and remain calm and I grabbed his arm to hold it still behind his back while the Undersheriff finished cuffing him. Mr Clapper verbally objected to being placed in cuffs and continued to do so after being placed in the rear of my patrol vehicle. I told him that they would be removed upon arrival at the sheriff's office for the blood draw.

I searched his vehicle incident to arrest and located an open and empty beer can behind the center console that divided the two front seats. I also located approximately an open case of White Claw alcoholic beverages directly behind the driver's seat that only had about half of the cans left in it, all of which were still sealed and unopened.

When we arrived at the sheriff's office, Mr Clapper refused to step out of the patrol vehicle and go inside the building unless we removed the handcuffs. The Undersheriff informed Mr Clapper that he

would remove them once we got inside but that they needed to stay on until then. Mr Clapper repeatedly refused to exit the vehicle. The Undersheriff attempted to persuade him for approximately 15 minutes and Mr Clapper continued to refuse. The Undersheriff again explained the Colorado Express Consent law to Mr Clapper and stated that if he refused to exit the vehicle, he would be charged with obstructing a peace officer and transported to jail. Mr Clapper continued to protest the handcuffs and say that he would not exit the vehicle unless they were removed. After approximately 20 minutes of Mr Clapper refusing to cooperate, he was then transported to La Plata County Detention Center.

Your affiant states that the offense(s) of

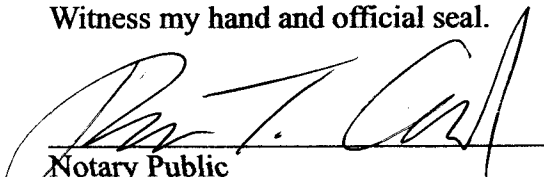
Drove Under the Influence of Alcohol	TYPE M2
Drove Uninsured Motor Vehicle - NPOI	TYPE MT1
Speeding 33 MPH in a 25 MPH Zone	TYPE TIA
No Registration Card in Vehicle	TYPE TIB
Displayed Expired Number Plates	TYPE TIB
Failed to Stop as Required at Stop Sign	TYPE TIA
Obstructing a Peace Officer	TYPE M2

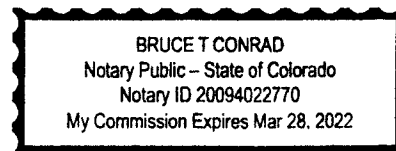
occurred in the County of San Juan, in the State of Colorado.


Affiant - Applicant

The foregoing affidavit was subscribed and sworn to before me this 19 day of MARCH, 20 21, in the County of San Juan, State of Colorado.

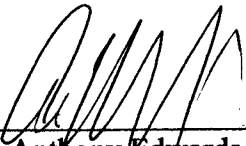
Witness my hand and official seal.


Notary Public



My commission expires on 03/28/22.

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- Probable Cause Found
 Probable Cause Not Found



Judge Anthony Edwards
San Juan County Court Judge

District Court Judge
Sixth Judicial District