

EXHIBIT 2

Date Reported: 07/20/2009 Time Reported: 00:23

Dispatch Time: Arrival Time: 00:23 Clear Time: 02:10

Officers: M. York M. Warmuskerken

Classification: OBSTRUCTING POLICE -- (4800-0)
OUIL OR OUID -- (5400-2)

Location: LAKESHORE & LUDINGTON Section / Nbh: 3rd WARD / 301

Description: OWI/OBSTRUCTING/DISORDERLY/R&O Clerk: MY

Suspect / Arrested / Passenger:

MCADAM, JOSEPH MICHAEL
129 W LUDINGTON AVE APT 2
LUDINGTON, MI 49431

DOB: 01/30/1971

10/1/09 - Guilty (W) Adult & Juvenile
trial, 93 case fact, sub abuse and
not to have any more alcohol

Ops: M-235-441-603-080 / MI

Race: White Sex: Male Hair: Brown Eyes: Blue Ethnicity: * See attached
Height: 6'07" Weight: 210 lbs. Build: Build: Complex: Resident: Judgment *

Arrest Information:

No	Date	Code	Description	Disp	Disposition of Case
1	07/20/2009	4802	OBSTRUCTING CRIMINAL INVESTIGATION		
2	07/20/2009	4801	RESISTING OFFICER		

Suspect / Arrested / Driver / Ticket:

MCADAM, SUSAN LYNNE
6945 E A ROAD
WALHALLA, MI 49458

DOB: 07/29/1953

12/16/09 - Guilty (W) Adult & Juvenile
trial, 93 case fact, sub abuse and
not to have any more alcohol

Ops: M-235-778-564-594 / MI

Race: White Sex: Female Hair: Brown Eyes: Blue Ethnicity: * See attached
Height: 5'07" Weight: 180 lbs. Build: Heavy Build: Complex: Resident: Judgment *

Arrest Information:

No	Date	Code	Description	Disp	Disposition of Case
1	07/20/2009	8041	OUI OF ALCOHOL		
2	07/20/2009	7399	MISCELLANEOUS ARREST		

Other:

Adkinson, Karen
Atkinson Dr, 1
Ludington, MI 49431

Notes: Lab Tech.

Other:

KUSTER, DR
MEMORIAL MEDICAL CENTER ER
LUDINGTON, MI -

Phone: (231) 843-2591 (Main)

Race: White Sex: Female

Subject:

DAVILLA, OSCAR
302 N DELIA
LUDINGTON, MI 49431

Phone: (231) 843-3475 (Main)

Ops: D 140 667 003 645 / MI

Race: White Sex: Male Hair: Black Eyes: Ethnicity:
Notes: MCSD

7-20-09 5:11 PM
09-003488

Subject:

WILSON, DEREK

MCSD

LUDINGTON, MI 49431

Race: White Sex: Male

Known Aliases: WILSON, DEREK

Tickets:

Name: MCADAM, SUSAN LYNNE

DOB: 07/29/1953

Vehicle: GRAY 1998 CHRYSLER SEBRING 2 DOOR

Tag: ZXS26 / MI

Number	Date	Count / Type	Charge	Description
A-11763-09	07/20/2009	1) Misdemeanor	257.625(1)	OWI
		2) Misdemeanor	257.311	NO OPS ON PERSON
		3) Civil Infraction	257.688	NO TAIL LIGHTS

Vehicles:

GRAY 1998 CHRYSLER SEBRING 2 DOOR

Tag: ZXS26 / MI

Registered To: SUSAN LYNNE MCADAM
6945 E A ROAD WALHALLA PO BOX
LUDINGTON 49431S

VIN: 3C3EL55HXWT308351

Original Narrative, completed 07/20/2009:

DATE/TIME:

07/20/09 at approximately 0223 hrs

SYNOPSIS:

OWI

Obstructing

Disorderly

R&O

ARRESTED:

SUSAN LYNNE MCADAM 07/29/1953

JOSEPH MICHAEL MCADAM 01/30/1971

VEHICLE:

Michigan registration ZXS26 on a gray Chrysler Sebring convertible

INFORMATION:

On 07/20/09 at approximately 0023 hrs, I, OFFICER YORK, was driving a fully marked Ludington police vehicle westbound on Lowell approaching Lakeshore. I saw a gray Chrysler Sebring southbound on Lakeshore. As the vehicle passed my patrol vehicle, I saw the vehicle did not have taillights. I followed behind the vehicle southbound on Lakeshore as it was swerving from side to side within the lane. On Lakeshore, near Ludington Ave, I activated my emergency lights to initiate a traffic stop. The driver pulled the vehicle to the side of Lakeshore just north of Ludington Ave.

CONTACT:

I made contact with the driver and identified her as SUSAN LYNNE MCADAM and the passenger as JOSEPH MICHAEL MCADAM from previous encounters. I asked SUSAN for her drivers license. SUSAN advised she did not have her license on her, but did have a valid license. SUSAN was able to provide her registration and insurance information. When I made with contact with SUSAN, I could immediately smell an odor of intoxicants, which became stronger when she spoke. SUSAN 'S eyes were glassy and bloodshot, and her speech was slurred.

Original Narrative, completed 07/20/2009 (continued):

I returned to my patrol vehicle to run SUSAN'S file and check her driving status. I returned to SUSAN'S vehicle and asked her to exit. I walked SUSAN to the back of her vehicle and showed her that she did not have taillights. I asked SUSAN if she had anything to drink tonight. SUSAN replied, "Yup, I had two at my moms." SUSAN advised she was drinking Vodka and Cranberry juice.

FIELD SOBRIETY TESTS:

I advised SUSAN I wanted to run her through field sobriety tests to check her sobriety. SUSAN said she knew I did not have to give the tests and legally she did not have to take them. SUSAN agreed to take the tests.

G - W ALPHABET:

SUSAN advised she knew the alphabet. I asked SUSAN to recite the alphabet from G to W. SUSAN asked, "Could you do that, seriously?" I demonstrated the test and SUSAN stated, "Sir, it's been so many years, I'm over 60 years old."

The test was interrupted when JOSEPH exited his vehicle. See OBSTRUCTING section.

I continued the OWI investigation and attempted to get SUSAN to attempt the other field sobriety tests. SUSAN asked "Are you really gonna push this? Then just arrest me cause this is so silly." I again asked her to take the tests. SUSAN stated, "I am not doing the alphabet." I asked SUSAN to attempt to the alphabet all the way through. SUSAN replied, "I don't have to do that, if you wanna take my blood go ahead, I don't care."

After another interruption from JOSEPH, I again told SUSAN she needed to finish my tests. She advised, "I don't have to do the tests."

ARREST:

I told SUSAN to turn around and advised her she was under arrest. SUSAN said "No." I repeated several times for her to turn around and put her arms behind her back. SUSAN refused to listen. I grabbed a hold of her by the jacket and arm and used minimal force to turn her around and place her in handcuffs. The handcuffs were checked for tightness and double locked. I walked SUSAN back to my patrol car as she continued to pull away. SUSAN refused to get in the back of my patrol vehicle and was helped into the car with minimal force.

PRELIMINARY BREATH TEST:

At 0044 hrs, I read SUSAN her PBT rights. SUSAN agreed to take the test, but refused to blow properly into the PBT. I instructed SUSAN several times to put her mouth around the tube and blow. Several times SUSAN blew near the tube, but most of her air did not go into the tube. After the fourth improper blow, I manually triggered the PBT and it registered a .175%bac.

PBT # 6885-C1

VEHICLE:

The vehicle was towed by Abrahamsons

ADVICE OF RIGHTS:

I transported SUSAN to Memorial Medical Center where I read her chemical test rights. SUSAN agreed to take a blood draw.

Original Narrative, completed 07/20/2009 (continued):

MEDICAL ATTENTION:

After the blood draw, SUSAN demanded medical attention. DR KUSTER examined SUSAN and advised she did not have any medical problems that needed attention. SUSAN demanded to be hospitalized. DR KUSTER advised SUSAN the hospital would not admit her.

LODGED:

I transported SUSAN to the Mason County Jail where she was lodged for OWI.

EVIDENCE:

In-car video camera DVD available at Ludington PD.

Veh. 116

TIMES:

Traffic Violation - 0023

Arrest - 0036

PBT - 0044

Advised of Rights - 0057

Blood Draw - 0110

Lodged - 0200

OBSTRUCTING:

While conducting the investigation of OWI on SUSAN, JOSEPH exited the vehicle and walked toward where SUSAN and I were standing. I asked JOSEPH if I could help him. JOSEPH advised, "He wanted to make sure she (SUSAN) was ok." I told him she was fine and asked him if he would get back into the car; which he did. A few minutes later, JOSEPH exited the vehicle again. I told him to get back into the car. JOSEPH replied, "I don't have to, I can walk home right now if I want" as he walked toward SUSAN and I. I told him that he could leave, but he needed to stop interfering with my investigation and needed to get away from me. He continued saying he did not have to do anything and I radioed for back up.

OFFICER WARMUSKERKEN arrived on scene shortly after and attempted to move JOSEPH back. JOSEPH pulled out his cell phone and was holding directly in OFFICER WARMUSKERKEN'S face. JOSEPH repeated that he was filming everything on his phone. OFFICER WARMUSKERKEN moved JOSEPH'S hand from in front of his face and JOSEPH yelled that he was assaulted. OFFICER WARMUSKERKEN walked JOSEPH back to Ludington Ave and I could hear JOSEPH arguing with everything OFFICER WARMUSKERKEN was saying. I told OFFICER WARMUSKERKEN if JOSEPH was leaving to let him go. OFFICER WARMUSKERKEN started walking back toward me and JOSEPH yelled and followed him back.

DEP DAVILA and DEP WILSON arrived on scene. I advised the two deputies that JOSEPH was the problem.

SEE DEP DAVILA'S report.

OFFICER YORK #220

Supplement, dated 07/20/2009, by Officer M. Warmuskerken, completed 07/20/2009

LUDINGTON and LAKESHORE:

On the above date and time I, OFFICER WARMUSKERKEN, was asked to assist OFFICER YORK on a traffic stop. As I arrived to the scene, I witnessed OFFICER YORK advising JOSEPH to get back away from him. Upon approach, I advised JOSEPH to get back in to his car. JOSEPH replied to me that, "I don't have to listen to you punk." JOSEPH raised his arms up with his fist clenched and asked, "why are you making a big deal out of this, we can make a big deal out of this." I advised JOSEPH that we are not making a big deal out of this and he needs to sit down or take a seat in the car. JOSEPH at this point took out his cell phone and advised that he was filming everything that was going on. JOSEPH began holding his cell phone directly in my face. I advised JOSEPH to get his phone out of my face and JOSEPH replied with that he didn't have to. I then moved his phone out of my face. JOSEPH began yelling that he was assaulted. JOSEPH began walking towards Ludington Ave. I was advising JOSEPH that he needed to take a seat and he was arguing that he didn't have to listen to me. OFFICER YORK advised me to let JOSEPH go. At this point Deputy WILSON and DAVILLA arrived at the scene. As I started heading back towards OFFICER YORK, JOSEPH turned around and yelled something and began following me. As Deputies approached my location, Deputy DAVILA advised JOSEPH to turn around or he would be under arrest. JOSEPH took his phone out and began filming again. DEPUTY DAVILA informed him to turn around and that he was under arrest. JOSEPH turned away from us and started walking away. JOSEPH resisted Deputies efforts in taking him in to custody; it was at this point I assisted. Deputies and I were able to get JOSEPH to the ground. JOSEPH continued to resist. Deputies and I kept reminding JOSEPH that he was under arrest and for him to quit resisting. Deputy DAVILA warned JOSEPH to quit resisting or he would be tazed. JOSEPH continued to resist and Deputy DAVILA drive stunned JOSEPH. The drive stun had no effect so Deputy Wilson drive stunned JOSEPH with no effect. I also drive stunned JOSEPH in the left should blade with no effect. Deputy DAVILA warned JOSEPH again to stop resisting with no de-escalation. Deputy DAVILA shot his tazer cartridge in JOSEPH's back. JOSEPH stopped resisting enough for officers to place him in to custody.

(See Deputy DAVILA's report)

INJURY DURING INCIDENT:

While Deputies and I were trying to hand cuff JOSEPH, I was hit in the face on my right cheek during the process with no serious injury or no hospitalization. Redness and light swelling to my right cheek occurred. Photograph was taken. I was unable to determine what I was hit with or by whom.

MEMORIAL MEDICAL CENTER ER:

JOSEPH was brought to the ER to be physically checked out by a doctor after being tazered by Deputy DAVILA. JOSEPH sustained minor cuts and scrapes on his knee from falling on the pavement. A nurse was treating it and applying gauze to his knee. JOSEPH was cooperative lying down with both legs on the bed and had only one hand cuffed to the side rail of the bed. JOSEPH stopped being cooperative when he realized that we had his cell phone and he wasn't getting it back. JOSEPH wouldn't let the nurse finish treating his knee and he took his leg off of the bed. Deputy WILSON advised JOSEPH to put his leg back up on the bed. JOSEPH refused and sat up and put his other leg down. Deputy WILSON grabbed his tazer and warned JOSEPH to lie back down and put his leg back on the bed. JOSEPH kept resisting and Deputy WILSON drive stunned JOSEPH. As Deputy WILSON drive stunned JOSEPH, JOSEPH pushed Deputy WILSON's tazer away. I grabbed my tazer and drive stunned JOSEPH in the left thigh. JOSEPH then put his other leg back up and stopped resisting. Deputy WILSON then hand cuffed JOSEPH's other hand to the other rail. JOSEPH was treated and transported to Mason County Jail by Deputy DAVILA.

OFFICER WARMUSKERKEN #222