



DISTRICT COURT OF MARYLAND FOR Baltimore City, Southern District (City / County)

LOCATED AT (COURT ADDRESS)
 700 East Patapsco Ave
 Baltimore, MD 21225-1261

*DISTRICT COURT
 CASE NUMBER*

RELATED CASES:
 1VX0DB8

COMPLAINANT			DEFENDANT								
NAME (LAST, FIRST, M.I.) Mirzaie, H.			TITLE Officer II			NAME (LAST, FIRST, M.I.) Phelps 2nd, Michael, F.			TITLE		
AGENCY MdTA	SUB-AGENCY TC	I.D. NO. (POLICE) 1406	MAFIS NAME (LAST, FIRST, M.I.)						TITLE		
WORK TELEPHONE (410) 537-1208		HOME TELEPHONE () ()		I.D. NO.	RACE W	SEX M	HT 604	WT 200	D.O.B. (MM/DD/YY) 06/30/85		
ADDRESS 2301 South Clinton Street			APT. NO.			CC/OCA	HAIR Brn	EYES Blu	OTHER DESCRIPTION		
CITY Baltimore	STATE MD	ZIP CODE 21224	DRIVER'S LICENSE # P-412-603-261-517						STATE MD		
WORK TELEPHONE () ()			HOME TELEPHONE () ()			ADDRESS 1023 S. Curley St.			APT. NO.		
CITY Baltimore			STATE MD			ZIP CODE 21224					

- DOMESTIC VIOLENCE HATE CRIME
 VULNERABLE ADULT ABUSE CHILD ABUSE

Page 1 of 3

STATEMENT OF PROBABLE CAUSE

ARREST ON TRAFFIC / NATURAL RESOURCES / MASS TRANSIT CITATIONS / CRIMINAL CHARGES / MUNICIPAL ORDINANCES / PUBLIC LOCAL LAWS

THE DEFENDANT HAS BEEN ARRESTED UPON THE FOLLOWING INFORMATION OR OBSERVATION: (MAKE A PLAIN, CONCISE, AND DEFINITIVE STATEMENT OF ESSENTIAL FACTS CONSTITUTING THE OFFENSE CHARGED.)

On 9/30/14 at approximately 0138 hrs, I was on duty, operating marked patrol vehicle TC-14 and operating rear stationary radar in the area of IS 395 southbound mile marker M05 ,(Kustom Golden Eagle II serial #XE 13118) which was tested before and after the stop and found to be working properly. Calibration records are kept at the Tunnel Command Detachment. I am a certified Radar operator. At this time I observed a white in color Range Rover displaying MD registration 14026CF traveling in lane 2 at a high rate of speed. The vehicle entered the radar's area of influence providing an audio doppler tone, and displaying a speed of 84 mph in a posted 45mph zone. I then pulled out and attempted to follow the vehicle as it took the ramp to IS-95 NB. The vehicle continued at a high rate of speed onto IS-95 NB. Once behind the vehicle, I observed the vehicle drift out of its lane prior to entering bore 4, and I was able to conduct of pace of that vehicle for approximately 3 tenths of a mile at approximate mile markers 54.1-54.4 which resulted in speed of 81mph in a posted 55 mph construction zone.

CONTINUED ON ATTACHED SHEET (FORM DC/CR 4A)

Go to "continued" page

PROBABLE CAUSE CHARGES # _____

LACK OF PROBABLE CAUSE CHARGES # _____

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE MATTERS AND FACTS SET FORTH IN THE FOREGOING DOCUMENT ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DATE
9/30/14

ARRESTING OFFICER
H. Mirzaie *[Signature]*

AGENCY
MdTA

SUB-AGENCY
TC

I.D. NO.
1406

I HAVE REVIEWED THE STATEMENT OF CHARGES AND HAVE DETERMINED THAT THERE IS PROBABLE CAUSE TO DETAIN THE DEFENDANT

THERE IS NOT PROBABLE CAUSE TO DETAIN THE DEFENDANT AND I HAVE ACCORDINGLY RELEASED HIM ON HIS OWN RECOGNIZANCE.

DATE

JUDICIAL OFFICER

COMMISSIONER I.D. NO.

TRACKING NUMBER

PC DC/CR 4 (Rev. 4/2002)

PAGE 1 OF 4



DISTRICT COURT OF MARYLAND FOR Baltimore City, Southern District (City / County)

LOCATED AT (COURT ADDRESS) 700 East Patapsco Ave Baltimore, MD 21225-1261	DISTRICT COURT CASE NUMBER
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DEFENDANT'S NAME (LAST, FIRST, M.I.) Phelps 2nd, Michael, F.	MAFIS NAME
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STATEMENT OF PROBABLE CAUSE (CONTINUED)
ARREST ON TRAFFIC / NATURAL RESOURCES / MASS TRANSIT CITATIONS / CRIMINAL CHARGES / MUNICIPAL ORDINANCES / PUBLIC LOCAL LAWS

The vehicle also continued at a high rate of speed while traveling inside the tunnel in lane 1. The vehicle also changed lanes going from lane 1 to lane 2 while in the tunnel. Both lanes 1 and 2 were occupied at the time by other vehicles. The vehicle in lane one was a passenger sedan and the vehicle in the adjacent lane was a tractor trailer that the operator changed lanes in front of. Once clearing the Fort Mchenry Tunnel Toll Plaza, I activated my emergency equipment (lights and sirens) and conducted a traffic stop. I made contact with the operator Michael Fred Phelps 2nd D.O.B. 6/30/85, who was identified by his MD driver's license. Upon making contact with the operator, I smelled a strong odor of an alcoholic beverage emitting from the vehicle. I observed that the operator's eyes were red, bloodshot, and his speech was mush mouth. I asked the operator how much he had to drink and he said about "3 or 4 drinks". I asked him where he was coming from and he stated "Horseshoe". The operator stated his last drink was about 2 hours ago and he that he had drank water prior to leaving. I then asked the operator to exit to the rear of his vehicle to perform Standardized Field Sobriety Tests. Once outside of the vehicle and speaking with the operator, I smelled a strong odor of an alcoholic beverage emitting from his breath and person. Officer Airey #1449 was also on scene at this time.

The driver was then asked the following questions; do you have any medical or physical problems that would affect your performance while performing field sobriety tests and the driver stated no. Are you currently on any medications and the driver stated no. The operator stated he does not wear glasses. All test were explained and demonstrated on a slight slanted roadway, which was free of debris. The driver stated that they understood all test as they were explained and demonstrated to her before they began. I am trained to administer standardized field sobriety tests. All tests were administered in accordance with N.H.T.S.A. guidelines.

CONTINUED ON ATTACHED SHEET (FORM DC/CR 4A)

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE MATTERS AND FACTS SET FORTH IN THE FOREGOING DOCUMENT ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.		
DATE 9/30/14	ARRESTING OFFICER H. Mirzaie <i>[Signature]</i>	
AGENCY MdTA	SUB-AGENCY TC	LD. NO. 1406

TRACKING NUMBER



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DEFENDANT'S NAME (LAST, FIRST, M.I.) Phelps 2nd, Michael, F.	MAFIS NAME
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STATEMENT OF PROBABLE CAUSE (CONTINUED)
 ARREST ON TRAFFIC / NATURAL RESOURCES / MASS TRANSIT CITATIONS / CRIMINAL CHARGES / MUNICIPAL ORDINANCES / PUBLIC LOCAL LAWS

The first test given was the horizontal gaze nystagmus. Both of the subject's pupils appeared to be equal in size and reacted to light in a normal fashion. The subject displayed equal tracking in both eyes. The subject displayed a lack of smooth pursuit in both eyes. A distinct and sustained nystagmus at maximum deviation was displayed in both eyes. Onset of nystagmus prior to 45 degrees was also detected in both of the subject's eyes. This is a total of 6 out of 6 clues, indicating the presence of alcohol.

The second test given was the walk and turn test. The operator now stated he had a bulging disk in his neck and back. The operator broke heel to toe stance once while being given the instructions, and had difficulty keeping his right foot directly in front of his left as instructed. The operator was having trouble maintaining his balance while standing. Once beginning the test the operator missed heel to toe steps 3 times, and stepped off line twice. He began counting out loud at step 3. The operator did not take a series of small steps as instructed while turning. Once the operator turned around he lost his balance for a moment. On the returning 9 steps, the operator missed heel to toe steps twice, stopped walking at step 3, raised his arms and lost his balance. The operator then completed the test while having difficulty with his balance while walking

The third test instructed was the one leg stand test. The operator then stated "that's not happening". The operator then was placed under arrest. Once being placed in custody he stated he wanted to take the test off to the side of the vehicle. I asked him to then move so we can continue on the side of the vehicle. The operator then appeared disoriented, argumentative, and did not attempt the test. The operator was then transported to the MdTA police station. Once at the station I asked the operator if he wanted to complete the one leg stand to which he agreed. The test was conducted in the vehicle bay area near the processing area. Corporal Herbert #1035 was also present at this time

CONTINUED ON ATTACHED SHEET (FORM DC/CR 4A)

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE MATTERS AND FACTS SET FORTH IN THE FOREGOING DOCUMENT ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.		
DATE 9/30/14	ARRESTING OFFICER H. Mirzaie <i>[Signature]</i>	
AGENCY MdTA	SUB-AGENCY TC	I.D. NO. 1406

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STATEMENT OF PROBABLE CAUSE (CONTINUED) <small>ARREST ON TRAFFIC / NATURAL RESOURCES / MASS TRANSIT CITATIONS / CRIMINAL CHARGES / MUNICIPAL ORDINANCES / PUBLIC LOCAL LAWS</small>
<p>The operator raised both arms nearly to shoulder level for the duration of the test. He kept his non elevated leg slightly bent while swaying slightly and did not look at his elevated foot as instructed for the duration of the test. Upon completion of the test the operator was moved into the processing area and read the Advice of Rights (DR-15 form). The operator elected to submit to a test of breath, which was conducted by Corporal Hamilton #3159, a certified operator, on a certified Intox EC/IR instrument, which resulted in .14 grams of alcohol per 210 liters of breath. All events occurred in Baltimore City, State of Maryland.</p>

CONTINUED ON ATTACHED SHEET (FORM DC/CR 4A)

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DATE 9/30/14	ARRESTING OFFICER H. Mirzaie <i>AM</i>	
AGENCY MdTA	SUB-AGENCY TC	LD. NO. 1406

TRACKING NUMBER

PC DC/CR 4A (Rev. 4/02)

PAGE 4 OF 4

MARYLAND UNIFORM COMPLAINT / CITATION / SUMMONS

DRIVER'S LICENSE NUMBER: P412603261517
 CLASS: C
 STATE: MD
 MIDDLE: USF
 SURFIX: SMFHK
 CURRENT ADDRESS: 2ND
 14028CF

CITY: BALTIMORE
 COUNTY: BALTIMORE
 STATE: MD
 ZIP CODE: 21224
 WEIGHT: 200
 RACE: M
 BIRTHDATE: 06/30/1986
 VEHICLE REGISTRATION: MD 2014
 MODEL: TK
 TYPE: 02
 COLOR: WHITE

VIOLATION DATE/TIME: 9/30/2014 01:38
 COUNTY OF OFFENSE: IS 396 SB MM M06
 COUNTY CODE: BALTIMORE CITY - 24
 AREA: MD 4
 RESTRICTION: E
 CVD: MD UNLAWFULLY VOLATE MOTOR VEHICLE LAWS

CITATION NO.: ARTS/SEC/CHARGE
 PAYABLE FINE AMOUNT: TA - 21-902(a1) MUST APPEAR
 DRIVING VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL

1. 1VX0DB8 TA - 21-902(a2) MUST APPEAR
 DRIVING UNDER THE INFLUENCE OF ALCOHOL PER SE

2. 1VZ0DB8 TA - 21-902(b1) MUST APPEAR
 DRIVING WHILE IMPAIRED BY ALCOHOL

3. 1W00DB8 TA - 21-801.1 PAYABLE FINE OF \$290
 EXCEEDING MAXIMUM SPEED: 84 MPH IN A POSTED 45 MPH ZONE

I SOLEMNLY AFFIRM UNDER THE PENALTY OF PERJURY THAT THE CONTENT OF THE FOREGOING DOCUMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF AND I PERSONALLY SERVED THIS SUMMONS ON THE DEFENDANT NAMED ABOVE
 VISUAL COMPARISON WAS MADE BETWEEN DEFENDANT AND THEIR ID LICENSE

DISTRICT 01 NO 02 AGENCY MDTA SUB-AGENCY TC ID NO 1406
 RADAR/LASER/VASCAR OPERATOR
 AGENCY SUBAGENCY ID NO

ACKNOWLEDGE RECEIPT OF A COPY OF THIS SUMMONS. I UNDERSTAND THAT ACCEPTANCE OF THIS SUMMONS IS NOT AN ADMISSION OF GUILT BUT MY FAILURE TO APPEAR MAY RESULT IN THE ISSUANCE OF A WARRANT FOR MY ARREST.
 ISSUED ELECTRONICALLY - SIGNATURE NOT REQUIRED
 NOTE: Failing to comply with option 1, 2, or 3 or failing to appear for a scheduled trial/waiver hearing will result in the suspension of your license and privilege to drive by the Motor Vehicle Administration. Driving on a suspended license is a criminal offense for which you may be incarcerated.

1VX0DB8

IMPORTANT INFORMATION: This citation is a summons to appear. If you require a trial or waiver hearing, you will be notified by the Circuit or District Court through a trial/waiver hearing notice setting the date, time, and place to appear. It is your obligation to know your hearing date and appear on that date. You may take several weeks before a hearing date is set. If your name or address on the citation is not correct, you must notify the Court in writing of any changes. The Post Office does NOT forward Court mail.
IF ANY OF YOUR VIOLATIONS ARE MARKED "MUST APPEAR"... You must appear in District Court as directed.
 You will automatically be mailed a notice of your trial date by the Court. Failure to appear may result in a warrant for your arrest.
 TO THE PERSON CHARGED:

1. This paper charges you with committing a crime
2. If you have been arrested and remain in custody, you have the right to have a judicial officer decide whether you should be released from jail until your trial
3. If you have been served with a citation or summons directing you to appear before a judicial officer for a preliminary inquiry at a date and time designated or within five days of service if no time is designated, a judicial officer will advise you of your rights, the charges against you, and penalties. The preliminary inquiry will be cancelled if a lawyer has entered an appearance to represent you
4. You have the right to have a lawyer
5. A lawyer can be helpful to you by:
 - A. explaining the charges in this paper,
 - B. telling you the possible penalties,
 - C. helping you at trial,
 - D. helping you protect your constitutional rights, and
 - E. helping you get a fair penalty if convicted
6. Even if you plan to plead guilty, a lawyer can be helpful
7. If you are eligible, the Public Defender or a court-appointed attorney will represent you at any initial appearance before a judicial officer and at any proceeding under Rule 4-216.1 to review an order of a District Court commissioner regarding pretrial release. If you want a lawyer for any further proceeding, including trial, but do not have the money to hire one, the Public Defender may provide a lawyer for you. The court clerk will tell you how to contact the Public Defender
8. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible
9. DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER. If you do not have a lawyer before the trial date, you may have to go to trial without one

IF ANY OF YOUR VIOLATIONS ARE MARKED "PAYABLE FINE": You must comply with one of the following within 30 days after receipt of the citation. Provide any change of address if applicable.
OPTION #1 - PAYMENT: Pay the full amount of the fine for each violation within 30 days at any District Court of Maryland, by mail or by credit card (fees apply) using the IVR system or Court Website. If paying by mail, make check or money order payable to District Court of MD and include citation number(s) on front of check or money order. On the option form below, check "Pay Fine Amount" for each violation being paid and mail the form with your payment to the address shown for the District Court of MD.
OPTION #2 - REQUEST A WAIVER HEARING REGARDING SENTENCING AND DISPOSITION INSTEAD OF A TRIAL: On the option form below, check "Request Waiver Hearing" for each violation where hearing is requested, sign and date at the bottom and mail the form within 30 days to the address shown below.
OPTION #3 - REQUEST TRIAL: On the option form below, check "Request Trial" for each violation where Trial is requested, sign and date at the bottom and mail the form within 30 days to the address shown below. DO NOT SEND PAYMENT at this time.

DISTRICT COURT OF MARYLAND COMPLAINT & CITATION OPTION FORM

NAME: MICHAEL FRED PHELPS 2ND DISTRICT NO 01/02
 ADDRESS: District Court of MD
 City, State, Zip: P.O. Box 8676
 Annapolis, MD 21401-0676
 Telephone No:

FOR MORE INFORMATION AND TO PAY CITATIONS
 Visit the MD Judiciary Website at www.mdcourts.gov/distinct or call the Interactive Voice Response (IVR) System for trial dates, court locations and directions
 From all areas including out-of-state call 1-800-492-2656
 TTY users call Maryland Relay 711

1VX0DB8		YOU MUST APPEAR
1VY0DB8		YOU MUST APPEAR
1VZ0DB8		YOU MUST APPEAR
1W00DB8	<input type="checkbox"/> PAY FINE AMOUNT \$290	OR <input type="checkbox"/> REQUEST TRIAL

Check the appropriate box and sign below to request a Waiver Hearing or Trial for any citations listed above.
 Request Waiver Hearing - I admit that I committed the violation(s) charged in this citation. I am requesting a waiver hearing at which I may explain the circumstances to a judge. I know this is not a trial, the officer and witnesses will not be present, and that my appearance in court is for sentencing only.
 Request Trial - I request a trial date for the violation(s) charged.

Return To:
 District Court of MD
 P.O. Box 8676
 Annapolis, MD 21401-0676

DATE: _____ DEFENDANT'S SIGNATURE: _____

MARYLAND UNIFORM COMPLAINT / CITATION / SUMMONS

DRIVER'S LICENSE NUMBER P412603261617	CLASS C	STATE MD
DEFENDANT'S FIRST NAME MICHAEL FRED PHELPS 2ND	MIDDLE J	LAST PHELPS
CURRENT ADDRESS STREET 1023 S CUMLEY ST	CITY BALTIMORE	COUNTY BALTIMORE
STATE MD	ZIP CODE 21224	TELEPHONE NO.
HEIGHT 604	WEIGHT 200	RACE M
VEHICLE REGISTRATION 14026CF	STATE MD	YEAR 2014
MODEL LANR	TYPE TK	COLOR WHITE
VIOLATION DATE / TIME 9/30/2014 01:38	LOCATION OF OFFENSE S 396 SB MM M05	OFFENSE CROSSING DOUBLE PAINTED TRAFFIC LANES IN TUNNEL
CITY BALTIMORE	ART/SEC CHARGE TA - 21-1412(a)	PAYABLE FINE AMOUNT \$70
CITATION NO. 1. 1W10DB8	ART/SEC CHARGE TA - 21-1412(a)	PAYABLE FINE AMOUNT \$70

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DISTRICT 01 NO 02 AGENCY MDTA SUB-AGENCY TC ID NO. 1406

RADAR/LASER/VASCAR OPERATOR

AGENCY SUB-AGENCY ID NO.

1W10DB8

DISTRICT COURT OF MARYLAND

SUMMONS TO APPEAR / NOTICE TO DEFENDANT

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TO THE PERSON CHARGED

1. This paper charges you with committing a crime.
2. If you have been arrested and remain in custody, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. If you have been served with a citation or summons directing you to appear before a judicial officer for a preliminary inquiry at a date and time designated or within the days of service if no time is designated, a judicial officer will advise you of your rights, the charges against you, and penalties. The preliminary inquiry will be cancelled if a lawyer has entered an appearance to represent you.
4. You have the right to have a lawyer.
5. A lawyer can be helpful to you by:
 - A. explaining the charges in this paper,
 - B. telling you the possible penalties,
 - C. helping you at trial,
 - D. helping you protect your constitutional rights, and
 - E. helping you get a fair penalty if convicted.
6. Even if you plan to plead guilty, a lawyer can be helpful.
7. If you are eligible, the Public Defender or a court-appointed attorney will represent you at any initial appearance before a judicial officer and at any proceeding under Rule 4-216.1 to review an order of a District Court commissioner regarding pretrial release. If you want a lawyer for any further proceeding, including trial, but do not have the money to hire one, the Public Defender may provide a lawyer for you. The court clerk will tell you how to contact the Public Defender.
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DISTRICT COURT OF MARYLAND COMPLAINT & CITATION OPTION FORM

Return To:
District Court of MD
P. O. Box 6676
Annapolis, MD 21401-0676

NAME: MICHAEL FRED PHELPS 2ND DISTRICT NO. 0102

ADDRESS: Check if change from address on citation.

City, State, Zip

Telephone No.

1W10DB8 PAY FINE AMOUNT \$70 OR REQUEST WAIVER HEARING REQUEST TRIAL

NOTE: Failing to comply with option 1, 2, or 3 or failing to appear for a scheduled trial/waiver hearing will result in the suspension of your license and privilege to drive by the Motor Vehicle Administration. Driving on a suspended license is a criminal offense for which you may be incarcerated.

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Request Trial - I request a trial date for the violation(s) charged.

DATE _____ DEFENDANT'S SIGNATURE _____