

Dear Investigating Officer:

As required by law, I am herewith tendering my driver's license and proof of insurance. They are in proper order and I believe that I have committed no crime or traffic violation.

I therefore hereby request that all my documents (including my license) be returned to me and that I be permitted to leave immediately.

If you have any doubt about my ability to operate my vehicle, I will be glad to leave my car here and have a cab pick me up.

Unless you return these items to me and advise me that I can leave with my license and other documents and in my vehicle, I must assume this is more than a brief investigatory stop, that my liberty is restrained, that I am under arrest, and that I must obey your orders without resistance, but I do so under protest.

I do not wish to answer any questions or make any statements at this time. I am exercising my right to remain silent. (U.S. Const., 5th Amendment). I request that my attorney be present during any questioning or proceedings against me (including voluntary oral field sobriety exercises) and that I be permitted to contact my attorney at the earliest possible time, as permitted by Missouri and Federal law.

I have the name and phone number of my attorney with me at this time and would like to call immediately. He is Lawrence E. Wines, Attorney at law and his after hour's number is as follows: 1-636-262-3792.

Missouri law does not require me to submit to any verbal or nonverbal field sobriety evaluations, including reciting the alphabet, counting backward or forward, blowing into Alco-sensor or other portable alcohol testing device (hand-held breath testing device), or other verbal such exercises. I, therefore, choose not to participate in any such so-called oral field sobriety evaluations, unless my attorney is present when such voluntary exercises are performed.

If you ignore my Constitutional and statutory rights under law and verbally coerce me into taking any such evaluations, I am not performing any such exercises willfully and voluntarily, but am doing so to avoid a confrontation with you, an armed law enforcement officer and bully.

I will cooperate and take a battery of standardized field sobriety test that include: horizontal gaze nystagmus, walk and turn and one leg stand. However, I insist that these be done correctly according to the established procedures of NHTSA.

In compliance with the requirements of Missouri's implied Consent Law, I will consent to submit to tests of my breath blood or other bodily substances which you may designate, provided the test I am offered is properly done in strict compliance with all regulatory and statutory provisions and by a person certified to give the test, after such person has displayed his/her permit and conditioned upon the test and testing device used being properly approved under Missouri Revised Statutes, and the rules and regulations of the Missouri Department of Health.

However, since I maintain that you do not have reasonable or legally sufficient cause to make this request for a chemical sobriety test, my consent is given under protest and is advisements you are giving me, or in the procedures that you follow.

I wish to be given a copy of the implied consent rights and Miranda warning which you read to me. Any consent by me to take a chemical sobriety test is given only for devices which are operated with all electronic operating components prescribed by the machine's manufacturer properly attached and in good working order and where all pre-testing protocol and

recommended observation periods are followed precisely. Otherwise, my consent is NOT voluntarily given.

I request that I be provided with full information concerning all your test including a written copy of any report, print out, a copy of any formula used, software utilized, and all records in any form of the results of my test, and all test performed on this machine since it was first introduced into service by your department. If it is used, I wish to view any digital or numerical readout on the breath machine, pursuant to my Constitutional rights to confront witnesses and evidence against me.

Please also retain any and all information concerning my arrest including: audio or video tape(s) of the traffic stop, road side encounter, investigation, field sobriety testing, arrest, transportation to the station, entry to the station, booking, breath testing and confinement; any and all dispatch tape(s) for a period twenty four hour before and after my arrest as a DWI suspect; all dispatch logs, field notes of all officers involved in the arrest, video tapes of the interior and exterior of the police station twenty four hour before and after my arrest, complete radio log of any and all radio broadcasts to any officers twenty four hour before and after my arrest, 911 call tapes & logs; all booking photos; and any other evidence that concerns my case, however unrelated it may seem. Any failure to preserve this evidence will be taken as a direct violation of my rights, and spoilage of evidence that would give just cause to dismiss any charges against me.

Thank you and I appreciate your professionalism and understanding that I am merely exhibiting behavior that is guaranteed me under laws of the State of Missouri and the United States and Missouri Constitutions.

Sincerely,

Sign & Print your name here

Date

cc: send a copy tomorrow by certified mail return receipt # _____ to the police department address to:

1. The Police Chief and
2. A copy to the arresting officer and
3. To the "Custodian of Records"