

**STATEMENT OF INVESTIGATING OFFICER
AFFIDAVIT OF FACTS**

STATE OF WASHINGTON
COUNTY OF SPOKANE

REPORT NUMBER: 10-250317

DEFENDANT: Brian D. Greear W/M 11/16/1983

The undersigned, a law enforcement officer, competent to testify, states as follows: That he/she believes a crime was committed by the above named defendant/defendants in the City and County of Spokane, State of Washington, because:

On 07/30/2010, at approximately 1859, the defendant did operate a motor vehicle with wanton and willful disregard for the safety of others, and while his license was suspended in the third degree, and did resist arrest.

Officer S. Storch will testify to:

- Working as a Police Officer in Spokane/Spokane, WA on 7-30-10
- Being parked in my patrol car on E. Thurston at the 2600 block
- Observing a red Honda Accord traveling W/B at an approximate speed of 50MPH
- Using his radar to verify the vehicle speed at 51MPH
- The vehicle was clearly being driven in a reckless manner
- The defendant's vehicle was swerving between the center line and curb and appeared to strike the curb on Thurston
- Pulling behind the car and attempting to get the driver to stop by using the lights and audible siren
- The defendant continued W/B on Thurston, then turned N/B onto Crestline
- The defendant's vehicle slid sideways when he turned onto Crestline from Thurston due to the high rate of speed in which he turned

- Crestline at Thurston N/B is a dirt road due to road construction
- There was heavy pedestrian traffic in the area due to the time of day
- The defendant continued to drive N/B on Crestline at a high rate of speed while passing multiple pedestrians on the road
- The defendant stopped for the stop sign at 37th/Crestline and appeared as if he was yielding to the Police vehicle which still had the lights and audible siren activated
- The location where he stopped at 37th/Crestline was a suitable location for him to remain stopped
- The defendant turned onto W/B 37th and continued until another vehicle in front of him yielded to the Police vehicle and pulled to the curb
- The defendant came to a stop behind that vehicle and he pulled next to his vehicle to try and box him in and prevent him from continuing to drive
- The defendant drove his car between the stopped vehicle and the Police car and continued to drive W/B on 37th
- The defendant then turned N/B onto Napa, up onto the lawn of the house on the N/E corner, and came to a stop while still on the lawn
- Approaching the stopped vehicle where the defendant was sitting in the driver seat with his left arm out the window
- Grabbing hold of the defendant's left arm and telling him to step out of the vehicle
- The defendant stated "What the fuck did I do" and refused to step out of the car
- Opening the door and removing the defendant from the car
- The defendant continued to yell and would not obey commands to put his arms behind his back
- The defendant resisted arrest by using physical force to resist his efforts of placing the defendant's hands behind his back in order to place him in custody
- The defendant continued to resist arrest once he was placed in a prone handcuffing position by pulling his arms towards the front of his body and away from behind his back
- A DOL check of his driving status showed his license to be suspended/revoked in the 3rd degree

SPO S. Haney will testify to the following facts:

- Working as a Police Officer in Spokane/Spokane, WA on 7-30-10
- Being parked in his patrol car on E. Thurston at the 2600 block, riding with OFC Storch
- Observing a red Honda Accord traveling W/B at an approximate speed of 50MPH (visual estimate) in a 30 MPH posted speed zone
- The vehicle was clearly being driven in a reckless manner
- The defendant continued W/B on Thurston, then turned N/B onto Crestline
- The defendant turned onto Crestline from Thurston at a high rate of speed
- Crestline at Thurston N/B is a dirt road due to road construction
- There was heavy pedestrian traffic in the area due to the time of day, including bicyclists on the roadway
- The defendant continued to drive N/B on Crestline at a high rate of speed while passing multiple pedestrians and bicyclists on the road

- The defendant stopped for the stop sign at 37th/Crestline and appeared as if he was yielding to the Police vehicle which still had the lights and audible siren activated
- The location where he stopped at 37th/Crestline was a suitable location for him to remain stopped
- The defendant turned onto W/B 37th and continued until another vehicle in front of him yielded to his Police vehicle and pulled to the curb
- The defendant came to a stop behind that vehicle
- The defendant drove his car between the stopped vehicle and his Police car and continued to drive W/B on 37th
- The defendant then turned N/B onto Napa, up onto the lawn of the house on the N/E corner, and came to a stop with the passenger side tires still on the lawn
- The defendant was sitting in the driver seat with his left arm out the window
- That he told the defendant that he was under arrest for reckless driving
- That he ordered the defendant to put his hands behind his back and to stop resisting
- That he took control of the defendant's right arm, and helped OFC Storch place the defendant into prone handcuffing position
- The defendant continued to yell and would not obey commands to put his arms behind his back
- The defendant continued to resist arrest once he was placed in a prone handcuffing position by pulling his arms towards the front of his body and away from behind his back
- The defendant resisted arrest by using physical force to resist my efforts of placing his hands behind his back in order to place him in custody
- That once in handcuffs, the defendant continued to resist by thrashing about, trying to break free of my grasp, and trying to roll onto his back
- That he used his body weight to keep the defendant from rolling over and/or getting to his feet
- That the defendant continued to resist and ignore our commands until we placed him into the patrol car
- A DOL check of his driving status showed his license to be suspended/revoked in the 3rd degree

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (9A.72.085)

DATE: 07/30/2010 _____

PLACE: SPOKANE, WASHINGTON

SIGNATURE: *S. Hany # 730*