

**AFFIDAVIT OF PROBABLE CAUSE**

SNCD KS DISTRICT COURT  
2021 APR 8 AM 10:18:30

**STATE OF KANSAS**

Last Name: Suellentrop

**COUNTY OF SHAWNEE**

First Name: Gene MI: M

HGT: 5'11" WGT: 188 DOB: [REDACTED]

Address: [REDACTED]

City: [REDACTED]

Case: 2021003363

**Affidavit, being first duly sworn on oath and information, states he has reason to believe as follows:**

On Tuesday, March 16th, 2021, at approximately 0048 hours, I stopped the above named subject for: Wrong way on a divided highway  
(03/16/2021) (0048)

at in Shawnee County.  
(Wrong way on a divided highway) (I070 / Gage)

**Case Notes / Any other infractions or violations committed:**

I, Officer Austin Shepley was on duty and working (2300 hours to 0700 hours) for the Kansas Highway Patrol on Monday March 15th, 2021. I was driving a marked patrol unit and identified by a standard issued uniform. At approximately 0048 hours, on March 16<sup>th</sup>, dispatch advised of a white in color SUV traveling west bound in the east bound lanes from I-470 / Burlingame. In an attempt to locate the vehicle, I continued west on I-70 from 1st St. A Topeka Police Officer located the vehicle at I-70 / Gage. As I approached Gage (west bound) I could see the suspect vehicle's on-coming headlights (east bound in the west bound lanes). Two vehicles, the same direction of travel (west bound), were occupying lanes one and two as the wrong way driver was approaching the vehicles. The west bound vehicle in lane one swerved into lane two narrowly missing the oncoming suspect vehicle and almost causing a collision. The oncoming vehicle was approximately a quarter of the way over the solid white line almost striking the center barrier. As the oncoming vehicle quickly approached, I narrowly missed the vehicle as it passed by, swerving onto the outside shoulder.

At this time, I activated my emergency equipment and turned around into oncoming traffic.

During the entirety of the pursuit traffic remained light.

Vehicle continued east bound in the west bound lanes. Speeds in excess of 90 miles per hour, I checked vehicle speed at 90, 90, 90 miles per hour in a 65 mile per hour zone, good tone. I observed one vehicle as I passed that was already stationary onto the outside shoulder.

The vehicle applied its brakes as it passed the 1st Street on ramp and continued east bound.

The 1 St. on ramp was blocked by a Topeka Police Officer in a marked patrol unit. Speeds were paced at approximately 70 miles per hour in a 60 miles per hour zone.

The vehicle continued across the viaduct slowing down. Speeds were paced at approximately 50-60 miles per hour in a 60 miles per hour zone.

Approaching the end of the viaduct the vehicle slowed down again. Speeds were paced at approximately 30 miles per hour in a 60 miles per hour zone still eastbound in the west bound lanes.

At the 3rd St. exit the vehicle touched the solid yellow divider line with his passenger side tires. Vehicle hit the brakes as he continued to pass a box truck. On the curve of the viaduct the driver of the vehicle used his right turn signal on the curve.

Prior to approaching the 4th St. bridge two vehicles approached on the curve, almost striking one. The driver of the black SUV weaved across lanes of traffic and to the outside shoulder narrowly missing the white SUV.

As the vehicle continued in the wrong direction of travel another vehicle was passed. To ensure the safety of other motorists and to end the pursuit I attempted to conduct two TVI's (Tactical Vehicle Intervention). The first TVI was rendered unsuccessful, the second TVI was effective, and the vehicle almost struck the center barrier wall. The TVI brought the vehicle to 5 miles per hour and the driver came to a complete stop putting the vehicle in park just past the 4th St. bridge on I70.

I then exited my vehicle, drew my patrol issued firearm, and gave the driver commands to shut the vehicle off conducting a high-risk traffic stop.

The driver did not respond to my commands several times to shut the vehicle off.

Two Topeka Police Officers assisted with the high-risk traffic stop.

As the officers approached the vehicle, I then began to approach the driver as he had his left hand out of the window.

As I approached the driver, he had his left hand out the window and looked back at me with a confused, frightened, blank stare. He was not registering my commands or responding to them.

I approached the driver side window and holstered my patrol issued firearm. I then reached into the vehicle and unlocked the driver's side door. I instructed him twice to step out of the vehicle

and he did not do so, still looking confused. While reaching into the vehicle I could smell the odor of an alcoholic beverage coming from inside the vehicle.

A Topeka Police Officer and I removed him from the vehicle. As I attempted to remove him from the vehicle, I grabbed his left arm. As he exited, his phone fell out of his lap and onto the floorboard. Still not following commands he attempted to retrieve the cell phone from the floor after I told him to step out. The Topeka Police Officer grabbed his right hand to stop him. I could feel him attempt to pull away and tighten up his muscles in his arm. I then went to grab his right arm and he began pulling away to reach back into the vehicle, he also lost his balance slightly.

He was then placed in double hinged handcuffs, checked for fit, and double locked. I brought him back to my vehicle, searched him for weapons, and placed him in my passenger seat fastening his seat belt.

The vehicle was moved by a Topeka Police Officer to ensure the safety of the public getting the vehicle out of the roadway. This vehicle was moved to the outside shoulder of I70 just before the 4th St. exit.

Darrell's Tow company was contacted by non-preference to tow the vehicle.

I was able to locate a wallet found inside the individual's pocket. Inside the wallet I was able to retrieve a Kansas driver's license positively identifying him as Gene Suellentrop (DOB

[REDACTED]

Sitting inside the vehicle with Suellentrop I could smell a strong odor of an alcoholic beverage coming from his person. I also noticed his eyes were watery, droopy, and he had blood shot eyes. While speaking with him I was not able to understand what he was saying as he was mumbling words with slurred speech.

I read Suellentrop his Miranda rights and he did not wish to speak to me at that time replying with "No".

A tow inventory was conducted on the vehicle. The corresponding Tow inventory report was completed and is attached.

A satchel bag was located in the front passenger seat. This bag had his name "Gene Suellentrop" and "[REDACTED]" on the tag. State documents along with personal items were located inside the bag. All items located in the bag along with his keys, phone, wallet, Ipad, check book, and other papers were not left with the vehicle and were stored inside Troop K's Evidence room to ensure the safety of the property.

A standard field sobriety test was not conducted due to the location of stop, safety of the suspect, and public was a concern.

I then transported him to the Docking Building for further testing. Arriving, I instructed him to exit the vehicle. He had trouble with his motor skills getting out and lost his balance, almost

falling over. Walking to the intoxilyzer room he struggled with keeping his balance and I had to hold him by the arm. Once inside the Intoxilyzer room I instructed him to have a seat and he struggled to sit down, stumbling almost missing the chair. I placed his glasses on his face.

I then read Suellentrop his DC-70 testing notice form at 0153 hours and requested a breath sample from him to ensure he was safe to operate a motor vehicle. As the machine requested the breath sample, I held it up to his face and asked for him to blow into the machine. He declined the breath sample saying, "I don't feel the need to do so".

A search warrant was submitted to Judge Moylan to obtain a blood sample. Judge Moylan approved this warrant.

While in the Intoxilyzer room I explained to him several times I would be keeping his personal items as well as state documents inside Troop K's evidence room and how he could retrieve them at a later time.

I transported Gene Suellentrop to Stormont Vail to retrieve a blood sample with the signed search warrant, approved by Judge Moylan at 0254 hours.

██████████ a phlebotomist was contacted to administer a legal blood draw and did so successfully providing me with 1 vial blood of Gene Suellentrop at 0332 hours. I then sealed the vial of blood in the provided blood kit.

This blood kit was sent to the KBI for further testing at 0820 hours on March 16th, 2021.

He was then transported to the Shawnee County Jail where he was released into their custody.

The following comments were made while in the Intoxilyzer room in my presence:

"All for going the wrong way."

"Donut boy"

At Stormont Vail:

While the phlebotomist was administering the blood kit, Gene Suellentrop demeanor becoming slightly aggressive in his tone, he made reference to physically going up against me. He looked me up and down stating he played state sports competitively in highschool. He stated he could "take me."

Additional Notes:

I received Gene Suellentrop's blood results back from the KBI on March 22nd, 2021. His results are as followed:

Ethyl Alcohol 0.17 grams per 100 milliliters of blood.

A witness statement was retrieved from the following 911 callers into Shawnee County Dispatch / Topeka Police Department Dispatch:

Witness #AS1

Kelsey [REDACTED] DOB [REDACTED]

Vehicle: [REDACTED]

Witness #AS2

Murray [REDACTED]

Vehicle: [REDACTED]

Connecting Case Numbers

Shawnee County Sheriffs Department: 2021-00006343

Topeka Police Department: 2021-00020730

Executed on March 23<sup>rd</sup>, 2021

I hereby verify under penalty of perjury that the foregoing is true and correct.

Officer's Printed Name & IBM

William Douglas

Officer's Signature & IBM