

Count 2: OPERATING WITH PROHIBITED ALCOHOL CONCENTRATION - 4TH OFFENSE

The above-named defendant on or about Monday, August 13, 2018, in the City of Madison, Dane County, Wisconsin, did drive a motor vehicle with a prohibited alcohol concentration of more than 0.02, to-wit: did have a breath alcohol reading (in grams of alcohol in 210 liters of breath) of .20, contrary to sec. 346.63(1)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of sec. 343.30(1q)(b)4 and (1q)(c) Wis. Stats., upon conviction, the court shall revoke the defendant's operating privilege for not less than two (2) years nor more than three (3) years, and shall order the defendant to submit to an alcohol and drug abuse assessment and to comply with treatment as a condition of reinstatement.

And furthermore, invoking the provisions of Wisconsin Statute Section 346.65(2)(am)4, the defendant shall be fined not less than \$600 and imprisoned for not less than 60 days if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations and other convictions counted under s. 343.307 (1) since January 1, 1989, equals 4, except that suspensions, revocations or convictions arising out of the same incident or occurrence shall be counted as one.

Count 3: OPERATE MOTOR VEHICLE WHILE REVOKED

The above-named defendant on or about Monday, August 13, 2018, in the City of Madison, Dane County, Wisconsin, while being a person whose operating privileges had been revoked pursuant to the Laws of the State of Wisconsin did operate a motor vehicle on a highway during such revocation or thereafter, and the revocation resulted from an offense that may be counted under s. 343.307(2) Wis. Stats., contrary to sec. 343.44(1)(b), 343.44(2)(ar)2 Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than \$2,500 or imprisoned for not more than one year in the county jail or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.30(1g)(a), upon conviction, the court may suspend the defendant's operating privilege not more than six (6) months.

Count 4: OBSTRUCTING AN OFFICER

The above-named defendant on or about Monday, August 13, 2018, Dane County, Wisconsin, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority, by providing a false name, contrary to sec. 946.41(1), 939.51(3)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

FACTS:

City of Madison Police Officer Stuart Moeser reports that on August 13, 2018, at approximately 12:35 AM, he was dressed in full military style uniform, operating marked squad S1823, when he observed a vehicle traveling eastbound in the westbound lanes coming directly towards him on E. Olin Ave. in the City of Madison, Dane County, Wisconsin. Officer Moeser reports that he initiated a traffic stop.

Officer Moeser reports that he made contact with the driver, who was later identified with a Wisconsin Driver's License as Armando Cadena-Valencia, the defendant herein. Officer Moeser reports that he observed the moderate odor of intoxicants coming from the defendant. Officer Moeser reports that the defendant stated he was coming from work and that he had drank three beers.

Officer Moeser reports that if the defendant had any form of identification on him and the defendant stated he did not. Officer Moeser reports that the defendant verbally identified himself as Enrique Serrano with a date of birth of June 5, 1976. Officer Moeser reports that the defendant stated he did not have a wallet or anything of that nature on him that would help Officer Moeser identify him. Officer Moeser reports that he returned to his squad in order to run the defendant's information. Officer Moeser reports that he was unable to get anything back for the defendant given the additional information. Officer Moeser reports that City of Madison Police Officer Dzelil arrived on scene at this time.

Officer Moeser reports that he made contact with the defendant again, at which point Officer Dzelil pointed out a bank card, located beneath the front driver's seat. Officer Moeser reports that the defendant opened his front driver's door, at which point Officer Moeser reached down and picked up the bank card. Officer Moeser reports that he observed the name "Armando Cadena-Valencia" and asked the defendant if it was his bank card, at which point the defendant stated that it was not. Officer Moeser reports that he again returned to his squad and ran this information and observed a Wisconsin Department of Transportation photo ID, which showed the defendant's photograph.

Officer Moeser reports that he had the defendant perform field sobriety tests. Officer Moeser reports that he observed clues, and observed the defendant's eyes were very glossy and bloodshot.

Officer Moeser reports that the defendant submitted to an evidentiary chemical test of his breath.

Your complainant has received a copy of an Intoximeter Subject Test Record submitted by a duly certified intoximeter operator, certified by the State of Wisconsin and qualified by training and experience to operate an intoximeter machine. Said report indicates a reported value of .20 at 1:49 AM on August 13, 2018. Your complainant is informed by said intoximeter operator that the operator has followed the recommended procedures for the calibration and operation of the intoximeter machine during the analysis of the defendant's breath. Your complainant further states that s/he personally knows that the intoximeter machine used on the defendant's breath has been regularly maintained and certified for accuracy.

Your complainant has reviewed a teletype communication from the Division of Motor Vehicles, Wisconsin Department of Transportation, which reflects the driving record of the defendant as contained in the Division's records, maintained in the normal and ordinary course of business by said Division. Your complainant has referred to such teletypes in the past and found them to be reliable. The Motor Vehicle Division records revealed that the defendant's privilege to operate a motor vehicle in the State of Wisconsin was under revocation on the date of this offense.

Your complainant has reviewed a teletype communication from the Division of Motor Vehicles, Wisconsin Department of Transportation, which reflects the driving record of the defendant as contained in the Division's records, maintained in the normal and ordinary course of business by said Division. Your complainant has referred to such teletypes in the past and found them to be reliable. The Division of Motor Vehicles records revealed that the defendant was convicted on September 4, 2008, in Dane County, of an offense counted under Wis. Stat. 343.307, for an incident that occurred on July 28, 2008. The Division of Motor Vehicles records revealed that the defendant was convicted on May 26, 2015, in Dane County, of an offense counted under Wis. Stat. 343.307, for an incident that occurred on November 23, 2014. The Division of Motor Vehicles records revealed that the defendant was convicted on May 4, 2018, in Dane County, of an offense counted under Wis. Stat. 343.307, for an incident that occurred on January 4, 2018. The above-stated conviction remains of record and unreversed. The teletype communications from the Division of Motor Vehicles, Wisconsin Department of Transportation, which reflects the driving record of the defendant is attached to this complaint and hereby incorporated by reference.

****THIS COMPLAINT IS BASED ON** the information and belief of your complainant, who is a Court Officer for the City of Madison Police Department, and who learned of the above offense from the reports of City of Madison Police Officer Stuart Moeser , which report(s) your complainant believes to be truthful and reliable inasmuch as they were prepared during the course of the officer(s) official duties.

Your complainant believes the statements of the Defendant to be truthful and reliable insofar as they are admissions against penal interest.



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Driver Record



Save XML File

ARMANDO CADENA VALENCIA



Name On Product: CADENA VALENCIA ARMANDO

Drivers License or ID Card # [REDACTED]

REV RGLR Regular License Revoked Class D

Expiration: 06/26/2014
Issue Date: 09/12/2013
Photo Available: Yes
Real ID Indicator: No
Product Description: Regular License
Application Type: Reinstatement

PERSON DATA:
Male Hispanic 12/30/1976
5'07" 196 Lbs Black Eyes Black Hair Organ Donor: N
5663 King James Ct # 203
Fitchburg, WI 53719-2629 USA County: Dane
Address Updated: 07/24/2013

INSURANCE FILING PERIOD TERMINATION DATE: 06/07/2023

FORMER: 07/06/2001 ARMANDO CADENA VALENCIA 12/30/1976 Male [REDACTED]
FORMER: 07/06/2001 ARMANDO VALENCIA CADENA 12/30/1975 Male [REDACTED]
FORMER: 07/24/2013 ARMANDO CADENA 12/30/1976 Male [REDACTED]

Record Details:
Prior OWM Count: 3
Prior OWS OAR OWD Count: 3

Notation: 12/17/2017 Insurance Cancelled
Notation: 07/21/2015 12/31/3999 No Alcohol Concentration > Than .02
Notation: 07/21/2015 12/31/3999 Ignition Interlock Device Restr Required
Notation: 05/07/2018 Habitual Offender Warning Letter
Notation: 02/08/2017 Points Warning Letter

05/04/2018 Withdrawal Revoked 26 Month + 2 Months OWI Operating While Intoxicated Case #:R362926 Court:Dane County Circuit Court Case #:2018CT000016 Same Incident #:S823170 Eligible For Reinstatement:06/07/2020 Mailed:05/07/2018
02/03/2018 Withdrawal Dot Action Suspended 6 Month BAC Blood Alcohol Content Case #:S823170 Same Incident #:R362926 Eligible For Reinstatement:08/04/2018 Mailed:02/05/2018 BAC Incident Date:01/04/2018
01/04/2018 05/04/2018 Violation Guilty OWI(Operating While Intoxicated 346.63(1)(a)) Points:6 Court:Dane County Circuit Court Class:D UTC Citation #:BB840745-3 Court Case #:2018CT000016 See File #:R362926
01/04/2018 02/03/2018 Violation Guilty BAC(Blood Alcohol Content 343.305(7)) Points:0 Court:Dot Action Class:D Non-UTC Citation #:BB840745-3 See File #:S823170
12/02/2016 01/04/2017 Violation Guilty OAR(Operating After Revocation 343.44(1)(b)) Points:3 Court:Dane County Circuit Court Class:D UTC Citation #:D157862-5 Court Case #:2016TR031013
07/16/2016 08/08/2016 Violation Guilty CN(Compulsory Insurance - No Insurance 344.62(1)) Points:0 Court:Madison Town Municipal Court County:Dane Class:D UTC Citation #:C043695-1
06/29/2016 02/07/2017 Violation Guilty OAR(Operating After Revocation 343.44(1)(b)) Points:3 Court:Madison City Municipal Court County:Dane Class:D UTC Citation #:C895016-3
06/29/2016 08/17/2016 Violation Guilty FFS(Failure To Fasten Seat Belt 347.48(2m)(b)) Points:0 Court:Madison City Municipal Court County:Dane Class:D UTC Citation #:C895684-6

TIME - Driver

<https://wi-time.gov/secure/results/viewResponse?erid=148705831>

06/01/2016	07/06/2016	Violation Guilty FFS(Failure To Fasten Seat Belt 347.48(2m)(b)) Points:0 Court:Madison City Municipal Court County:Dane Class:D UTC Citation #:C887956-6
07/17/2015		Withdrawal Revoked 14 Month + 10 Days OWI(Operating While Intoxicated Case #R210044 Court:Dane County Circuit Court Court Case #:2014CT001261 Same Incident #:S452301 Eligible For Reinstatement:03/30/2016 Mailed:07/22/2015
06/30/2015	08/04/2015	Violation Guilty OWS(Operating While Suspended 343.44(1)(a)) Points:3 Court:Madison City Municipal Court County:Dane Class:D UTC Citation #:T418532-2
12/23/2014		Withdrawal Dot Action Suspended 6 Month BAC Blood Alcohol Content Case #:S452301 Same Incident #R210044 Eligible For Reinstatement:06/24/2015 Mailed:12/23/2014 BAC Incident Date:11/23/2014
11/23/2014	05/26/2015	Violation Guilty OWI(Operating While Intoxicated 346.63(1)(a)) Points:6 Court:Dane County Circuit Court Class:D UTC Citation #:R452543-0 Court Case #:2014CT001261 See File #:R210044
11/23/2014	12/23/2014	Violation Guilty BAC(Blood Alcohol Content 343.305(7)) Points:0 Court:Dot Action Class:D Non-UTC Citation #:R452543-0 See File #:S452301
11/18/2014		Withdrawal Dot Action Cancelled Class:D 119 Day NC1 Failure To Comply With The Driver Safety Plan Within 1 Year Case #:C269176 Eligible For Reinstatement:03/17/2015 Mailed:11/18/2014
09/12/2013		Reinstatement Opr
09/25/2008		Withdrawal Dot Action Revoked 1812 Day NC1 Non-compliance / Appear For Assessment Interview Case #R723198 Eligible For Reinstatement:09/11/2013 Reinstated:09/12/2013 Mailed:09/25/2008
09/04/2008		Withdrawal Dot Action Suspended 6 Month BAC Blood Alcohol Content Case #:S927735 Same Incident #R719348 Eligible For Reinstatement:03/05/2009 Reinstated:09/12/2013 Mailed:09/04/2008 BAC Incident Date:07/28/2008
09/04/2008		Withdrawal Revoked 7 Month OWI(Operating While Intoxicated Case #R719348 Court:Fitchburg City Municipal Court County:Dane Same Incident #S927735 Eligible For Reinstatement:04/05/2009 Reinstated:09/12/2013 Mailed:09/12/2008
07/28/2008	09/04/2008	Violation Guilty OWI(Operating While Intoxicated 346.63(1)(a)) Points:12 Court:Fitchburg City Municipal Court County:Dane Class:D UTC Citation #:L243196-2 See File #:R719348

Your Request:

User ID:	Davidrc856	Interface Identifier:	5000
Agency Information:	WI013013A	Initiator Identifier:	707140874
EBC Message Identifier:	31315600	Response Identifier:	808864729
Date & Time:	08/14/2018 08:56:03		
OLN:	c3510007647000		

Subscribed and sworn to before me on
08/16/18

Electronically Signed By:
John D. Rice
Assistant District Attorney
State Bar #: 1113462

Electronically Signed By:
Caroline Essert
Complainant