

1 (THEREUPON, the witnesses were sworn.)

2 MS. FANOELE: Whenever you're ready.

3 JOHN TRIMBLE,

4 having been previously sworn to tell the truth,

5 testified as follows:

6 DIRECT-EXAMINATION

7 BY MR. WELLS:

8 Q. State your name?

9 A. John Trimble ..

10 Q. You're a sergeant with the Topeka Police
11 Department?

12 A. Yes, I am.

13 Q. And you're in the patrol division?

14 A. Yes, I am.

15 Q. On August 31, 2010 through the early
16 morning hours of September 1, 2010 did you come
17 into contact with a [REDACTED] ?

18 A. Yes, I did.

19 Q. Where did you first see him?

20 A. Southeast 5th and Winfield?

21 Q. In Topeka.

22 A. Yes.

23 Q. Did you ever see the vehicle moving?

24 A. No, I did not.

25 Q. Did you ever hear of any vehicle erratic

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1 driving?

2 A. No, I did not.

3 Q. Did you ever see or hear of any
4 accidents?

5 A. No, I did not.

6 Q. You don't believe there was an accident,
7 do you?

8 A. No, I do not.

9 Q. Do not believe there was any erratic
10 driving?

11 A. I don't know.

12 Q. All right. No damage to the vehicle, was
13 there?

14 A. None that I noticed.

15 Q. No signs of distress or emergency
16 conditions, were there?

17 A. No.

18 Q. Okay. And so you never saw the vehicle
19 moving. When you first filled out the DC-27 form,
20 you filled it out as an attempt to operate, didn't
21 you?

22 A. Yes, I did.

23 Q. That was because you never saw the
24 vehicle in operation?

25 A. Correct.

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1 Q. Okay. And --

2 A. Well, I never saw the vehicle moving. It
3 was being operated.

4 Q. Right. But you put down attempt to
5 operate, didn't you?

6 A. Yes, I did.

7 Q. And you believe that's what it was, an
8 attempt to operate, don't you?

9 A. Correct.

10 Q. Okay. Was Mr. [redacted] asleep when you
11 got to the car?

12 A. Asleep or passed out, unresponsive.

13 Q. You eventually ran some field sobriety
14 tests, didn't you?

15 A. Yes, I did.

16 Q. And you've been trained in the
17 administration of those?

18 A. Yes, I did.

19 Q. Through the National Highway Traffic
20 Safety Administration or NHTSA, N H T S A,
21 standards?

22 A. Yes.

23 Q. And you've been taught in order to run
24 the walk and turn and the one-leg stand test, you
25 have to run it in the same way each and every

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