

CANANDAIGUA



Jonathan P. Welch
Chief of Police

POLICE DEPARTMENT

Phone (585) 396-5035
Fax (585) 396-5034

DISCIPLINARY CHARGES FORM - SECTION 75

DATE 11-30-12

Officer Nicole Kadien

In accordance with the provisions of Section 75 of the Civil Service Law, you are hereby notified that the following charges for misconduct and/or incompetence is preferred against you.

CHARGE 1: You committed an act during the course of your employment, which would constitute a violation of the Canandaigua Police Department's General Orders, Section 105 Rules and Regulations:

VII. UNBECOMING CONDUCT: (2 counts)

All members and staff shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming a member shall include that which:

1. Brings the Department into disrepute
2. Reflects discredit upon the member as an employee of the Department

SPECIFICATION 1: On November 21, 2012 at approx. 2338 hrs you were operating a 2008 Ford Escape and were stopped by the Ontario County Sheriff's Office for erratic driving and subsequently arrested for D.W.I. pursuant to section 1193 (3) of the Vehicle and Traffic Law.

Page 1 of 3

CHARGE 2: You committed an act during the course of your employment, which would constitute a violation of the Canandaigua Police Department's General Orders, Section 105 Rules and Regulations:

XL. USE OF ALCOHOL OFF DUTY:

B. No member or staff shall operate any motor vehicle while in an intoxicated condition.

SPECIFICATION 2: On November 21, 2012 at approx. 2338 hrs you were operating a 2008 Ford Escape and were stopped by the Ontario County Sheriff's Office for erratic driving and subsequently arrested for D.W.I. pursuant to section 1193 (3) of the Vehicle and Traffic Law.

You are allowed until the 15th day of December 2012 within which you may make and file your answer, in writing to this charge. Such answer should reach the office of the undersigned at 21 Ontario St Canandaigua, New York, 14424, at or before five o'clock in the afternoon on said 15th day of December, 2012.

You are entitled to a hearing on the above charge and to be represented at such hearing by an attorney. You should be prepared at such hearing to present such witnesses and other proof as you may have in your defense against this charge. Such hearing will be held on December 21, 2012 at 10:00 A.M. in the Hurley Building Conference Room, Saltonstall Street, Canandaigua, New York. The hearing will be conducted by Kay James, the appointing authority for police officers in the City of Canandaigua.

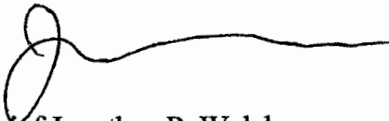
If you are found guilty of any of the above charges, the penalty or punishment imposed on you may consist of either dismissal from service, demotion in grade and title, suspension without pay for a period not to exceed two months, a fine not to exceed \$100, or a reprimand.

Effective December 1, 2012, you are suspended for the duration of these proceedings.

The first 30 days of your suspension shall be without pay.

All further notices and communications addressed to you in connection with this charge will be mailed to your latest address on record in the Clerk's Office, which is [REDACTED] [REDACTED] unless you request, in writing, that the same be sent to you at a different address.

Very truly yours,



Chief Jonathan P. Welch

pc: Michele O. Smith, City Attorney
Jeff Cook, Union President
Kay James, Appointing Authority

(form.75)

MEMORANDUM

To: Chief Jon Welch
From: Officer Nicole Wood
Date: January 27, 2013
Re: Recent incident

It is my understanding that this report is made for administrative, internal police department purposes only and will not be used as part of an official investigation. This report is written by me after being ordered to do so by lawful supervisory officers. It is my understanding that by refusing to obey an order to write this report that I can be disciplined for insubordination and that the punishment for insubordination can be up to and including termination of employment. This report is made only pursuant to such orders and the potential punishment/discipline that can result for failure to obey that order.

I would like to take a moment and explain in more detail my current situation and hopefully shed some light on what has caused and contributed to my making such poor decisions in my life over the past few months. I am not making excuses for my actions and accept full responsibility for my current predicament.

As you are already aware, I have been going through a divorce that has seemed to take an unusual amount of time to resolve. Although most of it seemed amicable, there were many times it brought a great deal of stress upon me, mainly due to my ex husband being a coworker and; at times, my supervisor. I tried to deal with it as professional as I could, but it did bring me stress and create many uncomfortable situations. Also during that period, I began to enter into a financial crisis that has unfortunately led me into filing for bankruptcy. Both of these situations in combination have caused me severe anxiety, stress and insomnia.

Like many people, I have chosen to use alcohol to alleviate some of the stress and anxiety I endure. I understand and acknowledge this was not and is not the wisest form of solutions and have been reminded of that daily after my recent arrest for DWI. Subsequent to my arrest, I have not been in one bar nor have I drunk to a level that I was on that fateful night. I have consumed alcohol on only two occasions; Christmas Day and the night in question. Immediately following the DWI arrest, I enrolled myself into substance abuse counseling to seek treatment regarding my alcohol use. To date I have been to AA meetings and four counseling sessions along with the victim impact panel class. Just recently have we started to explore more deeply into my life and what may have been causing me to make the choices I have made. I have also attended my court ordered DDP (drinking and driving

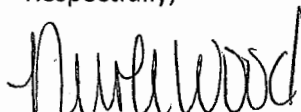
program) classes and must say this has added to my stress levels tremendously. My name was read aloud, along with the last four digits of my telephone number. This is amongst people I have dealt with during my profession as a police officer. I was asked details surrounding my arrest which brought even more attention upon me because it was a delayed arrest. Also, after reviewing the course schedule, there are group discussions which require me to share personal information about myself. This is causing me large amounts of anxiety and stress since it's in front of people I may have arrested in the past.

Like I mentioned earlier, I know I brought this upon myself and understand I have to do these things; but that doesn't mean it's not difficult or hard to handle. Besides the criminal portion of my arrest, I also had to face my co workers and the public upon my return to work. Although all my co workers are very supportive and encouraging, it is still embarrassing and degrading. I get reminded from time to time from the average citizen of my arrest since I am the only female officer employed by the police department, which makes it that much harder to handle. These added stressors combined with my divorce and financial crisis has become overwhelming for me; but I am trying to take it one day at a time.

My counselor and I have discussed abstinence from alcohol is my best path for treatment. We have also discussed other modes for dealing with stress and anxiety. I attend the gym once to twice daily, 6 days per week for a healthy way to alleviate stress and to give me something to focus on. I also work a second job to help bring relief to my financial situation. My counselor and I decided it would be best for me to enroll in some group therapy sessions as well which I intend on doing. I am willing to take whatever measures necessary to overcome this and come out a stronger person. I know I have a long road ahead, but I have many friends and family to support me. My divorce was just finalized this past week and I went back to my maiden name. This is just the beginning of making a fresh start for me. I recently went to see my doctor and was prescribed anti-anxiety medication to help me through these times.

As I stated before I am not making excuses for the choices I made. For what it's worth I just wanted to explain where I am coming from with hopes you will take this into consideration when determining my fate.

Respectfully,


Officer Nicole Wood

Witnessed: 

In the Matter of a Disciplinary Proceeding
Pursuant to Section 75 of the Civil Service Law

CITY OF CANADAIGUA

**STIPULATION
AGREEMENT**

-against-

Nicole Kadien, Employee.

WHEREAS, I, the undersigned employee, have agreed to the results of the internal affairs investigation #004-2012

WHEREAS, I have been informed that the City has the right to initiate a Disciplinary Action against me under Section 75 of the Civil Service Laws of New York, wherein I would have the right to a hearing at which the City must prove any charges and I would be given an opportunity to be heard at the hearing and present evidence or witnesses on my behalf; and

WHEREAS, in lieu of a Disciplinary Action and hearing I am desirous of making an agreement with the City relative to my misconduct and/or incompetence.

NOW THEREFORE, it is stipulated by and between the parties as follows:

1. Employee acknowledges violating the following General Orders of the Canandaigua Police Department for your actions on November 21, 2012 at approx. 2338 hrs when you were stopped for erratic driving and subsequently arrested under the Vehicle and Traffic Law for violating section 1192 (3), common law DWI.
 - General Orders 105 Rules and Regulations
 - I. Unbecoming Conduct (2 counts)
 - II. Use of Alcohol off Duty (1 count)

2. Employee hereby waives any rights and entitlements he has pursuant to Section 75 of the Civil Service Law and accepts the within discipline in satisfaction of a potential Disciplinary Action for incompetence and/or misconduct.

3. MY DISCIPLINARY ACTION SHALL CONSIST OF THE FOLLOWING:

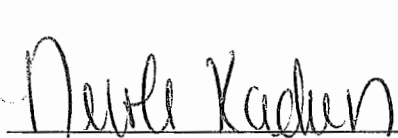
- **Suspension from work for a period of 28 days, retroactive from the date of your original suspension on December 1, 2012.**
- **The first two weeks of said suspension shall be served without pay. The second two weeks will be deleted from your annual leave bank. If you do not have sufficient leave balance remaining then said 2 weeks of vacation shall be deducted from your 2013 annual leave. The calculations of the Canandaigua City Clerk's Office of such leave shall control. You will resume active duty on December 29, 2012**
- **Comply with all orders from the Court System regarding your sentence related to these charges.**
- **You must have a valid driver's license to return to full duty.**
- **You must seek and follow through with at least 10 counseling sessions no later than February 28, 2012. These sessions must be documented by the counselor that you attended and turned into the Chief's Office no later than three days after each session. Any court ordered counseling may be applied towards the 10 sessions required by the Police Department. The Drunk Driving program offered through DMV does not count towards these 10 mandated sessions.**

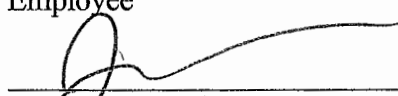
- You agree that this is a last chance agreement and that any further acts related to alcohol whether on or off duty that violate the Canandaigua Police Departments General Order Manual or directives, as determined by the Chief of Police after an interview with you and your representative (if you so choose), will subject you to dismissal from service in lieu of any other disciplinary procedure, including, but not limited to Civil Service Law Section 75 and/or the current collective bargaining agreement. The decision and penalty of the Chief of Police shall be final and binding, and shall not be subject to challenge or appeal under the collective bargaining agreement, the Rules and Procedures of the City of Canandaigua Police Department, Civil Service Law Section 75, CPLR Article 78 or any other law, rule, regulation, or theory.
- By agreeing to the terms of this settlement offer you knowingly and voluntarily waive your right to any of the above procedures.

4. Employee freely and voluntarily enters into this Stipulation Agreement. Employee consents and agrees to be bound by its terms and conditions and understands the contents thereof. Employee further understands that he is entitled to be represented by an attorney and hereby waives any such representation.

Dated: 12/14/12

Dated: 12-14-12


Nicole Kadien
Employee


Jonathan P. Welch
Chief of Police



1. NYSIU No.		2. OBTS No.		New York State ARREST REPORT		3. Case No. 1237017		4. Ref. No. <i>E Justice 908</i>		
5. FBI No.		6. Arrest		7. Agency Ontario County Sheriff's Office		8. Division / Precinct Post 4		9a. <i>Justice 908</i>		
Defendant	9. Name (Last, First, Middle) Kadien, Nicole Lois				10. Alias / Nickname / maiden Name (Last, First, Middle) Wood, Nicole Lois				11. Phone Number [REDACTED]	
	12. Street Number and Name, Building No., Apt. No. [REDACTED]				13. City, State, Zip [REDACTED]				14. Resident Status Resident	
	15. Place of Birth Canandaigua		16. Date of Birth [REDACTED]		17. Age 28		18. Sex Female		19. Race White	
	20. Ethnic Non-Hispanic		21. Skin Light		22. Height 5 Feet 3 Inches		23. Weight 110		24. Hair BLN	
Arrest	25. Eyes BLU		26. Glasses No		27. Build Small		28. Marital Status Divorced		29. U.S. Yes	
	30. Citizen of		31. Social Security No. [REDACTED]		32. Education 14		33. Religion Catholic		34. Occupation Police Officer	
	35. Employed Yes		36. Scars / Marks / Tattoos		37. Arresting Officer E. Roach		38. ID No. 131		39. Assisting Officer Sgt. T. Ford	
	40. id No. 246		41. Arrest Date 11/23/12		42. Time 2112		43. Location of Arrest [REDACTED]		44. Juvenile No	
Charge	45. Condition of Defendant at Arrest App Normal				46. Weapon(s) At Arrest				47. Co-defendants Arrest No.	
	48. Miranda No		49. Miranda By N/A		50. Miranda Date N/A		51. Miranda Time N/A		52. Statements	
	53. Status		54. Search Warrant		55. ID Procedure		56. Arraignment Court City of Canandaigua		57. Arraignment Judge Presiding	
	58. Date 12/05/12		59. Time 0930		60. Property No		61. Evidence No		61a. Processed By	
Info	61b. Disposition		62. Incident No. 1237017		63. Arrestee Status ROR		64. Bail Amount -		65. Bondsman	
	66. Photo No.		67. Arrest Type OT		68. Warrant No -		69. Arrest FOA No		70. Other Agency -	
	71. F/P Taken Yes		72. Location of Offense City of Canandaigua Ontario NY		73. Offense Date 11/21/12		74. No. Offenders 1		75. No. Victims -	
	76. Return Court City of Canandaigua		77. Return Judge Presiding		78. Return Date 12/05/12		79. Time 0930		80. Defendant / Case TOT Agency	
Persons	80a. Officer's Name				80b. ID No.				81. Time	
	82. Date				83. Law		Article & Section		SUB	
	CL		CAT		DEG		ATT		Name of Offense	
	CTS		NCIC Code		Victim		ASSOC. No.		TYPE	
Narrative	VTL 1192		3		A		M		0	
	VTL 1120		A		U		I		0	
	VTL 1128		A		U		I		0	
	VTL 1180		D		U		I		0	
<p>85. On November 21st 2012 at about 11:38pm my attention was drawn to a red ford escape that was making erratic lane changes northbound on North Main Street in the City of Canandaigua. As the vehicle proceeded northbound, north of Buffalo Street, I observed the vehicle cross the centerline of the highway with more than half the vehicle in the southbound lane. At that time there was a fire truck along the east shoulder of North Main Street and another vehicle in the east northbound lane. The red ford was weaving in the northbound lanes as it approached County Road 28 and the City Line using both northbound lanes at times. The vehicle then accelerated further reaching speeds of at least 60mph in the 40 mph zone. The vehicle narrowly missed striking the median at the intersection of Parkside Drive and did strike the curb once prior to coming to a complete stop in front of the Maytag Store plaza. The vehicle registration was NY FRE9910. When I approached the operator (Nicole Kadien) displayed her Canandaigua Police Department identification and said, "I'm just on my way home." During my conversation with her I detected the odor of an alcoholic beverage on her breath, her speech was slurred, eyes were bloodshot and I observed resting nystagmus. I asked her how much she had to drink and she responded with: "I'll call for a ride."</p>										
86. Arresting Officer's Signature Deputy Everett Roach		87. ID No. 131		88. Supervisor's Signature <i>SGT. FANTASIA</i>		89. ID No. 245		90. Arrest Made As A Result Of A SAFIS Latent Print Identification?		
91.		92.		93.		94. 1 Page		95. 1 Page		

1. Agency Ontario County Sheriff's Office		2. Division/ Precinct Post 4		New York State SUPPLEMENTAL REPORT		Supplement To: 1237017		Incident No. 1237017		5. Arrest No.																									
5. Date 11/23/12		6. Time of Report 2112		7. Complainant Name Roach, Everett E. Deputy				8. (Offense Name) Driving While Intoxicated																											
<p>9. Narrative</p> <p>I told her to sit tight in her vehicle and I called Sergeant Ford to inform him of what I had seen and the condition of the operator; Nicole Kadien, who in my opinion was highly intoxicated. I told the Sergeant that there was no way I was going to let her drive further and advised him that I was going to use my PBT to get a ballpark BAC. Nicole consented to this request and the PBT indicated a BAC of .216, I made Sergeant Ford aware of those results and he indicate that he had spoken with Sergeant Ryan Allen of the Canandaigua Police Department and he was on his way to my location. I briefly spoke with Sergeant Allen who asked if I would release her to him without charging her with DWI as a courtesy, making it clear that decision was entirely mine. I did release her to his care, Sergeant Allen moved her vehicle from the highway to a parking spot in front of the Maytag Store and I cleared the scene after he returned to his police vehicle.</p> <p>When asked to take the preliminary breath test Ms. Kadien stated " I know I'll blow over."</p> <p>After the incident and my memo was reviewed by ranking officials at the Sheriff's Office, Canandaigua Police Department and the Ontario County District Attorney's Office a decision was made to charge Nicole Kadien with driving while intoxicated, speeding, failure to keep right and improper lane usage. She was arrested on 11/23/12 at 2112hrs and will present herself for processing prior to court appearance. She will appear at a later date in Canandaigua City Court to answer to the charges. Case Closed by arrest</p>																																			
<div>ADMINISTRATIVE</div> <table border="1"><tr><td colspan="2">10. Inquiries</td><td colspan="2">11. NYSPIN Message No.</td><td colspan="2">12.</td><td colspan="2">82.</td></tr><tr><td colspan="2">13. Reporting Officer's Signature (Include Rank) Deputy Everett Roach</td><td colspan="2">14. ID No. 131</td><td colspan="2">15. Supervisor's Signature (Include Rank) <i>SGT. FRASCA</i></td><td colspan="2">16. ID No. 245</td></tr><tr><td colspan="4">17. Case Status Closed - Arrest</td><td colspan="2">18. Status Date 11/23/12</td><td colspan="2">19. Notified/ TOT</td></tr></table> <div>2 Page of Pages 2 A use cover sheet</div>												10. Inquiries		11. NYSPIN Message No.		12.		82.		13. Reporting Officer's Signature (Include Rank) Deputy Everett Roach		14. ID No. 131		15. Supervisor's Signature (Include Rank) <i>SGT. FRASCA</i>		16. ID No. 245		17. Case Status Closed - Arrest				18. Status Date 11/23/12		19. Notified/ TOT	
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17. Case Status Closed - Arrest				18. Status Date 11/23/12		19. Notified/ TOT																													

State of New York : County of Ontario
City Court : City of Canandaigua

People of the State of New York

vs.

Nicole L. Kadien (DOB [REDACTED])

**Supporting Deposition
Simplified
Traffic Information**

Defendant

Deputy Everett Roach, being the police officer complainant on a simplified Traffic Information heretofore filed with this court, charging the above named defendant with having committed the offense of driving while intoxicated in violation of Section 1192.3 of the Vehicle and Traffic Law of the State of New York, does hereby make the following allegations of fact in support thereof:

The said defendant did at about 11:38pm on the 21st day of November 2012, on North Main Street, a public highway in the City of Canandaigua, County of Ontario, State of New York, operate a 2008 Ford Escape, bearing New York registration FRE9910 in a Northerly direction while in an intoxicated condition.

At the above mentioned time and place, the said defendant was stopped for failure to keep right, improper lane usage and speeding on North Main Street in the City of Canandaigua. Upon speaking with the defendant who was identified as the operator, I detected the odor of an alcoholic beverage on her breath, her speech was slurred, eyes were bloodshot, she displayed resting nystagmus and orally stated she would blow over when asked to take a preliminary breath test.

The defendant was arrested for driving while intoxicated at 9:12pm on 11/23/12.

The defendant was issued a UTT (RPC4001HHX) for violating section 1192.3 of the New York State Vehicle and Traffic Law.

The foregoing allegations are based upon personal knowledge and information and belief, the sources of deponent's information and belief being, Officer's Observations, oral admissions of defendant.

To be completed by Police Officer
and given to Motorist

POLICE AGENCY
ONTARIO COUNTY SHERIFF
Local Police Code
03400

TO PLEAD BY MAIL

(NOT TO BE USED FOR MISDEMEANORS OR FELONIES)

Last Name (Defendant) KADIEN		First Name NICOLE		M.I. L
Number and Street [REDACTED]		Apt. No.	Photo Lic Shown <input type="radio"/>	
City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]	Owner Oper. <input checked="" type="radio"/>	Lic. Class D
Client ID Number [REDACTED]		Sex F	Date Expires [REDACTED]	
Lic. State NY	Date of Birth [REDACTED]	Veh. Type 1	Year 2008	Make FORD
Plate Number FRE9910		Reg. State NY	Registration Expires 11/15/2013	

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

Time 11:38 PM	Date of Offense 11/21/2012	IN VIOLATION OF NYS V AND T LAW		
Section Sub Section 1128A		Tr Inf <input checked="" type="radio"/>	Misd <input type="radio"/>	Felony <input type="radio"/>
Description of Violation MOVED FROM LANE UNSAFELY		US DOT# CDL Veh <input type="radio"/> Bus <input type="radio"/> Haz Mat <input type="radio"/>		
Place of Occurrence NORTH MAIN ST		Hwy. No. -	Loc. Code 3529	
C/T/V Name CANANDAIGUA, CITY OF - 3529		County ONTARIO	Hwy Type 6	NCIC/ORI 03400
AFFIRMED UNDER PENALTY OF PERJURY <i>[Signature]</i>		Date Affirmed 11/23/2012	Off Assign S 4 -	
Officer's Signature <i>[Signature]</i>		Arrest Type 1 - PATROL	Badge/Shield 131	
Officer's Last Name ROACH		First Name EVERETT	M.I. E	

Radar Officer's Signature

THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW

CANANDAIGUA CITY COURT

Address
2 NORTH MAIN ST.

City
CANANDAIGUA

State
NY

Zip
14424

☒ RETURN BY MAIL BEFORE OR IN PERSON ON:
☐ MUST APPEAR IN PERSON

Date
12/05/2012

Time
9:30 AM

A PLEA OF GUILTY TO THIS CHARGE IS EQUIVALENT TO A CONVICTION AFTER TRIAL. IF YOU ARE CONVICTED, NOT ONLY WILL YOU BE LIABLE TO A PENALTY, BUT IN ADDITION YOUR LICENSE TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE, AND YOUR CERTIFICATE OF REGISTRATION, IF ANY, ARE SUBJECT TO SUSPENSION AND REVOCATION AS PRESCRIBED BY LAW.

Conviction may subject you to a mandatory surcharge and/or Driver Responsibility Assessment as prescribed by law.

Your failure to respond may result in a warrant for your arrest or suspension of your driver's license and/or a default judgement against you.

- If you are pleading "GUILTY" by mail, place an "X" through SECTION B, then complete and sign SECTION A.

- If you are pleading "NOT GUILTY" by mail, place an "X" through SECTION A, then complete and sign SECTION B.

- Mail this form to the Court noted on this ticket by Registered, Certified, or First Class Mail, with Return Receipt Requested.

- DO NOT use this form for Misdemeanors or Felonies or for a third or subsequent speeding violation in an 18 month period, instead you must appear in the Court noted on this ticket in person.

- If the Court denies your plea, you will be notified by mail to appear in the Court noted on the front of this ticket.

SECTION A - PLEA OF GUILTY

To the Court listed on the other side of this ticket:

I, _____, residing at _____, have been charged with the violation as specified on the other side of this ticket. I acknowledge receipt of the warning printed in bold type on the other side of this ticket, and I waive arraignment in open court and the aid of an Attorney. I plead GUILTY to the offense as charged and request that this charge be disposed of and a fine or penalty fixed by the court.

Additionally, I make the following statement of explanation (optional):

All statements are made under penalty of perjury:

Date: _____ Signed: _____

SECTION B - PLEA OF NOT GUILTY

The following notice applies to you if the officer did not issue you a supporting deposition with your ticket.

NOTICE: YOU ARE ENTITLED TO RECEIVE A SUPPORTING DEPOSITION FURTHER EXPLAINING THE CHARGES PROVIDED YOU REQUEST SUCH SUPPORTING DEPOSITION WITHIN THIRTY (30) DAYS FROM THE DATE YOU ARE DIRECTED TO RESPOND TO THE COURT NOTED ON THE OTHER SIDE OF THIS APPEARANCE TICKET. DO YOU REQUEST A SUPPORTING DEPOSITION?

Yes ☐ No ☐
SUPPORTING DEPOSITION PROVIDED WHEN THIS TICKET WAS ISSUED? NO ☐ SPEEDING (Gen 101) ☐
GENERAL (Gen 101A) ☐

Signature _____

Address _____

City _____ State _____ Zip Code _____

NOTE: Mail this NOT GUILTY Plea within 48 hours. The court will notify you by First Class Mail of your appearance date.

APPLICANTS UNDER 18 YEARS OF AGE MUST SUBMIT NAME AND ADDRESS OF PARENT OR GUARDIAN BELOW.

Name of Parent or Guardian _____

Address _____

City _____ State _____ Zip Code _____

FAILURE TO ANSWER THIS TICKET WILL RESULT IN THE SUSPENSION OF YOUR LICENSE AND A DEFAULT JUDGEMENT AGAINST YOU.

UTD-1.7 (4/02)



RPC4001KHx

RPC4001LHX

POLICE AGENCY

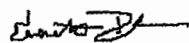
To be completed by Police Officer
and given to Motorist

ONTARIO COUNTY SHERIFF

Local Police Code
03400

Last Name (Defendant) KADIEN		First Name NICOLE		M.I. L
Number and Street [REDACTED]		Apt. No.	Photo Lic Show <input type="radio"/>	
City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]	Owner Oper. <input checked="" type="radio"/>	Lic. Class D
Client ID Number [REDACTED]		Sex F	Date Expires [REDACTED]	
Lic. State NY	Date of Birth [REDACTED]	Veh. Type 1	Year 2008	Make FORD
Plate Number FRE9910	Reg. State NY	Registration Expires 11/15/2013		

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

Time 11:38 PM	Date of Offense 11/21/2012	IN VIOLATION OF NYS V AND T LAW		
Section Sub Section 1180D	Tr Inf Misd Felony <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>	MPH 60	MPH Zone 40	
Description of Violation SPEED IN ZONE		US DOT# [REDACTED]		
Place of Occurrence NORTH MAIN ST		Hwy. No. -	Loc. Code 3552	
C/T/V Name CANANDAIGUA, TOWN OF - 3552	County ONTARIO	Hwy Type 6	NCIC/ORI 03400	
AFFIRMED UNDER PENALTY OF PERJURY 		Date Affirmed 11/23/2012	Off Assign S 4 -	
Officer's Signature ROACH		Arrest Type 1 - PATROL	Badge/Shield 131	
Officer's Last Name ROACH		First Name EVERETT	M.I. E	
Radar Officer's Signature				

THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW

CANANDAIGUA TOWN COURT		
Address 5440 ROUTE 5 & 20 WEST		
City CANANDAIGUA	State NY	Zip 14424
<input checked="" type="radio"/> RETURN BY MAIL BEFORE OR IN PERSON ON: <input type="radio"/> MUST APPEAR IN PERSON		Date 12/06/2012
		Time 7:00 PM

A PLEA OF GUILTY TO THIS CHARGE IS EQUIVALENT TO A CONVICTION AFTER TRIAL. IF YOU ARE CONVICTED, NOT ONLY WILL YOU BE LIABLE TO A PENALTY, BUT IN ADDITION YOUR LICENSE TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE, AND YOUR CERTIFICATE OF REGISTRATION, IF ANY, ARE SUBJECT TO SUSPENSION AND REVOCATION AS PRESCRIBED BY LAW.

Conviction may subject you to a mandatory surcharge and/or Driver Responsibility Assessment as prescribed by law.

Your failure to respond may result in a warrant for your arrest or suspension of your driver's license and/or a default judgement against you.

TO PLEAD BY MAIL

(NOT TO BE USED FOR MISDEMEANORS OR FELONIES)

- If you are pleading "GUILTY" by mail, place an "X" through SECTION B, then complete and sign SECTION A.

- If you are pleading "NOT GUILTY" by mail, place an "X" through SECTION A, then complete and sign SECTION B.

- Mail this form to the Court noted on this ticket by Registered, Certified, or First Class Mail, with Return Receipt Requested.

- DO NOT use this form for Misdemeanors or Felonies or for a third or subsequent speeding violation in an 18 month period, instead you must appear in the Court noted on this ticket in person.

- If the Court denies your plea, you will be notified by mail to appear in the Court noted on the front of this ticket.

SECTION A - PLEA OF GUILTY

To the Court listed on the other side of this ticket:

I, _____, residing at _____, have been charged with the violation as specified on the other side of this ticket. I acknowledge receipt of the warning printed in bold type on the other side of this ticket, and I waive arraignment in open court and the aid of an Attorney. I plead GUILTY to the offense as charged and request that this charge be disposed of and a fine or penalty fixed by the court.

Additionally, I make the following statement of explanation (optional):

All statements are made under penalty of perjury:

Date: _____ Signed: _____

SECTION B - PLEA OF NOT GUILTY

The following notice applies to you if the officer did not issue you a supporting deposition with your ticket.

NOTICE: YOU ARE ENTITLED TO RECEIVE A SUPPORTING DEPOSITION FURTHER EXPLAINING THE CHARGES PROVIDED YOU REQUEST SUCH SUPPORTING DEPOSITION WITHIN THIRTY (30) DAYS FROM THE DATE YOU ARE DIRECTED TO RESPOND TO THE COURT NOTED ON THE OTHER SIDE OF THIS APPEARANCE TICKET. DO YOU REQUEST A SUPPORTING DEPOSITION?

Yes ☐ No ☐
SUPPORTING DEPOSITION PROVIDED WHEN THIS TICKET WAS ISSUED? NO ☐ SPEEDING (Gen 101) ☐
 GENERAL (Gen 101A) ☐

Signature _____

Address _____

City _____ State _____ Zip Code _____

NOTE: Mail this NOT GUILTY Plea within 48 hours. The court will notify you by First Class Mail of your appearance date.

APPLICANTS UNDER 18 YEARS OF AGE MUST SUBMIT NAME AND ADDRESS OF PARENT OR GUARDIAN BELOW.

Name of Parent or Guardian _____

Address _____

City _____ State _____ Zip Code _____

FAILURE TO ANSWER THIS TICKET WILL RESULT IN THE SUSPENSION OF YOUR LICENSE AND A DEFAULT JUDGEMENT AGAINST YOU.

UTD-1.7 (4/02)



RPC4001LHX

**To be completed by Police Officer
and given to Motorist**

ONTARIO COUNTY SHERIFF

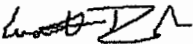
Local Police Code
03400

TO PLEAD BY MAIL

(NOT TO BE USED FOR MISDEMEANORS OR FELONIES)

Last Name(Defendant) KADIEN			First Name NICOLE			M.I. L			
Number and Street [REDACTED]					Apt. No.		Photo Lic Shown <input type="radio"/>		
City [REDACTED]			State [REDACTED]		Zip Code [REDACTED]		Owner Oper. <input checked="" type="radio"/>		
Lic. Class D									
Client ID Number [REDACTED]						Sex F		Date Expires [REDACTED]	
Lic. State NY		Date of Birth [REDACTED]		Veh. Type 1		Year 2008		Make FORD	
Color RD		Reg. State NY		Registration Expires 11/15/2013					
Plate Number FRE9910									

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

Time 11:38 PM	Date of Offense 11/21/2012	IN VIOLATION OF NYS V AND T LAW			
Section Sub Section 1120A		Tr Inf <input checked="" type="radio"/>	Misd <input type="radio"/>	Felony <input type="radio"/>	MPH
Description of Violation FAILED TO KEEP RIGHT		MPH Zone 			
		US DOT# 			
		CDL Veh <input type="radio"/>	Bus <input type="radio"/>	Haz Mat <input type="radio"/>	
Place of Occurrence NORTH MAIN ST		Hwy. No. -		Loc. Code 3529	
C/T/V Name CANANDAIGUA, CITY OF - 3529	County ONTARIO	Hwy Type 6		NCIC/ORI 03400	
AFFIRMED UNDER PENALTY OF PERJURY 		Date Affirmed 11/23/2012		Off Assign S 4 -	
(Officer's Signature)		Arrest Type 1 - PATROL			
		Badge/Shield 131			
Officer's Last Name ROACH		First Name EVERETT			M.I. E

Radar Officer's Signature

THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW

CANANDAIGUA CITY COURT			
Address 2 NORTH MAIN ST.			
City CANANDAIGUA		State NY	Zip 14424
<input checked="" type="radio"/> RETURN BY MAIL BEFORE OR IN PERSON ON: MUST APPEAR IN PERSON		Date 12/05/2012	Time 9:30 AM

A PLEA OF GUILTY TO THIS CHARGE IS EQUIVALENT TO A CONVICTION AFTER TRIAL. IF YOU ARE CONVICTED, NOT ONLY WILL YOU BE LIABLE TO A PENALTY, BUT IN ADDITION YOUR LICENSE TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE, AND YOUR CERTIFICATE OF REGISTRATION, IF ANY, ARE SUBJECT TO SUSPENSION AND REVOCATION AS PRESCRIBED BY LAW.

Conviction may subject you to a mandatory surcharge and/or Driver Responsibility Assessment as prescribed by law.

Your failure to respond may result in a warrant for your arrest or suspension of your driver's license and/or a default judgement against you.

- If you are pleading "GUILTY" by mail, place an "X" through SECTION B, then complete and sign SECTION A.

- If you are pleading "NOT GUILTY" by mail, place an "X" through SECTION A, then complete and sign SECTION B.

- Mail this form to the Court noted on this ticket by Registered, Certified, or First Class Mail, with Return Receipt Requested.

- DO NOT use this form for Misdemeanors or Felonies or for a third or subsequent speeding violation in an 18 month period, instead you must appear in the Court noted on this ticket in person.

- If the Court denies your plea, you will be notified by mail to appear in the Court noted on the front of this ticket.

SECTION A - PLEA OF GUILTY

To the Court listed on the other side of this ticket:

_____ residing at _____
have been charged with the violation as specified on the other side of this ticket. I acknowledge receipt of the warning printed in bold type on the other side of this ticket, and I waive arraignment in open court and the aid of an Attorney. I plead **GUILTY** to the offense as charged and request that this charge be disposed of and a fine or penalty fixed by the court.

Additionally, I make the following statement of explanation (optional):

All statements are made under penalty of perjury:

Date: _____ Signed: _____

SECTION B - PLEA OF NOT GUILTY

The following notice applies to you if the officer did not issue you a supporting deposition with your ticket.

NOTICE: YOU ARE ENTITLED TO RECEIVE A SUPPORTING DEPOSITION FURTHER EXPLAINING THE CHARGES PROVIDED YOU REQUEST SUCH SUPPORTING DEPOSITION WITHIN THIRTY (30) DAYS FROM THE DATE YOU ARE DIRECTED TO RESPOND TO THE COURT NOTED ON THE OTHER SIDE OF THIS APPEARANCE TICKET. DO YOU REQUEST A SUPPORTING DEPOSITION?

SUPPORTING DEPOSITION PROVIDED WHEN THIS TICKET WAS ISSUED? NO ☐ YES ☐ SPEEDING (Gen 101) ☐

GENERAL (Gen 101A)

Signature _____

City _____ State _____ Zip Code _____

NOTE: Mail this NOT GUILTY Plea within 48 hours. The court will notify you by First Class Mail of your appearance date.

**APPLICANTS UNDER 18 YEARS OF AGE
MUST SUBMIT NAME AND ADDRESS OF PARENT OR GUARDIAN BELOW.**

Name of Parent or Guardian _____

Address _____

City, State Zip Code

FAILURE TO ANSWER THIS TICKET WILL RESULT IN THE SUSPENSION OF YOUR LICENSE AND A DEFAULT JUDGEMENT AGAINST YOU.

UTD-1.7 (4/02)



RPC4001JHX

To be completed by Police Officer
and given to Motorist

POLICE AGENCY

ONTARIO COUNTY SHERIFF

Local Police Code
03400

Last Name(Defendant) KADIEN		First Name NICOLE		M.I. L
Number and Street [REDACTED]		Apt. No.	Photo Lic Shown <input type="radio"/>	
City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]	Owner Oper. <input checked="" type="radio"/>	Lic. Class D
Client ID Number [REDACTED]		Sex F	Date Expires [REDACTED]	
Lic. State NY	Date of Birth [REDACTED]	Veh. Type 1	Year 2008	Make FORD
Plate Number FRE9910	Reg. State NY	Registration Expires 11/15/2013		

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

Time 11:38 PM	Date of Offense 11/21/2012	IN VIOLATION OF NYS V AND T LAW		
Section Sub Section 11923	Tr Inf Misd Felony <input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	MPH	MPH Zone	
Description of Violation DRIVING WHILE INTOXICATED (MISD)		US DOT#		
Place of Occurrence NORTH MAIN ST		Hwy. No. -	Loc. Code 3529	
C/TV Name CANANDAIGUA, CITY OF - 3529		County ONTARIO	Hwy Type 6	NCIC/ORI 03400
AFFIRMED UNDER PENALTY OF PERJURY <i>[Signature]</i>		Date Affirmed 11/23/2012	Off Assign S 4 -	
(Officer's Signature)		Arrest Type 1 - PATROL	Badge/Shield 131	
Officer's Last Name ROACH		First Name EVERETT	M.I. E	

Radar Officer's Signature

THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW

CANANDAIGUA CITY COURT		
Address 2 NORTH MAIN ST.		
City CANANDAIGUA	State NY	Zip 14424
<input type="radio"/> RETURN BY MAIL BEFORE OR IN PERSON ON: <input checked="" type="radio"/> MUST APPEAR IN PERSON		
Date 12/05/2012	Time 9:30 AM	

A PLEA OF GUILTY TO THIS CHARGE IS EQUIVALENT TO A CONVICTION AFTER TRIAL. IF YOU ARE CONVICTED, NOT ONLY WILL YOU BE LIABLE TO A PENALTY, BUT IN ADDITION YOUR LICENSE TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE, AND YOUR CERTIFICATE OF REGISTRATION, IF ANY, ARE SUBJECT TO SUSPENSION AND REVOCATION AS PRESCRIBED BY LAW.

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- If the Court denies your plea, you will be notified by mail to appear in the Court noted on the front of this ticket.

SECTION A - PLEA OF GUILTY

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SECTION B - PLEA OF NOT GUILTY

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Yes ☐ No ☐

SUPPORTING DEPOSITION PROVIDED WHEN THIS TICKET WAS ISSUED? NO ☐ SPEEDING (Gen 101) ☐

GENERAL (Gen 101A) ☐

Signature _____

Address _____

City _____ State _____ Zip Code _____

NOTE: Mail this NOT GUILTY Plea within 48 hours. The court will notify you by First Class Mail of your appearance date.

APPLICANTS UNDER 18 YEARS OF AGE MUST SUBMIT NAME AND ADDRESS OF PARENT OR GUARDIAN BELOW.

Name of Parent or Guardian _____

Address _____

City _____ State _____ Zip Code _____

FAILURE TO ANSWER THIS TICKET WILL RESULT IN THE SUSPENSION OF YOUR LICENSE AND A DEFAULT JUDGEMENT AGAINST YOU.

UTD-1.7 (4/02)



RPC4001HHX

Ontario County Sheriff's Office DWI Investigative Notes

Horizontal Gaze Nystagmus Test

Name: KADIE NICHOLS L.

Pupil size: Equal Unequal Eyelids: Normal Droopy

Date: 11-21-12 Time: 11:38 PM CR 1237017 DOB: [REDACTED]

Tracking: Equal Unequal Eyes: Normal Bloodshot Watery
MS: CHUCKED

NOT GIVEN

	Left Eye	Right Eye
Lack of Smooth Pursuit	—	—
Distinct sustained Nystagmus at maximum deviation	—	—
Onset of Nystagmus prior to 45 degrees	—	—

1. Vehicle in motion

VEHICLE NOT MOVING ON N. MAIN ST CRUSHER CENTERLINE
OF HIGHWAY NORTH OF RUFFALO ST. VEHICLE USED BOTH
LANES AND WAS MAKING ABRUPT TURNING MOVEMENT
CHANGING AND IS ALSO SPEEDING. VEHICLE RAN
SPARK MEDIAN OF PARKSIDE DRIVE INADVISOR F.D.P.
STUCK CURB ONCE LATER BEING STOPPED

2. Personal Contact

OFFICER HAD THE NOUR OF ALCOHOLIC REVELS ON
HER BEHAVIOR, SPEECH WAS SLURRED, EYES BLOODSHOT
AND STAGGERED LATER CLIMBED FROM VEHICLE.

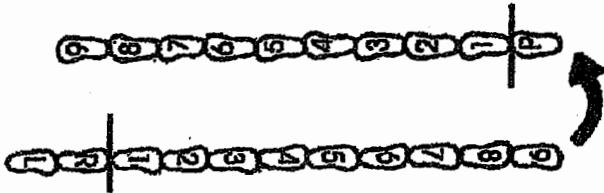
Vertical Nystagmus Yes No NOT GIVEN

Corrective Lenses: None Glasses Contacts

Do you have any physical disabilities? Yes No

Are you taking any medications or drugs? Yes No

Walk and Turn Test NOT GIVEN



Cannot keep Balance	1 st nine steps	2 nd nine steps
Starts to Soon		
Stops Walking	—	—
Misses Heel-toe	—	—
Steps off line	—	—
Raises Arms	—	—
Actual Steps Taken	—	—

One Leg Stand Test

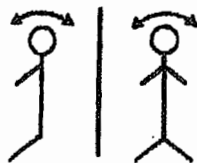
NOT GIVEN



- () Sways while Balancing ()
() Uses Arms to Balance ()
() Hopping ()
() Puts foot down ()

Footwear CALF HUNT BOOTS

Romberg Balance



NOT GIVEN

INTERNAL CLOCK

Estimated as 30 sec.

Convergence

Right Eye Left Eye



NOT GIVEN

Miscellaneous / Passenger Information

BLUE JEANS & BLUE

NOTICE OF INTENTION TO OFFER EVIDENCE

LOCAL CRIMINAL COURT
TOWN/VILLAGE/CITY OF Canandaigua

COUNTY OF ONTARIO
STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK VS. Nicole L. Kadien

TO: THE ABOVE NAMED DEFENDANT

PLEASE TAKE NOTICE that, pursuant to the provisions of Section 710.30 of the Criminal Procedure Law, the People intend to offer at trial of the above-entitled action, evidence of a statement made by you to a public servant on **11/21/12 at 11:38pm at North Main St Canandaigua NY 14424**, substantially as follows:

Q: How much have you had to drink tonight?

A: " I'll call for a ride."

Q: Will you take a PBT?

A: "I know I will blow over,"

PLEASE TAKE FURTHER NOTICE that the People intend to offer in evidence of the identification of the defendant as a person who committed the offense charged. The identification proceeding was a procedure that occurred on (date) at (time) at (location).
The identification was made by

PLEASE TAKE FURTHER NOTICE THAT THE PEOPLE ARE READY FOR TRIAL.
DATED:

INSTRUCTIONS

Insert the court and name of the defendant. Use this notice if the defendant made any admissions or statements whatsoever, or if any police-involved identification took place. Date the notice at the bottom.
THE NOTICE MUST BE SERVED UPON THE DEFENDANT AT OR WITHIN 15 DAYS OF ARRAIGNMENT. IF IN DOUBT SERVE THE NOTICE

Complete and retain copy for your records

NOTICE SERVED ON DEFENDANT AT 8:57pm AM/PM ON 11/23/12, AT [REDACTED]

