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09-106703-0 KNT  
CAUSE NO. 09-016295**CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE**

That I, Trooper Christopher A. Poague, with the Washington State Patrol, have reviewed the investigation conducted in the Washington State Patrol case number 09-016295.

There is probable cause to believe that Kenneth Wayne Sandholm committed the crime(s) of, **Felony Driving Under The Influence Of Intoxicating Liquor and/or Drugs, RCW 46.61.502** and **Driving While License Suspended/Revoked 1<sup>st</sup> Degree, RCW 46.20.342.**

This belief is predicated on the following facts and circumstances:

On Thursday October 29<sup>th</sup>, 2009, Trooper Poague was working routine traffic patrol as a fully commissioned Trooper in the full and complete uniform and fully marked patrol vehicle of the Washington State Patrol.

Trooper Poague was traveling EB on SR 18 just west of SR 516. Trooper Poague observed a blue pickup truck, WA registration A81681M, cross the right fogline by approximately ½ of a tire width. The vehicle was traveling in lane 1 of 2. The vehicle corrected itself and continued in lane 1 of 2. Trooper Poague then observed the vehicle cross over the lane divider to the left by approximately ½ of a vehicle width, into lane 2 of 2, more than momentary and then correct its travel back into lane 1. The vehicle straddled lane one and two for approximately 10 car lengths without signaling a lane change. Trooper Poague, still directly behind the vehicle, then observed the pickup to cross over the right fogline again by approximately 1 tire width. Shortly after the pickup truck passed over SR 516, Trooper Poague activated his emergency lights to stop the vehicle. The pickup slowly pulled to the right and came to a stop on the right shoulder.

Trooper Poague approached the pickup on the left side driver's window and made contact with the driver, the only occupant, a white male. Trooper Poague asked the driver if everything was "OK." The driver turned away from Trooper Poague and mumbled. Trooper Poague asked the driver to speak up and repeated the question. The driver told Trooper Poague everything was alright. Trooper Poague noticed the driver to have watery, bloodshot eyes and could smell the faint odor of intoxicants. Trooper Poague asked the driver for his driver's license, registration and insurance. The driver reached into the center console and pulled out a peppermint and placed it in his mouth. Based on training and experience, Trooper Poague became suspicious of the driver's behavior in trying to possibly mask the obvious odor of intoxicants. The driver slowly reached into his wallet and pulled out a Washington State Identification Card and handed it to Trooper Poague. Trooper Poague identified the driver as Kenneth Wayne Sandholm, DOB 01-25-1951. Trooper Poague asked Sandholm if he had a valid Washington State Driver's license, and Sandholm told him he thought he was suspended. Trooper Poague asked Sandholm how much he had to drink. Sandholm replied that he did not have anything to drink.

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Trooper Poague asked Sandholm to spit out the mint and exit the vehicle. Sandholm slowly complied. Sandholm walked to the front of his vehicle. Trooper Poague asked Sandholm if he would submit to voluntary field sobriety tests. Sandholm told Trooper Poague he would. Trooper Poague could smell an obvious odor of intoxicants as Sandholm spoke outside the vehicle. Trooper Poague asked Sandholm if he had any physical impairments that would cause him not to be able to walk 9 steps or stand on one leg. Sandholm told Trooper Poague that he had two knee replacements earlier on in his life and had trouble walking and standing for periods of time. Trooper Poague performed the Horizontal Gaze Nystagmus on Sandholm, which produced 6 of 6 clues. Trooper Poague asked Sandholm if he would like to try any more tests. Sandholm told Trooper Poague that he did not think he could perform the tests. Trooper Poague asked Sandholm if he would submit to a voluntary Portable Breath Test. Trooper Poague told Sandholm the test was not admissible in court. Sandholm told Trooper Poague he would. Sandholm gave a sample of .103. Trooper Poague placed Sandholm in custody for DUI based on his training and experience and totality of the circumstances. Trooper Poague read Sandholm his Constitutional Rights and Waiver. Sandholm told Trooper Poague he understood. Trooper Poague ran a driver's check through Washington State Patrol communications and DOL, which showed Sandholm to currently be DWLS/Revoked 1<sup>st</sup> degree with 3 prior DUI's. Sandholm was taken to Tukwila Police Department and read the Implied Consent Warning for Breath. Sandholm told Trooper Poague he understood. Sandholm gave two samples of his breath, .080 and .079. Trooper Poague then transported Sandholm to the King County Jail and booked Sandholm on DWLS/Revoked 1<sup>st</sup> degree and DUI.

On Friday October 30, 2009 at approximately 1230 hours, Trooper Poague was notified by the King County Prosecutor that Sandholm had 4 prior DUI convictions in the past 10 years making it a Felony case. Trooper Poague verified this information by NCIC.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me this 5th day of November 2009, in King County, Washington.



Washington State Patrol Bellevue, WA/King County  
*Trooper C.A. Poague Badge # 888 Washington State Patrol King Co. WA*