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STATE OF WASHINGTON, KING COUNTY DISTRICT COURT
EAST DIVISION – BELLEVUE

CITY OF BELLEVUE,

9 Plaintiff,

10 v.

11 DEREK LINKE,

12 Defendant.

No. 2Z154856

LEA: 12-569

COMPLAINT

COUNT I

14 On or about January 15, 2012, the above-named Defendant, in the City of
15 Bellevue, did commit the crime of **Driving While Under the Influence** by driving a
16 motor vehicle while under the influence of or affected by intoxicants and/or drugs, or
17 driving with a breath or blood alcohol content of .08 or greater within two hours of
18 driving contrary to the following statute/ordinance: **RCW 46.61.502**.

19 I certify under penalty of perjury that I have probable cause to believe the
20 above-named person committed the above offense(s) contrary to law.

21 Dated 2-1-12, at Bellevue, Washington.

22 CITY OF BELLEVUE
23 OFFICE OF THE CITY ATTORNEY
24 Lori M. Riordan, City Attorney

25 Susan R. Irwin
Susan R. Irwin, WSBA No. 9298
Prosecutor

COMPLAINT – PAGE 1

BELLEVUE PROSECUTOR'S OFFICE
450 - 110TH AVENUE NE
BELLEVUE, WA 98004
(425) 452-6822 & (425) 452-7256 FAX

Original

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EAST DIVISION – BELLEVUE

8 CITY OF BELLEVUE,

9 Plaintiff,

10 v.

11 DEREK LINKE,

12 Defendant.

13 No. 2Z154856

14 LEA: 12-569

15 COMPLAINT

16 COUNT II

17 On or about January 15, 2012, the above-named Defendant, in the City of
18 Bellevue, did commit the crime of **Hit and Run, Attended** by driving a motor vehicle
19 and with knowledge of being involved in an accident resulting in damage to an
20 attended vehicle or property, failed to immediately stop at the scene of such
21 accident or as close thereto as possible or return to and remain at the scene until he
22 or she has given his or her name, address, insurance company, insurance company
23 policy number, and vehicle license number and shall exhibit his or her driver's
24 license to any person struck or injured or the driver or any occupant of, or any
25 person attending any such vehicle collided with, and shall render to any person
injured in such accident reasonable assistance, including the carrying or making of
arrangements for the carrying of such person to a physician or hospital for medical
treatment if it is apparent that such treatment is necessary or if such carrying is

COMPLAINT – PAGE 1

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1 requested by the injured person or on his or her behalf contrary to the following
2 statute/ordinance: **RCW 46.52.020.**

3 I certify under penalty of perjury that I have probable cause to believe the
4 above-named person committed the above offense(s) contrary to law.

5 Dated 2-1-12, at Bellevue, Washington.

6 CITY OF BELLEVUE
7 OFFICE OF THE CITY ATTORNEY
8 Lori M. Riordan, City Attorney

9 Susan R. Irwin
10 Susan R. Irwin, WSBA No. 9298
11 Prosecutor

CRIMINAL <input checked="" type="checkbox"/> TRAFFIC <input type="checkbox"/> NON-TRAFFIC				L.E.A. ORI #: WA0170200		COURT ORI #: WA017173J		CITATION #: 220154856		REPORT #: 12-569									
IN THE <input checked="" type="checkbox"/> DISTRICT <input type="checkbox"/> MUNICIPAL COURT OF STATE OF WASHINGTON <input type="checkbox"/> COUNTY OF				KING COUNTY DISTRICT COURT		<input type="checkbox"/> CITY/TOWN OF BELLEVUE		, PLAINTIFF VS. NAMED DEFENDANT											
THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON				NAME: LAST LINKE		FIRST DEREK		MIDDLE		SFX									
DRIVER'S LICENSE NO. LINKED 222PT		STATE WA	EXPIRES 10-27-13	PHOTO ID MATCHED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CITY BELLEVUE		STATE WA		ZIP CODE 88004										
ADDRESS 11030 SE 29TH PL				<input checked="" type="checkbox"/> IF NEW ADDRESS	CITY BELLEVUE														
EMPLOYER		EMPLOYER LOCATION																	
DATE OF BIRTH 10-27-78	RACE W	SEX M	HEIGHT 5'10"	WEIGHT 215	EYES BLU	HAIR BRO	RESIDENTIAL PHONE NO. (206)669-3638	CELL/PAGER PHONE NO.	WORK PHONE NO.										
VIOLATION DATE ON OR ABOUT 1/15/2012 21:54	INTERPRETER NEEDED		AT LOCATION 108TH AVE SE REF. TRAFFICWAY BELLEVUE WAY SE				MP. BLOCK # 2000	CITY/COUNTY OF BELLEVUE/KING											
DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND																			
VEH LIC NO 584WBD	STATE WA	EXPIRES 11-21-12	VEH YR 2007	MAKE LEXUS	MODEL LX 470	STYLE 4-DOOR HARDTOP	COLOR SILVER/A												
TR #1 LIC NO	STATE	EXPIRES	TR YR	TR #2 LIC NO	STATE	EXPIRES	TR YR												
OWNER/COMPANY IF OTHER THAN DRIVER																			
ADDRESS				CITY		STATE		ZIP CODE		Filled at Bellevue Courthouse									
ACCIDENT NO	BAC 0.152/0.14	COMMERCIAL VEHICLE	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	16+ PASS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	HAZMAT	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	EXEMPT VEHICLE	FARM R.V.	FIRE OTHER										
DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES																			
1. VIOLATION/STATUTE CODE 46.61.502.5 RCW	<input type="checkbox"/> DV DUI										BAIL \$								
2. VIOLATION/STATUTE CODE	<input type="checkbox"/> DV										BAIL \$								
3. VIOLATION/STATUTE CODE	<input type="checkbox"/> DV										BAIL \$								
4. VIOLATION/STATUTE CODE	<input type="checkbox"/> DV										BAIL \$								
5. VIOLATION/STATUTE CODE	<input type="checkbox"/> DV										BAIL \$								
												TOTAL BAIL \$							
<input checked="" type="checkbox"/> MANDATORY COURT APPEARANCE	APPEARANCE DATE 01-15-12		TIME		MANDATORY APPEARANCE OFFENSES														
RELATED #	DATE ISSUED 01-15-12				If the "Mandatory" box is checked on this form, one of the following options applies:														
<input type="checkbox"/> TICKET SERVED ON VIOLATOR	<input checked="" type="checkbox"/> TICKET REFERRED TO PROSECUTOR				1. If there is a date in the appearance date box you must appear in court at that date and time.														
<input type="checkbox"/> TICKET SENT TO COURT FOR MAILING	<input type="checkbox"/> BOOKED				2. If there is a number in the appearance date box you must appear in court within the number of days indicated.														
CRIMINAL CITATION												3. If the appearance date box is blank the court will notify you in writing when to appear. If you do not receive a notice within fifteen (15) days please contact the court immediately.							
You are charged with the crime(s) described on this form. You must respond in one of the two ways listed below. Your response will depend on what is printed in the MANDATORY or BAIL box on this form.												When you appear, you will be advised of your constitutional rights and the possible penalties if you are convicted. You also may be asked to enter a plea of NOT GUILTY or GUILTY.							
DOLLAR AMOUNT (\$)- Bail Forfeitable Offenses												IF RCW LISTED APPEARS BELOW PLEASE READ							
If a dollar (\$) amount appears in the boxes marked BAIL you do not have to appear in court. Instead, send a check or money order, in U.S. funds, for the full amount to the court listed below.				You must do this within fifteen (15) days. Be sure to enclose this form. This will close your case. Traffic citations may go on your driving record.				RCW 46.61.502 Driving Under the Influence (DUI) drive a motor vehicle and either: have a 0.08 breath or blood alcohol content within 2 hours after driving, or be under the influence of or affected by liquor, any drug, or a combination of liquor or any drug.											
KING COUNTY DISTRICT COURT WA				IF YOU DO NOT APPEAR this may result in a warrant for your arrest and detention in jail. NSF checks will be treated as a failure to pay. Also, if "Traffic" is checked you will lose your driver's license/privilege.				RCW 46.20.342(1) First Degree Driving While Suspended/Revoked (DWLS) be an habitual traffic offender and drive a motor vehicle while an order of suspension or revocation prohibiting such operation is in effect.											
Phone: (206)205-9280				If you would rather appear in court, follow the directions for "Mandatory Appearance Offenses".				RCW 46.20.342(2) Second Degree Driving While Suspended/Revoked (DWLS) drive a motor vehicle while an order of suspension or revocation prohibiting such operation is in effect, and not be eligible to reinstate the license or driving privilege.											
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S), AND I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.				# P428				RCW 46.20.342(3) Third Degree Driving While Suspended/Revoked (DWLS) drive a motor vehicle while the license or privilege to drive is suspended or revoked for (1) failure to furnish proof of satisfactory progress in a required alcoholism or drug treatment program; or (2) failure to furnish proof of financial responsibility pursuant to chapter 46.29 RCW; or (3) failure to comply with chapter 46.29 RCW relating to uninsured accidents; or (4) failure to respond to a notice of traffic infraction, failure to appear at a requested hearing, violation of a written promise to appear in court, or failure to comply with the terms of a notice of traffic infraction or citation; or (5) suspension or revocation in another state that would not result in suspension or revocation in this state; or (6) failure to reinstate the driver's license or privilege after suspension or revocation in the second degree; or (7) any combination of the above.											
OFFICER R. PARROTT				OFFICER				PAGE 1 OF 1											

1 CAUSE NO.
2
3 CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE
4
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6 That R. Parrott P-428 is a POLICE OFFICER with the BELLEVUE POLICE
7 DEPARTMENT and has reviewed the investigation conducted in Case Number: 12-569 and
8 Citation number 2Z0154856. There is probable cause to believe that LINKE, DEREK (DOB
9 10-27-78) committed the crime of DUI (RCW 46.61.502). This belief is predicated on the
10 following facts and circumstances:

11 On 01-15-12 at 2124 hours a hit and run was dispatched at SE 8th St and 112th Ave SE. I
12 attached myself to the call and was advised in route that the reporting party was with the suspect
13 at the entrance to the Bellefield Office Park at the 1300 block of 112th Ave SE. I arrived on
14 scene at 2129 hours and spoke with Officer Hanke regarding the incident. Officer Hanke
15 advised that the victim vehicle, a 2011 BMW X5 driven by Cook, Christopher had been rear
16 ended by a 2007 Lexus LX driven by Linke, Derek at 108th Ave SE and Bellevue Way SE.
17 Officer Hanke advised the following information to me regarding his contact with Linke.
18 Officer Hanke noted the odor of intoxicants coming from Linke's breath as he spoke with him.
19 Linke was confused about where the accident occurred despite stating he lived in the Enatai area.
20 Linke had stated that he had not stopped because he was looking for somewhere to pull over
21 when questioned about why he left the scene of the collision. (See attached supplement by
22 Officer Hanke)

23 I contacted Linke who was standing about 40 feet east of his vehicle and asked him what had
24 happened. I noted that Linke was swaying side to side, had bloodshot eyes, and had a dazed look
25 on his face. As Linke spoke to me I noted the obvious odor of intoxicants coming from his
26 breath. I recognized this smell based on my training at the Washington State Criminal Justice
27 Training Academy, the NHTSA Advanced Roadside Impaired Driving Enforcement, based on
28 my personal experience of dealing with individuals under the influence of intoxicants, and being
29 involved in approximately 80 DUI arrests in my 4 years as a police officer with the City of
30 Bellevue. As I questioned Linke his answers were halting (he would provide short answers and
31 stop talking abruptly despite not having completed answering the question asked).

32 I asked Linke how much he had to drink tonight and Linke stated that he'd only had two beers. I
33 told Linke that based on the odor of intoxicants coming from his mouth and his appearance that I
34 believed he may have been drinking more than 2 beers. Linke stated that he'd only had two
35 beers. I asked Linke if he was willing to perform some voluntary field sobriety tests to rule out
36 alcohol. Linke stated, "No I don't want to do that."

37 I asked Linke what had happened and Linke stated that he had been driving and had rear ended
38 Cook's vehicle. I asked Linke where the collision occurred and Linke he slurred out a street
39 name I couldn't understand. I went back and forth with Linke attempting to determine the
40 location, but Linke was unable to describe where he was coming from using street names that
41 were understandable. I asked Linke to explain the how the accident occurred. Linke's only
42 response was that he rear ended Cook's vehicle. I was unable to get Linke to elaborate how the
43 collision occurred. I asked Linke where his vehicle was damaged and Linke pointed to his
44 vehicle, which was about 40 feet from where we were standing. I asked Linke to walk over to
45 the vehicle and show me where his vehicle had impacted Cook's vehicle. Linke stated that he
46 didn't know if there was any damage to the vehicle as the collision wasn't very severe. Linke

1 walked about 30 feet towards his vehicle and stopped and looked at me again with a confused
2 look on his face. I asked Linke to show me where he had hit Cook's vehicle with his vehicle and
3 Linke walked towards his vehicle again and stopped at the front driver side door and pointed at
4 the driver side front fender. I asked Linke if he had hit Cook's vehicle with his front right
5 fender. Linke stated no. I asked Linke to show me where the damage was and Linke walked to
6 the front of the vehicle and pointed to the front bumper. I noted the front license plate was
7 completely pushed in from the collision and the bumper was cracked in the middle of the vehicle
8 with the front grill being pushed back about 2". I also noted that Linke had three small car seats
9 in his vehicle. Linke later advised me that he has three young boys.

10
11 I asked Linke why he told me he had barely hit Cook's vehicle and there "probably" wasn't any
12 damage. Linke did not respond to this question. The damage to Linke's vehicle was consistent
13 with Linke colliding with Cook at speeds more than 5 mph. I asked Linke where he had struck
14 Linke's vehicle and he stated from behind. I asked Linke to show me and Linke walked to the
15 rear of Cook's car and stopped and looked at me. After waiting for 15 seconds I asked Linke if
16 he was going to show me and Linke pointed to the rear of Cook's vehicle. I noted that the lower
17 portion of Cook's bumper had been broken in half horizontally and a dent was apparent in the
18 rear hatch of the vehicle. As Linke walked around the parking lot he appeared unsteady on his
19 feet and was extremely slow to move as well as losing his focus on questions I had asked him
20 multiple times.

21
22 I spoke with Cook, Christopher about what happened. Cook stated he was driving north on 108th
23 Ave SE and stopped in the straight and left turn lane at Bellevue Way SE waiting for a green
24 light. Cook stated that Linke's vehicle ran into the back of his car while he was stopped. Cook
25 stated that the roadway was clear of ice at that location and Linke had run into the back of him
26 because he just failed to stop. Cook informed me that his wife and son were also in the vehicle
27 when the collision occurred, but no one was injured.

28
29 Cook stated that as began exiting his vehicle, Linke "peeled out" reversing away from Cook's
30 vehicle. Linke moved into the right turn lane and turned south onto Bellevue Way SE. Cook
31 followed after Linke and pulled alongside Linke honking his horn and flashing his lights to get
32 Linke to pull over. Linke finally pulled over onto the right shoulder south of the Park and Ride.
33 Cook again began to exit his vehicle to talk with Linke when Linke performed a U-turn, turning
34 over the C-Curbing separating the north and south bound lanes of traffic, and drove away headed
35 North on Bellevue Way SE. Cook stated that his wife who was calling 911 had not gotten all of
36 the vehicle plate and he turned around and followed after Linke. Cook finally caught back up
37 with Linke on 112th Ave SE and Linke pulled into the Bellefield Office Park where Cook was
38 able to get out of his vehicle and contact Linke before he could drive away. Cook stated that
39 Linke appeared dazed and stumbled out of his car. Cook stated that Linke smelled of alcohol,
40 appeared intoxicated, and was rambling on about how he lived in Enatai. Cook stated he wanted
41 charges filed against Linke for Hit and Run. (See attached witness statement by Cook)

42
43 Based on the fact that Linke drove into the back of Cook's vehicle without stopping, Linke
44 drove away from the scene of a collision without immediately stopping and exchanging
45 information, Linke attempted to evade Cook from obtaining the information by performing a U-
46 turn over C-curbing, Linke passed multiple stop locations driving approximately 1.2 miles before
47 finally stopping, Linke had the odor of intoxicants on his breath, Linke appeared dazed, Linke
48 admitted to consuming alcohol, Linke had bloodshot eyes, Linke was slow to respond to
49 questions, Linke's speech was slurred and halting, and Linke was swaying while standing, I
50 believed I had probable cause to arrest Linke for DUI and Hit and Run.

1 +The above occurred in the City of Bellevue, County of King, State of Washington:
2
3 Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is
4 true and correct. Signed and dated by me this Tuesday, January 17, 2012, at **THE CITY OF**
5 **BELLEVUE**, King County, Washington State.

6 R. Parrott P-428
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