

Filed at Bellevue Courthouse

FEB 02 2012

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

CITY OF BELLEVUE,

Plaintiff,

v.

DEREK LINKE,

Defendant.

No. 2Z154856

LEA: 12-569

COMPLAINT

COUNT I

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

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

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

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

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

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

CITY OF BELLEVUE,

Plaintiff,

v.

DEREK LINKE,

Defendant.

No. 2Z154856

LEA: 12-569

COMPLAINT

COUNT II

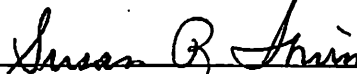
On or about January 15, 2012, the above-named Defendant, in the City of Bellevue, did commit the crime of **Hlt and Run, Attended** by driving a motor vehicle and with knowledge of being involved in an accident resulting in damage to an attended vehicle or property, failed to immediately stop at the scene of such accident or as close thereto as possible or return to and remain at the scene until he or she has given his or her name, address, insurance company, insurance company policy number, and vehicle license number and shall exhibit his or her driver's license to any person struck or injured or the driver or any occupant of, or any 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

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

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10 Susan R. Irwin, WSBA No. 9298
11 Prosecutor
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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		KING COUNTY DISTRICT COURT								
<input type="checkbox"/> STATE OF WASHINGTON <input type="checkbox"/> COUNTY OF		<input checked="" type="checkbox"/> CITY/TOWN OF BELLEVUE, PLAINTIFF VS. NAMED DEFENDANT								
DRIVER'S LICENSE NO.		STATE	EXPIRES	PHOTO ID MATCHED	NAME: LAST		FIRST	MIDDLE	SFX	COL
LINKED*222PT		WA	10-27-13	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	LINKE		DEREK			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ADDRESS 11030 SE 29TH PL				<input checked="" type="checkbox"/> IF NEW ADDRESS		CITY	STATE		ZIP CODE	
BELLEVUE						WA	98004			
EMPLOYER		EMPLOYER LOCATION								
DATE OF BIRTH	RACE	SEX	HEIGHT	WEIGHT	EYES	HAIR	RESIDENTIAL PHONE NO.	CELL/PAGER PHONE NO.	WORK PHONE NO.	
10-27-78	W	M	5'10"	215	BLU	BRO	(206)888-3638			
VIOLATION DATE		INTERPRETER NEEDED		AT LOCATION		MP.		CITY/COUNTY OF		
ON OR ABOUT 1/15/2012 21:54		LANG:		REF. TRAFFICWAY 108TH AVE SE BELLEVUE WAY SE		BLOCK # 2000		BELLEVUE/KING		
DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND										
VEH LIC NO	STATE	EXPIRES	VEH YR	MAKE	MODEL	STYLE		COLOR		
584WBD	WA	11-21-12	2007	LEXUS	LX 470	4-DOOR HARDTOP		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						
ACCIDENT NO	BAC	COMMERCIAL VEHICLE	YES	16+ PASS	YES	HAZMAT	YES	EXEMPT VEHICLE	FARM R.V.	FIRE OTHER
	0.152/0.144	<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> NO
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		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.				
						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.				
						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.				
						IF RCW LISTED APPEARS BELOW PLEASE READ				
						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.				
						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 revocation issued under chapter 46.65 RCW prohibiting such operation is in effect.				
						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.				
						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.				

CRIMINAL CITATION

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.

DOLLAR AMOUNT (\$) - Bail Forfeitable Offenses

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.

KING COUNTY DISTRICT COURT

WA

Phone: (206)205-9280

If you would rather appear in court, follow the directions for "Mandatory Appearance Offenses".

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.

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.

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.

OFFICER **R. PARROTT** # P428

OFFICER

1 CAUSE NO.

2 CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

3
4
5
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
12 On 01-15-12 at 2124 hours a hit and run was dispatched at SE 8th St and 112th Ave SE. I
13 attached myself to the call and was advised in route that the reporting party was with the suspect
14 at the entrance to the Bellefield Office Park at the 1300 block of 112th Ave SE. I arrived on
15 scene at 2129 hours and spoke with Officer Hanke regarding the incident. Officer Hanke
16 advised that the victim vehicle, a 2011 BMW X5 driven by Cook, Christopher had been rear
17 ended by a 2007 Lexus LX driven by Linke, Derek at 108th Ave SE and Bellevue Way SE.
18 Officer Hanke advised the following information to me regarding his contact with Linke.
19 Officer Hanke noted the odor of intoxicants coming from Linke's breath as he spoke with him.
20 Linke was confused about where the accident occurred despite stating he lived in the Enatai area.
21 Linke had stated that he had not stopped because he was looking for somewhere to pull over
22 when questioned about why he left the scene of the collision. (See attached supplement by
23 Officer Hanke)

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

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

40
41 I asked Linke what had happened and Linke stated that he had been driving and had rear ended
42 Cook's vehicle. I asked Linke where the collision occurred and Linke he slurred out a street
43 name I couldn't understand. I went back and forth with Linke attempting to determine the
44 location, but Linke was unable to describe where he was coming from using street names that
45 were understandable. I asked Linke to explain the how the accident occurred. Linke's only
46 response was that he rear ended Cook's vehicle. I was unable to get Linke to elaborate how the
47 collision occurred. I asked Linke where his vehicle was damaged and Linke pointed to his
48 vehicle, which was about 40 feet from where we were standing. I asked Linke to walk over to
49 the vehicle and show me where his vehicle had impacted Cook's vehicle. Linke stated that he
50 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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