

Date	Court Action, Orders, Entries			
	Count	Plea		
	A	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> NC
	B	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> NC
	C	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> NC
	D	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> NC
	E	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> NC
	F	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> NC
Finding on No Contest Plea				
	A	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> DISMISSED
	B	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> DISMISSED
	C	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> DISMISSED
	D	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> DISMISSED
	E	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> DISMISSED
	F	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> DISMISSED
MOTION FOR				
WAIVER OF TRIAL TIME FILED				
REQUEST FOR PRETRIAL HEARING FILED				
ENTRY				
	A	\$		BOND FORFEITED
	B	\$		BOND FORFEITED
	C	\$		BOND FORFEITED
	D	\$		BOND FORFEITED
	E	\$		BOND FORFEITED
	F	\$		BOND FORFEITED
BENCH WARRANT ORDERED: BOND SET AT \$				
TRIAL BY <input type="checkbox"/> COURT <input type="checkbox"/> JURY				
DEFT FOUND:				
	A	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> DISMISSED
	B	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> DISMISSED
	C	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> DISMISSED
	D	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> DISMISSED
	E	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> DISMISSED
	F	<input type="checkbox"/> GG	<input type="checkbox"/> NG	<input type="checkbox"/> DISMISSED
DEFENDANT HAVING PLEADED OR CHANGE PLEA TO				
<input type="checkbox"/> GUILTY				
<input type="checkbox"/> NOT GUILTY AND FOUND _____ GUILTY				
<input type="checkbox"/> NO CONTEST AND FOUND _____ GUILTY				
THE COURT THEREFORE IMPOSES THE FOLLOWING SENTENCE				
FINE: COST:				
	A	\$	Y N	<input type="checkbox"/> DISMISSED
	B	\$	Y N	<input type="checkbox"/> DISMISSED
	C	\$	Y N	<input type="checkbox"/> DISMISSED
	D	\$	Y N	<input type="checkbox"/> DISMISSED
	E	\$	Y N	<input type="checkbox"/> DISMISSED
	F	\$	Y N	<input type="checkbox"/> DISMISSED
JAIL: _____				
SUSPENSION OF DRIVING				
RIGHTS: _____				
ENTRY MODIFYING SUSPENSION JUDGE				
NOTICE OF APPEAL				
ATTORNEY NAME AND ADDRESS				



\*23TRC08268\*

TICKET NO. OHP120115092920230304  
NUMBER OF COUNTS 4

CLARK COUNTY  
MUNICIPAL COURT OF  
SPRINGFIELD, OHIO

THE STATE OF OHIO  
THE CITY OF SPRINGFIELD

VS

BRIAN SCOTT MILLER  
1897 HILLSIDE AVENUE  
SPRINGFIELD OH 45503

D.O.B.: 1970-09-11  
SSN :

VIOLATION:

4511.19A1A  
4510.11  
4510.16  
4511.21A

DATE OF ARRAIGNMENT: 2023-10-06 1100

ASSIGNMENT:

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_

INSURED? NO  
OL HELD ? NO

BOND POSTED – CASH SURETY  
AMOUNT \_\_\_\_\_

TO DEFENDANT: SUMMONS YOU ARE SUMMONED AND ORDERED TO APPEAR ON 10/06/2023 AT 1100 IN Clark Co Municipal Court AT 50 E COLUMBIA ST, SPRINGFIELD, OH, 45501 . CITY VILLAGE TOWNSHIP Springfield, Clark COUNTY ,OHIO PERSONAL APPEARANCE REQUIRED : Yes No If you fail to appear at this time and place you may be arrested or your license may be cancelled. TICKET# OHP120115092920230304 CASE # NAME Brian Scott Miller REFERENCE # 2RF4RU STREET,CITY 1897 Hillside Avenue, Springfield COUNTY, STATE, ZIP OH ,45503 PHONE# (937) 206-5737 TEXT/PHONE NOTIFICATION APPROVED? YES NO OPERATOR LICENSE / STATE ID# None BIRTH DATE 09/11/1970 ISSUE DATE 06/04/2019 STATE OH CLASS EXPIRES 09/11/2022 ENDORSEMENT(S)/RESTRICTION(S) CDL MC Other SS# (last 4 digits) SEX HEIGHT WEIGHT EYES HAIR RACE FINANCIAL RESPONSIBILITY PROOF? M 6'4" 200 GRN BRO WNH Yes No N/A

TO DEFENDANT: COMPLAINT ON Sep 29, 2023 AT 0127 , YOU Operated /Passenger /Parked /Walked at Passenger Motorcycle Bicycle Other Commercial DOT# >=26,001 lbs. <16 Pass. Bus >=16 Pass. Bus Haz. Mat. VEHICLE: YEAR 2008 MAKE Chevrolet MODEL Pick-up Truck COLOR Teal (Green) LICENSE # JWC5094 STATE OH UPON A PUBLIC HIGHWAY, NAMELY North Street DIRECTION Westbound AT/NEAR Thompson Drive (M.P ) IN THE City OF Springfield IN Clark COUNTY #: 12 STATE OF OHIO AND COMMITTED THE FOLLOWING OFFENSE(S).

SPEED: 52 MPH in 35 MPH zone ORC ORD T.P. Over limits Unsafe for conditions ACDA Radar Air VASCAR PACE LASER Stationary Moving OVI: Under the influence of alcohol/drug of abuse. In physical control of vehicle. Prohibited blood alcohol concentration. BAC Blood Breath Urine Refused Prior OVIs: # of prior OVIs 0 Years of prior OVIs DRIVER LICENSE: None Not on person Revoked Suspended EXPIRED: < 6 months > 6 months Failure to Reinstate Suspension Type:Driving Under Financial Responsibility Law ORC ORD T.P. SAFETY BELT: Failure to wear Driver Passenger Child Restraint Booster Seat OTHER OFFENSE: ORC ORD T.P. DRIVER LICENSE HELD VEHICLE SEIZED JUVENILE TRAFFIC OFFENDER DISTRACTED DRIVING PENALTY ENHANCEMENT APPLIES (REMARKS REQUIRED) PAVEMENT: Dry Wet Snow Ice # of Lanes 4 VISIBILITY: Clear Cloudy Dusk Night Dawn AV WEATHER: Rain Snow Fog No Adverse Construction Zone TRAFFIC: Heavy Moderate Light None Workers Present AREA: Business Freeway Industrial Residential Rural School CRASH: Yes No Almost Caused Non-Injury INJURY FATAL Crash Report #: REMARKS: see attached ACCOMPANYING CRIMINAL CHARGE(S): Yes No TOTAL # OFFENSES: 4

This summon served personally on the defendant on Sep 29, 2023 The issuing/charging law enforcement officer states under the penalties of perjury and falsification that he/she has read the above complaint and that it is true. Tpr. N Bishop Charging Law Enforcement Officer Issuing Law Enforcement Officer SAME AS ABOVE Issuing Officer: Verify Defendant's address. If different from License address, write current address in space provided. OHP 0060 01/20 HP7 110-0060-00 [760-0807] COURT RECORD

Docket # Page # Case # Defendant's Attorney Name / Address / Telephone If Juvenile, Parents' Names: Phone#: Grade: School: DATE COURT ACTION: ORDERS BAIL No Bail - Defendant cited and released. Bail in the amount of \$ set by Judge pursuant to bail schedule. BOND AMOUNT BOND TYPE Cash Personal 10% AAA/Insurance Bond Unsecured Surety O.I. Held Other Depositor: Name / Address / Telephone Defendant released upon execution of Bail as noted: See Bond forms - received by CONTINUANCE Requester: New DATE CONTINUANCE Reason: Defendant Failed to Appear Order Supplemental Summons to New Date Order Operator's License Forfeiture Bond Forfeiture Order Warrant: Bond Amount \$ Summons Issued Served DATE: Warrant Issued Executed DATE: / /

Judge/Magistrate DATE COURT ENTRY Defendant present with/without Counsel. All rights pursuant to Criminal Rules 10 & 11, Traffic Rules 8 & 10 explained. COUNT SPEED OVI LICENSE SEATBELT Initial Plea Trial Date Finding Fine \$ Costs \$ Jailtime (Days) SUSPENDED Fines \$ Costs \$ Jailtime (Days) ADDITIONAL ORDERS If OVI conviction: 72 hour program permitted in lieu of jail. Defendant's License is SUSPENDED for day(s)/month(s)/year(s), which shall commence on and end on Defendant is granted Limited Driving Privileges as follows, effective: Defendant to pay fines on Payment Program - see separate entry. If WAIVERED: MET Requirements of Waiver PAID Fines and Costs ACCEPTED Guilty Pleas(s) MADE Guilty Finding(s). Imposed Fines and Costs noted below. / /

Judge/Magistrate DATE FOR CLERK'S USE COUNT SPEED OVI LICENSE SEATBELT Fines \$ Costs - Local \$ Costs - State \$ TOTAL \$ Receipt #(s) If WAIVERED: Guilty Pleas(s), Waiver(s) and Payments made: In Person By Mail Receipt supplied to defendant: In Person Check is receipt By Mail via USPS First Class LETTER RATE mail to defendant's present address. Financial Responsibility PROOF SHOWN NO Financial Responsibility PROOF - Clerk to notify BMV Financial Responsibility PROOF NOT APPLICABLE Clerk/Violations Clerk/Deputy Clerk / / DATE Abstract Mailed to BMV DATE Mayor's Court Transfer/Notice of Appeal Ticket Number: OHP120115092920230304





OHIO DEPARTMENT OF PUBLIC SAFETY  
OHIO STATE HIGHWAY PATROL

**IMPAIRED DRIVER REPORT**

NAME Brian Miller	ARREST OHP120115092920230304
VEHICLE CONDITION Fair	
VEHICLE DISPOSITION Towed	

**CLOTHING DESCRIPTION AND CONDITION**

HAT OR CAP N/A	
JACKET OR COAT N/A	
SHIRT OR DRESS T-shirt	
PANTS OR SKIRT Shorts	
SHOES Athletic laced shoes	HEELS N/A
ODOR OF ALCOHOLIC BEVERAGE N/A	
SPEECH Raspy, slow	
EVIDENCE OF DRUG USE (PUPIL SIZE) Dilated	

**DIVIDED ATTENTION SKILLS**

RIGHT EYE	HORIZONTAL / VERTICAL GAZE NYSTAGMUS	LEFT EYE
<input type="checkbox"/>	DISTINCT NYSTAGMUS AT MAXIMUM DEVIATION	<input type="checkbox"/>
<input type="checkbox"/>	LACK OF SMOOTH PURSUIT	<input type="checkbox"/>
<input type="checkbox"/>	ONSET OF NYSTAGMUS BEFORE 45°	<input type="checkbox"/>
<input type="checkbox"/>	PRESENCE OF VERTICAL NYSTAGMUS	<input type="checkbox"/>
<b>WALK AND TURN</b>		
<input type="checkbox"/> Moves feet to keep balance while listening to instructions		
<input type="checkbox"/> Starts before instructions completed		
<input type="checkbox"/> Stops while walking to steady self		
<input type="checkbox"/> Does not touch heel to toe		
<input type="checkbox"/> Raises arms 6" for balance		
<input type="checkbox"/> Steps off line while walking		
<input type="checkbox"/> Turns incorrectly or loses balance while turning		
<input type="checkbox"/> Incorrect number of steps		
<input checked="" type="checkbox"/> Cannot do test (document reason for not completing) refused		
<b>ONE LEG STAND</b>		
<input checked="" type="checkbox"/> Sways while balancing (during count)		
<input checked="" type="checkbox"/> Raises arm 6" for balance		
<input type="checkbox"/> Hops		
<input checked="" type="checkbox"/> Puts foot down		
<input type="checkbox"/> Cannot do test (document reason for not completing)		
<b>PBT RESULT</b>		
<input type="checkbox"/> P <input type="checkbox"/> W <input type="checkbox"/> F Percent		
OTHER SKILL EVALUATIONS Poor fine motor skills, slow lathergic movements		
AUDIO / VIDEO RECORDING <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
STORAGE MEDIA REFERENCE #		
OFFICER'S NAME Trooper N. Bishop	UNIT 0115	POST 12
		DATE 9/29/23

## STATEMENT OF FACTS

Your Honor,

On Friday, September 29<sup>th</sup> 2023 at approximately 0127 hours I was patrolling eastbound on North Street near Thompson Avenue, in the City of Springfield. I was patrolling in a fully marked patrol car, in the uniform of the day when I observed a vehicle traveling westbound at a speed I visually estimated to be above the posted speed limit of 35 MPH. I activated my Bee 3 radar and it showed a tracking history of 52, 52, 52, 51 MPH and made a clear and distinct tone that had dropped off as the defendants vehicle had passed me. I turned to catch up to the vehicle and as I was approaching the truck, it failed to maintain it's lane around the bend in the roadway. I activated my blue emergency lights and it pulled to the right shoulder. I approached the vehicle on the passenger side and made contact with the driver, later identified as Brian Miller, and advised him the reasoning for the stop. Miller stated that he was driving so fast because he was "on the way to pick up his girl," and his "speedomete must be off." Miller's eyes were bloodshot and glassy and his pupils were dilated. Miller's movements or slow and lathergic and his speech was slow and raspy. Miller had marijuna shake along the center console and the odor of burnt marijuana was emitting from the truck. I asked Miller for his drivers license and he stated "no, I don't have a drivers license." I asked Miller why he was driving and he stated that he was "going to pick up his girl." I asked Miller for his insurance and he could not produce it. Miller stated that it is his vehicle but his friends registers the vehicle for him since he does not possess a valid license. I asked Miller if he had consumed any alcohol or smoked marijuana and he stated he smoked "this morning." I asked Miller if he had any marijuana in his vehicle and he stated no. I asked Miller if he had a medical marijuana card and he stated no. I had Miller exit his vehicle to conduct Standardized Field Sobriety Tests. At this point, Miller stated he had a medical condition that he could no conduct some SFST's.

The first test I conducted was the Horizontal Gaze Nystagmus test. I placed Miller with his feet together and his arms down to his side and he had a distinct sway about his person. I asked Mr. Miller if he had any head, neck, back or leg injuries and he stated that he had a knee replacement. Miller stated that he had a triple bipass surgery. I explained to Miller ot follow my stimulus with just his eyes and he moved his head, rather than keeping it still. During this test, no clues were observed. Vertical Nystagmus was not present. The Walk and Turn was not completed as Miller stated his conditions would prevent him from completing it.

The second test I administered was the Modified Romberg. I explained the test to Miller and he stated he understood and had no questions. Miller had visible eyelid tremors and had a distinct sway about his person during this test. Miller estimated the passing of 30 seconds in approximately 22 seconds.

The third test I administered was the Lack of Convergence. Miller stated he had the ability to go cross eyes. I explained the test to Miller and he stated that he understood the test and had no questions. Duringthe test, Miller's eyes remained straight ahead.

The fourth test I administered was the One Leg Stand. I demonstrated and explained the test to Miller and he stated he understood and had no questions. During the test, Miller showed the following clues: swayed, put foot down and raised arms. A total of three (3) of four (4) clues were observed during this test.

I placed Miller under arrest for OVI and adivsed him of his Constitutional Rights, which he stated he understood. Miller was searched and placed in the rear of my patrol car. An administrated inventory was completed on Miller's vehicle and it was towed from the scene by Dan's Towing. A smoked roach was in the ash tray of the pickup. Miller was transported to the Springfield Post and read the BMV 2255 which was witnessed by Sergeant Slanker. I requested a urine test from Miller and he refused. Miller was issued a citation for OVI, Driving under Suspension, and Speed. Miller was released from the post to a friend via HP-60.





OHIO DEPARTMENT OF PUBLIC SAFETY  
BUREAU OF MOTOR VEHICLES

R-238

REPORT OF LAW ENFORCEMENT OFFICER ADMINISTRATIVE LICENSE SUSPENSION /  
NOTICE OF POSSIBLE CDL DISQUALIFICATION / IMMOBILIZATION / FORFEITURE

A. NAME <u>BREAN S. MILLER</u>		DRIVER LICENSE # <u>RF 262251</u>		CLASS <u>ID</u>	STATE <u>OH</u>
CURRENT STREET ADDRESS (AS VERIFIED BY OFFICER) <u>1897 HILLSIDE AVE.</u>					
CITY <u>SPRINGFIELD</u>		OHIO COUNTY OF RESIDENCE <u>CLARK</u>		STATE <u>OH</u>	ZIP CODE <u>45503</u>
DATE OF BIRTH <u>9/11/1970</u>	SOCIAL SECURITY # <u>XXX-XX-XXXX</u>	4 DIGIT COURT CODE <u>1220</u>		COUNTY OF VIOLATION <u>CLARK</u>	
DATE OF VIOLATION <u>9/1/23</u>	TIME OF VIOLATION <u>0127</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	PLACE OF TEST <u>REFUSAL</u>		VIN <u>26CFC19C881313247</u>	
DATE OF REFUSAL OR TEST <u>9/1/23</u>	TIME OF REFUSAL OR TEST <u>0239</u> <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	YEAR <u>2008</u>	MAKE <u>CHRY</u>	LICENSE PLATE # <u>JWC 5094</u>	TYPE PLATE <u>PC</u> STATE <u>OH</u>
VEHICLE OWNER'S NAME <u>CHRISTOPHER SCHULTZ</u>		DATE OF BIRTH		STREET ADDRESS <u>SAFIC</u>	
CITY <u>SAFIC</u>		STATE		ZIP CODE	
VEHICLE STORED AT (STREET ADDRESS) <u>HANS TOLONG</u>				CITY <u>SPRINGFIELD</u>	

B. Officer to Complete for All OVI / Physical Control Arrests:

Circle arrest type: ☒ OVI ☐ Physical Control

The driver:

- ☒ Refused to submit to test (s).  
☐ Submitted to test (s) 0 % alcohol test result  
☐ Circle test type for which results were reported:  
Whole Blood, Breath, Urine, Blood Serum, or Blood Plasma  
☒ Was placed under an Administrative License Suspension (R.C. 4511.191)  
☐ License was seized  
☒ Offender was provided a copy of this form at the time of arrest.

I requested the driver, by reading advice on the back, to submit to a chemical test (s) for alcohol and / or for the presence of any controlled substance or metabolite. My reasonable grounds for OVI / Physical Control arrest before test were: blagister 8/22/23 eyes

- ☐ Subject tested for controlled substance or metabolite. Circle test type for which controlled substance or metabolite results were reported: Urine, Whole Blood, Blood Serum, or Blood Plasma.  
☐ Specify controlled substance and / or metabolite results:  
☐ Subject tested positive for prohibited level of marijuana metabolite (specify amount)  
and was under the influence of alcohol and / or a drug of abuse.  
☐ Alcohol, controlled substance or metabolite test result received on \_\_\_\_\_ Subject served with notice of Administrative License Suspension on \_\_\_\_\_  
☐ Reasonable means officer used to ensure offender submitted to a chemical test were:

C. Officer to Complete Applicable Vehicle Sanctions:

- ☐ License plate(s) seized  
☐ Vehicle seized under R.C. 4511.195 (OVI)

- ☐ Vehicle seized under R.C. 4510.41 only (DUS or wrongful entrustment of a motor vehicle) If so, Do not mail this form to the BMV  
☐ Vehicle subject to immobilization  
☐ Vehicle subject to forfeiture

D. Officer to Complete if Offender is the holder of a commercial driver license or was Operating a Commercial Vehicle:

- ☐ Read and showed advice to offender (R.C. 4506.17)  
☐ Refused to submit to test(s)  
☐ Submitted to test(s) 0 % alcohol test result  
(Circle One) Whole Blood, Breath, Urine, Blood Serum, or Blood Plasma  
☐ Prohibited Alcohol Content without OVI charge

- ☐ Prohibited Alcohol Content with OVI charge  
☐ Commercial vehicle per definition (R.C. 4506.01(D))  
☐ 24-hour out-of-service order  
☐ CDL to be disqualified  
☐ CDL seized  
☐ Hazardous material  
☐ Operated a commercial vehicle under the influence of a controlled substance

E. The advice on the back of this form was read to me and I have received a copy of this form.

☒ DRIVER'S SIGNATURE

☒ REFUSED TO SIGN

F. Complete Below Only for an OVI / Physical Control ARREST:

We, the undersigned, certify that the advice prescribed by the General Assembly (under R.C. 4511.191 and R.C. 4511.192), was shown to the person under arrest and read to him or her in the presence of the arresting officer and one other person.

X TR 7/15/23  
ARRESTING OFFICER'S SIGNATURE

CLARK STATE HIGHWAY PATROL  
ENFORCEMENT AGENCY

OHIO H P 1 2  
N.C.I.C. #

4201 GATEWAY BLVD.  
OFFICER'S BUSINESS STREET ADDRESS

SPRINGFIELD  
CITY

OH 45502  
STATE ZIP CODE

X 18041  
WITNESS'S SIGNATURE

COMPLETE BELOW ONLY ON OVI ARREST, PHYSICAL CONTROL ARREST, OR ARREST INVOLVING COMMERCIAL VEHICLE. AFFIDAVIT OF ARRESTING OFFICER:

STATE OF OHIO, COUNTY OF CLARK

I certify I arrested the person, having had reasonable grounds to believe the person was operating a vehicle upon a highway, or upon public or private property used by the public for vehicular travel or parking in the State of Ohio, under the influence of alcohol and / or drugs of abuse, in physical control of a vehicle while under the influence of alcohol and / or drugs of abuse, or with a prohibited concentration of alcohol in the whole blood, blood serum, blood plasma, breath, or urine. I advised the person in the prescribed manner of the consequences of a refusal or a test. The person either refused the test, or was under arrest for OVI and took the test and had a prohibited concentration of alcohol in the whole blood, blood serum, blood plasma, breath, or urine (all as described above). In the case of a commercial vehicle (if applicable) I had reasonable grounds to believe the person was driving a commercial motor vehicle in the State of Ohio in violation of section 4506.15 of the Ohio Revised Code. The information contained on this form is true to the best of my knowledge and belief.

X TR 7/15/23  
ARRESTING OFFICER SIGNATURE

X 18041  
PEACE OFFICER SIGNATURE

Sworn to before me this 29 day of SEPTEMBER 20 23

X  
NOTARY PUBLIC'S SIGNATURE

X  
DEPUTY CLERK OF COURT'S SIGNATURE