

IN THE CIRCUIT COURT OF MILLER COUNTY
STATE OF MISSOURI

APPLICATION FOR SEARCH WARRANT

STATE OF MISSOURI]

] ss.

COUNTY OF MILLER]

I, Officer David Shoemaker, being first duly sworn upon my oath, make the following application for issuance of a Search Warrant pursuant to the provisions of §542.261 RSMo et seq., and based upon the facts stated herein:

1. I am a Deputy with the Miller County Sheriff's Department and I am a "peace officer" as defined in §542.261 RSMo.
2. The date and time of the making of this application is 07/01/2022 at 0039 hours
3. I wish to search for and seize two (2) blood samples taken from the person of, Lohmar, Timothy A.
for the purpose of determining the blood alcohol content in his body.
4. Seizure of the items described above is authorized by §542.271 RSMo because they constitute evidence of the commission of a criminal offense.
5. The person of Timothy A. Lohmar__ from whom the blood is to be drawn is presently located Eagle Crest Rd, Lake Ozark, MO.
6. Facts which support the issuance of a search warrant are as follows:
7. On 06/30/22 I, Officer D. Shoemaker 706, was investigating a motor vehicle accident involving a motorcycle and a sedan which occurred at approximately 2257 hours. I was investigating this incident which involved an intoxicated driver when I was notified by the Lake Ozark Fire Protection District (LOFPD) of a vehicle who had gone around a fire truck with emergency lights active into my crash scene. Upon approaching the vehicle I immediately observed a strong odor of intoxicants coming from the vehicle.
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9. The driver who I identified as Timothy Lohmar attempted to flash a badge at me and I instructed Mr. Lohmar to put his credentials away as it would not affect my decision. I then asked Mr. Lohmar if he would submit to a preliminary breath test (PBT) to ensure he was safe to operate a motor vehicle as he had passed an emergency vehicle which had the road blocked and I observed his eyes to be watery, glassy, and bloodshot. Mr. Lohmar refused to take a PBT and then refused to submit to standardized field sobriety testing (SFST).

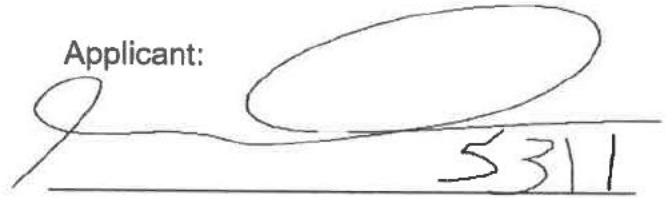
I then asked Mr. Lohmar to step out of the vehicle and walk to my patrol vehicle so I could ask further questions as I did not feel he should be operating a motor vehicle until I could ensure it was safe for him to do so. While Mr. Lohmar was walking to my patrol vehicle his steps seemed unsteady and uncertain. Mr. Lohmar also appeared to me to be slurring his speech slightly. I gave Mr. Lohmar another opportunity to perform a PBT or SFST and he refused. I then placed him under arrest and read him the modified implied consent for Miller County.

Mr. Lohmar refused to provide a sample after being notified of his rights and again refused to provide a sample after being notified a search warrant would be sought. The time of arrest was approximately 2340 hours and the time of the the request for breath was 0001 hours.

I am applying for a warrant to determine the suspect's Blood Alcohol Content (BAC) due to the suspect's unsafe operation of a motor vehicle, the suspect's watery, glassy, and bloodshot eyes, the strong odor of intoxicants coming from the suspect, and the suspects apparent lack of balance and slightly slurred speech.

Based upon the forgoing facts and circumstances, I am requesting that a Search Warrant be issued for the taking of two (2) blood samples from the person of, Timothy A. Lohmar as requested in paragraph 3 above.

Applicant:


5311

Officer D. Shoemaker



Signed by _____ Prosecuting Attorney for Miller County, Missouri, the County where the search is to take place, pursuant to the provisions of §542.276.2(8) RSMo.

Prosecutor Benjamin Winfrey

Assistant Prosecutor Todd Smith

Date and time reviewed and signed: July 1, 2022 at 1: 11 am

Sworn to before me on 7/1/22



Judge

