

# AFFIDAVIT FOR SEARCH WARRANT

THE STATE OF TEXAS

COUNTY OF Galveston

The undersigned Affiant, being a peace officer under the laws of Texas and being duly sworn, on oath makes the following statements and accusations:

My name is **William Osteen**. I am a peace officer employed by the following law enforcement

agency: **Galveston Police Department**

I have successfully completed the State-mandated requirements to become a peace officer. Additionally, I have successfully completed courses and/or training in the field of alcohol detection and intoxication-related offenses. I have seen intoxicated persons in the past and, during the course of my employment, I have observed numerous people who are under the influence of alcohol or other substances.

Officer Certifications:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> SFST Trained                   | <input type="checkbox"/> ARIDE Trained                                      |
| <input checked="" type="checkbox"/> Certified Breath Test Operator | <input type="checkbox"/> ARIDE Instructor                                   |
| <input type="checkbox"/> Certified SFST Instructor                 | <input type="checkbox"/> Certified MSEO (Marine Safety Enforcement Officer) |
| <input type="checkbox"/> Certified DRE                             | <input type="checkbox"/> Seated FST Trained                                 |
| <input type="checkbox"/> Certified DRE Instructor                  |   |

1. There is in Galveston County, Texas a suspected person ("suspect") described as follows:

Defendant: **Matthew Oliver Reardon** Age: **36**

Race: **White** Sex: **M** DOB: **3/24/1987** Ethnicity: **Non-Hispanic**

Hair Color: **Bald** Eye Color: **Blue** Weight: **140** Height: **5' 9"**

DL #: **801186335** State: **MS** Type/Class: Year Expires:

2. Suspect is presently in custody of a law enforcement agency, namely the Galveston Police Department which will present the suspect to execute the warrant requested herein.
3. Affiant knows from previous experience and training that qualified laboratory personnel such as those employed by the Texas Department of Public Safety, Crime Laboratory, can through testing, determine the alcohol concentration or other drugs present in individuals by testing a sample of that individual's blood. The suspect has possession of and is concealing human blood, which constitutes evidence that the suspect committed the offense described in paragraph 4 below.
4. On or about the 11 day of AUGUST, 2023 at approximately 01:52, the suspect did then and there operate a motor vehicle or watercraft in a public place in Galveston County, Texas while intoxicated by not having the normal use of mental or physical faculties by reason of the introduction of alcohol, controlled substance, drug, or a dangerous drug in the suspect's body.
5. The suspect was operating a motor vehicle or watercraft in a public place in Galveston County, Texas on the above date based on the following facts:

## Probable Cause

On Friday August 11th, 2023, at approximately 0152hours, Affiant was called by Officer L. Murph to make his traffic stop location in the 4300 block of Ave J. Upon making location, Officer Murph advised Affiant that he observed a black 2013 Chevrolet Equinox bearing MSLP: LXE1450 traveling eastbound in the 4700 block of Ave J at approximately 47 mph in a 35-mph speed zone. Officer Murph advised Affiant that he observed the Equinox Fail to Maintain a Single Marked Lane multiple times. Officer Murph advised Affiant that he observed the Equinox Fail to signal when conducting a Lane Change. Officer Murph advised Affiant that he observed the Equinox to have his license plate obstructed. Officer Murph advised Affiant that he conducted a traffic stop in the 4300 block of Ave J.

Upon making contact with the driver, later identified as Matthew Reardon (DOB: 03/24/1987 M/W,) Affiant smelled an odor of an unknown alcoholic beverage emitting from the vehicle. Affiant observed Matthew to have watery, glossy eyes. Affiant asked Matthew where he was coming from to which he advised out of state. Affiant asked Matthew where he was headed to, to which he advised that he was just visiting the city of Galveston. Affiant asked Matthew if he had anything to drink tonight to which he advised that he hasn't had a drink in 3 years. Affiant asked Matthew to step out of the vehicle. Affiant asked Matthew if he would consent to Standardized Field Sobriety Test (SFST's) to which he refused consent.

Based on the above facts, Affiant placed Matthew under arrest for Driving While Intoxicated. Affiant read Matthew a copy of the DIC24 Statutory Warning using the LEADRS recording and requested a specimen of his blood to which he refused. Affiant is now requesting a Strike Warrant for Matthew Reardon.

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## Field Sobriety Tests

Were Field Sobriety Tests given?

☐ Yes ☒ No

☒ Defendant refused tests

☐ Physical Injuries

☐ Defendant was more than 65 years of age or appeared to be more than 50 pounds overweight

Field Sobriety Testing Comments:

Defendant Refused SFST's.

## Vehicle Information

Vehicle Make: Chevrolet

Model: Equinox

Body Style: SUV/Carry-all

## Observations

I made the following observations about the suspect:

### Clothing

☐ Disorderly  
☐ Soiled  
☐ Stained  
☐ Torn  
☒ Orderly

### Balance

☐ Swaying  
☐ Unsteady  
☐ Needed support  
☐ Falling down  
☐ Normal

### Walking

☐ Staggering  
☐ Falling  
☐ Swaying  
☒ Heavy Footed  
☐ Normal

### Speech

☒ Slurred  
☐ Incoherent  
☒ Thick-tongued  
☐ Slow/Mumbled  
☐ Normal

### Eyes

☐ Red  
☒ Watery  
☒ Dilated  
☐ Droopy eyelids  
☐ Normal

Odor of Alcoholic Beverage on breath:

☐ None ☐ Slight ☒ Moderate ☐ Strong

Attitude: ☒ Cooperative ☐ Combative ☒ Indifferent ☐ Cocky ☐ Apologetic ☒ Uncooperative

Unusual actions observed:

Suspected impairment caused by: ☐ Alcohol only ☐ Drug only ☒ Alcohol & Drug

Drug Group suspected: ☐ CNS Depressant ☐ Hallucinogen ☐ Narcotic Analgesic ☐ Cannabis  
☐ CNS Stimulants ☐ Dissociative Anesthetics ☐ Inhalant

6. Based upon my experiences, my training in intoxication-related offenses, and my observations of the suspect during my contact with him/her, I believe that the suspect is intoxicated by reason of the introduction of alcohol, a controlled substance, a dangerous drug, or a combination thereof, and that the suspect lost the normal use of his/her mental or physical faculties by reason of the introduction of alcohol or one of the other aforementioned substances, or a combination thereof, into his/her body. Matthew Oliver Reardon was then placed under arrest for the offense of Driving While Intoxicated PC 49.04.
7. REFUSAL EVIDENCE: After placing the suspect under arrest for Driving While Intoxicated, a sample was requested of the suspect's breath and/or blood, which the suspect refused to provide in violation of the Texas Implied Consent law. This is an indication to me that suspect is attempting to hide evidence of his/her intoxication.

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WHEREFORE, based upon this affidavit and Beeman v. State, 86 S.W.3d 613 (Tex. Crim. App. 2002), Affiant asks for a search warrant that will authorize Affiant or Affiant's agent to search the person of the suspect for the blood evidence described above and seize the same as evidence that the offense described was committed and that the suspect committed the said offense.

Further Affiant asks for issuance of an order to appropriate third parties directing them to assist Affiant in the execution of said warrant.

W. J. O #692  
Affiant

Subscribed and sworn to before me on this 11<sup>th</sup> day of August, 2023.

Big R. W. L. Jr.  
Magistrate/Notary / Peace officer, State of Texas