

Londonderry Police Department Arrest Report

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Arrest #: 23-484-AR Call #: 23-27363

Date/Time Reported: 09/08/2023 @ 2315 Arrest Date/Time: 09/08/2023 @ 2335 Booking Date/Time: 09/09/2023 @ 0019

TN #:

Court: Derry Dist Court, Rockingham

Court Date: 01/24/2024 @ 1245
Reporting Officer: OFFICER SARAH SABELLA
Assisting Officer: OFFICER SAMANTHA SAVINI
Booking Officer: OFFICER SARAH SABELLA
Approving Officer: SERGEANT JONATHAN CRUZ

Signature: _____

Bail For Court: Derry Dist Court, Rockingham Set: 09/09/2023 @ 0050

Personal Recognizance Set 40.00

Personal Recognizance Set Bail Set By: Ed Mencis

Bail Paid:

Released: 09/09/2023 @ 0232

Signature: _____

DEFENDANT(S) SEX RACE AGE SSN PHONE 1 ROTHE, NANCY E 30 CENTURY LN

Military Active Duty: N

LITCHFIELD NH 03052

HEIGHT: 504 WEIGHT: 160 - 170 HAIR: BROWN EYES: GREEN

BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.

DOB: 05/02/1971 PLACE OF BIRTH: WOBURN, MA
STATE ID: NH860377 FBI ID: VLTR5VJW9
LICENSE NUMBER: NH NHL18096196 ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

Home Phone (Primary)

E-Mail Address



[APPEARANCE]

GLASSES WORN: NO

__[FAMILY/EMPLOYMENT INFORMATION]_____

MARITAL STATUS: SEPARATED FATHER'S NAME: DONAHUE, PAUL MOTHER'S NAME: MAHOGANY, LINDA

EMPLOYER/SCHOOL: MANCHESTER

OCCUPATION: VICE PRINCIPAL

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DEFENDANT(S) SEX RACE AGE SSN PHONE

[RIGHTS/BOOKING CHECKS]

PHONE USED: Y PHONED DATE/TIME: 09/09/2023 @ 0020

ARRESTEE SECURED: Y 09/09/2023 0020

ARRESTEE CELL #: HOLD

FINGERPRINTED: Y
PHOTOGRAPHED: Y
VIDEO: YES

SUICIDE CHECK: Performed

PERSONS: State&Federal
NCIC VEHICLE CHECK: Not Performed

INJURY OR ILLNESS: N

OFFENSE(S) ATTEMPTED TYPE CLASS

LOCATION TYPE: Highway/Road/Alley/Street Zone: South

134 MAMMOTH RD @ 1 VALLEY ST

LONDONDERRY NH 03053

1 DUI - impairment N Misdemeanor B

265-A 2,I(a) B

SIN: 00838002300000484001

Smart Code: 265-A2I(a).265-A18I.MB02350

OCCURRED: 09/08/2023 2315

SUSPECTED OF USING: Alcohol BIAS AGAINST: No Bias

2 Lane Control N Violation

265 24

SIN: 00838002300000484002 Smart Code: 26524..V03938

OCCURRED: 09/08/2023 2315

FINE: 62.00

SUSPECTED OF USING: Alcohol

VEHICLE(S) YEAR MAKE STYLE COLOR1 COLOR2 REG VALUE

1 XT5 2019 CADI BLK NH 5234332 \$10,000.00

STATUS: Suspected DATE: 09/09/2023

OWNER: ROTHE, NANCY E VIN: 1GYKNDRS1KZ259062

TOWED TO: BAUCHMAN'S TOWING 120 HAVERHILL RD

WINDHAM NH 03087

TOWED BY: BAUCHMAN'S TOWING TOWING CHARGES:

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Initial Observations:

On August 8, 2023 at 2315 hours I was traveling northbound on Mammoth Road, a way in the town of Londonderry, when I observed a 2019 black Cadillac XT5 bearing NH reg 5234332 having severe lane control issues. While observing the driving behavior, the traffic was light. The operator was varying in speeds ranging from approximately 30 mph to 50 mph. The black Cadillac's driver's side tires crossed over the yellow center line seven times and the passenger side tires crossed the white fog line once. I activated my blue and white flashing lights to signal the vehicle to stop just the vehicle began swerving into the other lane. The vehicle stopped abruptly in the roadway just after the intersection of Mammoth Road at Valley Road.

Initial Contact:

I approached the vehicle on the driver's side and made contact with the operator. While speaking with the driver, I immediately smelled the odor of an alcoholic beverage coming from inside the vehicle. The driver had bloodshot and glassy eyes and was slurring her words as we spoke. I asked where she had been coming from and for her driver's license and she stated that was on her way back from "Luna Rosa." After being reminded, the female then produced her NH driver's license and she was identified as **Nancy Rothe (DOB: 05/02/1971)**. I asked Nancy if she had anything to drink while at the restaurant and she stated that she had two drinks. I asked what she had been drinking and she stated "Tito's vodka and... yeah vodka."

I asked Nancy to step out of the vehicle and walk to the rear. I opened the car door for Nancy and she began stepping out of the vehicle. Once her feet were on the ground, she used the vehicle to pull herself up and leaned on the vehicle while she walked to the rear. While walking, I noticed that Nancy had urinated on herself. Once at the back of the vehicle, I asked Nancy if she thought she should be driving and she stated "ahh.. somewhat." I asked what she meant and she replied "yeah." I asked Nancy to rate herself on a scale of zero to ten with zero being stone cold sober and ten being the most drunk she's ever been and she replied "No, I'm not" I asked Nancy for a number and she replied "zero." During our conversation, Nancy was uneasy on her feet and swaying in all directions.

I asked Nancy if she would be willing to participate in some tests with me to show that she was safe to be driving and she agreed.

Testing area:

At the time of testing, Nancy was wearing small heels, approximately 2 inches, a shirt, and shorts. I asked Nancy if she had any other shoes or wanted to take her shoes off and she stated that she was fine and would keep the shoes she had on. The roadway was light by my headlights and flashlight; all other front facing lights were extinguished for testing. The roadway was mostly flat with a very slight incline. The roads were wet and the sky was cloudy.

Standardized Field Sobriety Testing:

I conducted the medical pre-check with Nancy. I asked her if she wore glasses or contacts and she stated that she

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wore soft contacts. Nancy was not diabetic or epileptic, had not had any recent head injuries or traumatic brain injuries, and she did not have any balance issues. Nancy stated that she works as a Vice Principal and is often on her feet playing with kids. Nancy did not mention any other medical issues or concerns.

Horizontal Gaze Nystagmus:

I instructed Nancy to stand with her feet together and arms down by her sides. I positioned the stimulus 12-15 inches away from Nancy's face and slightly above eye level. I asked Nancy if she could see the stimulus clearly and she stated that she could. I told her to keep her head still and follow the stimulus with her eyes and her eyes only as I moved it from side to side. I asked Nancy if she understood and got verbal confirmation that she did. I then checked Nancy for equal pupil size, equal tracking, and resting nystagmus; no issues found. When administering HGN, I started with Nancy's left eye. I first checked each eye twice for lack of smooth pursuit as I moved the stimulus from side to side. During this part of the test, Nancy had to be reminded to keep her head still and follow the stimulus with her eyes and her eyes only. Next, I checked each eye twice for distinct and sustained nystagmus at maximum deviation by moving the stimulus as far to the side as the eye was able and held it in that position for a minimum of four seconds. I then checked each eye twice for onset of nystagmus prior to 45 degrees.

During the HGN test, there are six possible clues; one in each eye for each test. As a person's BAC increases, it is more likely the clues will appear. During the administration of the test, I observed the following clues;

- Lack of smooth pursuit present in both eyes
- Distinct and sustained nystagmus at maximum deviation present in both eyes
- Onset of nystagmus prior to 45 degrees present in both eyes

6/6 clues observed

Additional Observations:

- I continued to smell the odor of an alcoholic beverage emanating from Nancy's person during testing
- Nancy was swaying so much so that she nearly fell backwards
- Nancy was reminded to keep her head still approximately 3 times

Walk and Turn:

I asked Nancy again if she would like to take off her shoes and she declined. I pointed to a painted line on the ground and instructed Nancy to place her left foot on the line and her right foot immediately in front of her left in a heel to toe manner. Nancy was unable to follow the instruction to place her left foot on the line and placed her left foot to the left of the line and her right foot to the right of the line staggered. I advised Nancy to keep her arms at her sides and stay in the position until told otherwise. I asked if Nancy understood and got verbal confirmation that she did. I then explained and demonstrated the test. I advised Nancy that she would take nine

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heel to toe steps forward, turn in the described manner, and then take nine heel to toe steps back. I demonstrated the test and asked if Nancy understood. Once getting verbal confirmation that she did, I told Nancy to count her steps out loud, keep her arms at her sides, and not to stop until the test was complete. I told her that she could begin. During the test, I observed the following clues:

Instruction Stage:

- Balance in starting position Due to her level of intoxication, Nancy was unable to begin in the correct starting position
- Starts too soon

Walking Stage:

- Stops walking prior to turning
- Did not touch heel to toe on almost all of her steps
- Stepped off the line multiple times
- Improper turn
- Nancy took 18 steps out and 22 steps back

7/8 clues observed

Nancy then stated that she wanted to take her shoes off. I then explained the test from the beginning and asked Nancy if she understood. Nancy stated "I just need to go," and began walking prior to receiving instruction to begin. During the second walk and turn test, I observed the following clues:

Instruction Stage:

- Balance in starting position Due to her level of intoxication, Nancy was unable to begin in the correct starting position
- Starts too soon

Walking Stage:

- Did not touch heel to toe on almost all of her steps
- Stepped off the line multiple times
- Improper turn
- Nancy took 25 steps out and 22 steps back

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6/8 clues observed

Additional Observations for both Walk and Turn tests:

- Nancy thought the test was complete after walking the initial 18 steps out on the first test
- Nancy did not count her steps out loud on either test
- Nancy had difficulty balancing during the testing

One Leg Stand:

I placed Nancy in the instructional position as I explained and demonstrated the test. Nancy was still barefoot during this test. I advised Nancy that she was to stand with her feet together and arms down by her sides. I told her to stay in this position until told otherwise and got verbal confirmation that she understood. I explained that she was going to lift the foot her choice, approximately six inches off of the ground and point her toe forward. I explained that she was to count out loud in the described manner of "one thousand and one, one thousand and two, one thousand and three..." I told her to look down at her foot while counting, keep her legs straight, and keep her arms by her sides. I ended the test after thirty seconds had passed. During the test, I observed the following clues:

- Nancy had her foot on the ground for approximately twenty seconds of the thirty second test
- Used arms for balance
- Swayed backward

Additional Observations:

- Nancy stated "A lot of people can't do this you know," I then told Nancy that she stated she did not have any balance issues that she had noted when I asked and she replied "well yeah, I can do it, I'm fine"
- Nancy laughed for the majority of the test
- Nancy was unable to keep her foot off of the ground for more than five seconds at a time

3 / 4 clues observed

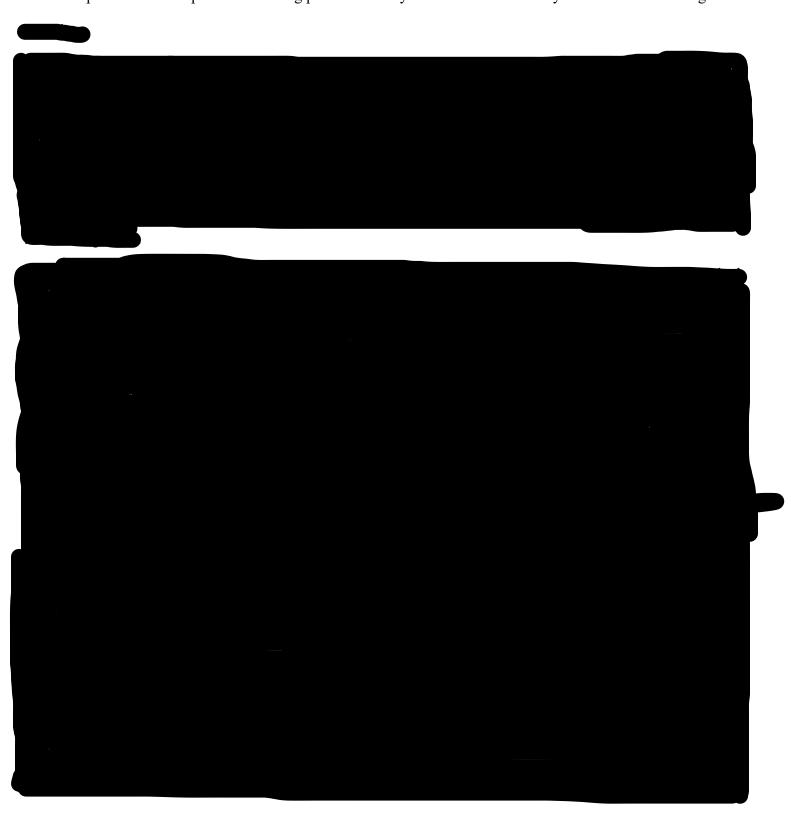
Arrest and ALS:

I asked Nancy to put her shoes back on she refused. Based on the driving behavior, bloodshot and glassy eyes, slurred speech, odor of alcohol, SFST's, and inconsistencies, I believed Nancy to be under the influence. I advised Nancy that she was under arrest for driving under the influence of alcohol and asked her to turn around. I secured Nancy in double locked handcuffs and checked for proper fit. I brought Nancy to the rear passenger compartment of my cruiser and conducted a search incident to arrest with nothing found. I secured Nancy in the

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rear passenger compartment and positioned myself in the doorway while I read her the ALS form (#468261) so that she could read along with me. Nancy refused a blood draw and I transported her back to the Londonderry Police Department to complete the booking process. Nancy's vehicle was towed by Bauchmann's Towing.



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Disposition:

Nancy is set to appear at the Derry District Court on September 13, 223 at 0815 hours to answer for the above mentioned charges. Nancy was issued a pink copy of the ALS form. The pink copy of the ALS form, a AA Resource sheet, and a copy of the bail paperwork was left with Nancy's property. No fingerprints taken due to transport to PMC.

Nothing further.

Officer Sabella #72