

DEMING POLICE DEPARTMENT

Offense / Incident Report

GENERAL OFFENSE INFORMATION

Report Type: Initial Report

Agency DEMING POLICE DEPARTMENT	Location 1021 E PINE
Case # 130102000078	DEMING NEW MEXICO 88030
File #	
Description SEARCH WARRANT	
Incident Status CLOSED	From Date/Time 01/02/2013 13:02
	To Date/Time
	Report Date 01/03/2013 16:45
Reporting Officer CHAVEZ, R	Initial Rep. Date 01/03/2013 16:45

SUBJECT(S)

Name ECKERT, DAVID				
Address 1470 S. ANIMAS LORDSBURG, NM 88045				
Race	Ethnic	Sex	M	Phone - -
Height 5'02"	Weight 140	Hair		DOB 8/8/1959 (53)
S.S.N. ***-**-****	DL & St. *****	JRN#		Eyes BLU
Sub. Type SUSPECT	Arrest ID	Citation #		
Notes				

VEHICLE(S)

Details 1998 DODGE PICKUP 2-DOOR				
VIN 3B7KC26Z9WM274255				
Plate No JGS-311	State NM	Colors	BROWN	
Impound		Year	2013	
		Type	PRIVATE	

INVESTIGATOR

Name CHAVEZ, R	Assigned Date 01/02/2013	Supplement No 0
Entered By CHAVEZ, R	_____	
Officer CHAVEZ, R	_____	
Supervisor	_____	

Case No: 130102000078

Incident # 130102000078

CHAVEZ, R

I Officer Robert Chavez was contacted by Sgt. Detective Orosco in reference to a brown 1998 Dodge pick-up truck that failed to stop at the posted stop sign at the intersection of Deming Del-Sol and Pine Street.

I was traveling East bound on Pine Street and did locate the brown 1998 Dodge pick-up traveling West bound on Pine Street from Deming del-Sol. I conducted a traffic stop with the brown 1998 Dodge pick-up displaying New Mexico JGS-311 with a VIN#3B7KC26Z9WM274255 in the parking lot of 1021 E. Pine Street (Wal-Mart) parking lot. I approached the driver who was later identified as David W. Eckert and informed him for the reason for the stop.

While speaking with Mr. Eckert I did notice that he was avoiding eye contact with me as I asked him for his driver's license, registration and proof of insurance. As Mr. Eckert handed me the documents that were requested I did notice his left hand began to shake at which time I had Mr. Eckert step out of the vehicle. Once outside of the vehicle Mr. Eckert was asked if he had any weapons or anything else that might harm me which he stated "no". I then conducted a Terry Pat Down on Mr. Eckert's person to search for any weapons which none were found.

While Mr. Eckert was standing outside of the vehicle I did notice his posture to be erect and he kept his legs together. A short time later I informed Mr. Eckert that a uniformed patrol Officer was coming to issue him a citation for the stop sign violation. Officer Villegas did arrive and issued Mr. Eckert his citation for stop sign violation. Mr. Eckert was then informed that he was free to go.

As Mr. Eckert turned to walk back towards his vehicle, I asked him for verbal consent to search his vehicle for any illegal narcotics and/or weapons at that time he did give consent. I then asked Mr. Eckert if I could search his person for any illegal narcotics and/or weapons. At that time he stated that he had a problem with me searching his person. I then informed Mr. Eckert that an open air search was going to be conducted on the vehicle and reminded him that he had given verbal consent to search his vehicle as well. Hidalgo County K-9 Officer walked his K-9 around the vehicle which the K-9 alerted to the driver's side of the vehicle. A short time later the K-9 made entry into the cab of the vehicle and once again alerted to the driver's side seat.

Mr. Eckert was then informed of the K-9 alerting to the seat and was informed that a search warrant was going to be obtained. Hidalgo County K-9 Officer did inform me that he had dealt with Mr. Eckert on a previous case and stated that Mr. Eckert was known to insert drugs into his anal cavity and had been caught in Hidalgo County with drugs in his anal cavity. Mr. Eckert was then placed into investigated detention and was transported to the Deming Police Department.

Mr. Eckert's vehicle was tagged for evidence and was later transferred to the Deming Police Department's impound lot awaiting a search warrant. At approximately 1401 hrs., I contacted DDA Dougherty and informed of the incident. DDA Dougherty did approve pursuit of a search warrant for Mr. Eckert's vehicle and also for Mr. Eckert's person to include Mr. Eckert's anal cavity.

A short time later I went to District Court and had Judge Viramontes sign the search warrant. Upon completion of the getting the search warrant signed, Mr. Eckert was transported to the

Case No: 13010200078

Deming ER to have the search conducted on his anal cavity. While at the ER Dr. Ash stated that he felt it was unethical for him to perform the cavity search and stated that he was not going to conduct the search.

I later contacted DDA Dougherty and explained the situation to him. DDA Dougherty did state that I could contact a different ER facility to have the procedure conducted. A short time later I contacted Gila Reginal in Silver City and informed them that I had a search warrant signed by a District Judge for an anal cavity search. Gila Reginal did state that they would perform the procedure.

At approximately 1910 hrs., Officer Hernandez and I transported Mr. Eckert to the Gila Reginal Medical Center in Silver City. Once at the Gila Reginal Medical Center Mr. Eckert was informed again that there was a search warrant for his anal cavity for possible illegal narcotics.

While at Gila Reginal, the ER Doctor did perform a rectal exam and stated that he did feel "something soft" that might be an unknown object or possible stool. The ER Doctor later stated that he was going to give Mr. Eckert some medication to have him clear his system and to check if any objects(s) would come out. After several hours Mr. Eckert did use the restroom which I did check his stool for any possible narcotics which at first none were located. A second dose of the medication was given to Mr. Eckert which he again used the restroom which I did not locate any narcotics in his stool.

A short time later Mr. Eckert was taken for an x-ray which the x-ray did not show any narcotics. The x-ray tech did state that some times if there are any illegal narcotics it will not show up on the x-ray. Due to nothing being located on the x-ray the ER Doctor ordered for a procedure that was known as a colonoscopy.

I later spoke with the surgeon who was identified as Dr. Okay Odocha. Dr. Odocha did state that since there was a court order search warrant for Mr. Eckert anal cavity a colonoscopy was going to be performed in surgery. Dr. Odocha did ask when Mr. Eckert last ate which I informed him that we feed Mr. Eckert on the way up to the Silver City which was at approximately 1900 hrs.

Dr. Odocha stated that he needed to wait until 0100 hrs., to have the colonoscopy performed because he needed the food out of Mr. Eckert's system. At approximately 0100 hrs., the Gila Reginal Surgeon Team arrived and began pre-op procedures on Mr. Eckert. At approximately 0145 hrs., Mr. Eckert was taken to Surgery at which time Dr. Odocha and staff conducted the colonoscopy.

At approximately 0215 hrs., Dr. Odocha informed me that the colonoscopy was conducted and everything turned out fine. Dr. Odocha did state that nothing was found inside of Mr. Eckert's anal cavity and stated that he was still under the anesthesia. Approximately 20 minutes later Dr. Odocha stated that Mr. Eckert was fully awake and was clear to go home. Mr. Eckert was then escorted out by Officer Hernandez and I and was placed in my patrol vehicle. Mr. Eckert was then transported back to the Deming where I contacted Sergeant Lovelace who later transported Mr. Eckert to his residence along with Officer Esquivel to Lordsburg, New Mexico.

As Sergeant Lovelace and Officer Esquivel transported Mr. Eckert to his residence in Lordsburg, New Mexico I placed the search warrant in Lieutenant Rudiger's box who conducted the search warrant on Mr. Eckert's vehicle. Mr. Eckert was given a copy of the search warrant. I took no further action, nothing further at this time.

Officer Robert Chavez #12
Deming Police Department

Case No: 130102000078