



OFFICE OF THE PROSECUTING ATTORNEY
24TH JUDICIAL CIRCUIT
HAMILTON COUNTY, INDIANA

PRESS RELEASE

Friday, May 23, 2014

Background:

Following a traffic stop at approximately 11:41 p.m. on Sunday, March 16, 2014, and further investigation conducted by the Carmel Police Department, law enforcement officers arrested James S. Irsay in the early morning hours of March 17, 2014, on preliminary charges of Operating a Vehicle While Intoxicated, a Class C Misdemeanor and four counts of Possession of a Controlled Substance, a Class D Felony. Mr. Irsay posted bond and was released from the Hamilton County Jail on March 17, 2014.

On March 25, 2014, Mr. Irsay's attorneys moved to continue (postpone) the initial hearing scheduled for March 26, 2014, for the reason that Mr. Irsay had been admitted into an out-of-state medical facility for inpatient treatment. The State was advised of the inpatient treatment status and did not object to the requested continuance. The Court granted the request to postpone the hearing pending the filing of formal charges.

Updated Information:

The Hamilton County Prosecuting Attorney's Office filed one count of Operating a Vehicle While Intoxicated, a Class C Misdemeanor and one count of Operating a Vehicle with a Schedule I or II Controlled Substance or its Metabolite in the Body, a Class C Misdemeanor against James S. Irsay.

The charges, filed on May 23, 2014, are pending in Hamilton County Superior Court IV in Noblesville under cause number 29D04-1405-CM-004035. An initial hearing, which may be waived, is currently scheduled for June 19, 2014 at 1:15 p.m.

Due to the likelihood of inquiries, the Hamilton County Prosecuting Attorney's Office, as a courtesy, provides this release and copy of the charging information and probable cause affidavit for your reference.

Until the case is resolved, no further comment will be made by this office.

The fact that a defendant has been arrested for and/or charged with a crime is merely an accusation, and the defendant is presumed innocent until and unless proven guilty.

* * *

IN THE HAMILTON CIRCUIT/SUPERIOR COURTS

STATE OF INDIANA

COUNTY OF HAMILTON

STATE OF INDIANA

VS.

JAMES STEVEN IRSAY
1711 W 116th Street
Carmel, IN 46032

OLN: 8904-04-8572 Indiana
DOB: 6/13/1959
SSN: XXX-XX-2980

PHYSICAL DESCRIPTION

Race: W Sex: Male
Height: 6'00" Weight: 180
Eyes: Brown Hair: Gray or Partially Gray

BE IT REMEMBERED,

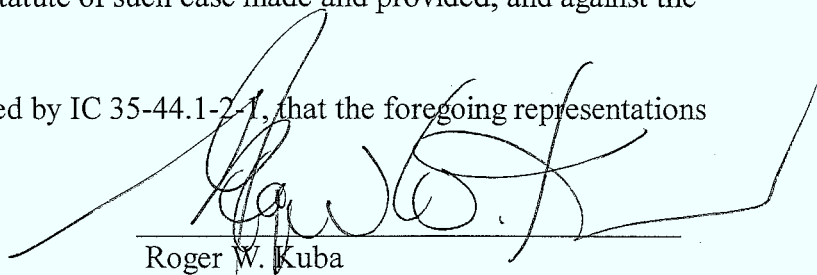
That on this day comes Roger W. Kuba, who being duly sworn upon his oath, says that in the County of Hamilton, State of Indiana,

Count 1: on or about March 16, 2014 James Steven Irsay did operate a vehicle while intoxicated;

Count 2: on or about March 16, 2014 James Steven Irsay did operate a vehicle with a controlled substance listed in Schedule I or II of I.C. 35-48-2 or its metabolite in his body, to-wit: oxycodone and/or hydrocodone;

All of which is contrary to the form of the statute of such case made and provided, and against the peace and dignity of the State of Indiana.

I affirm, under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.



Roger W. Kuba

Approved by me this 23rd day of May, 2014.


Deputy Prosecuting Attorney

FILED
SS:
2014 MAY 23 PM 4:16
PEGGY BEAVER
CLERK
HAMILTON COUNTY COURTS

CAUSE NO. 89004-1405 Cm 4035

INFORMATION FOR:

Count 1:
Operating a Vehicle While Intoxicated
I.C. 9-30-5-2(a)
a Class C Misdemeanor

Count 2:
Operating a Vehicle with a Schedule I or II
Controlled Substance or its Metabolite in the
Body
I.C. 9-30-5-1(c)
a Class C Misdemeanor

State of Indiana vs. COURT CAUSE NUMBER AGENCY CASE NUMBER 2014-00017365

James Steven Irsay AFFIDAVIT FOR PROBABLE CAUSE

I, James Morris, a law enforcement officer with the Carmel Police Department, affirms that on (date) 03 / 16 / 2014, at approximately 11:41 pm the accused, James Irsay, a Male, (d/o/b) 06 / 13 / 1959, (DL number or last four digits of SSN) 8904-04-8572, (license type) Operator, was observed in (location) 131st Street & Horseferry Rd Hamilton (county) Carmel, Indiana operating a (vehicle description, include CMV and Hazmat indicator): Silver colored Toyota Highlander bearing IN registration 452APF under the following circumstances.

I. PRELIMINARY OBSERVATION/REASON FOR STOP (check all that apply)

- I observed the accused operate a vehicle in my presence and view.
I had reason to believe the accused operated the vehicle because:
The accused committed the following violation(s): Failure to signal.
Passenger under age 18 pursuant to IC 9-30-5-3(2)
Other:
Crash Involved: No Crash involved
Local Crash Number:
Time of Crash:
The accused admitted to being the driver involved in the crash.
The result of the accused driving resulted in: serious bodily injury fatality
Name(s) of person(s) injured:

II. OBSERVATIONS

I had reason to believe the accused was INTOXICATED because I observed the following:
Odor of alcoholic beverage
Alcohol beverage containers in view
Speech was Slow and Slurred
Eyes were Red and Glassy
Manual dexterity Poor
Abusive attitude
Balance was Very Unsteady
Soiled/disorderly clothing
Other observations/test: Mr. Irsay came to a complete stop on 131st street for no apparent reason.
C to N: Mr. Irsay recited the alphabet from C to M and then stopped and started over. He then went to the letter Z and then said the letters "I" "N" "G".
103-78 backwards count. Irsay counted backwards to the number 49 at which time I told him to stop. Mr. Irsay advised that he was having a hard time finding his house.

III. CHEMICAL TEST

I advised the accused of the Implied Consent Law and the accused: submitted to, or refused a chemical test results are pending
I was unable to offer a chemical test to the accused because such person was: unconscious injured
Zachary Batic, a certified chemical test operator, determined from a chemical test that the accused had an alcohol concentration equivalent to 0.00 gram of alcohol per 210 liters of breath. The chemical test was administered at (location) Hamilton County Jail at 1:01 am using certified instrument number 990178
I was told by the result of the chemical test was an alcohol concentration equivalent to 0.00 gram of alcohol per 100 milliliters of blood. Such test was administered by drawing or taking a sample of whole blood at am pm. Drawn by:
I was told by (name) NMS Labs the result of the chemical test determined that the accused had in his/her body a controlled substance, a controlled substance metabolite, or a drug, to wit hydrocodone and oxycodone. Such test was administered by drawing or taking a sample of: blood urine, other at (location) Hamilton County Jail at (time) 2:40 am pm.
Drawn by: Kayleigh Follmar LPN

5-23-14

IV. WITNESS INFORMATION (Only Print Witness Information on Officer and Prosecutor Copy.)

- 1. Name Address TX Number
2. Name Address TX Number

V. PREVIOUS INDIANA AND OUT OF STATE CONVICTION(S)

- 1. Offense, Court Information, Conviction Date and Court Cause/Case number.
2. Offense, Court Information, Conviction Date and Court Cause/Case number.

THE ACCUSED COMMITTED A VIOLATION OF IC 9-30-5, IC 14-15-8, or IC 31-37-19.
I AFFIRM PURSUANT TO IC 35-34-1-2.4 UNDER THE PENALTY OF PERJURY THAT THE FOREGOING FACTS ARE TRUE.

Signature of Affiant Date (month, day, year) Print Name & Department Carmel PD

ORIGINAL TO PROSECUTOR/COURT 1st COPY TO BMV FROM COURT 2nd COPY FOR OFFICER

Bureau of Motor Vehicles Certificate

COURT CAUSE/CASE NUMBER: AGENCY CASE NUMBER: 2014-00017365
Offense Date (month, day, year): 03 / 16 / 2014 Time: 11:41 am pm (DL number or last four digits of SSN) 8904-04-8572
Driver License Type: Operator Driver License State: Indiana
Full Name: (First) James (Middle Initial) S (Last) Irsay
Date of Birth: 06 / 13 / 1959 Gender: Male Weight: 180 Height: 6'00" Eye Color: Brown Hair Color: Grey Race: White
Address (number and street, city, state, and ZIP code): 1711 W 116th Street, Carmel, IN, 46032
Vehicle Type: Passenger CMV Hazmat Other:
The above Motorist: Refused Failed Alcohol Test 0. BAC Drugs: Yes No Pending Results of Alcohol or Drug Test(s)

PROBABLE CAUSE FOUND THAT DEFENDANT VIOLATED IC 9-30-5 or IC 14-15-8 and charges are pending. THE COURT RECOMMENDS THAT THE BMV TAKE THE FOLLOWING ACTION ON DEFENDANT'S DRIVING PRIVILEGES:

- Immediate Suspension
Suspend upon notice from the Bureau of Motor Vehicles
Court Ordered Ignition Interlock Device in Lieu of Suspension

Judge's Signature: Date (month, day, year):