

Holmdel Township Police Department
Summons Report

Summons #: 24-7299-AR
Call #: 24-7299

Date/Time Reported: 04/11/2024 @ 0926
Arrest Date/Time: 04/11/2024 @ 1031

Court: Holmdel Municipal Court
Court Date: 04/24/2024 @ 0815
Reporting Officer: Patrolman Kevin Gallogly
Assisting Officer: Sergeant Jake Savage
Approving Officer: Lieutenant Robert Philhower

Signature: _____

Signature: _____

#	DEFENDANT (S)	SEX	RACE	AGE	SSN	PHONE
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1	CUSHING, MARYELLEN [REDACTED]	F	W	57		
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Military Active Duty: N
HEIGHT: 509 WEIGHT: 130 HAIR: GRAY OR PARTIALLY GRAY EYES: GREEN
BODY: SLIM COMPLEXION: FAIR
DOB: [REDACTED]
LICENSE NUMBER: [REDACTED]

[CONTACT INFORMATION]

Home Phone (Primary) [REDACTED]

[APPEARANCE]

GENERAL APPEARANCE: ORDERLY
SHIRT: LONG LENGTH
SWEATERS/COATS/JACKETS: ZIPPER TYPE
SHOE: TENNIS / LOW QUARTER
GLASSES WORN: NO

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: DIVORCED
EMPLOYER/SCHOOL: SUBSTITUTE VILLAGE SCHOOL
[REDACTED]
OCCUPATION: TEACHER

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[RIGHTS/BOOKING CHECKS]

RIGHTS ADVISED BY: Patrolman Kevin A Gallogly DATE/TIME: 04/11/2024 @ 1051
 PHONE USED: N
 ARRESTEE SECURED: N

 FINGERPRINTED: N
 PHOTOGRAPHED: Y
 SUICIDE CHECK: Performed
 PERSONS: State&Federal
 NCIC VEHICLE CHECK: Not Performed
 INJURY OR ILLNESS: N

#	OFFENSE (S)	ATTEMPTED	TYPE
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LOCATION TYPE: School - Elementary/ Second Zone: MCCAMPBELL / BLUE HILLS
 VILLAGE SCHOOL
 67 MCCAMPBELL RD
 HOLMDEL NJ 07733

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|---|---|---|-----------|
| 1 | OPERATING M.V. UNDER THE INFLUENCE
39:4 50
OCCURRED: 04/11/2024 0926
REFER TO CITATION#: E24001919
SUSPECTED OF USING: Alcohol
BIAS AGAINST: No Bias | N | Violation |
| 2 | RECKLESS DRIVING
39:4 96
OCCURRED: 04/11/2024 0926
REFER TO CITATION#: E24001920
SUSPECTED OF USING: Alcohol
BIAS AGAINST: No Bias | N | Violation |
| 3 | IMPLIED CONSENT, REFUSAL TO SUBMIT TO BREATH TESTS
39:4 50.2
OCCURRED: 04/11/2024 0926
REFER TO CITATION#: E241921
SUSPECTED OF USING: Alcohol
BIAS AGAINST: No Bias | N | Violation |
| 4 | OPEN CONTAINER IN MV
39:4 51B
OCCURRED: 04/11/2024 0926
REFER TO CITATION#: E24001922
SUSPECTED OF USING: Alcohol
BIAS AGAINST: No Bias | N | Violation |
| 5 | CONSUMPTION OF ALCOHOL IN M.V.
39:4 51A
OCCURRED: 04/11/2024 0926
REFER TO CITATION#: E24001923
SUSPECTED OF USING: Alcohol
BIAS AGAINST: No Bias | N | Violation |

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#	OFFENSE (S)	ATTEMPTED	TYPE
6	IMPROPER PARKING, OPPOSITE TO TRAFFIC 39:4 135 OCCURRED: 04/11/2024 0926 REFER TO CITATION#: E24001924 SUSPECTED OF USING: Alcohol BIAS AGAINST: No Bias	N	Violation
7	BRING/POSSESS ALCOHOLIC BEVERAGES ON SCHOOL PROPER 2C:33 16 OCCURRED: 04/11/2024 0926 REFER TO CITATION#: SC017327 SUSPECTED OF USING: Alcohol BIAS AGAINST: No Bias	N	Non Indictable

#	PERSON (S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
1	SULLIVAN, ANNE [REDACTED]	WITNESS	F	W	52	NOT AVAIL	
	EMPLOYER: VILLAGE SCHOOL						
2	BARBRA, CHRISTIE [REDACTED]	WITNESS	F	W	44	NOT AVAIL	
	EMPLOYER: VILLAGE SCHOOL						
3	BARRETT, TRICIA [REDACTED]	WITNESS	F	W	00	NOT AVAIL	
	EMPLOYER: VILLAGE SCHOOL PRINCIPAL						
	CONTACT INFORMATION: Work Phone (Primary) [REDACTED]						

#	VEHICLE (S)	YEAR	MAKE	STYLE	COLOR1	COLOR2	REG	VALUE
1	ESC	2020	FORD	AP	SIL		NJ [REDACTED]	\$5,000.00
	STATUS: (Not NIBRS Reportable)							
	OWNER: CUSHING, MARYELLEN							
	VIN: [REDACTED]							
	TOWED TO: TWP IMPOUND LOT 12 CRAWFORDS CORNER RD HOLMDEL NJ 07733							
	TOWED BY: AM PM Towing							
	TOWING CHARGES:							
	DATE: 04/11/2024							

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#	OTHER PROPERTIES	PROPERTY #	STATUS
1	DVD SURVEILLANCE QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 04/20/2024	VALUE:	(Not NIBRS Reportable)

ARREST DESCRIPTION

Report of a substitute teacher that showed up to work intoxicated - DWI

On Thursday, April 11th, 2024, at approximately 0926 hours, S.R.O. Nolan advised he received a report from SLEOIII Buckle about a possible intoxicated teacher at Village School. SLEOIII Buckle advised the substitute teacher, later identified as MaryEllen Cushing, was sitting in the principal's office in the main lobby. SLEOIII Buckle stated Cushing was operating a silver Ford Escape.

Upon arrival, Sgt. Savage, S.R.O. Nolan, SLEOIII Buckle, and I located a silver Ford Escape, bearing New Jersey registration [REDACTED] which Cushing was the registered owner of. The vehicle was parked with the driver side tires crossing over the white line into the next parking space. We then met with Principal [REDACTED] outside the school and activated all Body Worn Cameras prior to entering the school. Principal [REDACTED] advised Cushing was currently sitting in her office and advised she would load the surveillance cameras. Sgt. Savage, S.R.O. Nolan, and I then entered the main office to watch the surveillance footage. The footage shows Cushing park her vehicle in the parking spot, get out of her vehicle, and enter the school. Cushing proceeded to the Village School Main Office and was greeted by receptionist [REDACTED]. At no point did Cushing go off into a bathroom or a room by herself and at all times was sitting in the Village School Main Office prior to our arrival.

I met with [REDACTED] and Counselor [REDACTED] in the Main Office. [REDACTED] advised Cushing arrived at the office to check herself in at approximately 0905 hours. [REDACTED] stated they did not have any substitute teachers scheduled for the morning but was checking to locate if Cushing was needed in the afternoon. [REDACTED] advised during this process she noticed Cushing to have bloodshot eyes, emanating a strong odor of alcoholic beverage, and was swaying while standing. [REDACTED] advised the Pledge of Allegiance was being announced so they asked Cushing to sit down while they attempted to locate what classroom she was supposed to be in. At this time, [REDACTED] came into the office to assist [REDACTED] advised she immediately noticed a strong odor of alcoholic beverage in the room. [REDACTED] advised she was going to walk Cushing into an office to wait but noticed her swaying while walking. [REDACTED] stated they advised Principal [REDACTED] of the situation in the office and she told them to have Cushing sit in her office while she and SLEOIII Buckle came back from the student arrival area.

I met with Cushing in principal's office. Upon entering the room, I detected a strong odor of alcoholic beverage in the room. Cushing had bloodshot watery eyes and was sitting down on a chair in the office. Cushing stated she drove herself to Village School today as she was scheduled to work as a substitute teacher. I asked Cushing if she had her driver's license and if she could provide it to me. Cushing reached into her purse and attempted to locate her wallet. I continued to attempt to have a conversation with Cushing, but she was unable to retrieve her license and speak to me at the same time. Cushing eventually found her wallet where her driver's license was located. Cushing appeared to have slow hand movements and was struggling trying to locate her driver's license in her wallet. Cushing eventually was able to get her license out of her wallet and hand it to me. I informed Cushing school staff was worried about her and believed they smelled the odor of alcoholic beverage emanating from her breath. Cushing advised she was drinking alcohol last night because it was the anniversary of when her ex-husband and her got divorced. Cushing advised she had a ride coming to pick her up and thought she was okay to leave. I informed Cushing we would be heading outside to perform Standard Field Sobriety Tests (S.F.S.T.) I checked [REDACTED] office for any empty alcohol bottles in the trash or other areas of the room and found none.

While walking outside Cushing was swaying and appeared off balance. Cushing was attempting to zip up her jacket and was having difficulty zipping the jacket. We arrived in a safe location in the parking lot that appeared level and was free of debris. The first S.F.S.T. Cushing was told she would be performing was the Horizontal Gaze Nystagmus H.G.N. I asked Cushing if she had medical issues that affect her vision since she was wearing

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glasses. Cushing advised she "was unable to see" the tip of the stimulus without her glasses. I put Cushing into the starting position with her hands down by her sides, her heels and toes touching, and she was informed to keep her head still. Cushing appeared to have bloodshot eyes and the odor of alcohol was emanating from her breath. The stimulus was placed approximately twelve (12) inches away from her face and she was told to follow the stimulus with her eyes and her eyes only. I moved the stimulus two her left to see if there was smooth and equal tracking. Cushing tracked the stimulus with her left eye on the first track and then as I moved the stimulus back towards her right eye, she kept her head still and did not follow the stimulus. Cushing came out of the starting position. She was reinstructed to have her hands down by her side and her heels and toes touching. Cushing was having difficulty moving her feet together and when she finally did, she was swaying front to back throughout the entire test. I then attempted to restart the test and Cushing followed the stimulus with her head moving and not her eyes. I attempted have Cushing perform the test five (5) more times after this and she was unable to perform the test without moving her head.

The next S.F.S.T. Cushing performed was the walk and turn. I asked Cushing if she had any medical issues that would prevent her from completing a balance test, which she responded, "I have a bad left leg." She was informed that would be taken into consideration on the test. I informed and demonstrated the starting position and told Cushing to get in the starting position with her hands down by her sides and her right foot in front of her left foot touching in a heel to toe manner. Cushing started walking in a straight line. I stopped Cushing and attempted to place her in the starting position again. Cushing was reinstructed on how to get into the starting position, and she seemed to be struggling with how her feet should be positioned. I informed her to look at my feet and she started walking towards me again. I stopped Cushing and told her we were going to restart the walk and turn. Cushing was able to get into the starting position on the third attempt and remained in that position for eight (8) seconds until she came out of the position. I asked Cushing if she understood to stay in this position and she said, "Yes". I Demonstrated the test and informed Cushing she would be taking nine (9) heel to toe steps counting out loud each step with her hands down by her side. She was shown how to take a series of small steps while pivoting on her lead foot and take nine (9) heel to toe steps back with her hands down by her side. Cushing was informed to walk continuously until she completed the test. Once I started explaining the test Cushing immediately came out of the starting position by standing with her feet shoulder width apart and moving her hands and arms freely. I asked Cushing if she had any questions, which she replied, "No," and was informed to begin the test. Cushing took her first step with her right foot and moved her hands behind back. Cushing was not walking in a heel to toe manner and stopped counting aloud after her fifth (5) step. Cushing turned on her eighth (8) step with her right foot in front of her left foot and pivoted until she turned around. She stood with her feet parallel as if she completed the test. Cushing stumbled here and after regaining her balance raised her hands more than six (6) inches away from her body. I informed Cushing she had to go back, and she started walking back. Cushing immediately put her arms behind her back and started walking back counting aloud. Cushing was unable to walk in a heel to toe manner and started walking normally. Upon the completion of the walk and turn Cushing advised "I was a dancer."

For the final S.F.S.T., Cushing was instructed to perform the one leg stand. Cushing was informed to get into the starting position with her hands down by her side and he heels and toes touching. Cushing was unable to stand in this manner and was told to stand with her heels and toes touching multiple times. Cushing was instructed to lift either leg of her choosing approximately six (6) inches off of the ground with her foot parallel to the ground. Cushing was informed to keep her hands down by her side throughout the test and count in a manner one thousand one, one thousand two and so on until I told her to stop. Cushing was told to keep both legs straight and to stare at her raised foot for the entire test. Cushing decided she had to tighten her shoelace prior to me

finishing the instructions. Cushing was told the instructions again while I demonstrated the test. I asked if Cushing understood the test, which she replied, "I do." Cushing was informed to begin the test. Cushing started to walk in place and advised she was left foot dominant. After the initial thirty (30) seconds were completed and Cushing did not perform the test she stated, "She was deciding, which leg to lift." Cushing continued to waive her arms around more than six (6) inches off the ground and was still walking in place. Cushing then began to walk in place while lifting her legs higher. Cushing stated "I have to get this one going." Cushing eventually lifted her left leg up by bending her knee. She immediately put it down. Cushing did it one more time before I concluded the test.

I informed Cushing she is being arrested for driving while intoxicated. Cushing was handcuffed utilizing the double locking mechanism, searched, and placed into the back of marked patrol unit 1807. Cushing's purse was searched for intoxicants with negative results. When I opened Cushing's vehicle a strong odor of alcoholic beverage emanated from the vehicle compartment. I searched Cushing's vehicle for intoxicants and in the center cupholder in a clear plastic cup that was filled halfway with a beverage that looked and smelled like wine. I checked to see if there were any other intoxicants with negative results. Sgt. Savage waited for AMPM to arrive to tow the vehicle to the impound yard. Cushing was transported to police headquarters without incident. When I arrived at police headquarters and assisted in Cushing leaving the vehicle I could smell alcoholic beverage from the enclosed compartment, which Cushing was transported in. Cushing was placed into the Holmdel Police Processing Room where she was read her Miranda Warning. Cushing's mouth cavity was checked for any foreign objects that would interfere with her giving breath samples and none were found. I started the twenty-minute observation. Cushing was read the first part of the New Jersey Attorney General's Standard Statement for Motor Vehicle Operators, which she responded "No." I then read her the second part of the statement and she responded, "No, I'm on medication and it will affect the test." Cushing continued to explain she did not want to give breath samples due to the medication she took last night. When asked what type of medication she advised Nyquill, Tylenol PM, and some antihistamine. Cushing did advise during processing she made a mistake and had too much to drink last night. I ran the Alcotest indicating that Cushing refused to provide breath samples. She was given a printout of the Alcotest results. Cushing contacted [REDACTED] to pick her up at police headquarters. I spoke to [REDACTED] and advised her about the potential liability form that she acknowledged and signed. I received copies of the surveillance footage at Village School from the Holmdel Board of Education and footage was placed into evidence. Cushing was processed, released, after receiving several summons and is set to appear in court on April 24th, 2024.