

2021-2022 IDAHO  
COUNTY OF KOOTENAI  
FILED

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO,

2021 SEP 20 AM 13

IN AND FOR THE COUNTY OF KOOTENAI

THE STATE OF IDAHO  
Plaintiff,  
vs.  
SOMMER, LUKE E.  
Defendant,  
DOB: 8/30/1956  
SSN: 550-25-1099  
DL#: CC232430D  
State: ID

COURT CASE #: CR2821-16209  
DEPARTMENT REPORT #: 21-41103

CLERK DISTRICT COURT  
DEPUTY

Agency KCSO  
Agency #

I, Dep. A. Mohawk, the undersigned, hereby declare and/or otherwise state that the following is true and correct:

1. I am a peace officer employed by the Kootenai County Sheriffs Office.
2. The above named defendant was charged on the 18th day of Sept., 2021 at the time of 1938 hours for the offense(s) [list offense(s) and code] I.C 18-903 Battery and/or (check any applicable boxes below)

- ☐ Driving under the influence of alcohol, drugs or other intoxicating substances, Idaho Code 18-8004.
- ☐ Second DUI offense in the last ten (10) years, prior offense date and location:
- ☐ Two or more DUI offenses in the last ten (10) years, prior offense dates and locations:
- ☐ Boating under the influence, Idaho Code 67-7034.
- ☐ Driving without privileges, Idaho Code 18-8001.
- ☐ Possession of controlled substance, Idaho Code 37-2732 ☐ Felony ☐ Misdemeanor
- ☐ Possession of paraphernalia, Idaho Code 37-2734A.
- ☐ Reckless driving, Idaho Code 49-1401.
- ☐ Domestic battery, Idaho Code 18-918.

Location of Occurrence: 10571 N CAMP CT  
HAYDEN, ID 83835 , Kootenai County, Idaho.

3. The above named defendant was identified as: Luke E. Sommer  
☐ Military ID ☐ State ID Card ☐ Student ID Card ☐ Driver's License ☐ Credit Cards  
☐ Paperwork Found ☒ Verbal ID by defendant  
☐ Witness: identified defendant.  
☒ Other: Idaho DMV Photo

5. ☒ Actual Physical Control established by: ☐ Observation by Declarant ☐ Observation by Officer  
☐ Admission of Defendant to: , ☒ Statement of Witness: Richard A. Hindorff, Margaret Sommer and John A. Sommer  
☐ Other:

☒ This is an arrest initiated by a private citizen. The basis for the request for the issuance of a Complaint is set forth in the police report attached and incorporated herein. The information and statements provided to me by John A. Sommer, the complaining party, are true and correct to the best of my knowledge.

6. I believe that there is probable cause that the above described offense(s) was (were) committed by the defendant based on the following facts:

On 9/18/21 at approximately 1902 hours, Dep. Pace, Dep. Nelson, Dep. Cox and I (Dep. Mohawk) responded to the listed location for the report of a family dispute.

On scene I contacted the female reporting party still holding her cell phone and walking in the street. Central Dispatch was unable to obtain her name, also she refused to provide her information on scene after Dep. Pace did not allow her to return to the garage when we first arrived on scene. She was uncooperative and did not want to follow Dep. Pace's orders. She also said she would not provide a statement.

A male, later verbally identified as V- John A. Sommer, came stumbling out of the house with no shirt on. The unknown female told us John was "on of them" who was fighting. I contacted John in the driveway and he told me he and his brother, O- Luke E. Sommer were just in a physical fight. I could see multiple, fresh, small cuts on John's right arm and right side of his stomach. I could also see bright red marks across his chest.

Luke came walking out of the house and was immediately detained in hand-cuffs. He briefly tensed up, pulled his left hand away from me and slightly leaned forward. He complied after he was warned. I could smell the strong odor of an alcoholic beverage emitting from his breath and person. I chose to sit him down on the front step and continue my interview with John.

John said Luke was drinking and become upset when he could not find his keys. John admitted a family member hid his keys somewhere in the house, but the female interjected and said something to the affect "you don't need to tell them that". John told me Luke is a health care worker and was adamant that he drive to work. When John tried to stop Luke from leaving the fight became physical. John told me he wanted Luke placed under citizens arrest for battery.

I went inside of the home and contacted John and Luke's mother W- Margaret K. Sommer (CA DL) and another family member, W- Richard A. Hindorff (CA DL).

Margaret told me both brothers were drinking. When John attempted to stop Luke from drinking and driving Luke became physical and both brothers fought. She even said Luke did find a spare key and attempted to start his car, but he car was not working.

Margaret was hesitant to share details and said she will not be a witness. At one point she attempted to go outside, contact John and demand he not pursue charges.

Hindorff agreed with Margaret's statement, however, he believed Luke was the predominant aggressor since John was simply trying to stop Luke from drinking and driving.

I re-contacted Luke sitting on the front step. Dep. Pace told me he read Miranda to Luke. I told Luke to tell me his side of the story, but he plead the fifth.

Due to the injuries on both John and Luke, Hindorff and Margaret's statements, Luke's intoxication and John's, I believed a fight did occur between the brothers over Luke's intoxication, and his idea to drive to work intoxicated. Therefore I had John fill out the citizens arrest form (Statement of a Private Person's) and sign it. He also signed citation #KC199223 charging Luke for battery and told Luke he was under citizen's arrest.

Luke was transported to PSB and released into the custody of PSB staff. His citation was placed into his property and a copy of the citizen's arrest form was placed into the main distribution basket along with the citation.

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On 9/18/21 at approximately 1902 hours I, (Pace), responded to assist Deputy Mohawk with an in-progress physical family dispute at 10571 N Camp Ct, Hayden ID.

Deputy Mohawk and I contacted and detained a male, O-Luke E. Sommer. While Deputy Mohawk interviewed the other parties, I stayed with Luke and read him Miranda. Luke said that he understood and wanted to speak to me. Luke had glassy bloodshot eyes and had the odor of an alcoholic beverage coming from his breath and person. Luke's speech was slurred. Based on my training and experience, I believe that Luke was heavily intoxicated.

Luke had several small lacerations, red marks and bruising on his left eye. He did not want any medical attention. I photographed his injuries and uploaded

them to KCSO Evidence.

Luke said that he attempted to leave for work and John told him he was too drunk to drive. Luke would not tell me the nature of the fight or what caused his injuries. Later in response to a question about how he got injured Luke said "he had not been in a fight with his brother since they were 14."

Luke was placed under citizen's arrest by his brother for battery.

**DUI DECISION PTS (check applicable boxes and give supporting comments)**

- ☐ Odor of alcoholic beverage:
- ☐ Admitted consumption of alcohol:
- ☐ Slurred Speech: .
- ☐ Impaired Memory:
- ☐ Glass/Bloodshot eyes:
- ☐ Gaze Nystagmus:
- ☐ Walk & Turn:
- ☐ One Leg Stand:
- ☐ Other:
- ☐ Drugs Suspected:
- ☐ Drug Recognition Evaluation Performed:
- ☐ Accident Involved: .
- ☐ Injuries:

☐ Prior to testing, defendant was substantially informed of the consequences of refusal and failure of the test as required by Sections 18-8002, 18-8002A, 67-7034 and/or 67-7037, Idaho Code.

☐ Defendant was tested for alcohol concentration, drugs or other intoxicating substances. The test(s) was (were) performed in compliance with Sections 18-8003 and 18-8004(4) Idaho Code and the standards and methods adopted by the Idaho State Police.

- ☐ BAC tested by \_\_\_\_\_ using: ☐ Intoxilyzer 5000 ☐ LIFELOC FC20 ☐ Alco Sensor \_\_\_\_\_ Instrument  
Serial # of instrument \_\_\_\_\_ Other: \_\_\_\_\_  
Name of person administering BAC test: \_\_\_\_\_ ☐ Date Certification expires: \_\_\_\_\_
- ☐ BAC result:
- ☐ Blood and/or Urine Test results pending: ☐ Yes ☐ No
- ☐ Defendant refused test as follows:
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By my signature, I hereby certify (or declare) under penalty of perjury pursuant to the law of the State of Idaho that the information contained in this document, and attached reports and/or documents that may be included herewith, is true and correct to the best of my information and belief.

Dated this 18th day of Sept., 2021.

 2302

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Law Enforcement Officer/Affiant



**KOOTENAI COUNTY SHERIFF'S DEPARTMENT**  
**Statement of Private Person's (Citizen's) Arrest**

Case Number: 21-41103

On 18, day of Sept, 2021

I, Sommer John Adam, a private person,  
(Last) (First) (Middle)

("Complaining Party"), not employed as a law enforcement officer, have arrested

Sommer Luke Eliote DOB 5/1/58,  
(Last) (First) (Middle)

for BATTERY, Idaho Code Section 18-903;

a public offense committed in my presence at 10572 Camp Ct on

or about the following date: 9/18/21, at approximately 1902 HOURS.

I hereby demand that said person be transported to the Kootenai County Jail.

I agree to cooperate fully and appear when required at all stages of the proceedings involving the prosecution of the above person. I understand that in such a case I may be liable for any false arrest action or civil liability that the said person arrested may initiate as a result of this incident.

A. Phulk 2302  
Signature of Deputy Witnessing  
Complaining Party's Signature

[Signature]  
Signature of Complaining Party  
15738 Mt 99 crescent  
Address Wills CA  
530-284-6060  
Phone 95934

White Copy—KCSO  
Yellow Copy---Complaining Party

SHR 10A, Rev. 4/02