

REPORT DATE: 12-13-2009 REPORT TIME: 1541

GWINNETT COUNTY POLICE DEPARTMENT

JUVENILE INVOLVED? CASE NUMBER: 090119853
Yes No

INVL: NAME (FULL):

NATURE OF CALL: 3104 Report Type: INCIDENT/ARREST

NARRATIVE :

1 \*\*\* IT SHOULD BE NOTED THAT THE OFFENSE SECTION OF THIS REPORTING SOFTWARE DEFAULTS TO CERTAIN CHARGES. BABINEAUX WAS CHARGED
2 WITH HAVING INOPERABLE TAG LIGHTS (09W19352), NEW RESIDENT TO OBTAIN GEORGIA DRIVER'S LICENSE (09W19353), AND NEW RESIDENT TO
3 REGISTER VEHICLE IN GEORGIA (09W19354).
4
5 ON DECEMBER 10, 2009 I WAS SITTING THE GORE WATCHING NORTHBOUND TRAFFIC AT I-85 JUST NORTH OF BUFORD DRIVE (SR-20). I OBSERVED A
6 BLACK CADILLAC ESCALADE PASS ME TRAVELING NORTH. THIS ESCALADE HAD EXTREMELY DARK WINDOW TINT AND INOPERABLE TAG LIGHTS. I
7 PULLED OUT OF THE GORE AND CAUGHT UP TO THE ESCALADE. I COULD NOT SEE INSIDE THE WINDOWS. THE ESCALADE HAD TEXAS PLATES
8 (689GLW). AT 2248 HOURS I ADVISED RADIO I WOULD BE CONDUCTING A TRAFFIC STOP ON I-85 NORTHBOUND AND HAMILTON MILL ROAD. THE
9 ESCALADE PULLED TO THE RIGHT SHOULDER OF THE EXIT LANE TO HAMILTON MILL ROAD.
10
11 I APPROACHED ON THE PASSENGER SIDE OF THE ESCALADE. BY THE TIME I GOT UP TO THE DOOR THE DRIVER AND PASSENGER WINDOW WERE
12 ROLLED DOWN AND THE SUNROOF WAS WIDE OPEN. IT WAS EXTREMELY COLD THIS EVENING. I INFORMED THE DRIVER, LATER IDENTIFIED AS
13 JONATHAN BABINEAUX, OF WHY I HAD PULLED HIM OVER. I EXPLAINED THAT THE TAG LIGHTS ON THE BACK OF THE VEHICLE WERE NOT WORKING AND
14 THAT HIS WINDOW TINT WAS TOO DARK. HE TOLD ME HE WAS UNAWARE OF THE INOPERABLE TAG LIGHTS. I COULD SMELL A STRONG ODOR OF
15 FRESH MARIJUANA COMING FROM THE INTERIOR OF THE VEHICLE. I ASKED FOR BABINEAUX TO EXIT THE ESCALADE AND COME BACK TO MY CAR
16 WHILE I CONTINUED THE TRAFFIC STOP. I ALSO ASKED FOR AND RECIEVED ID FROM THE PASSENGER, AARON ROBINSON. ROBINSON TOLD ME HIS
17 FATHER WAS A POLICE OFFICER IN MINNEAPOLIS AND WANTED TO KNOW WHY I WANTED TO SEE HIS IDENTIFICATION. I EXPLAINED THAT I LIKE TO
18 KNOW WHO I AM DEALING WITH ON MY TRAFFIC STOPS AND I ALWAYS ASK FOR PASSENGER IDENTIFICATION. HE SAID HE UNDERSTOOD. I REQUESTED
19 A BACKUP OFFICER AND SGT MCCLENDON RESPONDED TO MY LOCATION.
20
21 WHILE CHECKING BABINEAUX AND ROBINSON IN THE COMPUTER WE ENGAGED EACH OTHER IN CONVERSATION. BABINEAUX TOLD ME HE PLAYED
22 FOOTBALL FOR THE ATLANTA FALCONS AND THAT ROBINSON, A LONGTIME FRIEND, WAS IN TOWN TO SEE THE ATLANTA FALCONS PLAY THE NEW
23 ORLEANS SAINTS THIS WEEKEND. HE TOLD ME THAT ROBINSON HAD FLOWN IN FROM CALIFORNIA AND HE HAD JUST PICKED HIM UP FROM THE
24 ATLANTA AIRPORT.
25
26 I ASKED BABINEAUX IF ANYONE HAD ANY MARIJUANA IN THE CAR BECAUSE I SMELLED IT. HE TOLD ME THAT HE LOANED THE ESCALADE TO SOME
27 FRIENDS A FEW DAYS EARLIER AND THAT THEY HAD SMOKED MARIJUANA INSIDE WHILE USING IT. I ASKED HIM IF HE SMOKED MARIJUANA AND HE SAID
28 HE DID NOT. I ASKED IF THERE WAS ANY MARIJUANA INSIDE THE CAR RIGHT NOW. BABINEAUX LOOKED AWAY FROM ME BACK TOWARD THE ESCALADE
29 AND SAID NO. I ASKED HIM THAT IF THERE WAS NO MARIJUANA IN THE ESCALADE WOULD HE HAVE A PROBLEM IF I SEARCHED THE VEHICLE TO WHICH
30 HE REPLIED "YES". TO CLARIFY, I ASKED HIM IF HE WAS SAYING YES HE HAD A PROBLEM WITH ME SEARCHING THE VEHICLE AND HE SAID YES AGAIN.
31 HE SAID HE DIDN'T SEE WHY I WANTED TO SEARCH. I TOLD HIM I SMELLED MARIJUANA COMING FROM THE INTERIOR OF HIS ESCALADE AND THAT IF HE
32 DID NOT WANT TO GIVE ME PERMISSION TO SEARCH HE WAS WELL WITHIN HIS RIGHTS TO DO SO. I EXPLAINED THAT WHILE I HAD PROBABLE CAUSE TO
33 SEARCH THE VEHICLE I KNEW OUR NARCOTICS K9'S WERE ON DUTY AND I WOULD CALL ONE OF THEM TO RESPOND TO THE SCENE.
34
35 BABINEAUX LOOK SCARED AND NERVOUS. HE RUBBED HIS FACE AND KEPT LOOKING BACK AT THE VEHICLE. HE TOLD ME THAT ROBINSON HAD A
36 MEDICAL MARIJUANA LICENSE AND HAD SOME MARIJUANA IN THE CAR. I ASKED HOW HE KNEW THAT MARIJUANA WAS IN THE CAR AND HE SAID
37 ROBINSON TOLD HIM HE BROUGHT IT WITH HIM. I FOUND THAT TO BE ODD CONSIDERING ROBINSON JUST LANDED AT THE AIRPORT AND
38 UNDOUBTEDLY HAD TO GO THROUGH SEVERAL SECURITY CHECKPOINTS. I TOLD BABINEAUX THAT GEORGIA DOES NOT PROVIDE MEDICAL MARIJUANA
39 LICENSES. BABINEAUX TOLD ME THAT I COULD SEARCH THE CAR IF I WANTED TO BUT I TOLD HIM WE WOULD WAIT FOR THE NARCOTICS K9.
40
41 I HAD ROBINSON EXIT THE CAR. I ASKED IF THERE WAS ANY MARIJUANA IN THE CAR AND TOLD ME THERE WAS NOT. I TOLD HIM WE HAD A NARCOTICS
42 K9 EN ROUTE TO THE SCENE TO CONDUCT AN OPEN AIR SNIFF OF THE CAR. BOTH BABINEAUX AND ROBINSON ALLOWED SGT MCCLENDON AND I TO
43 PAT THEM DOWN AS WE WAITED FOR THE DOG.
44
45 GCPD OFC BAILEY AND HIS K9 CODY RESPONDED TO THE SCENE. CPL WADDELL ALSO CAME WITH OFC BAILEY. I ASKED OFC BAILEY TO RUN HIS K9
46 AROUND THE VEHICLE. OFC BAILEY DEPLOYED K9 CODY ON THE ESCALADE. K9 CODY ALERTED TO THE ODOR OF NARCOTICS BY SCRATCHING AT THE
47 PASSENGER DOOR. OFC BAILEY AND I BEGAN HAND SEARCHING THE ESCALADE. I STARTED AT THE FRONT PASSENGER SEAT. OFC BAILEY STARTED
48 AT THE DRIVER SIDE BACK SEAT. OFC BAILEY LOCATED A BACK PACK SITTING ON THE CENTER OF THE BACK SEAT. THIS BACKPACK WAS WITHIN
49 ARM'S REACH OF BABINEAUX OR ROBINSON. INSIDE THE BACKPACK OFC BAILEY LOCATED A VACUUM SEALED BAG CONTAINING A QUANTITY OF
50 GREEN LEAFY MATERIAL BELIEVED TO BE MARIJUANA. THERE WAS A GLASS JAR THAT CONTAINED TWO ZIPLOC BAGGIES OF MORE GREEN LEAFY
51 MATERIAL BELIEVED TO BE MARIJUANA. THERE WERE ALSO SEVERAL SMALL CIGARS COMMONLY USED TO SMOKE MARIJUANA IN THE BACKPACK AS
52 WELL. AFTER WE FOUND THE MARIJUANA BOTH MEN WERE PLACED IN HANDCUFFS AND PUT IN SEPARATE VEHICLES. BABINEAUX WAS PUT IN THE
53 BACK OF SGT MCCLENDON'S PATROL TRUCK AND ROBINSON WAS PLACED IN THE BACK SEAT OF MY PATROL CAR. I THEN WENT BACK TO THE TRUCK
54 AND AND CONTINUED MY SEARCH. INSIDE THE DRIVER'S DOOR POCKET OF THE ESCALADE WAS A BOTTLE OF GREEN BLUNT POWER SPRAY. THIS
55 SPRAY IS COMMONLY USED BY PEOPLE WHO SMOKE MARIJUANA TO TRY AND COVER THE SMELL OF THE DRUG. THE BOTTLE WAS ON TOP OF SOME
56 OTHER ITEMS AND WAS OVER HALF EMPTY.
57
58 I INTERVIEWED BOTH BABINEAUX AND ROBINSON. I READ BOTH OF THEM THEIR MIRANDA WARNING FROM MY PRE PRINTED CARD AND BOTH MEN
59 STATED THEY WOULD SPEAK TO ME. BABINEAUX SAID THAT AFTER HE PICKED ROBINSON UP FROM THE AIRPORT THAT ROBINSON ASKED HIM TO
60 DRIVE TO A TOWNHOUSE NEAR THE AIRPORT SO HE COULD PURCHASE SOME MARIJUANA. BABINEAUX SAID HE DID NOT KNOW WHERE EXACTLY THIS
61 TOWNHOUSE WAS, JUST THAT IT WAS NEAR THE AIRPORT. HE SAID HE DID NOT KNOW THE DEALER. WHEN ASKED HOW ROBINSON KNEW A LOCAL
62 ATLANTA DRUG DEALER WHEN HE LIVES IN MINNESOTA AND CALIFORNIA HE JUST SAID THAT ROBINSON KNOWS PEOPLE IN ATLANTA. I ASKED HIM
63 WHY HE WOULD FACILITATE THE TRANSACTION BY DRIVING ROBINSON TO THE LOCATION TO MAKE A PURCHASE OF ILLEGAL NARCOTICS AND HE SAID
64 HE WAS NOT THINKING RIGHT. BABINEAUX SAID HE SAT IN THE VEHICLE WHILE ROBINSON TOOK THE BACK PACK INSIDE TO OBTAIN THE DRUGS.
65 BABINEAUX THEN SAID THAT ROBINSON HAD ROLLED A MARIJUANA "BLUNT" AND WAS SMOKING IT AS THE MEN DROVE UP THE INTERSTATE TO GO TO
66 BABINEAUX'S HOME. I ASKED IF HE HAD SMOKED ANY MARIJUANA HIMSELF. HE TOLD ME NO AND SAID HE HAS NOT SMOKED MARIJUANA IN OVER A
67 YEAR. WHEN ASKED ABOUT THE BLUNT SPRAY IN THE CAR HE SAID IT WAS OLD AND HAS NOT BEEN USED SINCE HE LAST SMOKED MARIJUANA. FOR
68 THIS BOTTLE TO BE SITTING ON TOP OF THE OTHER ITEMS IN THE DRIVER DOOR POCKET WAS ODD IF IT WAS TRUE IT HAD BEEN A YEAR SINCE HE LAST
69 USED IT.
70
71
72
73
74

CASE STATUS: AA DATE CLEARED: 12-11-2009
CLEARED ARREST - ADULT

BADGE #: B944 OFFICER: BELL, RL

Assignment/Shift: HIT

# GWINNETT COUNTY POLICE DEPARTMENT

## Narrative Continuation

CASE NUMBER:

090119853

REPORT DATE:

12-13-2009

Report Type:

INCIDENT/ARREST

75  
76 ROBINSON TOLD ME THAT HE SMOKES MARIJUANA TO EASE PAIN IN HIS LEGS. HE SAID HE HAS A CALIFORNIA MEDICAL MARIJUANA LICENSE  
77 DESPITE LIVING IN MINNESOTA. I ASKED HIM IF HE KNEW THAT PURCHASING AND POSSESSING MARIJUANA IN GEORGIA WAS ILLEGAL AND HE SAID  
78 THAT HE DID. AT FIRST ROBINSON TOLD ME THAT HE HAD BROUGHT THE MARIJUANA WITH HIM ON HIS TRIP. I STOPPED HIM AND TOLD HIM I  
79 ALREADY KNEW THAT TO BE A LIE AND FOR HIM TO TELL ME THE TRUTH. HE APOLOGIZED AND SAID THAT HE TOLD BABINEAUX TO DRIVE HIM TO A  
80 TOWNHOUSE SO THAT HE COULD PURCHASE A QUANTITY OF MARIJUANA AND BABINEAUX AGREED TO. HE ALSO SAID BABINEAUX WAITED IN THE  
81 CAR WHILE HE WAS INSIDE MAKING THE TRANSACTION. I ASKED HIM HOW MUCH MARIJUANA WAS THERE AND HE SAID HE WAS NOT SURE, ONLY  
82 THAT HE PAID \$350 DOLLARS FOR IT ALL. I ASKED WHAT HAPPENED AFTER THEY LEFT THE TOWNHOUSE. HE TOLD ME THAT HE ROLLED A  
83 MARIJUANA BLUNT AND SMOKED IT ON THE RIDE HOME. I ASKED HIM IF BABINEAUX SMOKED ANY. ROBINSON TOLD ME BABINEAUX SMOKED FROM  
84 THE MARIJUANA BLUNT AT LEAST TWO TO THREE TIMES BUT THAT HE SMOKED WAY MORE THAN BABINEAUX DID.  
85  
86 I WENT BACK TO BABINEAUX AND ASKED HIM WHY HE WAS NOT TRUTHFUL WITH ME. I ASKED HIM AGAIN IF HE SMOKED ANY MARIJUANA AND HE  
87 SAID HE DID NOT. WHEN I TOLD HIM THAT ROBINSON HAD JUST TOLD ME THAT HE HAD BABINEAUX SAID THAT HE HAD ONLY SMOKED FROM IT ONCE.  
88 I ASKED HIM WHY HE DID NOT TELL ME TRUTH AND HE SAID HE DID NOT WANT TO ADMIT TO SMOKING MARIJUANA.  
89  
90 PHOTOGRAPHS WERE TAKEN AT THE SCENE OF THE VEHICLE TO INCLUDE THE MARIJUANA, THE INOPERABLE TAG LIGHTS, AND THE ILLEGAL  
91 WINDOW TINT. THE TINT WAS MEASURED AT THE DRIVER SIDE WINDOW WITH MY LASER LABS TM-100 TINT METER. THE READING SHOWED A LIGHT  
92 TRANSMISSION OF 9%, FAR DARKER THAN THE 32% LIGHT TRANSMISSION LIMIT SET BY GEORGIA LAW. I ASKED BABINEAUX IF HE WOULD LIKE FOR  
93 ME TO CALL SOMEONE TO COME PICK UP HIS ESCALADE TO AVOID HAVING IT IMPOUNDED. HE ASKED ME TO CALL HIS WIFE BLAIR AND HAVE HER  
94 GET THE CAR. I CALLED AND SHE TOLD ME SHE WAS ON HER WAY. BABINEAUX STATED HE HAS A HURT SHOULDER AND ASKED FOR HIS CUFFS TO  
95 BE MOVED TO THE FRONT. SGT MCCLENDON MOVED HIS CUFFS TO THE FRONT AND THEN TRANSPORTED BOTH BABINEAUX AND ROBINSON TO THE  
96 GWINNETT COUNTY JAIL WHERE THEY WERE RELEASED TO SHERIFFS DEPUTIES WITHOUT INCIDENT.  
97  
98 ONCE BABINEAUX'S WIFE ARRIVED I EXPLAINED WHAT HAD HAPPENED TO HER AND TOLD HER WHERE SHE COULD GO TO BOND THE MEN OUT OF  
99 JAIL LATER. THE VEHICLE WAS RELEASED TO HER CUSTODY AND I TRANSPORTED THE SUSPECTED MARIJUANA TO GCPD HEADQUARTERS. THE  
100 MARIJUANA FIELD TESTED POSITIVE USING A NIK KIT. I REMOVED THE MARIJUANA FROM ITS PACKAGING AND WEIGHED IT BY ITSELF. WITHOUT  
101 PACKAGING, THE MARIJUANA IN THE VACUUM SEALED BAG WEIGHED OUT TO 27 GRAMS AND THE MARIJUANA THAT WAS IN THE ZIPLOC BAGS EACH  
102 WEIGHED OUT TO 7 GRAMS A PIECE FOR A TOTAL OF 41 GRAMS. ANYTHING IN EXCESS OF ONE OUNCE OF MARIJUANA IS A FELONY PER GEORGIA  
103 LAW. THE MARIJUANA WAS BAGGED, SEALED, AND INITIALED AND PLACED INTO THE GCPD PROPERTY ROOM AS EVIDENCE.  
104  
105 BABINEAUX HAS BEEN LIVING AND WORKING IN GEORGIA FOR SEVERAL YEARS NOW. HE STILL HAS NOT OBTAINED A GEORGIA LICENSE OR  
106 REGISTERED HIS VEHICLE IN GEORGIA. HE SAID HE PLANNED ON DOING THAT DURING HIS OFF SEASON. NEW RESIDENTS ARE REQUIRED TO  
107 OBTAIN BOTH A GEORGIA LICENSE AND GEORGIA VEHICLE REGISTRATION WITHIN THIRTY DAYS OF MOVING HERE.  
108  
109 STATE WARRANTS WERE SECURED FOR BABINEAUX'S AND ROBINSON'S OFFENSES.  
110  
111 NO FURTHER.  
112  
113

CASE STATUS:

AA CLEARED ARREST - ADULT

DATE CLEARED:

12-11-2009

BADGE #:

B944

OFFICER:

BELL,RL

Assignment/Shift:

HIT