

REPORT DATE: 06-28-2010 REPORT TIME: 2011

GWINNETT COUNTY SHERIFF'S DEPARTMENT

JUVENILE INVOLVED? Yes No CASE NUMBER: 100060036

INVL: NAME (FULL): BANNISTER CHARLES E

NATURE OF CALL: 5200 Report Type: ARREST

NARRATIVE:

1 ON 06-28-10 AT APPROXIMATELY 1900 HOURS I RECEIVED A PHONE CALL FROM SGT LABOY STATING A POSSIBLE GWINNETT COUNTY GOVERNMENT
2 EMPLOYEE WAS AT A RESTAURANT AT 695 INDIAN TRAIL ROAD, CAFE HOT WING CONSUMING ALCOHOLIC BEVERAGES. I WAS TOLD TO RESPOND TO
3 THAT LOCATION TO SEE IF THERE WERE ANY COUNTY VEHICLES IN THE PARKING LOT. WHEN I DROVE BY I OBSERVED A BLACK CROWN VICTORIA WITH
4 A GOVERNMENT PLATE. I THEN DROVE TO THE SHELL STATION NEXT TO THE LOCATION TO SEE WHO OR IF THE CAR WAS GOING TO BE DRIVEN BY
5 ANYONE.
6
7 BETWEEN 1955 AND 2000 HRS TWO MALES EXITED THE RESTAURANT. THEY STOPPED BESIDE THE BLACK FORD CROWN VICTORIA. I OBSERVED A
8 WHITE MALE GET INTO THE VEHICLE AND PULL AWAY. THE VEHICLE MADE A RIGHT TURN ON INDIAN TRAIL ROAD HEADING TOWARD LAWRENCEVILLE
9 HWY TOWARD THE CITY OF LILBURN. NOT KNOWING IF THE INFORMATION ABOUT THE INDIVIDUAL WAS CORRECT, I FOLLOWED THE VEHICLE. DURING
10 MY OBSERVATION OF THE VEHICLE I OBSERVED THE DRIVER OF THE VEHICLE CONTINUOUSLY PRESS ON THE BRAKE PEDAL AS IF HE WAS RIDING HIS
11 BRAKES. I THEN OBSERVED THE VEHICLE TOUCH BOTH THE CENTER DIVIDER AND THE SOLID LINE NEXT TO THE SHOULDER THREE TIMES.
12 THE TRAFFIC WAS MODERATE TO HEAVY AND WE WERE ALSO IN A CONSTRUCTION AREA. WHEN WE APPROACHED THE TRAFFIC LIGHT AT INDIAN
13 TRAIL AND LAWRENCEVILLE HWY THE VEHICLE MADE AN ABRUPT LANE CHANGE WITHOUT SIGNALING FROM THE RIGHT LANE TO THE LEFT LANE. IN
14 DOING SO A VEHICLE IN THE LEFT LANE HAD TO JAM ON HIS BRAKES SUDDENLY TO AVOID STRIKING THE REAR OF THE DEFENDANTS VEHICLE.
15
16 I CONTINUED TO FOLLOW THE VEHICLE ACROSS LAWRENCEVILLE HWY AND ONTO KILLIAN HILL ROAD. I WAS LOOKING FOR A SAFE PLACE TO CONDUCT
17 A TRAFFIC STOP ON THE VEHICLE. I INITIATED MY EMERGENCY EQUIPMENT ON MY PATROL VEHICLE. THE DRIVER PRESSED ON HIS BRAKES AND
18 TURNED ON HIS RIGHT TURN SIGNAL. THE DRIVER STARTED TO PULL TO THE RIGHT SHOULDER THEN CONTINUED FORWARD. THE DRIVER THEN
19 TURNED ON HIS LEFT TURN SIGNAL AND MADE A LEFT TURN ONTO SANDRA DR. AT THIS TIME I ADVISED GWINNETT COUNTY DISPATCH THAT I WAS
20 CONDUCTING A TRAFFIC STOP AT SANDRA DR. AND KILLIAN HILL RD ON GWINNETT GOV'T TAG (GV068331).
21
22 WHEN I APPROACHED THE DRIVERS DOOR THE WINDOW WAS DOWN. I LEANED IN AND INTRODUCED MYSELF AND ASKED THE DRIVER FOR HIS
23 LICENSE. AS THE DRIVER WAS HANDING ME HIS LICENSE, I COULD SMELL A STRONG ODOR OF ALCOHOL COMING FROM HIS BREATH. I TOLD THE
24 DRIVER WHY I WAS PULLING HIM OVER. I NOTICED THAT HIS EYES WERE GLAZED AND WHEN HE SPOKE HE MUMBLED AS HE TALKED. HE WAS ALSO
25 VERY NERVOUS AND SHAKING. I WALKED BACK TO MY PATROL VEHICLE TO RUN THE LICENSE ON GCIC. THE DRIVER WAS IDENTIFIED AS CHARLES
26 EUGENE BANNISTER. I WALKED BACK TO THE DEFENDANTS VEHICLE AND OBSERVED THE DRIVER WIPING HIS HANDS AND MOUTH WITH AN ALCOHOL
27 WIPE PAD. I ASKED THE DRIVER IF HE HAD BEEN DRINKING. HE STATED HE HAD ONE BEER AT THE RESTAURANT WHILE DISCUSSING REAL ESTATE
28 WITH SOMEONE. HE ALSO STATED HE DIDN'T WANT TO BE UNSOCIABLE SO HE HAD A BEER.
29
30 I ASKED THE DRIVER IF HE WOULD SUBMIT TO SOME FIELD EVALUATION'S TO DETERMINE IF HE WAS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.
31 HE STATED HE WOULD. I ASKED HIM TO EXIT HIS VEHICLE AND WALK TOWARD THE FRONT OF HIS CAR WHERE IT WAS LEVEL. WHEN THE DRIVER EXITED
32 HIS VEHICLE HE EXITED VERY SLOWLY. WHEN HE BEGAN TO WALK TOWARD THE FRONT OF THE VEHICLE HE SWAYED BACK AND FORTH. I ASKED THE
33 DRIVER IF HE HAD ANY MENTAL OR PHYSICAL PROBLEM THAT WOULD HINDER HIM FROM COMPLETING ANY OF THE FIELD EVALUATIONS. HE STATED
34 THAT HE HAD EYE PROBLEMS. I DID NOT USE THE HORIZONTAL GAZE NYSTAGMUS TEST.
35
36 I THEN ASKED HIM IF HE HAD GRADUATED FROM HIGH SCHOOL OR COLLEGE AND IF HE KNEW THE ALPHABET. HE STATED HE NEW THE ALPHABET. I
37 ASKED HIM TO START WITH THE LETTER D AND END WITH THE LETTER R. I ASKED HIM IF HE UNDERSTOOD AND HE REPLIED YES. HE BEGAN WITH THE
38 LETTER D. WHEN HE GOT TO THE G HE BEGAN TO OMIT LETTERS AND TRIED SINGING THE REST OF THE ALPHABET REAL FAST.
39
40 NEXT I ASKED HIM TO PERFORM THE WALK AND TURN. I ASKED THE DEFENDANT TO STAND WITH HIS ARMS DOWN BY HIS SIDE AND PLACE HIS RIGHT
41 FOOT IN FRONT OF HIS LEFT FOOT AND STAY THAT WAY UNTIL I EXPLAINED AND DEMONSTRATED HOW I WANTED THE TEST DONE. AS I WAS
42 DEMONSTRATING THE TEST I NOTICED THAT THE DEFENDANT'S RIGHT FOOT WAS OFF TO THE SIDE AND NOT HEEL TO TOE. AFTER I HAD COMPLETED
43 MY DEMONSTRATION I TOLD HIM TO BEGIN. THE DEFENDANT WALKED OUT 11 STEPS SWAYING AND NOT WALKING A STRAIGHT LINE. HE DID NOT
44 PERFORM THE TURN PROPERLY EITHER. HE PAUSED FOR SEVERAL SECONDS BEFORE HE STARTED BACK. AS HE WALKED HIS NINE STEPS BACK HE
45 CONTINUED TO SWAY AND WALK OFF LINE.
46
47 I THEN EXPLAINED THAT I HAD ONE MORE TEST I WANTED HIM TO PERFORM. I ASKED HIM IF HE HAD ANY ANKLE OR KNEE PROBLEMS. HE STATED NOT
48 REALLY. I TOLD HIM TO STAND WITH HIS HANDS DOWN BY HIS SIDE AND FEET TOGETHER AND WATCH AS I DEMONSTRATE HOW THE TEST SHOULD BE
49 PERFORMED. ONCE I PERFORMED THE TEST FOR HIM I INSTRUCTED HIM TO BEGIN. THE DEFENDANT RAISED UP HIS RIGHT FOOT AND BEGAN TO
50 COUNT. BY THE TIME HE HAD REACHED THE NUMBER 4, HE HAD LOST HIS BALANCE AND PLACED HIS FOOT ON THE GROUND. BY THE TIME HE REACH
51 THE NUMBER 12 HE NO LONGER COULD KEEP HIS BALANCE AND I HAD HIM STOP THE TEST FOR HIS SAFETY.
52
53 I PLACED THE DEFENDANT UNDER ARREST FOR DUI AT THAT TIME. HE WAS PLACED IN THE BACK OF MY PATROL VEHICLE AND READ IMPLIED CONSENT
54 AT 2022 HOURS. I ASKED THE DEFENDANT IF HE WOULD CONSENT TO THE STATE TEST OF HIS BREATH. HE RELIED YES. HE WAS THEN TRANSPORTED
55 TO THE GWINNETT COUNTY JAIL. ONCE INSIDE AND AFTER BEING SEARCHED FOR CONTRABAND HE WAS ESCORTED OVER THE THE INTOX 5000
56 MACHINE WHERE D/S CASAL WAS WAITING. AT THIS TIME THE DEFENDANT VOLUNTARILY STATED "I CANT BELIEVE THIS IS ALL OVER ONE TO TWO
57 BEERS. D/S CASAL PERFORMED THE STATE TEST OF HIS BREATH. WHEN THE RESULTS RETURNED .000 I CALLED RADIO AND ASKED IF ANYONE HAD A
58 BLOOD KIT. SHE RESPONDED BACK SAYING GCPD SGT WOOD WAS ENROUTE WITH ONE. ONCE I RECEIVED THE BLOOD KIT I EXPLAINED TO THE
59 DEFENDANT THAT DUE TO THE RESULTS OF THE BREATH TEST BEING INCONSISTENT WITH SOMEONE WHO HAD DRUNK A BEER, AS HE ADMITTED TO
60 AT THE SCENE OF THE PULLOVER AND A THE JAIL, AND HIS CURRENT MANIFESTATIONS I REQUESTED HE SUBMIT TO THE STATE TEST OF HIS BLOOD.
61 HE STATED HE WOULD. HE WAS SECURED IN A WAIST CHAIN AND HANDCUFFS AND TRANSPORTED TO GWINNETT MEDICAL CENTER IN
62 LAWRENCEVILLE GA AT 2143 HOURS.
63
64 UPON ARRIVAL AT GWINNETT MEDICAL CENTER WE WERE ESCORTED TO THE LAB WHERE LAB TECH CRISTIN STONEBURNER DREW THE BLOOD FROM
65 THE DEFENDANTS LEFT ARM. SHE THEN SECURED THE VILE'S IN THE PACKAGE AND TURNED THEM OVER TO ME. THE DEFENDANT WAS TRANSPORTED
66 BACK TO THE COUNTY JAIL AND BOOKED IN. THE BLOOD WAS PLACED IN THE GWINNETT COUNTY EVIDENCE ROOM REFRIGERATOR AWAITING
67 TRANSPORT TO THE GBI CRIME LAB FOR TESTING.
68
69 LT BUZZ BENSON OF THE GWINNETT COUNTY SHERIFFS DEPT WAS ON THE SCENE OF THE TRAFFIC STOP. HE STAYED ON THE SCENE OF THE TRAFFIC
70 STOP AND WAITED FOR DEPUTY BROCK AND CPL VOUTAS TO ARRIVE TO DRIVE THE COUNTY VEHICLE BACK TO SHERIFFS HEADQUARTERS.
71
72 ATTACHED ARE STATEMENTS FROM WITNESS AND DEPUTIES TO THIS INCIDENT. ALSO RECEIPTS FROM THE RESTAURANT WHERE THE ALLEGED
73 DRINKING TOOK PLACE.

CASE STATUS: AA CLEARED ARREST - ADULT DATE CLEARED: 06-28-2010

BADGE #: SQ688 OFFICER: CUMMINGS, M.G.

Assignment/Shift: LWUW