



UNIVERSITY OF GEORGIA POLICE DEPARTMENT

INCIDENT REPORT

CASE NUMBER: 12-2250

ORI GA0290200

INCIDENT INFORMATION					
Location SANFORD DRIVE AT CEDAR STREET			Zone NORTH		
Address SANFORD DR / CEDAR ST			City ATHENS		State GA
					Zip 30602
Report Date 09/29/2012	Report Time 14:36	From Date 09/29/2012	From Time 14:36	To Date 09/29/2012	To Time 14:36

INCIDENT TYPE					
1	Description DUI - ALCOHOL		Statute 40-6-391		Location Type HIGHWAY/ROAD/ALLEY
Attempted ☐	Used ☐	Weapon 1		Weapon 3	
Completed ☒	☐ Alcohol ☐ Drugs ☐ Computers	Weapon 2			
Bias Motivation		Bias Target		Hate Group	
Forced Entry	Type of Force	Entry	Exit	Structure Occupied	Security
2	Description TRAFFIC STOP		Statute NO STATUTE CODE		Location Type HIGHWAY/ROAD/ALLEY
Attempted ☐	Used ☐	Weapon 1		Weapon 3	
Completed ☒	☐ Alcohol ☐ Drugs ☐ Computers	Weapon 2			
Bias Motivation		Bias Target		Hate Group	
Forced Entry	Type of Force	Entry	Exit	Structure Occupied	Security
3	Description FAILURE TO OBEY TRAFFIC CONTROL DEVICE		Statute 40-6-20		Location Type HIGHWAY/ROAD/ALLEY
Attempted ☐	Used ☐	Weapon 1		Weapon 3	
Completed ☒	☐ Alcohol ☐ Drugs ☐ Computers	Weapon 2			
Bias Motivation		Bias Target		Hate Group	
Forced Entry	Type of Force	Entry	Exit	Structure Occupied	Security

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VICTIMS									
1	Name(Last, First, M) STATE OF GEORGIA					DOB	Age 0	Sex	Race
Address					City		State	Zip	
Home Phone			UGA Affiliation		Hair Color	Eye Color	Height	Weight	
OLN	State	Employer			Business Phone		Student of		

OFFENDERS									
1	Name(Last, First, M) GRIMALDO, RENATO					DOB	Age 22	Sex M	Race W
Address					City		State	Zip 30064	
					UGA Affiliation STUDENT - UGA		Hair Color BRO	Eye Color BRO	Height 5'07"
					Weight 170 LBS				
Employer					Business Phone (000) 000-0000		Student of		

VEHICLE INFORMATION									
1	Tag Number AEE0334	Tag County COBB	State GA		Tag Year 2013	VIN [REDACTED]			
Make FORD		Model EXPLORER		Year 2001	Color WHITE / WHITE	Owner GRIMALDO, JUAN CARLOS			
Vehicle Notes THE VEHICLE WAS RELEASED TO SCOTT OWEN BARTELMAY (GA OLN:052520365) AT THE DRIVERS REQUEST.									
Status			Status Date		Value		NIC Number		

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NARRATIVE

On 29 September 2012 at approximately 1436 hours I was stopped in the eastbound lane of Cedar Street at its intersection with Sanford Drive for the red light. Once the light changed to green for east and westbound traffic on Cedar Street I began to slowly accelerate. Before making it through the intersection the driver of a 2001 white in color Ford Explorer (GA TAG: [REDACTED]) made a right onto Cedar from the northbound lane of Sanford Drive at what I estimated to be about 20 miles per hour. The light for north and southbound traffic on Sanford Drive was red and the driver never came to a stop before making the right. I then activated the emergency lights on my patrol motorcycle. The driver came to an abrupt stop in the eastbound lane of Cedar Street in front of the Physics Building.

Upon initial contact with the driver I explained the reason for the traffic stop. I asked the driver if there was any reason that he did not stop before making the right on red. The driver stated that he thought the light was yellow. As I was talking to the driver I noticed an open bottle of what appeared to be an alcoholic beverage. I asked the driver about the bottle and asked him to hand it to me. When he handed it to me I was able to confirm that it was an open bottle of whiskey (The Famous Grouse). There was about a fifth of the beverage left in the bottle. I then asked the driver if he had been drinking alcohol. The driver stated that he had consumed a couple of drinks. I then asked the driver to step out of the vehicle and walk with me to the sidewalk. I was unable to smell an odor commonly associated with an alcoholic beverage coming from the driver because I have been fighting an illness and was extremely congested.

When the driver and I got to the sidewalk I had dispatch run his Georgia Driver's License through GCIC. I then told the driver that I wanted him to participate in some Standardized Field Sobriety Exercises so that I could determine if he was safe to drive. The driver stated that he would appreciate that because he wanted to know if he was safe to drive. I then explained to the driver that his participation in the Standardized Field Sobriety Exercises was completely voluntary and that he could refuse to participate in the exercises if he wished. The driver told me that he was willing to participate in the Standardized Field Sobriety Exercises.

Standardized Field Sobriety Exercises:

The exercises were performed on the sidewalk across the street from the Physics Building. The sidewalk was flat, dry, and level. Since it was daylight no additional light was required during the administration of these exercises.

Horizontal Gaze Nystagmus:

Before conducting the Horizontal Gaze Nystagmus exercise I checked the driver's eyes. The driver had told me earlier that he was wearing contacts. I noticed when checking the driver's eyes that he had equal pupil size and no resting Nystagmus. I then told the driver I wanted him to follow the tip of my pen with his eyes and his eyes only. The driver stated that he understood. I then checked for equal tracking and noticed that both eyes followed the stimulus. I then checked for lack of smooth pursuit, distinct and sustained Nystagmus at maximum deviation, onset of Nystagmus prior to 45 degrees, and vertical Nystagmus. During this exercise I observed a total of four clues. The driver had lack of smooth pursuit in both the right and left eye and distinct and sustained Nystagmus at maximum deviation in both the right and left eye.

Walk and Turn Exercise:

After checking the driver's eyes I told him the next exercise would be the walk and turn exercise. I asked the driver if he could imagine a straight line approximately 4 inches wide. I then showed the driver a card that was approximately 4 inches wide. The driver stated that he could imagine a straight line. I then told the driver to put his left foot on the line and his right foot in front of his left foot heel to toe. I demonstrated the position for the driver. Once the driver got in that position I told him to maintain that position until I told him to start and also told him not to start until I told him to begin. I asked the driver if he understood. The driver confirmed that he understood. I then explained the walk and turn exercise to the driver and demonstrated the exercise to him. After demonstrating the walk and turn and I went over the instructions with the driver once more and asked him if he understood. The driver stated that he understood all instructions. I did not observe any clues from the driver during the walk and

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turn exercise. The only uncommon thing that I noticed was that the driver did not walk in a straight line. The driver strayed off the line and walked diagonally.

One Leg Stand Exercise:

After the driver performed the walk and turn exercise I told him the next exercise would be the one leg stand. I then had the driver stand facing me with his feet together and his arms down by his side. I then explained and demonstrated the exercise to the driver. After demonstrating the exercise I reviewed the instructions with the driver and asked him if he understood. The driver stated that he understood the instructions. I then asked the driver which leg he would be lifting. The driver stated he would raise his right leg. I then told the driver he could begin when ready. When the driver lifted his right leg I started the timer (using the stopwatch function on my cell phone). I noticed a total of four clues during the one leg stand. The driver swayed during the exercise and put his foot down 23 seconds into the exercise. After lifting his foot again the driver used his arms to balance and also hopped several times before reaching 30 seconds. Once reaching 30 seconds I told the driver to stop and put his foot down.

Non-Standardized Field Sobriety Exercise:

After completing the one leg stand I asked the driver if he knew the alphabet. The driver stated that he did. I then told the driver that I wanted him to tilt his head back slightly, close his eyes, and recite the alphabet without singing. The driver successfully completed this exercise.

I then told the driver to return to his vehicle and that I would be with him momentarily. I then gathered some paperwork together and reviewed my notes. I also asked at this time for Sergeant Tipton to be in route to my location with the portable breathalyzer. I then approached the driver for a second time and asked him to once again step out of the vehicle. I then asked the driver if he would be willing to give a breath sample on a portable breathalyzer. The driver stated that he would not be willing to give a breath sample. While talking with the driver, the passenger (GA OLN:) called back to me saying she needed to talk with me. I told the driver to wait where he was and I went to talk with the passenger. The passenger stated that the bottle of whiskey belonged to her and that her boyfriend (the driver) had only consumed two drinks and was not DUI. I told the passenger that I would discuss this matter later with her and asked her to remain in the vehicle.

I then walked back to where the driver was standing and informed him that based on my observations and the moving violation that I would be placing him under arrest for DUI alcohol. The driver stated that he understood. I asked if all the passengers in the vehicle had been drinking alcohol. The driver stated that everyone had been drinking. I then asked the driver if there was anyone he could call to come remove the vehicle so it would not have to be towed. The driver stated that he did have someone he could call. I then allowed the driver to make a phone call to have someone come and get his vehicle. While the driver was on the phone I requested a transport unit to be in route to my location. When the driver finished his phone call I told the driver I needed to read him something. I then read the driver the Georgia Implied Consent Notice for driver's over the age of 21 and requested a breath sample for the driver. The driver stated that he would not give a breath sample.

While waiting for the transport unit to arrive I stood by the driver and started filling out necessary paper work. Officer Wood arrived on scene to transport the driver to the Clarke County Jail. The driver was turned over to Officer Wood who placed the driver in double locked handcuffs behind the back, searched him incident to arrest, and secured him in the backseat of his patrol vehicle for transport to the Clarke County Jail.

Before Officer Wood transported the driver to the Clarke County Jail we filled out all necessary paperwork. I also allowed the driver's girlfriend to talk with the driver while we were completing the paperwork. After all the paperwork was completed Officer Wood transported the driver to the Clarke County Jail.

The driver was released to Clarke County Jail personnel.

The driver was issued a citation for failure to obey a traffic control device in violation of Official Code of Georgia 40-6-20 (Citation #036399) and

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issued a citation for DUI-Alcohol in violation of Official Code of Georgia 40-6-391 (Citation #036400). The passenger, Callahan, was issued a citation for possession of an open container of alcohol in violation of Official Code of Georgia 40-6-253 (Citation #036551).

The vehicle was released to Scott Owen Bartelmay (GA OLN: [REDACTED]) at the request of the driver.

An MVR recording of the transport exists.

CONTINUATION

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