

W16-00280

Defendant: Noil, Devante, Lorenzo (██████████)
Case Number: 16-013726

College Station Police Department - Probable Cause Statement
Possession of Marijuana

Affiant, S. Dunham #999, appears before the undersigned authority and says under oath that he has good reason to believe and does believe that in Brazos County, Texas, Devante Lorenzo Noil (██████████), hereafter styled Defendant, on or about Friday, December 16, 2016 did then and there unlawfully:

did then and there intentionally and knowingly possess a usable quantity of marijuana, to wit: 5 grams of marijuana.

The affiant, being a sworn and commissioned police officer of the City of College Station in Brazos County, Texas, bases his belief on the following facts:

1. On Friday, December 16, 2016 at approximately 2357 hours Officer S. Dunham #999 with the College Station Police Department arrived on scene at 218 Sterling St. #306 for a loud party complaint. It had been reported that loud music was coming from this apartment.
2. Upon arrival, Officer Dunham would make his way to this apartment. During these travels Officer Dunham noted the distinct odor of marijuana in the area. This odor could be smelled from the base floor of the apartment building, and increased in strength as Officer Dunham made my way to the third floor. Once on the third floor, Officer Dunham observed the sound of what he believed to be coming from a loud television in apartment #306. This noise could be heard from outside the apartment, which lead me to believe it was likely the source of the loud party complainant. This belief was additionally supported by this apartment number being provided by the reporting person.
3. Officer Dunham would then attempt to make contact at apartment #306. After a short period of knocking and announcing himself, Officer Dunham would be greeted by a male identified as The Defendant. When this occurred the male would quickly step outside, shutting the door behind him. It should be noted that regardless of this quick opening and shutting of the door, the distinct and strong odor of marijuana was observed to be emitting from within the apartment.
4. Officer Dunham would then speak to The Defendant about the noise, and the odor of marijuana coming from his apartment. The Defendant would immediately became verbally defensive and overall uncooperative, resulting in other officers responding to the scene.
5. After several minutes of explaining to The Defendant the reason for the investigation, The Defendant was asked to provide consent to search his apartment for marijuana. However, The Defendant refused to provide this consent. As a result a search warrant was applied for.
6. Once this search warrant was approved, a complete search would be conducted. This search would result in the locating of 4.1 grams of marijuana in a cigar package in the kitchen of The Defendant's single bedroom home, and a 0.9 gram marijuana blunt being located in the closet of the bedroom in which The Defendant had been seen exiting prior to greeting Officer Dunham at the door.
7. Due to this, it is Officer Dunham's belief that The Defendant was in care, custody, and control of the marijuana in his home. This belief is rooted in the fact that The Defendant is the sole permanent occupant of this apartment and as a result would be aware of what is in it, and that the marijuana blunt was located next to a safe which contained The Defendant's personal records in the closet of a bedroom referred by The Defendant as his. It is Officer Dunham's further belief that this is why The Defendant was uncooperative and resistant to the investigatory efforts during this call.

The total amount of marijuana found in the Defendant's possession was later weighed using a Citizon scale and found to weigh approximately: 5 grams.

S. Dunham CSPD # 982
Affiant

Subscribed and sworn to before me this 19th day of December, 2016.

[Signature]
Peace Officer, State of Texas

