

# Jail Records Search Detail

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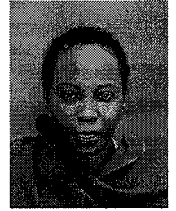
**Booking #:** AH8888  
**Facility:**

**Wichita County Sheriff's Office (Conversion)**  
**Booked:** 02/18/2017

**Released:** 02/19/2017

Name **HAWKINS, NICOLE REMITHA**  
Alias  
SO # **88922**  
Address

Desc **Black Female 5' 3" 150 lbs**  
Hair **Black**  
Eyes **Brown**



Warrant #	Charge	Issuing Auth	Offense Date	Bond/Type	Fine/Crt Costs	Disposition
Warrantless/On-View	POSSESSION OF CONTROLLED SUBSTANCE PG 2 O/4G U/400G		02/18/2017	25,000.00 Surety Bond		Conversion See Comments
Warrantless/On-View	POSSESSION OF MARIJUANA O/4OZ U/5LBS		02/18/2017	5,000.00 Surety Bond		Conversion See Comments
Warrantless/On-View	RESISTING ARREST		02/18/2017	4,050.00 Set by Judge		Conversion See Comments
Other Agency Hold	THEFT \$1500-20K		02/18/2017	5,000.00 Surety Bond		Conversion See Comments

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**Booking #:** AH8887

**Facility:**

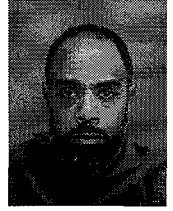
**Wichita County Sheriff's Office (Conversion)**

**Booked:** 02/18/2017

**Released:** 02/19/2017

**Name** MALLERY, COUTNEY WAYNE  
**Alias**  
**SO #** 88921  
**Address** DENVER, CO 80206

**Desc** Black Male 6' 1" 164 lbs  
**Hair** Black  
**Eyes** Brown



Warrant #	Charge	Issuing Auth	Offense Date	Bond/Type	Fine/Crt Costs	Disposition
Warrantless/On-View	POSS CS PG 2 GT= 4GLT400G		02/18/2017	25,000.00 Surety Bond		Conversion See Comments
Warrantless/On-View	POSS MARIJ GT4OZLT=5LBS		02/18/2017	5,000.00 Surety Bond		Conversion See Comments

## AFFIDAVIT

ON THIS DAY, JUSTIN MITCHELL, A PERSON KNOWN TO ME AND UPON OATH SWEARS AS FOLLOWS:

MY NAME IS JUSTIN MITCHELL, I AM OVER THE AGE OF 18, AM EMPLOYED AS A CERTIFIED PEACE OFFICER WITH THE WICHITA COUNTY SHERIFF'S OFFICE, HAVE PERSONAL KNOWLEDGE OF FACTS ASSERTED BELOW AND AM COMPETENT TO TESTIFY TO THOSE FACTS. I ASSERT THE FACTS STATED BELOW ARE TRUE AND CORRECT.

On 18 February 2017 at approximately 1210 hrs. I, Deputy Justin Mitchell #135 was on patrol for the Wichita County Sheriff's Office assigned to the Drug Interdiction Unit. While patrolling US 287 I observed a white 2016 Chrysler Town & Country van bearing Texas registration GPK-8466 traveling south on in the slow lane of US 287. I observed the Chrysler approaching a large white box style truck also traveling in the slow lane of US 287. I observed the Chrysler continue approaching the large box truck until coming within approximately one car length behind the large box truck. I observed the Chrysler maintain this close distance before changing into the fast lane behind a blue passenger vehicle and passed the large box truck before returning into the slow lane of traffic. Due to the highway speeds of approximately 75 miles per hour and the large size of the box truck I observed the following distance of approximately one car length to be unsafe as I don't believe the Chrysler would be able to slow down safely or avoid a collision with the box truck if needed.

I secured a traffic stop on the Chrysler on US 287 South at Burnett Ranch Rd for following too close (Trans code 545.062). I approached the Chrysler's front passenger window as I greeted the male and female occupants inside the Chrysler. When at the window I could smell a strong odor of air freshener as I observed a can of air freshener in a cup holder on the dash of the Chrysler. I identified the driver of the Chrysler by Colorado driver license #15-128-0549 as, Courtney Wayne Mallery (DOB 5/6/81 B/M). The female was later identified by Pennsylvania identification card #28-865-924 as, Nicole Remitha Hawkins (DOB 11/20/76 B/F). Hawkins stated they had a family member die and were out looking at land they planned on purchasing. When I asked where the land was located Hawkins replied, "Uhhhh... Amarillo? In that area" as she turned and looked at Mallery. Mallery identified the Chrysler as a rental vehicle as he provided the Hertz rental agreement. I advised Mallery the reason for the stop as I requested he exit the Chrysler and walk back to my patrol unit where I would issue a written warning for the traffic violation. Mallery complied with my request as he entered the front passenger seat of my patrol unit.

Upon entering my patrol unit I began filling out the written warning and speaking with Mallery. I immediately observed Mallery's lip and face quivering and his voice shaking. I began speaking with Mallery about the land they were looking to purchase. Mallery stated he wasn't sure if they would purchase the land because the land was without power and water. I asked Mallery where the land was located as, Mallery was unsure around Amarillo. Mallery continued by stating, "You go onto Soney Rd and it's off to the left.". Mallery stated it was approximately 15 or 20

miles from the Big Texan Steak House. Upon looking at a map of Amarillo I observed Soncy Rd exit to be at the Westgate Mall on the west side of Amarillo. Mallery stated he was on his way to take Hawkins back to school. I asked Mallery if they lived together. Mallery stated, "Yes". I continued by asking, "In Colorado?" Mallery then stated, "No I live in Colorado and she lives here in Texas". Mallery advised Hawkins isn't his wife and was just in Colorado to visit him. Mallery advised Hawkins lives and goes to school in Houston. Mallery advised he rented the Chrysler at the Hobby Airport in Houston, TX. Mallery advised he had flown from Colorado to Houston where he rented the Chrysler and met with Hawkins. I told Mallery he should have just flown Hawkins back to Houston rather than making the long drive. Mallery hesitated before stating that he has his dogs. Mallery stated he was trying to convince Hawkins to move to and go to school in Colorado. Mallery stated Hawkins was finished with school in May but still had to take the BAR exam. Mallery advised Hawkins had stayed in Colorado for approximately two days during this trip. I confirmed with Mallery that he had previously flown to Houston where he rented the Chrysler and met with Hawkins. Mallery and Hawkins then drove to Denver where they stayed for approximately two days and were now returning to Houston. I contacted dispatch and began a records check of Mallery's driver license.

I continued to speak with Mallery while waiting for his driver license return. I asked Mallery what he did for work in Colorado. Mallery hesitated before replying "Uh...landscaping". Based on my experience people who are involved with the production of marijuana often refer to themselves as landscapers. I continued by asking Mallery if he has much landscaping business during the winter season in Colorado. Mallery replied, when it's snowing we can't really work...just blowing leaves". He also stated that he sells puppies to make money. Mallery stated, once arriving in Houston he planned on staying with Hawkins for a short period of time before flying back to Colorado.

With a long pause of silence in the conversation Mallery began speaking about an accident involving a tractor-trailer that they had previously passed while traveling. I believe this to be an attempt to control his breathing as Mallery's anxiety was heightened and his breathing was labored due to the subject matter of the conversation. Dispatch advised Mallery's driver license returned clear and current.

I asked Mallery if he was traveling with anything illegal inside the Chrysler. Mallery stated he was not traveling with anything illegal inside the Chrysler. I requested consent to search the Chrysler from Mallery. Mallery began to say "no" but quickly stated "yes sir". I clarified with Mallery that he gave consent to search the Chrysler. Mallery never gave a clear answer and seemed hesitant about his answer. I explained to Mallery that if he granted consent I would conduct a search of the Chrysler and if he denied consent my partner K-9 Deputy Gabriel Villarreal would be called to the scene for a K-9 assist. Mallery stated, "Yes you can search it".

I instructed Mallery to exit my patrol unit and place leashes on his two large pit bull dogs and remove them from the Chrysler. Mallery complied as he exited my patrol unit. I approached the front passenger window and instructed Hawkins to exit the Chrysler and assist Mallery with the dogs. Hawkins complied with my instructions. Mallery removed the dogs from the Chrysler as I further instructed Hawkins to wait with Mallery in the grass. Hawkins began to argue with me

about searching the Chrysler stating, "Don't you need a warrant?". I again instructed Hawkins to wait with Mallery in the grass. Hawkins followed my instructions as she stated, "I'm on the phone with my professor".

I conducted a quick search of the Chrysler at the front passenger side area. I continued my search to the rear cargo area of the Chrysler. As I opened the rear cargo door of the Chrysler two bags fell out onto the ground, one of the bags contained a laptop computer. Hawkins ignored my instructions to wait in the grass as she insisted on picking the bags up off the ground. Hawkins then returned to the grass area beside Mallery.

In the rear cargo area of the Chrysler I located two long cylindrical light bulbs commonly used for growing indoor plants. Inside a duffle bag on top of clothing I located a food saver vacuum sealer I know to be commonly used in the transportation of marijuana. I also observed a black plastic bag containing a grow warehouse hydroponics and organics book with instructions for growing marijuana along with five jugs of "cannaboost" and one "moab mother of all blooms" additives also used in the growing of marijuana. I also located one pair of small pruning scissors. Hawkins continued to argue stating, "You need a warrant to open any items of mine". During the search I also located two large bags of "Moonshine Colorado's Finest" soil.

I observed Hawkins filming the scene with her cellphone. I instructed Hawkins to approach the Chrysler and film the items I had located during my search. Hawkins at first refused but then began approaching the Chrysler. I informed Hawkins of the items and the common use of the items I had located as she filmed with her cellphone. I again instructed Hawkins to wait in the grass, as Hawkins complied with my request. I continued my search to the front passenger side area of the Chrysler. In the front center console of the Chrysler I located two electronic cigarette cartridges inside retail packaging advertising the contents as containing THC (tetrahydrocannabinol). Hawkins began to raise her voice as she demanded to know my "call sign".

I began walking towards Hawkins as I planned on taking her and Mallery into custody for possession of a controlled substance. Hawkins began walking backwards away from me and towards the two large pit bulls. I instructed Hawkins to stop and to walk to me. Hawkins began yelling "I don't know who you are! I am afraid!" As Hawkins continued to walk away from me and towards the pit bulls while ignoring my instructions I had to take control of Hawkins left arm before she could get close to the pit bulls as I clearly and loudly stated "You are under arrest". Hawkins began screaming as I secured Hawkins' left arm behind her back as I escorted Hawkins to the passenger side of my patrol unit. I secured Hawkins against the passenger side of my patrol unit while attempting to place her into handcuffs. Hawkins began to pull her arms away attempting to keep from being placed in handcuffs. I was able to secure Hawkins right wrist into a handcuff. I placed Hawkins onto her stomach on the ground as she continued to resist being placed into handcuffs. When on the ground Hawkins placed her left arm under her body. I was able to pull Hawkins left arm out from underneath her body and place her left wrist into the handcuffs. I informed Mallery he was also under arrest but due to him holding the two large pit bulls on leashes he would not yet be placed in handcuffs.

I contacted Deputy Villarreal to come to the scene to assist. I helped Hawkins to her knees. When I placed Hawkins onto the ground her jacket came open exposing her chest as she was only wearing a bra. I instructed Hawkins to stand to secure her in the backseat of my patrol unit. Hawkins stood up and then dropped her body weight to the ground as she refused to enter the backseat of my patrol unit until a female officer arrived. I informed Hawkins we did not have a female officer. Hawkins continued to yell obscenities stating, "You racist pig! You tried to rape me!"

While on her knees on the ground Hawkins was able to slip her left wrist out of the handcuffs. Hawkins zipped her jacket and began to stand up when I took her back down to the ground in the prone position. I was able to gain control of Hawkins right arm which was still secured in one of the handcuffs. I commanded Hawkins to place her hands behind her back. Hawkins continued to struggle attempting to place her left arm underneath her body while yelling "Kill me! Kill me!". I was able to place her left arm behind her back and again secure her arms behind her back in handcuffs. I helped Hawkins to her knees as she continued to yell obscenities and making racist accusations.

Deputy Villarreal arrived on scene to assist. I helped Hawkins to her feet and again attempted to place her in the backseat of my patrol unit. I opened the rear passenger door of my patrol unit and secured Hawkins against the inside of the rear passenger door while clearing the backseat of my patrol unit. I instructed Hawkins to enter the backseat while holding her upper left arm. I noticed Hawkins still had a black purse around her shoulder that I had not yet searched for weapons or contraband. I instructed Hawkins to wait as I needed to remove the black purse. Hawkins again pulled away as I was attempting to remove the purse from her shoulder. I had to again secure Hawkins to the inside of the rear passenger door of my patrol unit while I removed the purse from off of her shoulder. Hawkins continued yelling "You don't scare me you punk bitch! Kill me! Kill me!" I handed the purse to Deputy Villarreal as I again attempted to secure Hawkins in the backseat of my patrol unit. Hawkins again attempted to drop her weight down and refuse to enter the backseat of my patrol unit. I attempted to pick up Hawkins legs and place her into the backseat. Hawkins began to kick her legs out of my grasp while yelling "Get off of my vagina!" and continuing to refuse to enter my patrol unit. During the struggle Hawkins' jacket again came un-zipped with one of her breasts being exposed outside of her bra. Hawkins continued to demand a female officer. I again informed Hawkins we didn't have a female officer. I retrieved a large bath towel from the luggage and covered Hawkins' chest.

A short time later Hawkins appeared to calm down as she agreed to enter the backseat of my patrol unit if I could adjust the handcuffs and let her fix her bra and jacket. I had Deputy Villarreal assist as I removed one handcuff to allow Hawkins to fix her bra and jacket. After fixing her bra and jacket a placed Hawkins back into handcuffs as they were adjusted for comfort. Hawkins co-operated as she was secured in the backseat of my patrol unit.

Upon conducting a further search of the Chrysler I located a factory compartment built for storage of the vehicle jack and tools on the inner driver side rear wall. I located a small blanket covered in dog hair. Upon removing the blanket it revealed a natural void leading inside the plastic panel of the driver side rear fender. When reaching into that natural void I located several

small vacuum sealed packages containing a green leafy substance I know based on my training and experience to be consistent with marijuana. A total of twelve vacuum sealed packages were located in the natural void. A large amount of US currency was also located inside a black crown royal bag inside Hawkins' purse.

Dispatch was notified to contact animal control to respond to the scene to take custody of the dogs and a wrecker service to come to the scene to take possession of the Chrysler for impound. Photographs of the scene and evidence were taken utilizing my WCSO issued camera on camera card C7. City of Electra Animal Control Officer Kari Banahan arrived on scene and took custody of the two dogs without incident. A vehicle inventory and impoundment record of the Chrysler was completed. Jody Wade Ent. Arrived on scene and took possession of the Chrysler for impound.

Deputy Jeff Lee arrived on scene to take custody of Mallery and Hawkins as they were transported to the Wichita County Jail. Later at the Wichita County Sheriff's Office the green leafy substance field tested positive as marijuana. The marijuana rendered a total weight of 1.2 pounds. The hash oil rendered a total weight of 25 grams. The US currency totaled \$2,142.00 (5-\$100 bills, 2-\$50 bills, 77-\$20 bills, 2-\$1 bills). All evidence was sealed, labeled, and secured in an evidence locker. WCSO camera card C7 was turned into records for processing.

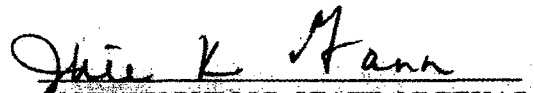
AFFIANT SEIZED ( \$2,142.00 ) LISTED OUT IN "ATTACHMENT A" ATTACHED  
HERETO. AFFIANT BELIEVES THE PROPERTY IS CONTRABAND AS DESCRIBED BY  
ARTICLE 59 OF THE TEXAS CODE OF CRIMINAL PROCEDURE AND IS SUBJECT TO  
FORFEITURE UNDER THAT ARTICLE.

  
AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME BY AFFIANT, JUSTIN MITCHELL, ON  
28 DAY OF Feb, 2017

MY COMMISSION EXPIRES:

1-20-2019

  
NOTARY PUBLIC, STATE OF TEXAS

Jill K. Gann  
NOTARY'S PRINTED NAME

