



**OKLAHOMA  
PROBABLE CAUSE AFFIDAVIT**  
STATE OF OKLAHOMA VS UPCHURCH, SHANE WEBSTER

IN THE DISTRICT COURT OF JOHNSTON COUNTY  
STATE OF OKLAHOMA

**FILED IN**  
JOHNSTON COUNTY  
TISHOMINGO, OKLAHOMA  
**APR 11 2022**  
O'CLOCK  
By CASSANDRA SLOVER, COURT CLERK  
Deputy

Plaintiff,  
STATE OF OKLAHOMA

VS  
Defendant,  
UPCHURCH, SHANE WEBSTER

Case No 2022-040909

Of 22:00

**PROBABLE CAUSE AFFIDAVIT FOR ARREST WITHOUT WARRANT**

Comes now the undersigned Affiant, and states upon Oath or Affirmation that the following information and facts are correct to the best of the Affiant's knowledge and belief. The undersigned believes that probable cause exists for the detention of the below-named; SUBJECT for the below-listed crimes committed on the below-listed date, in JOHNSTON COUNTY, OKLAHOMA, CHICKASAW and/or CHOCTAW NATIONS, INDIAN TERRITORY.

**Subject Name** UPCHURCH, SHANE WEBSTER

**DOB** [REDACTED] **SSN** [REDACTED]

**Sex** Male

**Race** White **Hair** Black

**Eye** Hazel

**Height** 5 Ft. 4 In. **Weight** 150

**Ethnicity** Not Hispanic Origin

**Address** 209 S Mallard Lane, KENEFIC, Oklahoma 74248

**Arrest Date / Time** 04/09/2022 22:00

**Arrest Location / City** 209 S Mallard Lane Butcher Pen

**Offense Location / City** 209 S Mallard Lane Butcher Pen

**Offense(s) Committed / Anticipated Charge(s)**

Assault with a Dangerous Weapon

Assault with a Dangerous Weapon

Bringing Contraband into a Penal Institution

Destruction of Evidence

Threatening Acts of Violence

Obstruction of an Officer

Resisting Arrest

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**Facts & Circumstance that support probable cause to arrest the above named person are**

I, Deputy Joseph L. Schanz, (Deputy Sheriff with the Johnston County Sheriff's Office). I hold valid cross-commissions with both the Chickasaw Nation Lighthorse Police, as well as the Choctaw Nation Tribal Police. I also hold a valid Federal Special Law Enforcement Commission (SLEC) through the Bureau of Indian Affairs (B.I.A.). I attest the below report is true and correct to the best of my knowledge:

At approximately 2200 hours on 04/10/2022, I received a report from Johnston County Dispatch that Shane Upchurch was threatening and yelling profanities at Chrysti Roberts and Jeremy Roberts while wielding a machete. Dispatcher Stephanie Alexander stayed on the 911 line with Chrysti Roberts and you can hear Shane Upchurch yelling various profanities towards Chrysti Roberts.

Shortly after arriving in the driveway, I identified Shane Upchurch wielding a machete style weapon standing approximately 3 yards away from Chrysti's and Jeremy's driveway, facing their home. Shane saw me then ran the opposite direction of me.

I began to chase him on foot however I lost sight of him as he ran into his home. Not knowing if he was still armed with a weapon, I drew my service pistol as I rounded the corner and took aim towards the front door. I witnessed Shane in what I believe was the ending motion of a throw and it appeared he tossed the weapon in the home. He then put his hands up and faced me. He was refusing to listen to my verbal commands of "get out and get down" so I was forced to grab him and physically yank him out of the doorway.

As I tried to pull him down, he just kept staggering towards me, so I then turned my shoulders and changed direction, and Deputy Tiffany Dease then grabbed him from behind and helped me take him to the ground. Deputy Gabriel Alexander shortly arrived after that and helped us detain Upchurch. While we were detaining Upchurch, Deputy Justin Murray then performed a security sweep of the residence. Deputy Murray located the sword in question behind a heater located near where I witnessed Upchurch making a throw motion.

Deputy Murray documented where the sword was located, and then retrieved it. I had Chrysti and Jeremy fill out voluntary statements on scene.

While they were filling out statements, I checked on Upchurch who was detained in the back of my unit. I observed 2 pill bottles protruding from his right pocket. I took them and noticed one bottle had a baggie inside. The baggie was filled with pills, however I felt they may have been fentanyl laced due to current drug trends, so I secured them in the cargo area of my unit and was going to evaluate the pills with better safety equipment (A mask, surgical gloves, and narcan) later at the Sheriff's Office.

I collected the completed statements from Chrysti and Jeremy and they stated they have video surveillance of the incident, and that it would be prepared for when I start my shift again on the following Wednesday to collect as well.

Myself and Deputy Dease transported Upchurch and noticed a lot of movement from where Upchurch was seated. As we arrived at the jail and noticed orange earplugs scattered about the inmate seating area. We then escorted him inside and began the book in process.

As Detention Deputy Sergeant Joe Rhea began the strip search portion, I heard Sergeant Rhea state "Hey, what's that? Back away from it". I immediately entered the room and observed a bag with a blue substance inside. Nothing else was located during

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the search. Upon further inspection, the blue pills were identified as Klonopins, that Upchurch had smuggled into the jail through is rectum. Also, Upchurch had a blue substance around his lips which is consistent with the same color blue as the Klonopins.

Klonopins are a Schedule 4 narcotic.

Your affiant believes that Upchurch was able to slip his hands under his legs in the inmate seating area in my unit, and consume the Klonopins as well as try to hide the baggie in his rectum.

I have also been on a previous call regarding Shane and the Roberts family. Approximately a year ago the Roberts family called the Sheriff's Office and said Upchurch was yelling threats again, except he was armed with a shotgun. He then ran off prior to my arrival.

I listened to the 911 Call after the arrest, and the below listed profanities are what were directed towards Chrysti Robers that I could understand

"Whore"

"I've been waiting for this"

"Bitch"

"You don't know a fucking thing"

It was difficult to understand most of what was being said about Sheriff Gary Dodd, Prosecutor Fern Smith, and Judge Laura Corbin. However, I did hear him yell "Tell her to sign the warrant bitch" after he realized Chrysti was on the phone with the Sheriff's Office.

Shane Upchurch is charged with the following

2 Counts of Assault with a Dangerous Weapon - Felony

Bringing Contraband into a Penal Institution - Felony

Destruction of Evidence

Threatening acts of violence

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Obstruction

Resisting Arrest

Arresting/Reporting Deputy Sheriff

Joseph L. Schanz #3508

AFCF ?    Time (1)    Time (2)   or Other


Upon oath, I declare that the above information is true and correct to the best of my knowledge and belief.

Officer Name: SCHANZ, JOSEPH L.   Badge Number: 3508

  
Signature of Affiant

Subscribed and sworn before me on April 4, 2022  
My commission number 19005115  
My commission expires 5/19/23

**Kristin McMichael**  
State of Oklahoma  
Notary Public  
#19005115/ Exp: 5/19/2023

  
Notary Public

Sheriff's Affidavit Required ?

Bond Posted ?

A probable cause determination is not necessary, the arrestee bonded out of jail on \_\_\_\_\_

Appear in Court ?

The undersigned Judge of this Court having conducted a probable cause determination for the above named person's arrest without warrant by sworn testimony and/or affidavit finds:

This affidavit/testimony contains sufficient facts showing probable cause for the person's arrest existed at the time of the

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arrest. Arraignment before a court is ordered on \_\_\_\_\_

[ ] This affidavit/testimony contains insufficient facts to show probable cause for the person's arrest existed at the time of arrest. The arrestee is ordered released from custody immediately.

I make the preceding findings and order pursuant to Gerstein v. Pugh, 420 U.S. 103 (1975), and County of Riverside v. McLaughlin, No. 89-1817 (U.S. May 13, 1991) (Lexis 2528):

**FINDING OF PROBABLE CAUSE**

The Undersigned Judge of this Court, upon sworn affidavit, hereby determines there to be probable cause for issuance of an arrest without warrant.

Date April 11, 2022, at 1:15 p.m.

Laura J. Cuhil

JUDGE OF THE COURT

*An appearance bond is set in  
the amount of \$50,000.<sup>00</sup>*

.....  
Date \_\_\_\_\_

\_\_\_\_\_  
OFFICER / SUPERVISOR SIGNATURE

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