



**OKLAHOMA
PROBABLE CAUSE AFFIDAVIT**

STATE OF OKLAHOMA VS BUSBY, JOSHUA CADE (Continued)

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 1830 hours, I received a report from Johnston County Dispatch of an active burglary alarm at the back door of a residence located at 2006 N Daube Ranch Rd owned by Gary Landry, located near Mill Creek.

I arrived on scene and slung my rifle, shortly after Deputy Ty Richeson arrived and retrieved his rifle as well. Myself and Deputy Richeson went around the residence to the back door and immediately observed a male walk out of the residence from the back door. The male suspect (Later identified as Joshua Cade Busby, DOB 10/12/1988, Non-Native) then took off running into the woods and emitting a high pitched scream as myself and Deputy Richeson began pursuing him on foot.

We chased Busby approximately 100-150 yards through the woods when we emerged at a rocky embankment. As we began to chase Busby down the embankment, everyone fell down the embankment simultaneously. During the fall, myself and Deputy Richeson received multiple injuries and damaged both of our uniforms. The below listed injuries and damages are what myself and Deputy Richeson sustained during the fall.

Myself (Deputy Schanz)

Sprained right wrist

Sprained right elbow

Sprain right shoulder

Sprained right knee

Uniform pants were torn at the right knee

Deputy Richeson

Received a large laceration to his left knee which resulted in him needing 7 stitches

Both sides of his uniform were torn at the knees

After recollecting ourselves we began to pursue Busby further. We ran approximately 400-500 yards more before we lost sight of Busby and went back to the residence.

After arriving back at the residence we performed a security sweep of the house and could not locate any additional persons. Deputy Ty Richeson then went back to retrieve the items he had lost in the foot chase while I began to review my dash camera footage in an attempt to get a positive identification of the male suspect. As I was doing this, I overheard radio traffic from Deputy

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Richeson, but due to having poor radio service, he came through patchy. From what I could gather however, he appeared to be in distress and proceeded to drive my patrol unit down to the river where he was.

Once I located Deputy Richeson he appeared to have the male in custody. According to Deputy Richeson, due to Busby's noncompliance he was forced to use his JPX twice (a less lethal device that shoots out a controlled burst of OC Spray). I took control of the suspect and placed him over my hood while I performed a patdown of his person. Due to his non-compliance throughout this entire ordeal, I maintained hands on with him the entire time so he could not attempt to escape. I then held him against the rear of my patrol unit and Undersheriff Smith opened the door into the inmate seating area. I loosened my grasp on Busby and he appeared to try to walk towards Deputy Richeson. I then grabbed him by his shirt and pulled him towards me, then pushed him into the inmate seating area.

I went to retrieve my K9 out of my patrol unit so she was not exposed to the OC spray, Busby was struck with. When I walked around my unit and retrieved my K9, I saw Undersheriff Smith grabbing Busby and placing him on the ground. According to Undersheriff Smith this was due to Busby refusing to comply once again. Busby would remove his feet out of my patrol unit. Considering the foot pursuit that occurred, Undersheriff Smith did not want to give him another opportunity to run, and it was easier to control the subject from the ground. Once he appeared to begin complying he was placed into my patrol unit once again.

While he was in my patrol unit he began smash his head against my window, and my plexiglass that separated the seating area from the cab and the K9 partition. Busby was given multiple warnings and told he would be sprayed with OC spray if he continued.

I handed my K9 over to Undersheriff Smith and gave Deputy Richeson a ride back up to the residence that Busby was burglarizing. During the trip up there Busby began thrashing around once again headbutting my windows and plexiglass once again. I gave him more verbal warnings to stop yet he persisted. I then stopped and exited my unit, opened the door, and deployed OC Spray to the face of Busby. After doing such, he stopped his thrashing and was compliant.

Once we made it back to the residence, Undersheriff Smith aided Busby in wiping off the OC Spray that was on his face. Deputy Justin Murray documented the injuries to myself and Deputy Richeson as well.

We then began to survey the residence for damages and possible stolen property. At the back door of the residence on the door knob, there were aggressive divots on the knob which led deputies on scene to believe that a pair of channel lock pliers were used to damage the door knob causing the locking mechanisms to break. A pair of channel lock pliers were located inside a shed attached to the back of the house that were consistent with the divots in the door knob. Additional photographs were taken of the door knob and home. Also, Busby's shoes were seized as well that he was wearing.

I made contact with the victim, Gary Landry, on the phone. He in fact confirmed that the door knob was not damaged prior to Busby making entry into the home. He did in fact want to pursue charges against Busby and once the phone call was concluded, I transported Busby to the Johnston County Jail.

After booking Busby into jail, Undersheriff Smith reviewed photographs from the multiple burglaries he and Deputy Richeson worked on that morning. According to Undersheriff Smith, the shoe treads that were located at a separate burglary scene were consistent with the shoes Busby was wearing when he ran from myself and Deputy Richeson.

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Myself and Deputy Richeson then went to Mercy Hospital in Tishomingo to seek treatment due to the injuries we sustained during the foot pursuit. Deputy Richeson had a large laceration on his knee from when he fell. Medical staff had to go into the laceration and remove dirt and debris, then stitched it shut, which required 7 stitches. I was treated for a sprained wrist, elbow, and shoulder on my right side where I tried to catch myself from rolling further down the embankment. I was also treated for a sprained knee on my right side, which I'm still recovering from a knee surgery I had in November of last year. Medical staff took X-rays of my wrist and knee and I was released shortly after. Deputy Richeson had X-rays taken on both of his knees and was released shortly after as well.

Once I cleared the hospital and began to clean my inmate seating area, it was discovered that the plexiglass that separated the inmate seating area from the cab of my patrol unit was cracked on the bottom near a bolt. I believe this was due to Busby repeatedly hitting the area near the crack.

The victim, Gary Landry, arrived at his burglarized residence that morning to evaluate the damages Busby caused. He writes in a voluntary statement that Busby damaged a screen door located on the second floor that he values at \$150.00 to replace and repair. He also sent me photos of the screen. He also writes that to fix the door and door knob at the back door Busby broke would cost him \$250.00. Additionally, Landry writes that 3 game cameras were stolen from the property, on the front of the home that he values at \$750.00. At the end of the statement he writes that Joshua Busby also was one of thieves that broke into his neighbor's house earlier last year, and Busby left his identification card at the scene of that burglary.

Myself and the majority of the Johnston County Sheriff's office are very familiar with Joshua Busby. He has been the suspect in a multitude of thefts, 2 of which I have been a part of. He was connected to the above-mentioned burglary of Landry's Neighbors residence, and also a suspect in another theft of a hunting cabin around the same time last year. Additionally, Busby had an active felony warrant through Murray County for \$75,000 for 3 separate counts of Burglary in the Second at the time of his arrest.

Joshua Cade Busby is currently incarcerated in the Johnston County Jail for the following offenses

Burglary in the Second Degree - Felony

Larceny of the House - Felony - for the theft of the 3 game cameras that were stolen

Assault and Battery on a Peace Officer - Felony - for injuries Deputy Richeson received attempting to place Busby under arrest during the foot pursuit

Assault and Battery on a Peace Officer - Felony - for injuries I sustained for attempting to place Busby under arrest during the foot pursuit

Destruction of County Property - Felony - for damages done to my plexiglass partition, as well as damages received to myself and Deputy Richeson's uniforms

Murray County Felony Warrant - \$75,000 - 3 Counts of Burglary in the Second

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Malicious Injury to Property Under \$1,000 - for the damages Busby caused to Landrys home

Obstruction on an Officer

Resisting Lawful Arrest

Public Intoxication Methamphetamine

Arresting/Report 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 Aug 6, 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

[NO] Sheriff's Affidavit Required ?

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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 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 August 6, 2022, at 5:30 p.m.

Laura J. Cahin
JUDGE OF THE COURT

An appearance bond
is set in the
amount of \$80,000.⁰⁰.

.....
Date _____

OFFICER / SUPERVISOR SIGNATURE

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