



Eastern Oklahoma State College Police Department

Alton Jones  
Chief of Police

1301 W. Main Street, ~ Wilburton OK 74578  
(918) 465-1755 ~ Fax (918) 465-4494

**IN THE DISTRICT COURT OF THE CHOCTAW NATION  
STATE OF OKLAHOMA**

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FILED  
CHOCTAW NATION OF OKLAHOMA  
DISTRICT COURT CLERK

SEP 09 2022

SUSAN LOZANO  
COURT CLERK

BY *B. Hoffman* DEPUTY

Choctaw Nation  
Plaintiff

VS.

Denny, Bryan E.  
Defendant

*CF-22-456*

**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 exist for the detention of the below named ARRESTEE for the below listed crimes committed on the below listed date, in the city of Wilburton, Latimer County, Oklahoma, which is within the jurisdictional boundaries of the Choctaw Nation.

**Subject Name:** Denny, Bryan E.

**DOB:** 12 / 1977

**SSN :** 5266

**Sex:** Male

**Race:** White

**Ethnicity:** Confirmed Member of Cherokee Nation

**Hair:** Brown

**Eyes:** Blue

**Build:** Large

**Height:** 5'10"-6'1"

**Weight:** 215-230

**Address:** 1301 W. Main St. Apt 37  
Wilburton, OK 74501

**Date of Arrest:** 7 September 2022

**Time of Arrest:** 17:45

**Arrest Location:** Eastern Oklahoma State College

**Arrest City:** Wilburton, OK 74578



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**Case No. : 2022-08**

**Defendant: Denny, Bryan**

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

CNO PHS § 2-402 (2) – Possession of Controlled Dangerous Substance

CNO PHS § 2-405 – Unlawful Possession of Drug Paraphernalia



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**Case No. :** 2022-08  
**Defendant:** Denny, Bryan

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

At approximately 10:27am, 31 August 2022, I, Chief Alton Jones was contacted by the Eastern Oklahoma State College (EOSC) Director of Student Life Ms. London White. Ms. White stated she and the EOSC Housing Director Mr. Lucas Hedgecock were conducting safety inspections of all EOSC Student/Resident apartments. Ms. White stated that they began their inspections at apartment 33 located on the south side of state highway 270 of the EOSC Wilburton campus 1301 W. Main St. Ms. White stated that when she and Mr. Hedgecock arrived to and knocked on the door of apartment 37. The resident of apartment 37 is Bryan Denny who is an EOSC instructor and CLEET certified EOSC PD Investigator. Ms. White stated that she knocked on the resident's door several times, but no one answered. Ms. White stated that per EOSC housing policy she made entry using her assigned EOSC master key. Ms. White stated they announced themselves as they made entry. Ms. White stated they as they made entry the subject came out of the bedroom and met them as they were in the kitchen. Ms. White state that they were there to conduct safety inspections. Ms. White stated that as she and Mr. Hedgecock began to inspect, Bryan Denny's demeanor changed, and began displaying nervous behavior. Ms. White stated that he turned his back to them and quickly moved into the living room, retrieved a box, and an item described as a "marijuana rolling tray" from a table located in the living room and quickly placed it into a cabinet drawer located in the bathroom of said apartment. Ms. White and Mr. Hedgecock both stated that there was a strong odor consistent with the smell of marijuana lingering in the apartment. Ms. White stated that she concluded her safety inspection of apartment 37, called campus police, and continued onto apartment 38 for inspection.

After receiving this report, and having knowledge that Mr. Denny is a member of the Cherokee Nation, I then made contact with the Choctaw Nation prosecutor Spencer Harvey. After explaining the situation with Ms. Harvey, she believed that a search warrant for Bryan Denny's apartment in search of controlled dangerous substances would be granted. After speaking with Ms. Harvey I then created a Search Warrant Request Affidavit and Search Warrant and sent it to the Choctaw Nation Tribal Judge to be granted.

On 1 September 2022, I was telephonically sworn in by the Choctaw Nation District Court District Judge Richard Branam and issued a signed Search Warrant Affidavit and Search Warrant to be served within 10 days of receipt.

At approximately, 17:00, 07 September 2022, Eastern Oklahoma State College campus police officers Chief Alton Jones, Asst. Chief David Johnston, Officers Michael Zozula, and Britton Kelly (all are cross commissioned with the Choctaw Nation), assisted by Choctaw Nation Tribal Police Sgt. Cody Donoley, and Wilburton PD, Asst. Chief John Ford executed search warrant 2022-08 signed by the Choctaw Nation



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**Case No. : 2022-08  
Defendant: Denny, Bryan**

District Court District Judge Richard Branam. During the execution of the search Asst. Chief David Johnston was tasked to search. Officer Britton Kelley was tasked to search and collect evidence. Chief Alton Jones was tasked to keep the evidence log and to photograph evidence. Officer Zozula was tasked to secure the rear entry of Apartment 37. Officer Ford and Sgt. Donoley were tasked to assist and advise. Upon arrival of 1301 W. Main St. Apartment 37, in Wilburton, OK 74501 the suspect Bryan E. Denny was not home. I then used Ms. London White's (EOSC Director of Student life) EOSC issued master apartment key to gain entry of the apartment. Upon entry of the back door of the apartment a strong odor consistent with the smell of marijuana lingered. The back door opened into the kitchen where officer Kelley began his search for CDS and CDS paraphernalia. As Officer Kelley searched the kitchen, Asst. Chief David Johnston searched the living room. As Officer Johnston searched the living room, he found a red, white, and blue metal and silicone marijuana pipe, packed with green leafy substance. The pipe was found in a remote control caddy on the table top of an end table that was situated between the love seat and recliner located in the living room of EOSC Apartment 37 and green Substance resembling marijuana shake on the coffee table located in the living room of EOSC Apartment 37. I then took photographs and documented the evidence in my field notes. I then conducted a field test on the green leafy substance found in the pipe and it tested positive for marijuana.

It was about this time at approximately 17:20 the subject arrived. I then issued Mr. Denny his copy of the signed search warrant. Officer Zozula secured the entry and kept control of Mr. Denny. As Asst. Chief Johnston continued his search in the living room, Officer Kelley concluded his search of the kitchen and no CDS or CDS paraphernalia was found.

Officer Kelley moved on to search the bathroom. As Officer Kelley searched the bathroom, Asst. Chief Johnston concluded his search in the living room and found nothing else then searched the gun cabinet located in the hallway. Officer Kelley concluded his search of the bathroom and at the same time Asst. Chief Johnston concluded his search of the gun cabinet located in the hallway, nothing was found in the bathroom or the gun cabinet.

Asst. Chief Johnston and Officer Kelley then began their search of bedroom 1. During the search of bedroom 1, Asst. Chief Johnston found a brown, paper bag with two twisted paper handles, located on the computer desk in the SW corner of bedroom 1. The brown, paper bag contained a quart size Ziplock bag containing four small Ziplock bags that contained a white powdery substance, a prescription pill bottle containing 54 clear, empty pharmaceutical type capsules, and one box labeled 1ML RSO Dart 90% Full Spectrum RSO Distillate and 10% cannabis terpenes.

I then took photographs and documented the evidence in my field notes as Sgt Donoley requested assistance from Latimer County Deputy Ty Smith. At approximately 17:35, Deputy Smith arrived with a cocaine field test. I then conducted a field test on the white powdery substance found in the four small



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**Defendant: Denny, Bryan**

Ziplock bags and it tested positive for cocaine. At approximately 17:45 I placed Bryan Denny under arrest and he was transported to the Latimer County Jail by Officer Zozula.

After placing the subject under arrest, I went back into bedroom 1. When I entered into the bedroom Officer Kelley just retrieved a black hard plastic carrying case that was located on the top shelf of the laundry closet above the washer and dryer located in bedroom 1. When he opened the case we discovered what appeared to be a human jawbone with five decayed teeth. Sgt. Donoley advised to leave the jawbone where it was found and to cease the search and seek advisement from Choctaw Nation Prosecution, investigators, and OSBI. See Case 2022-09.

At approximately, 18:00 Sgt. Donoley presented a photo of the jawbone to OSBI agent Angela Berg who confirmed that it was human remains and believed it to be an artifact. Sgt. Donoley, Asst. Johnston, Officer Kelley, Officer Zozula, who returned from transporting Bryan Denny to the Latimer County Jail, Asst. Chief John Ford, and I waited on Choctaw Nation Police Investigator Zachary Hendrix. As we waited on the investigator to arrive Asst. Chief Ford was dispatched to a call. As we continued to wait, an Any Available Unit call was dispatched and Sgt. Donoley advised for EOSC officers to continue to secure the scene while he assisted Asst. Chief Ford. As EOSC PD Officers continued to wait for the investigator to arrive. At approximately 18:20 SGT Donoley returned. At around 18:45 Sgt. Donoley and I departed the scene en route to the Latimer County Sheriff's Office(LCSO) to meet with the Choctaw Nation Police Investigator.

It was at this time, Sgt. Donoley requested Latimer County Deputy Ty Smith to transport the subject from the jail to the LCSO to be questioned. I then met Sgt. Donoley, Investigator Hendrix, and Deputy Smith who had the subject in custody at the LCSO. Investigator Hendrix then Mirandized Bryan Denny and asked him if he understood his rights in which Mr. Denny acknowledge. Then he informed the subject that he was not asking anything about the current CDS search warrant, but about artifacts then asked if Bryan Denny would talk with him. Bryan then stated "no" and refused to speak without counsel. Investigator Hendrix then ended the interview and Bryan Denny was then transported back to the Latimer County Jail by Deputy Smith. At that time Sgt. Donoley, Investigator Hendrix, and I returned to my EOSC office.

It was at this time we made contact with Choctaw Nation Prosecutors Kara Bacon and Spencer Harvey. We briefed them on the situation and began writing a search warrant for stolen property and desecration of human remains (See Report 2022-09 and 2022-09 Search Warrant Request Affidavit, Search Warrant, and Search Warrant Return).

At, 21:13 after submitting the Search Warrant Request Affidavit and Search Warrant to Choctaw Nation District Court Judge Amy Pierce, she swore me in telephonically and directed me to sign the Search Warrant Request Affidavit and Search Warrant "signed with Judge permission on 9/7/2022 at 9:13 pm.



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Defendant: Denny, Bryan**

After signing the Search Warrant Request Affidavit and, Search Warrant, Sgt. Donoley, Investigator Hendrix, and I returned to the EOSC residence of Bryan Denny, and continued the CDS search warrant and the possession of stolen property search warrant.

After Asst. Chief Johnston and Officer Kelley concluded their search of bedroom 1 no other CDS or CDS paraphernalia was found. I then I then took photographs and documented the evidence found in bedroom 1 in my field notes

At this time, Asst. Chief Johnston began searching the final room of the apartment bedroom 2.

Bedroom 2 appeared to be the subject's daughter's room. As Asst. Chief Johnston searched Officer Kelley (EOSC PD Evidence Custodian) began to collect and package all the CDS evidence found in the living room and bedroom 1 as well as the three firearms, . 22 Cal Henry semi-auto rifle SN: US172649B 1 ea, 12 GA Remington 870 pump action shotgun SN: AB556213M 1 ea, and .50 Cal Thompson Center muzzleloader with scope SN: 2105 1ea.

At approximately 22:30, Asst. Chief Johnston concluded the search of bedroom 2 and nothing was found. Officer Kelley collected all the evidence and transported it in his assigned vehicle to the EOSC PD for processing. Asst Chief Johnston and I did a final sweep of the apartment, locked the doors, and departed. Asst. Chief Johnston and Officer Zozula then ended their duty while Officer Kelly and I returned to the EOSC PD to document our findings and finalize our reports.

At 03:11, 8 September 2022, Officer Kelley finished processing the evidence and locked it in the EOSC PD Evidence room then went to the Latimer County Dispatch and Jail to receive the Triple I and booking sheet on Bryan Denny. End of Report.





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Defendant: Denny, Bryan

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

Officers Name Alton L. Jones Badge No. 1

[Signature]  
(Signature of Affiant)

Subscribed and sworn to before me this 9/8/2022  
My Commission Number: 10/28/2023  
My Commission Expires: 99017721

[Signature]  
Notary Public

ALI MARTINEZ  
NOTARY PUBLIC - STATE OF OKLAHOMA  
MY COMMISSION EXPIRES OCT. 28, 2023  
COMMISSION # 99017721

FINDING OF PROBABLE CAUSE

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.

Richard Branham  
Judge

September 8, 2022  
Date

[Signature]  
Judge's Signature

# Re: Bryan Denny arrest



Rick Branam

To:  Randi M. Villars;  **CNO Dist Judges**  
Cc:  TribalProsecutor;  Jana M Williamson;  Robert L. Apala

Thu 9/8/2022 4:33 PM

General

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Start your reply all with:

I find probable cause to detain  
So ordered  
Thank you