

IN THE DISTRICT COURT OF THE FOURTEENTH JUDICIAL DISTRICT OF THE STATE OF OKLAHOMA SITTING IN AND FOR TULSA COUNTY

THE STATE OF OKLAHOMA,)
)
 Plaintiff,)
)
 vs.)
)
 FERGUSON, Blake Lee)
 [REDACTED])
 [REDACTED] 74055)
)
 RACE: WHITE)
 SEX: MALE)
 DOB: [REDACTED])
 OLN: [REDACTED] / OK)
 SSN: [REDACTED])
)
 Defendant,)

No: _____

PROBABLE CAUSE AFFIDAVIT FOR WARRANTLESS CUSTODIAL ARREST

The undersigned, upon oath, deposes and states as follows, to-wit:

I, Trooper Matthew Ledbetter, am a Trooper with the Oklahoma Highway Patrol and am recognized as a peace officer under Oklahoma Statute Title 47-2-117.A and have the authority under Oklahoma Statute Title 47-2-117B.10 to conduct collision investigations.

I have complied with the provisions of Oklahoma Statute Title 70, Section 3311 and am entitled to such professional standing as a full time, certified law enforcement officer in the State of Oklahoma.

I am a graduate of the 58th Oklahoma Highway Patrol Academy and took my oath of office and was sworn in by the Chief Justice of the Oklahoma Supreme Court.

I have received numerous hours of continuing education in the field of law enforcement, and have been awarded the Certificate of Advanced Level of Peace Officer Certification by the Director of the Council of Law Enforcement Education and Training.

I have been trained in motor vehicle collision investigations and the evidence that can be gathered from collision vehicles, scene and individuals.

I am a member of the Oklahoma Highway Patrol Traffic Homicide Unit and am assigned as a Traffic Homicide Investigator at OHP Troop B-Tulsa. I have completed over 600 hours of training in the areas of collision investigation, accident reconstruction, and motor vehicle death investigations. I also hold accreditation from the OHP and the Accreditation Commission for Traffic Accident Reconstruction (ACTAR) as a Traffic Accident Reconstructionist.

On Sunday, June 26, 2016 at approximately 9:40 AM, Trooper Mark Tschetter observed a red Dodge pickup near US 169 and Interstate 44. Tschetter ran the license plate of the pickup, 249 GYJ, and received an NCIC hit showing the vehicle as reported stolen (2004 Dodge pickup). The NCIC hit on the stolen vehicle was confirmed with Catoosa PD by Troop B dispatch. Tschetter followed the vehicle until Troopers Matt Hughart and Whit Cochran arrived to assist. At approximately Admiral and Mingo, after the arrival of Hughart and Cochran, Tschetter activated his emergency red and blue lights and the Dodge briefly pulled to the shoulder north of Admiral on Mingo. As troopers prepared to conduct a felony traffic stop, the Dodge fled northbound on Mingo. A pursuit ensued with Tschetter leading as the primary pursuing trooper. Tschetter had his emergency red and blue lights activated and his siren activated. The pursuit continued northbound on Mingo as the Dodge failed to stop for numerous traffic lights which were red at the time the suspect approached/entered the intersections. On many occasions the Dodge travelled left of center and travelled at speeds greater than the posted speed limits. At approximately 9:49 AM the Dodge struck a red Chevrolet four door sedan at the intersection of 76th Street North and Mingo, in Tulsa County, Oklahoma. The driver of this vehicle, Etoyce Johnson, was critically injured at the scene. Medics from Owasso EMS responded to the scene to treat Johnson. Johnson was transported by Owasso EMS to St John Medical Center in Tulsa. She succumbed to her injuries and was pronounced deceased. The driver and sole occupant of the Dodge was identified as BLAKE LEE FERGUSON. FERGUSON was placed into custody at the scene. During this action FERGUSON stated that he knew the truck was stolen and did not want to go back to jail.

At the scene, Tschetter observed a small plastic bag that contained a clear crystal like substance sitting on the driver seat. Tschetter's observation was from outside the Dodge and in plain view from outside of the vehicle. From training and experience, Tschetter believed the substance to be an illegal controlled dangerous substance commonly known as "Ice" methamphetamine. FERGUSON complained of injuries at the scene. FERGUSON was transported by Owasso EMS and accompanied by Owasso Police Officer Jack Wells (within the ambulance). Wells described that during transport FERGUSON admitted to smoking methamphetamine this morning (06/26/2016) and had begun using methamphetamine again about three months ago. FERGUSON and Wells were followed to St John Medical Center by Cochran. Once at St John, Cochran spoke with Courtney Hale APRN, an employee at the St John Medical Center Emergency Room. During this interview, Hale told Cochran that Ferguson had told her that he had used methamphetamine this morning (06/26/2016).

I met FERGUSON at St John Medical center. I was briefed on the ongoing investigation and had prepared and obtained a search warrant for a blood draw from FERGUSON. Upon contact, I read FERGUSON the implied consent test request from a DPS issued Implied Consent Test Request Card dated December 2011. FERGUSON agreed to take the blood test and affirmed by his signature upon the officer's affidavit of the blood kit.

FERGUSON was released from St John Medical Center and transported to Troop B Headquarters at 9191 E Skelly Drive. I again met with FERGUSON at Troop B. I read FERGUSON a Miranda warning from a card supplied by DPS (back of Implied Consent Test

Request). FERGUSON stated that he understood the rights to which I had explained and did wish to speak with me.

FERGUSON described that he had been pulled over just north of Admiral on Mingo. FERGUSON stated that he was on probation and that he knew the truck he was driving was stolen. FERGUSON denied being the person that stole the truck, but that he had bought the truck for fifty dollars (\$50) and was just using it until he could get a vehicle. FERGUSON described that he did not want to go back to jail so he decided to flee. FERGUSON stated he knew the area of the pursuit and stated at one point he observed his speed in excess of 100mph. When asked what his plans were that day, specifically where he was going before he was stopped, FERGUSON invoked his right to an attorney. I concluded the interview.

A driver license check of FERGUSON revealed that his license to operate a motor vehicle is currently suspended and revoked by the Department of Public Safety.

Based on the information contained in this affidavit, your affiant believes that probable cause exists that BLAKE LEE FERGUSON was driving a stolen 2004 red Dodge pickup when he failed to stop for a lawful traffic stop. Furthermore, FERGUSON willfully eluded by increasing his speed and attempt to avoid capture. These actions occurred upon a public roadway, while FERGUSON was operating the vehicle shortly after admitting to ingesting methamphetamine. Further, a review of FERGUSON's driver license revealed that his driver license is currently suspended and revoked. A substance consistent with and believed to be methamphetamine was discovered sitting on the driver seat upon the conclusion of the pursuit/collision. Lastly, FERGUSON drove this stolen Dodge into a Chevrolet sedan belonging to and driven by Etoyce Johnson. Etoyce Johnson was fatally injured from this collision.

CRIME(S) ALLEGED:

- COUNT 1: 21 OS 701.7 – 1st Degree Murder (Felony Murder)
- COUNT 2: 21 OS 540A – Eluding a Peace Officer
- COUNT 3: 63 OS 2-402 – Possess CDS (schedule 1)
- COUNT 4: 47 OS 11-902 – Operate MV while under the influence of CDS
- COUNT 5: 47 OS 6-303 – Operate MV while suspended/revoked
- COUNT 6: 47 OS 4-103 – Possess stolen vehicle

The facts aforementioned in this affidavit are not necessarily a complete recitation of all the pertinent facts and evidence in this case but are only presented for a determination of probable cause.

Based on this information, the undersigned prays that this Honorable court issue a finding of fact that probable cause exists to believe that the said defendant has committed a crime and that there is probable cause to believe the defendant above-named committed that crime.

Trp. Matthew W. Ledbetter #388 – OHP

Subscribed and sworn to before me this ____ day of _____, 20____.

NOTARY PUBLIC

My commission expires: _____

FINDING OF PROBABLE CAUSE

The undersigned Judge of the District Court, upon sworn testimony and/or Affidavit, hereby determines there to be probable cause to detain the defendant.

Dated this ____ day of _____, 20____.

JUDGE OF THE DISTRICT COURT

Bond set at: \$ _____

Initial Arraignment: _____ Before Judge _____