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PROBABLE CAUSE STATEMENT

DATE: 02-09-2024
Report # 2024-00176

I, James Mongar, a law enforcement officer, upon my oath, and under penalties of perjury, state as follows:

1. I have probable cause to believe that David Glen Johnson Jr. committed one or more criminal offenses.

2. The facts supporting this belief are as follows: On Friday, 02-09-2024 at approximately 0529 hrs, the reporting party (RP) called the Saline County Emergency 9-1-1 Center. RP advised he was an employee of Wal-Mart, and he would like a possibly intoxicated subject removed from the property. I was dispatched to 855 S. Cherokee to investigate. Officer Patschke responded to assist.

While being dispatched to this call for service, Central Dispatch advised the subject to be removed was a white male subject with curly hair, and glasses out in front of the store. Central Dispatch also advised the male subject had a dog with him.

Upon our arrival, I observed a white male subject, with curly hair and glasses, seated on the ground in one of the parking rows, in front of the south (grocery) doors. I observed there to be a medium sized brown dog, unleased, with the male subject. It should be noted, the male subject was later identified as David Glen Johnson Jr.

As I was parking my patrol car I observed Mr. Johnson to stand up rapidly. Mr. Johnson then yelled "WHAT DO YOU WANT" as I exited my patrol vehicle.

I attempted to advise Mr. Johnson of the circumstances surrounding the contact, and Mr. Johnson interrupted by saying he had a right to face his accuser, and began aggressively walking towards the Grocery doors. Mr. Johnson's outward demeanor was aggressive and hostile.

I instructed Mr. Johnson to "stop". Mr. Johnson continued to walk towards the store front. I then advised Mr. Johnson he was disobeying a lawful order, and Mr. Johnson stopped. I again attempted to advise Mr. Johnson of the circumstances surrounding the contact, and Mr. Johnson again began to take deliberate steps towards the front of the business. I then told Mr. Johnson he was being placed in handcuffs, and placed my left hand on Mr. Johnson's left upper arm. I felt Mr. Johnson tense up and begin to turn towards my persons, to begin resisting.

Gripping Mr. Johnson around his upper torso / chest area and upper arm, I attempted to hip toss Mr. Johnson. Mr. Johnson spread out his legs, continuing to resist. With Mr. Johnson on the left side of my body, I used my left foot and swept Mr. Johnson's right foot out from under him, as I completed a hip

toss. Mr. Johnson and I landed on the asphalt parking lot, with Mr. Johnson lying on his back. Mr. Johnson brought his hands up to his chest and attempted to push me away, with negative results. I then issued Mr. Johnson directed instructions to "quit resisting" and to roll onto his front. Mr. Johnson continued to fail to comply.

Officer Patschke and I rolled Mr. Johnson onto the front of his persons, and attempted to gain control of his hands. Mr. Johnson pulled his hands and arms under his torso, continuing to resist. I advised Mr. Johnson to give officers his hands, or I would strike him with my knee. Mr. Johnson then removed his hands front under his person. Officer Patschke placed Mr. Johnson's left hand behind his back, and I placed Mr. Johnson's right hand behind his back.

Officer Patschke placed Mr. Johnson's hands into properly adjusted, double locked handcuffs, which were secured behind his person. I continued to maintain positive control of Mr. Johnson's arms until he was placed into handcuffs.

Officer Patschke and I then assisted Mr. Johnson back to his feet, first by rolling him onto his back and then gripping him under his arms. We then lifted Mr. Johnson and allowed him to stand on his feet. Officer Patschke and I escorted Mr. Johnson to Officer Patschke's patrol vehicle, MPD #9, where Mr. Johnson was placed onto the front passenger seat.

Officer Patschke placed the seatbelt around Mr. Johnson, and secured it for his safety during transport. I then went and spoke with RP, who I recognized form prior law enforcement contacts.

RP advised Mr. Johnson had been at the business for approximately three hours, and had harassed several employees. RP stated Mr. Johnson had been pushing carts around the parking lot, and had even entered the business during the closed hours. RP stated he had to ask Mr. Johnson to leave the store. RP stated Mr. Johnson then exited the store, but remained on Wal-Mart property, and cussed out employees as they entered and exited the store. RP stated he did not wish to assist in pursuing charges, but did want Mr. Johnson to leave until the store was open for business. RP did not provide a written statement.

While I was speaking with RP, Officer Patschke was speaking with Mr. Johnson. Mr. Johnson then made multiple unwanted comments of an intimate and/or sexual nature to Officer Patschke. Included in the comments made to Officer Patschke, but not limited to, Mr. Johnson requested a "one night stand" with Officer Patschke. Mr. Johnson also referred to Officer Patschke as "babe" and "sweetie".

Due to the above mentioned comments made by Mr. Johnson, it was determined I would switch patrol vehicle with Officer Patschke, for the transport of Mr. Johnson to the Marshall Police Department.

While I was transporting Mr. Johnson he continued to be belligerent and uncooperative.

After arriving at the Marshall Police Department, I attempted to complete the booking process. Mr. Johnson remained uncooperative, and had to be placed into a cell, until such time the booking process could be completed.

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Almost immediately after Mr. Johnson was placed into a holding cell, he began to strike the bunks, door, and walls of the cell. Mr. Johnson stated he wanted out of the cell and was just trying to exit the cell. I advised Mr. Johnson if he continued to strike the above mentioned surfaces, for his safety, he would have to be placed into the Marshall Police Department's restraint chair.

Mr. Johnson continued to strike the door, walls, and bunks.

At approximately 0813 hrs, Officers Patschke, Riggs, and I placed Mr. Johnson into the Marshall Police Department's restraint chair. I advised Marshall Dispatcher Hardwick of Mr. Johnson being placed into the restraint chair. 15 minute checks were then conducted to check on Mr. Johnson for capillary refill, in accordance with department policy.

It should be noted, Officer Patschke was completing one of the checks, and as Officer Patschke attempted to walk around Mr. Johnson. Mr. Johnson then leaned his head towards Officer Patschke's groin and took a loud and deep inhalation.

3. (a) I believe that the defendant will not appear in court in response to a criminal summons because:

(b) I believe that the defendant poses a danger to a crime victim because:

(c) I believe that the defendant poses a danger to the community or to any other person(s) because: **Mr. Johnson has a substantial criminal history to include assaults and distribution of controlled substances.**

Sgt. James Mongar — 11/1/196

Name — Signature

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