

Case#:

CM14100622

IN THE DISTRICT COURT, IN AND FOR OKLAHOMA COUNTY, STATE OF OKLAHOMA

State of Oklahoma

PLAINTIFF,

VS.

INFORMATION

MATTHEW J DOWNING

DEFENDANT:

[Handwritten signature]

CM - 2014 - 0615

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA, COMES NOW
DAVID W. PRATER THE DULY ELECTED, QUALIFIED AND ACTING DISTRICT ATTORNEY IN
AND FOR OKLAHOMA COUNTY, DISTRICT NO. 7, STATE OF OKLAHOMA, AND ON HIS OFFICIAL OATH INFORMS THE
DISTRICT COURT THAT

COUNT 1: ON OR ABOUT THE 26TH DAY OF JANUARY, 2014, A.D., THE CRIME OF ASSAULT AND
BATTERY WAS UNLAWFULLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY
MATTHEW DOWNING, WHO WILLFULLY AND KNOWINGLY USED UNNECESSARY AND
UNAUTHORIZED FORCE ON ROBOT BIEGLER, CONTRARY TO THE PROVISIONS OF
SECTION 644(B) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE
AND DIGNITY OF THE STATE OF OKLAHOMA

DAVID W. PRATER
DISTRICT ATTORNEY, DISTRICT NO. 7
OKLAHOMA COUNTY, OKLAHOMA

BY *[Signature]*
ASSISTANT DISTRICT ATTORNEY

ICKR

Report Date and Time: 02/28/2014 14:03

Defendant City of
OKC, CIV-16-184-HE

7

exhibitsticker.com

INFORMATION

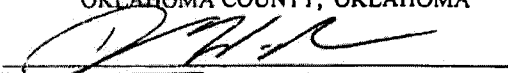
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I HAVE EXAMINED THE FACTS IN THIS CASE AND RECOMMEND THAT A WARRANT DO ISSUE, (22 O.S.: 231).

DAVID W. PRATER
DISTRICT ATTORNEY, DISTRICT NO. 7
OKLAHOMA COUNTY, OKLAHOMA

BY


ASSISTANT DISTRICT ATTORNEY

NAME OF WITNESSES

ROBERT BIEGLER
3513 GARDEN PLC
OKLAHOMA CITY, OK 73112

GARY DAVIS
OKLAHOMA CITY POLICE DEPT
701 N. COLCORD DRIVE
OKLAHOMA CITY OK, 73102

CHRIS DEPALMA
OKLAHOMA CITY POLICE DEPT
701 N. COLCORD DRIVE
OKLAHOMA CITY OK, 73102

HOUSTON DILBECK
OKLAHOMA CITY POLICE DEPT
701 N. COLCORD DRIVE
OKLAHOMA CITY OK, 73102

BIRAZ HAMAL
6484 N WARREN APT 165
MIDWEST CITY, OK 73110

JOE HILL
OKLAHOMA CITY POLICE DEPT
701 N. COLCORD DRIVE
OKLAHOMA CITY OK, 73102

IN THE DISTRICT COURT OF OKLAHOMA)
STATE OF OKLAHOMA)

vs.)

) AFFIDAVIT OF
) PROBABLE CAUSE
)

DEFENDANT:

Matthew J. Downing
DOB: 08-06-1974
SSN: 493-723-460

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA)

SS. Assault and Battery 21-644.B

I, Lt. C. DePalma, being first duly sworn upon oath, depose and state as follows:

I am a Police Lieutenant, employed by the City of Oklahoma City, Oklahoma. I am currently assigned to the Office of Professional Standards Unit for the purpose of investigating allegations of misconduct by police department employees.

On January 26th, 2014, about 10:35 am, the defendant was employed as an Oklahoma City Police Officer. He was working an overtime shift enforcing the traffic laws of the City of Oklahoma City and the State of Oklahoma.

While on patrol in a marked police vehicle, the defendant conducted a traffic stop on a citizen at NW 36th and May Ave. for failing to pull forward from a green light. While the defendant was speaking to the unknown citizen, it was alleged he raised his voice at her and yelled. The victim on the case, R. Biegler, was driving by and heard the defendant yelling at the citizen. The victim yelled "Road rage sucks" out of his window, in the direction of the defendant. Afterwards, the victim pulled into the gas station at 3653 N. May in Oklahoma City, Oklahoma County. The defendant finished speaking to the citizen from the traffic stop, and went in the gas station to confront the victim. The defendant told the victim to step outside and the victim asked the clerk to call the police. The victim refused to leave the store and the defendant grabbed the victim's left arm in an escort position. The defendant escorted the victim towards the door, against the victim's will. As they approached the front door, the victim grabbed the front door while asking the clerk to call the police. The defendant grabbed the victim's upper torso and pulled him to the ground and handcuffed him. Afterwards, patrol officers and a police supervisor arrived on the scene. The supervisor determined the use of force and arrest wasn't justified, and the victim was released.

Following the incident, the victim visited a doctor in reference to an injury he sustained to his right thumb from the assault. On January 28th, 2014, the victim filed a formal

complaint against the defendant and it was investigated by the Office of Professional Standards. The victim was interviewed in reference to the incident and gave a detailed statement. The victim stated he wished to prosecute the defendant. The defendant declined to make a statement.

On February 25th, 2014, the case was presented to District Attorney David Prater, and he accepted one count of Assault and Battery against the defendant, Matthew J. Downing.

After completing my investigation, I believe the above named defendant, Matthew J. Downing, is in violation of Title 21, Section 644.B.

Based on the information above, your Affiant requests the District Court to issue a warrant for the defendant, Matthew J. Downing.

Lt. C. DePalma
AFFIANT

Subscribed and sworn to before me this 27th day of February, 2016

My Commission Expires: 8/30/2017
#13008043

Michelle Salic
NOTARY PUBLIC

