

IN THE DISTRICT COURT OF GRADY COUNTY
STATE OF OKLAHOMA

CF-12-6

STATE OF OKLAHOMA

Plaintiff,

vs.

DUSTIN LOUIS STEWART

DOB 03/04/1982, W/M, HT 600, WT 225

SSN [REDACTED] OLN G080957078

Defendant

) Probable Cause

) FILED IN DISTRICT COURT

) Grady County, Oklahoma

) Case No.

) JAN 04 2012

) Lois Foster, Court Clerk

) by [REDACTED] Deputy

)

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)

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AFFIDAVIT

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

That the Affiant is employed by Blanchard Police Department.

That on or about the 31st day of December, 2011, at 2227 County Road 1280, Blanchard, Grady County, State of Oklahoma, the undersigned further states as follows:

Based upon information obtained as a result of my investigation, and to the best of my knowledge and belief, the following occurred during the afternoon hours of December 31, 2011.

That Justin Shane Martin and the defendant, Dustin Louis Stewart, approached the property known as 2227 County Road 1280 in Blanchard, OK together on foot, each one with the other, and climbed over the fence to gain entry to the property. That the defendant stated to me that Martin had devised a plan to burglarize the residence. That the defendant stated to me Martin expressed knowledge to him indicating a resident of the home had recently died of cancer. That the defendant stated to me Martin suspected narcotics may be located inside the residence.

That the defendant stated to me that he had known Martin for approximately four years. That the defendant further stated during that time he believed Martin to be addicted to prescription medication, such as Hydrocodone. That the defendant stated to me that approximately thirty minutes prior to approaching the residence, both Martin and the defendant orally ingested scheduled drugs provided by Martin which the defendant described as Hydrocodone.

That Martin, together with the defendant, approached the residence which was occupied by Sarah Dawn McKinley and her infant son. That Martin aggressively knocked on both the front and back door of the residence as the defendant followed and observed. That the defendant stated to me he watched as Martin gained entry to the residence by hitting the door with his

shoulder then stepping inside. That the defendant stated to me he heard a gunshot after Martin entered the residence then the defendant stated he fled on foot.

That McKinley fired a shotgun at Martin after he entered the residence resulting in his death. That Martin was found inside the residence between the door and a couch. That McKinley stated to me she had pushed the couch against the door to deter entry. That Martin was found with a knife clutched in his gloved left hand.

Based on this information, the undersigned prays that this Honorable Court issue a finding of fact that probable cause exists to believe the defendant above name committed the offense(s) of:

O.S. T-21 Chapter 24 § 701.7. (B) Murder in the First Degree

and that the Defendant be held and detained to answer therefore.

Det. Josh Phillips
AFFIANT

Subscribed and sworn to before me this 4 day of January, 2012

Lucinda McGaha
NOTARY PUBLIC

My Commission Expires:

4-20-13



FINDING OF PROBABLE CAUSE

The undersigned Judge of this Court, upon sworn testimony and/or affidavit, hereby finds there (to be) (not to be) probable cause determination to detain the defendant.

Dated this 4th day of January, 2012.

[Signature]
JUDGE