



APPLETON POLICE DEPT

Incident #: A24058849

Reporting Officer: 9139 RYAN BIFFERT

Report Time: 12/22/2024 01:15:18

Incident

Incident Nature Drug Complaint	Address 409 W COLLEGE AV; MR FROGS APPLETON, Wisconsin 54911	Occurred From 12/22/2024 01:15:18
Occurred To 12/22/2024 01:15:18	Received By 435 JENNIFER DEBROUX	How Received Officer Report
Contact	Disposition Clrd Adlt, Arst (One Incident)	
Disposition Date 12/22/2024	Cleared N	Intrnl Inc. Sts Cleared By Arrest
Cleared Date	Clearance REPORT	Cargo Theft Related

Responding Officer(s)

9199 TURNER BOTZ

9139 RYAN BIFFERT

9147 BLAKE DERGE

9167 MASON BALLWEG

9156 CONNOR CHRISTOPHERSON

9170 KORI LOOKER

9104 DALTON LEHRER

Circumstances

Code	Comment
CONFINEMENT	
DRUG UNIT / ACISS	

Digital Media Storage

Code	ID
AXON	9139

Offenses

All Other Offenses

Completed?	Method Of Entry	Gambling Motivated?
Premises Entered?	Location Type	Cargo Theft Related?
Statute 946.49(1)(B)	Description FELONY BAIL JUMPING	Category OTHER

Non UCR Reportable

Completed?	Method Of Entry	Gambling Motivated?
Premises Entered?	Location Type	Cargo Theft Related?
Statute WARRANT-OA	Description WARRANT - OTHER AGENCY	Category OTHER

Non UCR Reportable

Completed?	Method Of Entry	Gambling Motivated?
Premises Entered?	Location Type	Cargo Theft Related?
Statute WARRANT OFFENSE	Description WARRANT OFFENSE	Category OTHER

All Other Offenses

Completed?	Method Of Entry	Gambling Motivated?
Premises Entered?	Location Type	Cargo Theft Related?
Statute 946.49(1)(A)	Description MISDEMEANOR BAIL JUMPING	Category OTHER

All Other Offenses

Completed?	Method Of Entry	Gambling Motivated?
Premises Entered?	Location Type	Cargo Theft Related?
Statute 946.41(1)	Description RESISTING OR OBSTRUCTING OFFICER	Category OTHER

Drug/Narcotic Violations

Completed? C	Method Of Entry	Gambling Motivated?
Premises Entered?	Location Type 03	Cargo Theft Related?
Statute 961.41(1M)(CM)2	Description POSSESSION W/INTENT TO MANFUACTIONE/DELIVER COCAINE >5<15G	Category DRUG

Bias Motivation

88

Offender Used

N

Criminal And Gang

D

Persons

HOWARD, JOSHUA L Adult Offender

Address [REDACTED]	Phone [REDACTED]	DOB 08/08/1997
Race White	Sex Male	Ethnicity Non-Hispanic/Latino
Height 5'10"	Weight 180	

Property

Cash

Seized

Brand	Model	Serial Number
Color	Quantity 1	Total Value \$963.08
Measurement No Drug Measure Reported	Amount Recovered \$0.00	Date Recovered
Status	Owner HOWARD, JOSHUA L	

Cocaine

Evidence

Brand	Model	Serial Number
Color	Quantity 14.70	Total Value \$0.00
Measurement Gram	Amount Recovered \$0.00	Date Recovered
Status Seized	Owner HOWARD, JOSHUA L	

Narratives

Original Narrative

12/22/2024 23:14:53

On 12/22/2024 at approximately 0115 hrs. I, Officer Biffert # 9139, was working routine patrol in the City of Appleton, Outagamie County. I was wearing my police uniform and driving marked squad 1041. At around 0115 hrs., Lt. Botz #9199 observed Joshua Howard walk into Mr. Frogs 409 W College Av. Appleton, WI 54911. Lt. Botz was aware of Joshua having warrants for his arrest. The warrants were subsequently verified to be valid with the Outagamie County Dispatch Center. I reviewed a photo of Joshua as well prior to making contact.

Myself, Lt. Botz #9199 and Officer Ballweg #9167 then made contact with Joshua inside Mr. Frogs bar. I walked behind and past Joshua while Lt. Botz made contact with him. I heard Lt. Botz tell Joshua that he had a warrant and that he was under arrest. It should be noted that Joshua was in between Lt. Botz and I at that time. Joshua started to lift his arm like he was going to put it in his pocket. I then grabbed Joshua's left arm and held it in an escort position. It should be noted that Joshua was pulling away and trying to free his arm at that time. Joshua was escorted outside. Once outside Joshua was informed to put his hands behind his back and not to resist. Joshua continued to try to pull his left arm away from me. This forced me to have to physically force his left arm behind his back. While this was happening, due to Joshua's resistant behavior, he was stabilized on a nearby electrical box. I was then able to force both his left and right hands behind his back where I placed handcuffs on him behind his back. Joshua was escorted across College Av. towards the Performing Arts Center. I checked the handcuffs for proper fit and safety locked them at that time. I then completed a search incident to arrest. I located a baggie of white powdery substance in Joshua's left front coat pocket. I located a WI DL with Joshua's information on it in his left front jeans pocket. Also, in his left front jeans pocket was \$963.08. I located multiple baggies of white powdery substance in Joshua's right front jeans pocket. Also in his right front pocket was an iPhone with a Kevin Durant phone case. All of Joshua's property was placed in a paper bag and released to Officer Ballweg at that time.

Joshua was then placed in the rear right seat of squad 1041 and secured with the squad seatbelt. It should be noted that the rear seat of squad 1041 was searched before and after transport. Joshua was then transported to the Outagamie County Jail. Upon arrival, Joshua exited the squad, and I grabbed his left arm to maintain custody of him while he was in handcuffs. Joshua became upset with me for holding onto him and thrashed his arm in attempt to loosen my grip. Officer Derge #9147 and I then had to force Joshua to walk into the jail by assisting him forward. Due to Joshua's uncooperative behavior, he was handcuffed to the wall hook within the booking room. Outagamie County Jail staff then responded downstairs and took custody of Joshua.

I requested the Outagamie County Dispatch Center to confirm Joshua's felony warrant out of the Appleton Police Department for Failure to Appear and a misdemeanor warrant from the Outagamie County Sheriff's Office for Failure to Appear. Both confirmation forms were attached to this report. While at the jail, a CCAP check was conducted on Joshua. Joshua had one open felony case ref

2024CF000458. Joshua had bond conditions stating that he shall not commit any crime. Also within the case was a misdemeanor charge of possession of illegally obtained prescription. The CCAP return was attached to this report.

I was then notified by Officer Ballweg that the individual baggies containing the white powdery substance field tested positive for cocaine and the weight including the packaging was just under 15g. Please see Officer Ballweg's supplement report for further details regarding details on the evidence.

In total, Joshua was observed walking into Mr. Frogs. It was verified that he had valid warrants for his arrest that we could arrest him on. Contact was made with Joshua. Joshua was escorted out and was able to drop a baggie of white powder out of his pocket while being escorted out. This was observed by Officer Ballweg. Joshua resisted arrest by pulling away from officers requiring officers to force his hands behind his back. Joshua had multiple baggies of cocaine individually packaged and separated by size in different pockets. Joshua also had a large amount of cash on him. Based on my training and experience, Joshua was charged with possession with intent to distribute cocaine. The money located and phone on Joshua was seized for evidence.

Arrest/Custody Information:

Joshua was confined at OCJ on the following charges:

- * Felony bail jumping (946.49(1)(B))
- * Misdemeanor bail jumping (946.49(1)(A))
- * Resist/Obstruct Officer (946.41(1))
- * Felony warrant for failure to appear (968.09(1))
- * Misdemeanor warrant for failure to appear (968.09(1))
- * Poss. with intent Cocaine 5-15g (961.41(1m)(cm)2))

Case Status and Disposition:

Case is cleared by arrest.

Recording Device:

Axon active.

Victim Information:

None.

End of report

Officer Biffert #9139

Supplemental Narrative

**12/22/2024 01:54:59 9167 MASON
BALLWEG**

Officer Ballweg Reporting #9167:

On December 22nd, 2024, around 0115 hours, I, Officer Ballweg #9167, was working uniformed patrol for the City of Appleton Police Department. I wore a complete police uniform with all required gear, such as an APD police badge on my chest to identify me as a Police Officer and a department-issued Axon body-worn camera. I operated a marked APD patrol car with the identification number #1039. I responded to 409 W College Ave, Mr. Frogs, Appleton, WI 54911, Outagamie County.

Officer Biffert #9139 and Lt. Botz #9199 knew that Joshua Howard was inside of the establishment, and he had warrants for his arrest.

I walked into Mr. Frogs with the other officers and positioned myself in a way that allowed me to view Officer Biffert and Lt. Botz make contact with Joshua at the bar. I could not hear what was said due to my distance, but I saw them lead Joshua outside. I was further behind them and as they took Joshua out the front door, I observed his right hand go into his right jean pocket. His hand was bladed when it entered the pocket. He then immediately withdrew his hand, and I saw it was now in a fist. He then opened his hand and dropped something onto the ground. I was right behind them at that point and saw that it small plastic baggie Joshua had dropped. I picked up the baggie and observed a white powdery substance inside of it. I maintained scene security, while Officer Biffert and Lt. Botz took Joshua into custody. Several people approached and were upset that we had arrested Joshua.

Joshua was walked toward Officer Biffert's squad and a search was conducted by Officer Biffert. Officer Biffert showed me he had located similar baggies of white powder on Joshua's person. Officer Biffert also located \$963.08 on Joshua's person. I collected the items located and transported them to the police department. The items were placed in a paper bag and remained in the paper bag until I arrived at the police department. At that point I laid out all of Joshua's personal property. The items were the following: One Breeze Vape device, a set of car keys, a WI DL for Joshua Howard, one black iPhone 14 or 15, \$963.08, glasses and four tied off baggies containing an unknown white powder. The four baggies matched the baggie that Joshua had dropped on the ground.

The \$963.08 was made up of three \$100, one \$50, Twenty seven \$20, six \$10, two \$5, two \$1. There was also three penny's, one nickel and four quarters. I counted the money and it was when counted and confirmed by Officer Biffert.

I utilized the TruNarc Handheld Narcotics Analyzer to test the unknown white powder. I performed a self-check (5217). I then tested the largest bag of the white powder, which weighed 5.99 grams with packaging. The bag tested positive for Cocaine (5218). Another self-check was completed (5219). All testing was conducted according to my training. The other four bags of Cocaine weighed: 1.48 grams, 1.75 grams, 1.72 grams, and 3.75 grams. The total weight of all the baggies weighed 14.70 grams. I informed Officer Biffert of my findings.

The five individual packaged baggies of Cocaine and amount of money that Joshua had on his person led me to believe that he was selling the Cocaine. Joshua also tried to drop one of the baggies, which showed that he knew the bags contained an illegal substance that he did not want us to find on his person. The Cocaine, \$963.08 and the phone were logged into evidence. The rest of the items were placed in Joshua's property at Outagamie County jail. I will be writing a search warrant for Joshua's phone.

Axon Recording

End of Supplement #9167

Supplemental Narrative

12/23/2024 00:07:38 9199 TURNER BOTZ

LIEUTENANT BOTZ REPORTING #9199

On 12/22/2024 at approximately 0115 hours, I was working as a fully uniformed Patrol Lieutenant for the Appleton Police Department. While working in this capacity, I observed a male who I knew from prior Law Enforcement experience to be Joshua Howard enter Mr. Frogs located at 409 West College Avenue in the City of Appleton, Outagamie County, Wisconsin. I was aware Joshua had

active warrants out for his arrest. Officer Biffert was with me at this time and I informed him of Joshua and his active warrants. Officer Biffert began arranging other units to respond to assist while I confirmed with the Outagamie County Dispatch Center that Joshua still had active warrants out for his arrest. Joshua's warrants were confirmed to still be active.

Officer Biffert, Officer Ballweg and I entered Mr. Frogs where we were able to locate Joshua. I made contact with Joshua and told him he was under arrest due to his active warrants. Initially, Joshua was hesitant to want to exit the bar and stated he did not have any warrants. I again told Joshua he was under arrest. It was at this time I observed Joshua begin to try and use his left hand to reach for something inside his front left pants pocket. I told Joshua to stop reaching for things and to exit the bar with Officers. I grabbed Joshua's right arm to begin trying to escort him out of the bar. Do to the large amount of people who had surrounded us and were watching what was occurring, I let go of Joshua's right hand to turn my body around to begin leading Joshua and other Officers out of the bar. Prior to letting go of Joshua's right arm, I confirmed Officer Biffert maintained control of Joshua's left arm.

Once Joshua and Officers were outside, I again gained control of Joshua's right arm. It was again verbalized to Joshua that he was under arrest and for him to bring his hands behind his back. I was able to transition Joshua's right hand to the small of his back where he was then properly handcuffed. During this process, I heard Officer Biffert tell Joshua to stop resisting. Once Joshua was handcuffed, he was walked to a nearby squad car. Prior to being placed in the squad, Officer Biffert completed a search of Joshua. I remained on scene until Joshua was fully searched and placed in the back of a squad car. At that time, I had no further involvement with this incident.

END OF SUPPLEMENT
LIEUTENANT BOTZ REPRORTING #9199

Supplemental Narrative

**12/23/2024 06:22:19 9167 MASON
BALLWEG**

Officer Ballweg Supplement #9167:

On December 23rd, 2024, around 0610 hours, I, Officer Ballweg #9167, was working uniformed patrol for the City of Appleton Police Department. I wore a complete police uniform with all required gear, such as an APD police badge on my chest to identify me as a Police Officer and a department-issued Axon body-worn camera. I operated a marked APD patrol car with the identification number #1039. I went to the Outagamie County Jail to attempt to speak with Joshua Howard. Joshua was still in a booking cell as he had not spoken to correction deputies since he had been booked in.

I spoke with Joshua through the serving door of the cell. I explained to him why I was there and informed him that I had seized his phone and would be writing a search warrant for his phone. I asked if he would provide me with the password for the phone. He refused. I asked if he was interested in me reading him Miranda to talk about the incident and he told me he did not want to speak to me. I did not speak with him further.

Axon Recording

End of Supplement #9167

cc: OCDA Joshua L Howard, DOB: 08/08/1997 (confined 12/23/24 pjh)

**Supplemental
Narrative****12/28/2024 13:34:23 9524 FALYNNE
GERISCH**

On 12/28/2024 I, Forensic Evidence Specialist Falyne Gerisch, was asked by Ofc Ballweg to complete a fentanyl test on the substance from item 2. Based on information he received; he wanted to see if there was fentanyl present.

I retrieved item 2. I completed the fentanyl field test that utilizes a swab, a buffer solution and a test strip. When opening item 2, there were 5 baggies present with a white powdery substance. 1 of the baggies appeared to have a more yellowish appearance. I selected that one and the larger bag with white powder to field test. I laid down a clean sheet of butcher paper in the fume hood before beginning. I also changed gloves between each test.

The following is the process of how these 2 baggies were tested: I opened the baggie, placed the swab into the buffer solution to wet the swab slightly, then dabbed up some of the substance from inside the baggie. The swab was placed into the buffer solution and left to sit for a minute. Then the test strip was placed into the buffer solution. After a short time, I removed the strip. Looking at the strip, it had 2 lines on it. According to the key, 2 lines indicates a negative result. This was the case with both tests that I completed.

Mobile detect results will be attached. Ofc Ballweg was informed of the results.

End of report. Gerisch 9524

cc: OCDA Joshua L Howard, DOB: 08/08/1997 (01/02/25 pjh)

**Supplemental
Narrative****01/05/2025 21:26:39 9167 MASON
BALLWEG**

Officer Ballweg Supplement #9167:

On January 6th, 2025, around 0908 hours, I, Officer Ballweg #9167, was working uniformed patrol for the City of Appleton Police Department. I wore a complete police uniform with all required gear, such as an APD police badge on my chest to identify me as a Police Officer and a department-issued Axon body-worn camera. I operated a marked APD patrol car with the identification number #1015. I met with Outagamie County on-call Judge Lonergan of Branch two. Judge Lonergan signed the search warrant for Joshua's phone. The original signed warrant was provided to records and scanned into the report. Investigation will remain active, while I wait for phone records.

Axon Recording

End of Supplement #9167

cc: OCDA Joshua L Howard, DOB: 08/08/1997 (01/20/25 pjh)