

# Moody County Sheriff's Office Deputy Bowden Shooting Summary Report of the incident that occurred on February 16, 2012

On February 16, 2012, the South Dakota Division of Division of Criminal Investigation (SD DCI) conducted an investigation into an Officer Involved Shooting that resulted in injury to Robert Nosbusch, a 59 year-old male, after he pointed a handgun at a third party and in the direction of Moody County Deputies Jamie Foster and Nathan Bowden. This shooting took place in rural Moody County on 223<sup>rd</sup> Street between 474<sup>th</sup> and 475<sup>th</sup> Avenues. The following information is a synopsis of the events that occurred on February 16, 2012, and the subsequent investigation conducted by the Division of Criminal Investigation.

## Synopsis

On February 16, 2012, at 11:38 AM the Moody County Sheriff's Office received a 911 call through OnStar from Robert Nosbusch. Nosbusch reported that he had been assaulted in Pipestone, MN by a male, later identified as Ricky Christian. Nosbusch, who was driving a white 2012 GMC pickup with Minnesota license plates, was in pursuit of Christian, who was driving a dark green 2004 Nissan pickup with Minnesota license plates.

During the course of the next 18 minutes, Nosbusch continued to pursue Christian, updating the 911 dispatcher with his locations. The 911 dispatcher stated that at 11:54 AM, Nosbusch was hysterical and said they were driving over 90 miles per hour.

At 11:56 AM, Nosbusch reported that he could see law enforcement. At 11:57 AM, Deputy Bowden and his partner Deputy Foster initiated a traffic stop westbound on 223<sup>rd</sup> Street in Moody County between 474<sup>th</sup> and 475<sup>th</sup> Avenue.

Nosbusch's vehicle had been behind Christian's pickup, but when Deputy Bowden initiated the traffic stop, Nosbusch passed Christian's pickup and pulled in front of it. Both vehicles stopped on the roadway.

Deputies Bowden and Foster exited their patrol vehicle and Deputy Bowden commanded "out of the vehicle". The drivers of both vehicles began exiting their pickups and Deputy Bowden then gave the command "stay there, get in your truck and pull into that driveway." Christian got back in his truck and shut the door. Nosbusch however, got out of his truck and opened the rear driver's side door. Nosbusch pulled out a silver case from the back seat and put it on the cover of his truck bed.

Deputy Bowden yelled "get out!" then "put that down!" He commanded a second time "put that down!" At that time Christian was in his vehicle with the door shut and Nosbusch was opening the silver case. Nosbusch was seen pulling out a firearm and racking the slide back. Nosbusch then walked towards Deputy Bowden's and Christian's vehicles, extending the handgun towards Christian and Deputies Bowden and Foster.

Deputy Bowden fired his .40 caliber Glock duty weapon and Nosbusch took another step towards Deputy Bowden. Deputy Bowden fired two more times and Nosbusch flinched. As Deputy Bowden fired again Nosbusch turned away from Deputy Bowden. Deputy Bowden fired his duty weapon a total of six times as Nosbusch moved towards the ditch on the south side of the road.

Nosbusch continued to hold on to his .45 caliber Smith and Wesson 1911TA pistol until he lay down in the ditch. The interaction from the moment the vehicles stopped until Deputy Bowen fires his last shot was 24 seconds.

Deputy Bowden and Deputy Foster then issued continuing commands for Nosbusch to drop the gun and for Christian to stay in the truck. These commands to Christian and Nosbusch continued until officers from

the Flandreau Police Department arrived. At that time Christian was detained and Nosbusch was given medical aid.

Law Enforcement immediately called for an ambulance, which was already responding after hearing the radio traffic. Nosbusch was flown by helicopter from the scene to Sanford Hospital in Sioux Falls.

Deputies from the Brookings County Sheriff's Office and Troopers from the South Dakota Highway Patrol responded and secured the scene until DCI agents arrived at the scene.

### **Crime Scene and Interviews**

Based on the SD DCI's investigation, including interviews with Nosbusch, Christian, Deputy Bowden and Deputy Foster and the shooting scene investigation, the following information was gathered:

- Deputy Bowden was the only Law Enforcement Officer that fired his duty weapon.
- There were a total of six rounds fired, all .40 caliber handgun rounds.
- Nosbusch was hit four times, one grazing wound to the right side of his head, two wounds to his lower back and one wound to his right index finger.
- Deputy Bowden fired at Nosbusch from an estimated distance of 36 yards.
- All six of Deputy Bowden's spent shell casings were recovered.
- A .45 caliber Smith and Wesson 1911TA handgun was recovered near the location where Nosbusch fell near the side of the road.
- Nosbusch was found to be in possession of a "dugout" containing less than 2 ounces of marijuana and a glass marijuana pipe, and Nosbusch admitted to using marijuana.
- An interview with Deputy Bowden supports the synopsis outlined above.
- Deputy Bowden told investigators that if he would have waited any longer, Deputy Foster, Christian, or Deputy Bowden himself could have been shot.
- An interview with Nosbusch confirmed what Deputy Bowden told investigators about the incident.
- Deputy Bowden's patrol car video camera also confirms what he and Nosbusch told investigators.
- The video camera in Deputy Bowden's patrol vehicle captured the entire incident.
- Based on the investigation, Nosbusch was charged with the crime of aggravated assault, a violation of SDCL by 22-18-1.1 (5) by attempting physical menace with a deadly weapon, namely a handgun, to put another in fear of imminent serious bodily harm by pointing the weapon at them, namely Deputy Bowden, Deputy Foster and Ricky Christian.
- On February 16, 2012, while at the Sanford Emergency Room Nosbusch's blood and urine were taken pursuant to a search warrant. Nosbusch's urine tested positive for marijuana metabolites.
- On February 16, 2012, Deputy Bowden submitted to a urine sample and blood draw. The results were negative for any drugs and/or alcohol.

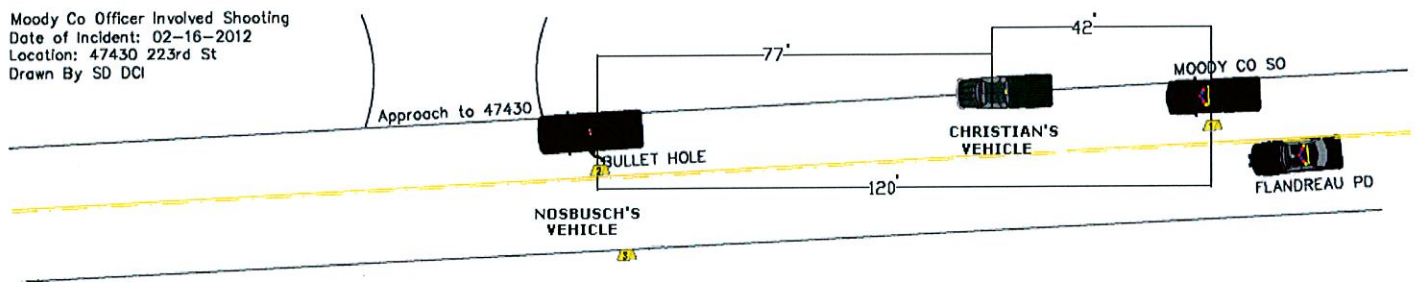
### **INVESTIGATION RESULTS**

It is the conclusion of this report and the Attorney General that Deputy Bowden was justified in firing his weapon and using lethal force.

The investigation conducted by the South Dakota Division of Criminal Investigation, including the processing of the shooting scene, the evidence collected, the review of the videos and the interviews conducted, shows that the evidence presented is consistent with the statements made by Deputy Bowden regarding his actions.



Moody Co Officer Involved Shooting  
Date of Incident: 02-16-2012  
Location: 47430 223rd St  
Drawn By SD DCI



**Legend: Position of placards**

1. Approximate Position of Depuy Bowden when he fired his weapon
2. Approximate Position of Robert Nosbusch when he pointed his weapon towards the Deputies and Christian
3. Final position of Robert Nosbusch after he was shot and laid down in the ditch