



NEWS RELEASE
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02/08/2019

FOR IMMEDIATE RELEASE

Former Law Enforcement Officer Receives Suspended Imposition of Sentence for
Drunkenly Firing Gun

SPRINGFIELD, Mo. – Greene County Prosecuting Attorney Dan Patterson announces that Joseph Dane Flynn, 33, of Bella Vista, Arkansas received a suspended imposition of sentence from the Honorable Calvin Holden for his conviction for unlawful use of a weapon, over the State's objection. The defendant was found guilty of unlawful use of a weapon following a three day bench trial before Judge Holden. Prosecuting Attorney Dan Patterson said "This case serves as a reminder of the danger our law enforcement officers face every time they respond to a call for service."

The evidence at trial showed that in the early morning hours of October 23, 2015, the defendant had been at his home in Springfield, Missouri and was drinking with friends. At the time the defendant was a former Missouri State Highway Patrol trooper and had been recently fired from the Federal Bureau of Investigations. The defendant became extremely intoxicated and got into a physical altercation with a friend. The State's evidence showed that the defendant was the initial aggressor and that the defendant's girlfriend called 911 because the defendant and his friend wouldn't stop fighting each other. Before the police came, the friend left the residence and went across the street and the defendant went inside his home on Florida Street.

Four Springfield Police Department officers arrived and were allowed into the home by the defendant's girlfriend, for the purposes of checking on the defendant's condition. When they entered the home, the defendant fired his gun three times without warning. The bullets went into the wall and floor of the home. Several Springfield police officers testified that they could feel the compression blasts and knew that the gun had been fired while they were in close proximity. The officers retreated from the residence and several other officers responded. The defendant then was taken into

Subject: Greene County Prosecuting Attorney Press Release, State v. Flynn, 1531-CR06605-01

custody without further incident. The defendant was taken to the hospital and his BAC was determined to be .282%, more than three times the legal limit. The defendant was found guilty of unlawful use of a weapon on September 10, 2018.

At sentencing, the State asked for a four year prison sentence but would agree the defendant be on five years of supervised probation with conditions of shock jail time, no drinking alcohol, and to have continuous alcohol monitoring.

At the sentencing, the State presented evidence from two Bentonville, Arkansas police officers. One officer testified that he had arrested the defendant for driving while intoxicated on April 1, 2016. Another officer testified that he had arrested the defendant for public intoxication and resisting arrest on January 11, 2018. The State argued that a conviction was extremely important because the defendant had continued to drink in violation of his bond conditions after the charged incident, that the defendant should be held to a higher standard because of his status as a former law enforcement officer, that the defendant had not done anything to stop or curb his drinking problem, the defendant has absolutely refused to take any responsibility for this offense, and that the defendant should have a conviction to prevent him from being able to have a firearm or be a law enforcement officer again.

The defendant argued for a suspended imposition of sentence, noting his history as a Marine and law enforcement officer, that he had a drinking problem, and had been diagnosed with post-traumatic stress disorder. The defendant testified at sentencing, admitting that he had been fired from the FBI, admitting he had been drinking in violation of his bond conditions, that he continued to drink before and after he was found guilty of unlawful use of a weapon, and that he had never successfully completed any substance abuse treatment. Nonetheless, Judge Holden gave the defendant a suspended imposition of sentence, thereby allowing the defendant to keep the conviction off his record. In addition to having the opportunity to keep this conviction off of his record, the defendant may also have the ability to legally own or possess a firearm in the future.

This case was prosecuted by Assistant Prosecuting Attorney Stephanie Wan. It was investigated by the Springfield Police Department and Detective Scott Hill was the lead investigator assigned to the case.

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