

Montana Pretrial Public Safety Assessment

Prepared by

Court Administrator's Office

Name: Vazquez, Mizrain Lee

DOB: 12/19/1985

Arrest Information:

Arrest Date: 1/28/2021

Charge(s):

45-6-301(1) [4] [2nd] F Theft - Unauthorized Control Over Property Exceeding \$1500 -
2nd Offense

45-6-301(1) [2] Theft - Obtain Or Exerts Unauthorized Control Over Property - 2nd
Offense

45-6-202(1) Criminal Trespass To Vehicles

45-6-202(1) Criminal Trespass To Vehicles

Assessment Results: (Completed: 1/29/2021)

Score for Failure to Appear	Score for New Criminal Activity	Flag for New Violent Criminal Activity
FTA 6	NCA 4	No

Assessment Information:

1. Age at Current Arrest	23 or older
2. Current Violent Offense	No
2a. Current Violent Offense & 20 Years Old or Younger	No
3. Pending Charge at the Time of the Arrest	Yes
4. Prior Misdemeanor Conviction	Yes
5. Prior Felony Conviction	No
5a. Prior Conviction	Yes
6. Prior Violent Conviction	0
7. Prior Failure to Appear in Past 2 Years	2 or more
8. Prior Failure to Appear Older Than 2 Years	Yes
9. Prior Sentence to Incarceration	No

Presumptive Release Conditions:

Pretrial Monitoring Level 3, Active

Notes:

JOSHUA A. RACKI
Cascade County Attorney
121 4th Street North
Great Falls, MT 59401
Telephone: (406)454-6915

Attorneys for the State

**IN THE JUSTICE COURT, IN AND FOR THE COUNTY OF CASCADE
CITY OF GREAT FALLS, STATE OF MONTANA
BEFORE THE HONORABLE JUSTICE OF THE PEACE**

STATE OF MONTANA,
Plaintiff,

-vs-

MIZRAIN LEE VAZQUEZ,
Defendant.

)
)
) No.
)
)

**INITIAL COMPLAINT,
AFFIDAVIT IN SUPPORT, AND
MOTION TO DETERMINE
PROBABLE CAUSE AND SET
BOND**

)
) Citation No.052 C00574, 052 C00575,
) 052 C00576 and 052 C00577
)

The State of Montana, by and through the Cascade County Attorney, pursuant to M.C.A. §§ 46-11-101(1), 46-11-401(1), 46-1-202(6), and 46-11-401(3), hereby files this complaint against the above-named Defendant in the above-captioned Justice Court for purposes of M.C.A. § 46-10-105(1), pending filing of an Information and Affidavit in District Court pursuant to M.C.A. §§ 46-11-101(3), 46-11-201, and 46-11-203. This complaint consists of this pleading and the attached law enforcement citation form(s) and probable cause affidavit(s) which by this reference are hereby incorporated herein as if set forth in their entirety.

The State further moves the Court for a finding of probable cause and to set bail in this matter pursuant to M.C.A. §§ 46-9-109 and 46-9-301. This Defendant has been charged with the following offenses:

COUNT I: THEFT, a Felony, in violation of M.C.A. § 45-6-301(1)(a). A person convicted of this offense, when the value of the property exceeds \$5,000 in value or the theft involves anhydrous ammonia for the purpose of manufacturing dangerous drugs, shall be fined an amount not to exceed \$10,000, or be imprisoned in the state prison for a term not to exceed 10 years, or both.

COUNT II: THEFT (2ND OFFENSE), a Misdemeanor, in violation of M.C.A. § 45-6-301(1)(a). A person convicted of this offense, when the value of the property does not exceed \$1,500, shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both, for a second offense. If the value of the property does not exceed \$100, the Defendant is presumed to qualify for a deferred imposition of sentence as long as the person has not been convicted of a misdemeanor or felony offense in the past 5 years.

COUNT III: CRIMINAL TRESPASS TO VEHICLES, a Misdemeanor, in violation of M.C.A. § 45-6-202. A person convicted of the offense of criminal trespass to vehicles shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

COUNT IV: CRIMINAL TRESPASS TO VEHICLES, a Misdemeanor, in violation of M.C.A. § 45-6-202. A person convicted of the offense of criminal trespass to vehicles shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

STATE OF MONTANA)

: ss.

County of Cascade)

AFFIDAVIT IN SUPPORT

As outlined in the attached probable cause affidavit, on January 7, 2021 Officer Marshall responded to a residence in Great Falls, Montana for a report of a theft. Upon arrival contact was made with C.K., an adult male. C.K. stated that someone had broke into his Loenbro work truk and his personal truck. Approximately \$20,000 in electronics, bags, tools, and merchandise to include an

iPad belonging to Loenbro were taken from the work truck. From C.K.'s personal truck approximately \$1,140 worth of specialty work jackets and ski boots were taken.

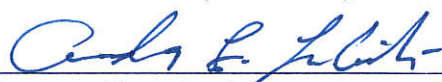
C.K. was able to track the iPad's GPS in real time. It showed the iPad was in his neighborhood and then downtown near 5th Street and 4th Avenue South. The iPad appeared to be going near the street then to an apartment complex. Officers arrived at the location and observed a male who was recorded on the Watchguard video. The male got out of a red van which is where the iPad was currently showing to be in or near the van.

The van was impounded, and a search warrant was obtained. Inside the van the stolen iPad and a stolen backpack were located inside. Also located inside the van were multiple items and documents that identified Mizrain Vazquez as the operator or person in possession of the van. Vazquez matched the description of the male who had been seen exiting the van. The majority of the other stolen items were later recovered inside the apartment complex laundry room where the van was located at and Vazquez had last been seen heading. Vazquez did not have permission to enter either truck or take any of the items from the trucks. Vazquez was contacted on January 28, 2021 on an unrelated case. After being advised of his Miranda Rights he agreed to speak with Officer Marshall. Vazquez denied any involvement or knowledge of this case and stated, "I don't steal". Vazquez was previously convicted of theft on January 22, 2015.

Vazquez's criminal history includes Criminal Possession of Dangerous Drugs with the Intent to Distribute that was deferred and dismissed, misdemeanor theft, and violation of release conditions. He is currently pending charges in ADC-20-156 for felony Criminal Possession of Dangerous Drugs in which case he failed to appear for his arraignment four times and eventually was arrested and posted a \$10,000 bond. He is also currently pending charges in CDC-20-618 that he committed while out on bond in the A case. The charges in the C case are felony Criminal Possession of Dangerous Drugs, misdemeanor Criminal Possession of Dangerous Drugs, Driving While Suspended, and Careless Driving. He failed to appear in the C case at his arraignment, his trial, and a subsequent status hearing. The warrant in that case was issued for \$10,000 concurrent with the A case. Vazquez is a level 3 on the PSA, he has a FTA score of 6 with prior failures to appear as noted above plus prior failures to appear older than two years as well. For the foregoing reasons, the State respectfully requests bond in the amount of \$25,000.

DATED this 29th Day of January, 2021.

JOSHUA A. RACKI
Cascade County Attorney


Deputy County Attorney

SUBSCRIBED AND SWORN TO before me on the 29th day of January, 2021.



Notary Public for the State of Montana,
Residing at Great Falls, Cascade County,
Montana.
My commission expires _____

cc: County Attorney/Racki

O R D E R

Upon examining the foregoing Motion and Affidavit,

IT IS THE FINDING OF THIS COURT:

_____ that probable cause exists to charge the Defendant as stated above;

OR,

_____ that probable cause does not exist to charge the Defendant as stated above.

DATED this _____ day of January, 2021.

DISTRICT COURT JUDGE

PROBABLE CAUSE AFFIDAVIT



DISTRICT COURT GREAT FALLS, CASCADE COUNTY, MONTANA

STATE OF MONTANA

Plaintiff

PROBABLE CAUSE AFFIDAVIT/ HEARING

vs.

CASE NUMBER: PD21-00242

VAZQUEZ, MIZRAIN LEE, JR

INCIDENT DATE: 01/06/21

Defendant

OFFICER AFFIDAVIT:

The undersigned Officer of the Great Falls Police Department, being first duly sworn, states the following:

1. The offense(s) charged in this complaint occurred within the city limits of Great Falls, Montana.
2. I base the probable cause to charge or issue a warrant in this case on the following:

The defendant identified as Mizrain Vazquez. I confirmed his identity with a CJIN booking photograph.

On 1/7/21 at approximately 0729 hours I responded to 1901 5TH AVE SW, for a report of a theft from auto. There, I contacted Corey Kohls, who stated someone had broke into his Loenbro work truck and his personal pickup. Approximately \$20,000 in electronics, bags, tools and merchandise, to include an iPad belonged to Loenbro. Corey had approximately \$1140 of specialty work jackets and ski boots taken. Corey was able to real time GPS track the iPad, which showed in his neighborhood then downtown near 5th St & 4th Ave So. The GPS location appeared to be going near the street then to an apartment complex.

I responded there, and another GFPD officer arrived prior to me and observed a male and recorded on Watchguard video, later identified as Mizrain Vazquez, get out of a red van, which the GPS was showing the iPad inside or near the van. The van was impounded and a search warrant was executed on it. The stolen iPad and stolen backpack were located inside. Multiple items or documents were located inside that identified Mizrain as the operator or in possession of the vehicle.

The majority of the items were later recovered inside the apartment complex laundry room where the van was located at, and Mizrain was last seen heading. Based on the close timeline of events, and GPS monitoring, and following search warrant, I believe Mizrain to be involved in the theft from the vehicles.

On 1/28/21, I contacted Mizrain on an unrelated case. I advised him of his Miranda Rights, which he agreed to speak with me. Mizrain denied any involvement or knowledge of the incident, and stated, "I don't steal."

I determined probable cause Mizrain, obtained or exerted unauthorized control over electronics, bags, tools and merchandise, valued at an estimated \$20,000, owned by Loenbro, with the purpose of

depriving the owner of the property. Mizrain, obtained or exerted unauthorized control over fire resistant jackets and ski boots, valued at an estimated \$1440, owned by Corey Kohls, with the purpose of depriving the owner of the property. Mizrain entered or remained in the vehicle of another, namely Corey Kohls and Loenbro, without their consent. A criminal history check through CJIN showed 1 prior theft conviction.

(2 Counts Theft & 2 Counts Trespass)

3. I know the purpose of this statement is part of the probable cause hearing for the issuance of the below listed charges, and/ or requesting a warrant for the arrest of the defendant named in the complaint.

CHARGES:

45-6-301(1) - Theft - 2nd Offense

45-6-202(1) - Criminal Trespass To Vehicles

Dated this Thursday, January 28, 2021

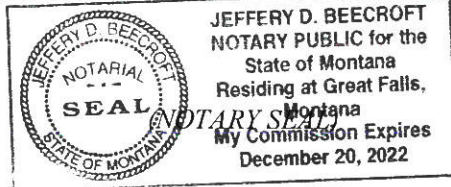
OFFICER SIGNATURE:

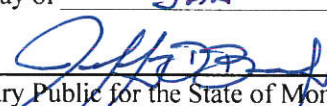
BADGE NUMBER/OFFICER NAME:


313 - Marshall, Jonathan

NOTARY SIGNATURE:

SUBSCRIBED AND SWORN to before me this 28 day of Jan, 2021.




Notary Public for the State of Montana,
Residing at Great Falls, Cascade County, Montana

My commission expires: 12/20/2022

JUDGE ORDER:

The Court/ undersigned Judge hereby finds: ☐ *THERE IS* ☐ *THERE IS NOT*

SUFFICIENT PROBABLE CAUSE to file the above listed charges, and/ or hold the defendant pending trial or hearing, based on the facts outlined herein.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2021.

JUDGE SIGNATURE:

DISTRICT COURT JUDGE

CITY ATTORNEY ☐	COUNTY ATTORNEY ☐	COUNTY JAIL ☐	SHERIFF'S OFFICE ☐	PUB DEF PARALEGAL ☐	DEFENDANT ☐	DEFENSE COUNSEL ☐
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