

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-

JOSEPH WHITSHIELD ELTHIE,
Defendant.

No.

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

Citation No.C02B 11048 and C02B
11049

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.

STATE OF MONTANA)

: ss.

County of Cascade)

AFFIDAVIT IN SUPPORT

As outlined in the attached probable cause affidavit, on June 28, 2020 Adult Probation and Parole (AP&P) were at a residence in Cascade County for a random house visit with a parolee. While there a silver SUV pulled into the driveway being driving by the above named Defendant, Joseph Elthie. P&P determined the plates on the vehicle returned as stolen, so they called the Sheriff's Office to report it.

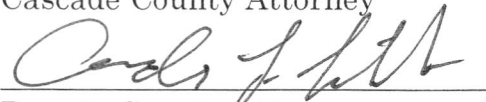
CCSO Deputies arrived and also confirmed the plates were stolen. The plates came back to a gray Honda CRV and the vehicle was a 2014 silver Subaru Forester. The plates are valued at less than \$1,500. The VIN on the vehicle was also ran and it too came back as a stolen vehicle. The vehicle is valued at over

\$5,000. The Defendant did not have permission from the owners to have the plates or the vehicle. Elthie has a prior theft conviction on May 25, 2017. Elthie is a Level 1 on the PSA scale.

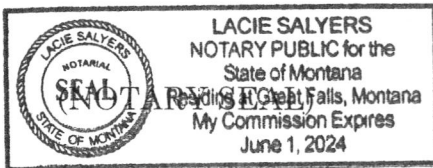
For the foregoing reasons, the State respectfully requests the defendant be released on his own recognizance.

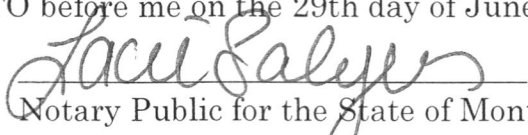
DATED this 29th Day of June, 2020.

JOSHUA A. RACKI
Cascade County Attorney


Deputy County Attorney

SUBSCRIBED AND SWORN TO before me on the 29th day of June, 2020.




Notary Public for the State of Montana,
Residing at Great Falls, Cascade County,
Montana.
My commission expires 6/1/24

cc: County Attorney/Racki

ORDER

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 June, 2020.

DISTRICT COURT JUDGE



SO# 20-01974

THE STATE OF MONTANA,)
Plaintiff,)
)
-vs-)
)
Joseph Whiteshield Elthie,)
Defendant.)

STATE OF MONTANA)
:	:
County of Cascade)

The undersigned, being duly sworn, states as follows:

The Cascade County Sheriff's Deputy, **Gervais** arrested the defendant **Joseph Whiteshield Elthie**, for the charge(s) of **Theft, MCA 45-6-301, a felony and Theft, MCA 45-6-301, a misdemeanor**.

That I, **Deputy Gervais** believe there is probable cause to charge said defendant with said charges because:

On June 28, 2020, at approximately 1707 hours, Deputy Wren and I were dispatched to 20 Chandelle Ln., for a report of a stolen license plate.

Upon arrival near the location, Deputy Wren spoke with P and P Officer Green. P and P Officer Green informed Wren of the following: P and P Officer Green was performing a random house visit with a parole when a silver in color suv pulled into the drive way. P and P Officer Green noticed the vehicle was driven by a male, later identified as Joseph Elthie, the defendant, by another P and P officer. When P and P left the residence, they ran MA plate, 4WPW40, which was on the suv. The MA plate returned stolen. P and P positioned themselves away from the residence but were able to see if anyone left or arrived. Several minutes later I arrived and spoke with Deputy Wren. Deputy Wren informed of the above information.

After speaking with Deputy Wren, we all us drove to the residence and proceeded with the investigation. Several people at the residence were detained during our investigation. I informed Dispatch of the VIN JF2SJAEC3EH550477, which belongs to a silver in color Subaru Forester. P and P Officer Green witnessed the defendant driving said vehicle. Dispatch advised me that VIN returned stolen.

Based on the above information I believe there is probable cause to arrest the defendant for the following charges:

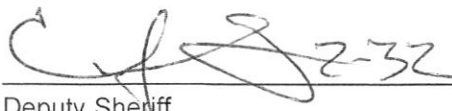
Theft, MCA 45-6-301, a felony, for purposely or knowingly obtaining or exerting unauthorized control over property, 2014 Subaru Forester, of a value of more than \$1500 as owned by the victim and using the property in such a manner as to deprive the owner of the property.

Theft, MCA 45-6-301, a misdemeanor, for purposely or knowingly obtaining or exerting unauthorized control over property, specially a stolen MA plate bearing 4WPW40, having a value of less than \$1500 as owned by the victim and using the property in such a manner as to deprive the owner of the property.

The defendant was arrested and remanded into the custody of staff at the Cascade County Sheriff's Office for the offenses to prevent further criminal actions and for the safety of the society.

This offense occurred in Cascade County.

DATED this 28th, day of June, 2020.


Deputy Sheriff

SUBSCRIBED AND SWORN to before me this 28th, day of June, 2020.



(NOTARIAL SEAL)

ZACHARY SEMENZA
NOTARY PUBLIC for the
State of Montana
Residing at Great Falls, Montana
My Commission Expires
July 31, 2023


Notary Public for the State of Montana
Residing at Great Falls, MT
My Commission expires: July 31, 2023

ORDER

The undersigned, having reviewed the foregoing Affidavit, and for good cause shown:

☒ **IT IS HEREBY ORDERED** that probable cause **IS** found to charge the above named defendant with the following charges:

☐ **IT IS HEREBY ORDERED** that probable cause is **NOT** found to charge the above named defendant with the following charges:

DATED this th, day of , .

REVIEWING JUDGE

Cc: Defendant
CCSO

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,)	
	)	No.
-vs-)	
	)	INITIAL COMPLAINT,
TERRY JO WINDHAM II,	)	AFFIDAVIT IN SUPPORT, AND
	)	MOTION TO DETERMINE
Defendant.	)	PROBABLE CAUSE AND SET
	)	BOND
)	
	)	Citation No.052 C10345 and 052
	)	C10364
)	

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: ENDANGERING THE WELFARE OF A CHILD, a Felony, in violation of M.C.A. § 45-5-622(3)(c). A person convicted of this offense shall be imprisoned in the state prison for a term not to exceed 5 years and may be fined an amount not to exceed \$10,000, or both.

COUNT II: CRIMINAL POSSESSION OF DANGEROUS DRUGS, a Felony, in violation of M.C.A. § 45-9-102. A person convicted of criminal possession of dangerous drugs shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$5,000, or both.

STATE OF MONTANA)

: ss.

County of Cascade)

AFFIDAVIT IN SUPPORT

As outlined in the attached probable cause affidavit, on June 27, 2020 GFPD Officers went to 201 3rd Street NW Room 437 for a welfare check. Hotel staff called indicating Terry Windham was supposed to check out of the room at 11:00 AM and did not do so. They had accessed the room for cleaning purposes and found a young child and a male face down on the bed. He was not responsive, and staff was in fear he was not breathing.

Officers entered the room and found the three year old child and a male and female identified as Miranda Windham. The couple was not responsive when officers spoke loudly to get their attention. The child was hiding under a blanket and peeking our from under the blanket as they did this.

Officers saw in plain view a dirty mirror on the bed between the couple, a number of baggies on the nightstand and a lighter nearby. The room was disheveled and eventually the female came groggily awake. They were identified as Terry Windham and Miranda Windham.


Miranda advised the child was her three year old daughter. Miranda then consented to a search of the room and officers found a blow torch style lighter, a small green glass jar with what appeared to be meth inside and the other paraphernalia already mentioned. Miranda admitted they had snorted methamphetamine off of the mirror. All of the paraphernalia was in easy reach of the three year old. The child was awake and able to move around the room while the two adults were sleeping. The male was identified as the child's father. Both parents exposed the child to methamphetamine and paraphernalia by passing out after using the substance and leaving the paraphernalia within easy reach of the child.

Miranda is a level one on the PSA Terry is a level 2 on the PSA. The substance in the jar tested positive for meth on a field test.

For the foregoing reasons, the State respectfully requests bond be set at \$7,500 per the PSA guidelines.

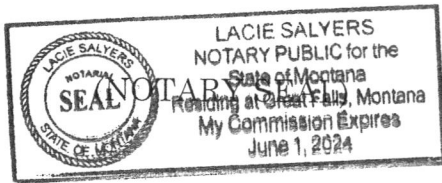
DATED this 29th Day of June, 2020.

JOSHUA A. RACKI
Cascade County Attorney



Deputy County Attorney

SUBSCRIBED AND SWORN TO before me on the 29th day of June, 2020.



Lacie Salyers
Notary Public for the State of Montana,
Residing at Great Falls, Cascade County,
Montana.
My commission expires 6/1/24

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 June, 2020.

DISTRICT COURT JUDGE

PROBABLE CAUSE AFFIDAVIT



DISTRICT COURT GREAT FALLS, CASCADE COUNTY, MONTANA

STATE OF MONTANA

Plaintiff

vs.

WINDHAM, TERRY JO II

Defendant

PROBABLE CAUSE AFFIDAVIT/ HEARING

CASE NUMBER: PD20-07372

INCIDENT DATE: 06/27/20

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 Cascade County, Montana.
2. I base the probable cause to charge or issue a warrant in this case on the following:

On 06-27-20 at 1215 hours, officers responded to 201 3rd Street NW Room 437 in regard to a welfare check. Hotel staff had called stating a Terry Windham was supposed to check out at 1100. Hotel staff had accessed the room and observed a young child in the room and an adult male laying face down on the bed. The male had not responded to hotel staff's attempts to contact him verbally, and they did not know if he was breathing.

Knowing the above information, and receiving no answer after knocking on the door, I had hotel staff use the key to unlock the door. I immediately observed a 3 year old child peeking out from some blankets on top of the couch. I also observed a fully clothed male and a fully clothed female laying on top of the bed covers. Officer Hulme and I announced ourselves as police several times loudly and called out to the couple with no response.

I observed a dirty handheld sized mirror laying on the bed between the couple. I also observed a lighter and small "dime" size ziplock style baggie on the nightstand to the right of the bed. I observed a lighter next to it and multiple other clothing items, papers, and phones strewn around the bed. Officer Hulme was able to wake the female, who sat up groggily, and then woke up the male. I noted both seemed unusually disoriented for having been awakened after 1215 in the afternoon.

The two adults identified themselves as Terry and Miranda Windham.

Miranda told me the child on the couch was her daughter (SW). I pointed out the baggie next to Miranda on the nightstand, and the dirty mirror on the bed. Miranda gave consent to search the room and bags inside. In addition to the items initially observed, I located a blow torch style lighter, a cut plastic straw, and a small green glass jar with a crystallized substance inside. The Jar was located in Miranda's purse, and she identified the substance as methamphetamine. Miranda then told me she and Terry had used methamphetamine by snorting it off the mirror that was on the bed right before she had fallen asleep.

I noted that the mirrors, baggie with residue, and Miranda's purse with the straw and jar of methamphetamine in it were all easily within reach and accessible to SW in the Hotel Room. I noted both adults had been sound asleep and SW awake and able to move about the room when officers arrived.

Based on the above statements and evidence I found probable cause to charge Miranda with Criminal Possession of Dangerous Drugs (MCA 45-9-102); and Endangering the Welfare of a Child (Methamphetamine) / MCA 45-5-622 (3c). I also found probable cause to charge Terry for Endangering the Welfare of a Child (Methamphetamine)(MCA 45-5-622 (3c)) as both were suspected of using the methamphetamine paraphernalia and leaving easily accessible to SW in the small hotel room.

I arrested both Miranda and Terry. Officer Hulme assisted me in transporting both to the Cascade County Detention Center (CCDC) where I remanded both on their respective charges.

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:

45-5-622(1) - Endangering Welfare Of A Child - 1st Violation

Dated this Saturday, June 27, 2020

OFFICER SIGNATURE:

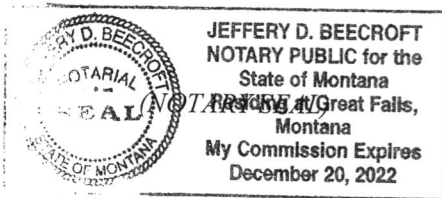
BADGE NUMBER/OFFICER NAME:

Lance Souza #333

333 - Souza, Lance

NOTARY SIGNATURE:

SUBSCRIBED AND SWORN to before me this 27 day of JUNE, 2020.



[Signature]
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 28th day of June, 2020.

JUDGE SIGNATURE:



DISTRICT COURT JUDGE

CITY ATTORNEY <input type="checkbox"/>	COUNTY ATTORNEY <input type="checkbox"/>	COUNTY JAIL <input type="checkbox"/>	SHERIFF'S OFFICE <input type="checkbox"/>	PUB DEF PARALEGAL <input type="checkbox"/>	DEFENDANT <input type="checkbox"/>	DEFENSE COUNSEL <input type="checkbox"/>
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PROBABLE CAUSE AFFIDAVIT



DISTRICT COURT GREAT FALLS, CASCADE COUNTY, MONTANA

STATE OF MONTANA

Plaintiff

vs.

WINDHAM, TERRY JO II

Defendant

PROBABLE CAUSE AFFIDAVIT/ HEARING

CASE NUMBER: PD20-07392

INCIDENT DATE: 06/27/20

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:

a. On 06/27/2020 at approximately 21:41 hrs I was dispatched to the Staybridge Suites on a report that the staff located a black bag containing methamphetamine.

b. Upon my arrival I made contact with hotel employee's who turned over the black bag containing a white crystal substance and a few small jewelry items (small elephant necklace / small silver cross / small four leaf clover with screw). I later weighed the methamphetamine at the Great Falls Police Department and determined that it weighed 5.3g in total. The methamphetamine also tested presumptive positive using a field test kit.

c. Hotel staff advised me that the previous tenant of the room (437) had returned to the hotel after previously being arrested that day.

d. They identified the male as Terry Windham (I later identified Windham using an MDT Photo) and stated that he had asked if he could go to room 437 to look for his wallet. The staff advised him that he would not be allowed to enter the room however they would search the room for him. After advising him that the wallet was not in the room, Windham requested to rent the room for another evening and the hotel staff advised him that he would not be able to rent this specific room for another evening. With this information, Windham left the hotel.

e. Hotel staff advised that while searching the room, inside of the pull out bed located in the couch of the residence, they located the small black bag containing methamphetamine and jewelry. Next to the black bag was a small flashlight.

f. I spoke with Officer Souza (333) who responded to the previous call involving Windham who advised me that Windham had been unconscious due to the use of methamphetamine. Officer Souza also noted that he had been in possession of a very large amount of cash and was dishonest about using methamphetamine even though his wife, Miranda Windham, who was also located unconscious due to the use of methamphetamine had admitted that they were both using the narcotics.

g. I later located and placed Windham under arrest for the below listed charge. I transported Windham to the Cascade County Detention Center where I Mirandized him and he agreed to answer my questions involving the narcotics.

h. Windham denied having any knowledge of the narcotics and denied being a user of methamphetamine. I later spoke with his wife Miranda who was also at the Cascade County Detention Center after Mirandizing her. I asked Miranda if she knew anything about a small silver four leaf clover. Miranda stated that the silver four leaf clover belonged to Windham and it had her son's ashes located within it. I asked Miranda if she knew anything about a small silver cross and she stated that Windham inherited the cross from his mother. It should be noted that both of these items were located within the small black bag.

i. I returned to Windham who admitted that the four leaf clover and cross belonged to him but couldn't explain why these items were located within the black bag containing methamphetamine.

j. I ensured with hotel staff (one of which is also a officer for Probation and Parole) that the small jewelry items were found inside of the black bag containing the methamphetamine when they located the bag.

k. I believe that probable cause exists to charge Windham with the below listed charge for knowingly and purposely possessing 5.3g of methamphetamine, a dangerous drug.

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.

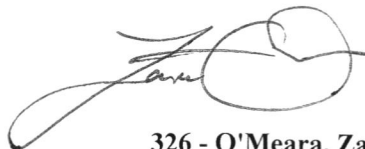
CHARGES:

45-9-102(4) - Criminal Possession Dangerous Drugs - Opiate/Meth

Dated this Sunday, June 28, 2020

OFFICER SIGNATURE:

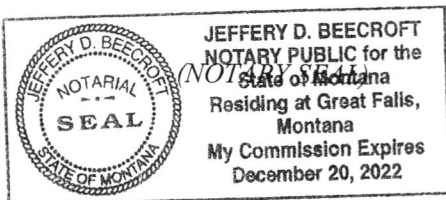
BADGE NUMBER/OFFICER NAME:

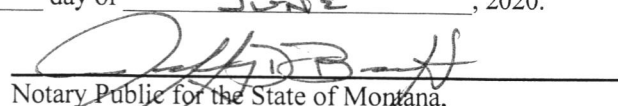


326 - O'Meara, Zaine

NOTARY SIGNATURE:

SUBSCRIBED AND SWORN to before me this 28 day of June, 2020.




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 28th day of June, 2020.

JUDGE SIGNATURE:



DISTRICT COURT JUDGE

CITY ATTORNEY <input type="checkbox"/>	COUNTY ATTORNEY <input type="checkbox"/>	COUNTY JAIL <input type="checkbox"/>	SHERIFF'S OFFICE <input type="checkbox"/>	PUB DEF PARALEGAL <input type="checkbox"/>	DEFENDANT <input type="checkbox"/>	DEFENSE COUNSEL <input type="checkbox"/>
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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,	)	No.
)	
-vs-	)	INITIAL COMPLAINT,
	)	AFFIDAVIT IN SUPPORT, AND
MARIO DEJESUS MORENO,	)	MOTION TO DETERMINE
	)	PROBABLE CAUSE AND SET
Defendant.	)	BOND
)	
	)	Citation No.C02B 11323
)	
)	

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 offense:

COUNT I: THEFT (POSSESSION OF STOLEN PROPERTY 1ST OFFENSE), a Felony, in violation of M.C.A. § 45-6-301(3)(c). A person convicted of this offense, when the value of the property exceeds \$1,500 and is less than \$5,000 in value, shall be fined an amount not to exceed \$1,500 or be imprisoned in the state prison for a term not to exceed 3 years, or both, for a first offense.

STATE OF MONTANA)

: ss.

County of Cascade)

AFFIDAVIT IN SUPPORT

As outlined in the attached probable cause affidavit, on June 27, 2020 around 7:15 PM CCSO Deputy Harris was on Interstate 15 near Great Falls and saw a Jeep Patriot with a flat tire and open gas cap parked on the shoulder. He stopped to see if the driver needed assistance and found the driver, Mario Moreno, asleep in the driver's seat. He said he had run out of gas and pulled over to sleep while waiting for money to purchase gas. Deputy Harris then learned from dispatch the Jeep was reported stolen in Arizona. He spoke to Moreno again and told him the Jeep was reported stolen and Moreno said he took the Jeep from his ex-girlfriend and was taking a trip to Canada. Law Enforcement officials in Arizona advised Moreno was wanted for criminal charges there based on the theft.

The Jeep is valued at more than \$1500. Moreno is a level one on the PSA. He is from Arizona and has limited community ties.

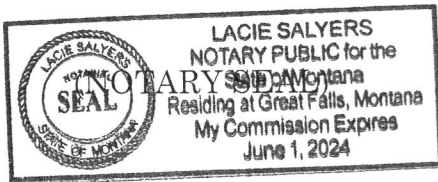
For the foregoing reasons, the State respectfully requests he be released on his own recognizance.

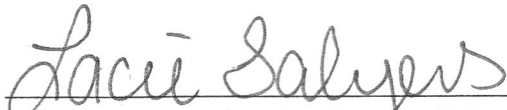
DATED this 29th Day of June, 2020.

JOSHUA A. RACKI
Cascade County Attorney


Deputy County Attorney

SUBSCRIBED AND SWORN TO before me on the 29th day of June, 2020.




Notary Public for the State of Montana,
Residing at Great Falls, Cascade County,
Montana.
My commission expires 6/1/24

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 June, 2020.

DISTRICT COURT JUDGE



SO# 20-1961

THE STATE OF MONTANA,)
Plaintiff,)
)
-vs-)
)
Moreno, Mario Dejesus)
Defendant.)

STATE OF MONTANA)
	:
County of Cascade)

The undersigned, being duly sworn, states as follows:

The Cascade County Sheriff's Deputy, **Joshua Harris #2-26** arrested the defendant **Mario Moreno**, for the charge(s) of **Theft MCA 45-6-301 (1c) (F)**.

That I, **Deputy Joshua Harris** believe there is probable cause to charge said defendant with said charges because:

On 27 June 2020, at approximately 1915 hours, I was in the area of mile marker 258 on Interstate 15 and observed a maroon Jeep Patriot on the shoulder of the interstate with what appeared to be a flat tire and an open gas cap.

I approached the vehicle after advising Dispatch of the vehicle license plate, knocked on the driver door window, and contacted the Defendant, Mario Moreno. The defendant advised he had run out of gas and was just sleeping on the side of the road, waiting to get money, so he could get more gas. I returned to my car and advised Dispatch of the Defendant's name to ensure he had a valid license. While doing this, I was advised the vehicle was signed stolen from Arizona.

I returned and reinitiated contact with the Defendant and advised him the vehicle was signed stolen. The Defendant then stated without prompting or questioning that he took the vehicle from his ex-girlfriend and was

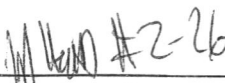
taking a trip to Canada. I then detained the Defendant whilst waiting to hear from the Arizona Agency to advise on any charges for the Defendant.

I contacted the Sierra Vista Police Department and was advised by Officer Paris that the Sierra Vista Police Department had charges for the Defendant as he was the suspect in the stolen vehicle case.

As a result of the above information, I advised the Defendant he was under arrest for the offense of Theft. I transported the Defendant to the Cascade County Detention Center where he was remanded into custody for the Offence of Theft MCA 45-6-301 (1c)(F) because he purposely or knowingly used property in a manner that would deprive the owner of the property.

Secure detention was necessary at this time to prevent the Defendant from furthering the aforementioned offense and to ensure the safety of the public.

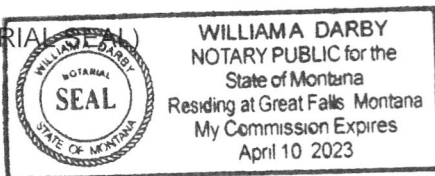
DATED this 27th, day of June, 2020.




Deputy Sheriff

SUBSCRIBED AND SWORN to before me this 27th, day of June, 2020.

(NOTARIAL SEAL)





Notary Public for the State of Montana
Residing at Great Falls, MT
My Commission expires: April 10th 2023

ORDER

The undersigned, having reviewed the foregoing Affidavit, and for good cause shown:

☒ **IT IS HEREBY ORDERED** that probable cause **IS** found to charge the above named defendant with the following charges:

Theft, a Felony

☐ **IT IS HEREBY ORDERED** that probable cause is **NOT** found to charge the above named defendant with the following charges:

DATED this 28th day of June, 2020



REVIEWING JUDGE

Cc: Defendant
CCSO

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,	)	No.
-vs-)	
CARL ROBERT TIBBETTS,	)	INITIAL COMPLAINT,
Defendant.	)	AFFIDAVIT IN SUPPORT, AND
	)	MOTION TO DETERMINE
	)	PROBABLE CAUSE AND SET
	)	BOND
)	
	)	Citation No.052C 711852, 052C
	)	711853 and 052C 711854
)	

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 (1ST OFFENSE), 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 \$1,500 and is less than \$5,000 in value, shall be fined an amount not to exceed \$1,500 or be imprisoned in the state prison for a term not to exceed 3 years, or both, for a first offense.

COUNT II: NO MOTORCYCLE ENDORSEMENT, a Misdemeanor, in violation of M.C.A. § 61-5-102(b). A person convicted of this offense shall be fined not more than \$500.

COUNT III: OPERATING A VEHICLE WITH IMPROPER REGISTRATION, a Misdemeanor, in violation of M.C.A. § 61-3-301. A person convicted of this offense shall be fined an amount not to exceed \$500.

STATE OF MONTANA)

: ss.

County of Cascade)

AFFIDAVIT IN SUPPORT

As outlined in the attached probable cause affidavit, on or about June 24, 2020, Great Falls Police Officer Anthony Munkres was northbound on 8th Street Northeast, Great Falls, Montana, when he observed a motorcycle driving on the sidewalk, on the west side of the street. It appeared the rider had just rode up on the sidewalk in an attempt to avoid the officer seeing him on the street. Officer Munkres noticed the motorcycle did not have a license plate on it. The driver was not wearing a shirt and had a blue bandanna on his head. Officer Munkres located the motorcyclist, later-identified as Carl Tibbetts, driving west on 25 Alley Northeast. 25 Alley Northeast is a city owned street and requires motor vehicles

traveling on it to be registered and displaying a license plate. In addition, it is a violation to ride a motorcycle on the sidewalk.

Officer Munkres initiated a traffic stop. Tibbetts stated the motorcycle belonged to a friend, Kevin Davis. Tibbetts stated he was riding around the block on the sidewalks. Officer Munkres ran the VIN of the motorcycle and learned it was reported as stolen. The motorcycle is estimated to be valued approximately \$2,500.00. Tibbetts' companions stated he drove the motorcycle from the Bootlegger area. Tibbetts later stated he got the motorcycle from a friend but could not remember the friends name.

Lester Oswald, the owner of the motorcycle, responded. Oswald provided a photo of the motorcycle that he said he took about a week prior to it being stolen. Oswald stated the motorcycle was valued at approximately \$2,500.00. Officer Munkres noted the motorcycle was in excellent condition in the photo, and likely worth the \$2500 he said it was worth. The damage to the motorcycle consisted of a broken taillight, broken parts off of the left side, damage to the ignition, spray paint to the body panels, among other minor damage. Tibbetts did not have a motorcycle endorsement and the motorcycle was not properly registered. The motorcycle had been spray-painted, the ignition had been damaged to the point it could be started without a key, and there was no plate.

For the foregoing reasons, the State respectfully requests bond in the amount of \$5,000.00. Tibbetts was convicted of felony theft in DDC-05-315. Tibbetts sentence in that matter was revoked twice. Tibbetts was charged with assault and

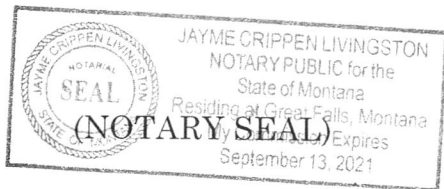
burglary in Anaconda/Deer Lodge County on September 7, 2019. The resolution of that matter is unknown at this time.

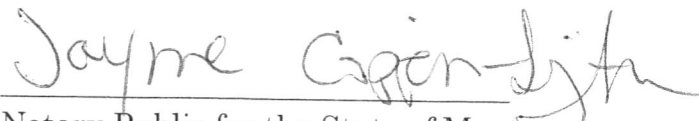
DATED this 29th Day of June, 2020.

JOSHUA A. RACKI
Cascade County Attorney


Deputy County Attorney

SUBSCRIBED AND SWORN TO before me on the 29th day of June, 2020.




Notary Public for the State of Montana,
Residing at Great Falls, Cascade County,
Montana.
My commission expires 9-13-21

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 June, 2020.

DISTRICT COURT JUDGE

PROBABLE CAUSE AFFIDAVIT



DISTRICT COURT GREAT FALLS, CASCADE COUNTY, MONTANA

STATE OF MONTANA

Plaintiff

vs.

TIBBETTS, CARL ROBERT

Defendant

PROBABLE CAUSE AFFIDAVIT/ HEARING

CASE NUMBER: PD19-08487

INCIDENT DATE: 07/23/19

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 Cascade County, Montana.

2. I base the probable cause to charge or issue a warrant in this case on the following:

- On 06/24/20 at approximately 1504 hours, I was northbound on 2400 block of 8th Street NE when I observed a male riding a motorcycle on the sidewalk. I also noted there was no license plate on the motorcycle.

- I made a U-Turn and then located the motorcycle westbound on 25 Alley NE, which is a city street and requires vehicles to be registered in order to be legally operated on the Alleyway.

- I initiated a traffic stop and the rider yielded to my stop. I identified the driver as Carl Tibbetts (MT/DL).

- Tibbetts did not have a motorcycle endorsement, which I confirmed CJIN.

- Tibbetts told me the motorcycle belonged to his friend and that the motorcycle was a ranch bike.

- Tibbetts told me that him and another friend had put the motorcycle in the back of pick-up and hauled it to this location. There was a pick-up parked further down the alley that Tibbetts motioned to.

- I ran the VIN on the motorcycle through dispatch and learned the motorcycle had been entered into NCIC as stolen.

- I read Tibbetts a Miranda warning and he opted to not speak with me without a lawyer present.

- I contacted the owner of the nearby pick-up, who claimed to be a friend of Tibbetts. Tibbetts' friend denied they had brought the motorcycle to this location in the pick-up and stated Tibbetts had rode the motorcycle to this location. There were other parties present that confirmed Tibbetts' friend's statement.

- I believe there is probable cause to charge Tibbetts with possession of the stolen motorcycle based on the following...the motorcycle had obviously been spray painted, the ignition had been damaged to the point it could be started with no key, there was no plate on the motorcycle, it did not appear to be a ranch motorcycle like Tibbetts claimed, and Tibbetts refusal to tell me where he got the motorcycle and how he came into possession of the motorcycle.

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:

61-5-102(2)(a) - No Motorcycle Endorsement

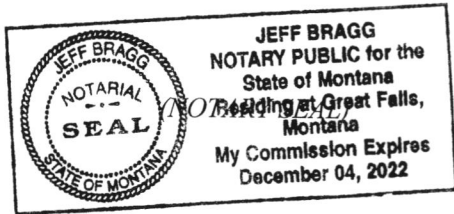
61-3-301(1)(b) - Operate a Vehicle Which Has Not Been Properly Registered

45-6-301(3) - Theft - Stolen Property - 1st Offense

Dated this Friday, June 26, 2020

*Anthony M. Munkres***OFFICER SIGNATURE:****BADGE NUMBER/OFFICER NAME:**

261 - Munkres, Anthony

NOTARY SIGNATURE:SUBSCRIBED AND SWORN to before me this 26 day of June, 2020.Notary Public for the State of Montana,
Residing at Great Falls, Cascade County, MontanaMy commission expires: Dec 04, 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 _____, 2020.

JUDGE SIGNATURE:

DISTRICT COURT JUDGE

CITY ATTORNEY <input type="checkbox"/>	COUNTY ATTORNEY <input type="checkbox"/>	COUNTY JAIL <input type="checkbox"/>	SHERIFF'S OFFICE <input type="checkbox"/>	PUB DEF PARALEGAL <input type="checkbox"/>	DEFENDANT <input type="checkbox"/>	DEFENSE COUNSEL <input type="checkbox"/>
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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,	)	No.
)	
-vs-	)	INITIAL COMPLAINT,
	)	AFFIDAVIT IN SUPPORT, AND
MIRANDA LEE WINDHAM,	)	MOTION TO DETERMINE
	)	PROBABLE CAUSE AND SET
Defendant.	)	BOND
)	
	)	Citation No.052 C10346 and 052
	)	C10347
)	

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: ENDANGERING THE WELFARE OF A CHILD, a Felony, in violation of M.C.A. § 45-5-622(3)(c). A person convicted of this offense shall be imprisoned in the state prison for a term not to exceed 5 years and may be fined an amount not to exceed \$10,000, or both.

COUNT II: CRIMINAL POSSESSION OF DANGEROUS DRUGS, a Felony, in violation of M.C.A. § 45-9-102. A person convicted of criminal possession of dangerous drugs shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$5,000, or both.

STATE OF MONTANA)

: ss.

County of Cascade)

AFFIDAVIT IN SUPPORT

As outlined in the attached probable cause affidavit, on June 27, 2020 GFPD Officers went to 201 3rd Street NW Room 437 for a welfare check. Hotel staff called indicating Terry Windham was supposed to check out of the room at 11:00 AM and did not do so. They had accessed the room for cleaning purposes and found a young child and a male face down on the bed. He was not responsive, and staff was in fear he was not breathing.

Officers entered the room and found the three year old child and a male and female identified as Miranda Windham. The couple was not responsive when officers spoke loudly to get their attention. The child was hiding under a blanket and peeking our from under the blanket as they did this.

Officers saw in plain view a dirty mirror on the bed between the couple, a number of baggies on the nightstand and a lighter nearby. The room was disheveled and eventually the female came groggily awake. They were identified as Terry Windham and Miranda Windham.

Miranda advised the child was her three year old daughter. Miranda then consented to a search of the room and officers found a blow torch style lighter, a small green glass jar with what appeared to be meth inside and the other paraphernalia already mentioned. Miranda admitted they had snorted methamphetamine off of the mirror. All of the paraphernalia was in easy reach of the three year old. The child was awake and able to move around the room while the two adults were sleeping. The male was identified as the child's father. Both parents exposed the child to methamphetamine and paraphernalia by passing out after using the substance and leaving the paraphernalia within easy reach of the child.

Miranda is a level one on the PSA Terry is a level 2 on the PSA. The substance in the jar tested positive for meth on a field test.

For the foregoing reasons, the State respectfully requests Miranda be released on her own recognizance.

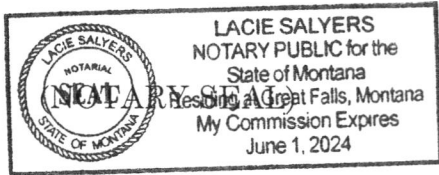
DATED this 29th Day of June, 2020.

JOSHUA A. RACKI
Cascade County Attorney



Deputy County Attorney

SUBSCRIBED AND SWORN TO before me on the 29th day of June, 2020.



Lacie Salyers
Notary Public for the State of Montana,
Residing at Great Falls, Cascade County,
Montana.
My commission expires 6/1/24

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 June, 2020.

DISTRICT COURT JUDGE

PROBABLE CAUSE AFFIDAVIT



DISTRICT COURT GREAT FALLS, CASCADE COUNTY, MONTANA

STATE OF MONTANA

Plaintiff

vs.

WINDHAM, MIRANDA LEE

Defendant

PROBABLE CAUSE AFFIDAVIT/ HEARING

CASE NUMBER: PD20-07372

INCIDENT DATE: 06/27/20

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 Cascade County, Montana.
2. I base the probable cause to charge or issue a warrant in this case on the following:

On 06-27-20 at 1215 hours, officers responded to 201 3rd Street NW Room 437 in regard to a welfare check. Hotel staff had called stating a Terry Windham was supposed to check out at 1100. Hotel staff had accessed the room and observed a young child in the room and an adult male laying face down on the bed. The male had not responded to hotel staff's attempts to contact him verbally, and they did not know if he was breathing.

Knowing the above information, and receiving no answer after knocking on the door, I had hotel staff use the key to unlock the door. I immediately observed a 3 year old child peeking out from some blankets on top of the couch. I also observed a fully clothed male and a fully clothed female laying on top of the bed covers. Officer Hulme and I announced ourselves as police several times loudly and called out to the couple with no response.

I observed a dirty handheld sized mirror laying on the bed between the couple. I also observed a lighter and small "dime" size ziplock style baggie on the nightstand to the right of the bed. I observed a lighter next to it and multiple other clothing items, papers, and phones strewn around the bed. Officer Hulme was able to wake the female, who sat up groggily, and then woke up the male. I noted both seemed unusually disoriented for having been awakened after 1215 in the afternoon.

The two adults identified themselves as Terry and Miranda Windham.

Miranda told me the child on the couch was her daughter (SW). I pointed out the baggie next to Miranda on the nightstand, and the dirty mirror on the bed. Miranda gave consent to search the room and bags inside. In addition to the items initially observed, I located a blow torch style lighter, a cut plastic straw, and a small green glass jar with a crystallized substance inside. The Jar was located in Miranda's purse, and she identified the substance as methamphetamine. Miranda then told me she and Terry had used methamphetamine by snorting it off the mirror that was on the bed right before she had fallen asleep.

I noted that the mirrors, baggie with residue, and Miranda's purse with the straw and jar of methamphetamine in it were all easily within reach and accessible to SW in the Hotel Room. I noted both adults had been sound asleep and SW awake and able to move about the room when officers arrived.

Based on the above statements and evidence I found probable cause to charge Miranda with Criminal Possession of Dangerous Drugs (MCA 45-9-102); and Endangering the Welfare of a Child (Methamphetamine) / MCA 45-5-622 (3c). I also found probable cause to charge Terry for Endangering the Welfare of a Child (Methamphetamine)(MCA 45-5-622 (3c)) as both were suspected of using the methamphetamine paraphernalia and leaving easily accessible to SW in the small hotel room.

I arrested both Miranda and Terry. Officer Hulme assisted me in transporting both to the Cascade County Detention Center (CCDC) where I remanded both on their respective charges.

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:

45-5-622(1) - Endangering Welfare Of A Child - 1st Violation
45-9-102(4) - Criminal Possession Dangerous Drugs - Opiate/Meth

Dated this Saturday, June 27, 2020

OFFICER SIGNATURE:

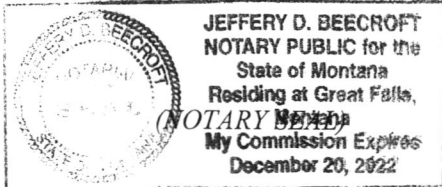
BADGE NUMBER/OFFICER NAME:

Lance Souza #333

333 - Souza, Lance

NOTARY SIGNATURE:

SUBSCRIBED AND SWORN to before me this 27 day of June, 2020.



[Signature]
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 28th day of June, 2020.

JUDGE SIGNATURE:



DISTRICT COURT JUDGE

CITY ATTORNEY <input type="checkbox"/>	COUNTY ATTORNEY <input type="checkbox"/>	COUNTY JAIL <input type="checkbox"/>	SHERIFF'S OFFICE <input type="checkbox"/>	PUB DEF PARALEGAL <input type="checkbox"/>	DEFENDANT <input type="checkbox"/>	DEFENSE COUNSEL <input type="checkbox"/>
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