

D. JAMES MCCUBBIN
Deputy County Attorney
KIRSTEN H. PABST
Missoula County Attorney
Missoula County Courthouse
Missoula, Montana 59802
(406) 258-4737
ATTORNEYS FOR PLAINTIFF

IN THE JUSTICE COURT OF RECORD OF MISSOULA COUNTY,
STATE OF MONTANA

<p>STATE OF MONTANA, Plaintiff, -vs- ANDREW STEPHEN BURD, Defendant.</p>	<p>Department No. Cause No. MANS No. - 3201C2000900 COMPLAINT</p>
--	--

D. JAMES MCCUBBIN, Deputy County Attorney, deposes and says that on or about March 22nd and 28th, 2020, in Missoula County, the Defendant committed the offenses of:

COUNT I: CRIMINAL ENDANGERMENT, a Felony, in violation of § 45-5-207, MCA, punishable by 10 years MSP and/or \$50,000 fine;

COUNT II: CRIMINAL ENDANGERMENT, a Felony, in violation of § 45-5-207, MCA, punishable by 10 years MSP and/or \$50,000 fine;

COUNT III: THEFT - 1ST OFFENSE \$1,500-\$5,000, a Felony, in violation of § 45-6-301(1)[1st], MCA, , punishable by 3 years MSP and/or \$1,500 fine;

COUNT IV: FLEEING FROM OR ELUDING A PEACE OFFICER, a Misdemeanor, in violation of § 61-8-316(1) and (2)(a), MCA, , punishable by 1 year MCDF and/or \$2,000 fine;

COUNT V: THEFT - 1ST OFFENSE UNDER \$1,500, a Misdemeanor, in violation of § 45-6-301(1)[1st], MCA, , punishable by \$500 fine.

The facts constituting the offense are:

COUNT I: On or about March 28th, 2020, Defendant knowingly engaged in conduct that created a substantial risk of death or serious bodily injury to pedestrian(s), to wit: by driving a vehicle at a high rate of speed through downtown Missoula, Montana, including the alley that connects Higgins to Washington in the 400 block, in Missoula, Montana, nearly colliding with one or more pedestrians.

COUNT II: On or about March 28th, 2020, Defendant knowingly engaged in conduct that created a substantial risk of death or serious bodily injury to occupant(s) of vehicle(s), to wit: by driving at a high rate of

speed and disregarding a red signal light at the intersection of Broadway and Madison in Missoula, Montana, which resulted in a vehicle collision.

COUNT III: On or about March 28th, 2020, Defendant purposely or knowingly obtained or exerted unauthorized control over a white 2003 Chevrolet Silverado pickup truck owned by David Storey with the purpose of depriving the owner of the property. The value of the property exceeds \$1,500.00 and is less than \$5,000.00.

COUNT IV: On or about March 28th, 2020, Defendant, while operating a motor vehicle, a white 2003 Chevrolet Silverado pickup truck, fled from or eluded a uniformed peace officer, Missoula Police Officer Griffith, Corporal Kamerer, and/or Officer Loya, operating a police vehicle in the lawful performance of such officer(s)'s duties who gave the Defendant a visual or audible signal by hand, voice, emergency light or siren directing the Defendant to stop the motor vehicle and such Defendant knowingly failed to obey such signal by increasing the speed of the motor vehicle, and/or continuing at a speed that was 10 or more mph above the applicable speed limit, or otherwise fleeing from, eluding or attempting to flee from or elude the peace officer(s).

COUNT V: On or about March 22nd, 2020, Defendant purposely or knowingly obtained or exerted unauthorized control over a guitar and amp

owned by John Ross with the purpose of depriving the owner of the property. The value of the property does not exceed \$1,500.00.

DATED this 30th day of March, 2020.

/s/ D. JAMES MCCUBBIN

D. JAMES MCCUBBIN
Deputy County Attorney

COMPLAINT 20-882

NATHAN MATTIX, Missoula City Police Dept
JOHN GRIFFITH, Missoula City Police Dept
45-5-207 ~ Criminal Endangerment

D. JAMES MCCUBBIN
Deputy County Attorney
KIRSTEN H. PABST
Missoula County Attorney
Missoula County Courthouse
Missoula, Montana 59802
(406) 258-4737
ATTORNEYS FOR PLAINTIFF

IN THE JUSTICE COURT OF RECORD OF MISSOULA COUNTY,
STATE OF MONTANA

STATE OF MONTANA, Plaintiff, -vs- ANDREW STEPHEN BURD, Defendant.	Dept. Cause No. MANS No. 3201C2000900 AFFIDAVIT OF PROBABLE CAUSE
---	---

STATE OF MONTANA)
 : ss
County of Missoula)

D. JAMES MCCUBBIN, Deputy County Attorney, Montana, being first
duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of
Andrew Stephen Burd for allegedly committing the offenses of:

COUNT I: CRIMINAL ENDANGERMENT, a felony, in violation of § 45-5-207, MCA;

COUNT II: CRIMINAL ENDANGERMENT, a felony, in violation of § 45-5-207, MCA;

COUNT III: THEFT - 1ST OFFENSE \$1,500-\$5,000, a felony, in violation of § 45-6-301(1)[1st], MCA;

COUNT IV: FLEEING FROM OR ELUDING A PEACE OFFICER, a misdemeanor, in violation of § 61-8-316(1) and (2)(a), MCA;

COUNT V: THEFT - 1ST OFFENSE UNDER \$1,500, a misdemeanor, in violation of § 45-6-301(1)[1st], MCA.

I believe that the facts as set forth in the law enforcement reports, if true, constitute sufficient probable cause to justify the filing of the charges.

Those facts are as follows:

On 3/28/2020, Missoula Police Officer Griffith took a report of a stolen vehicle. The vehicle was a 2003 white Chevrolet Silverado bearing Oregon plate 846KVK, owned by David Storey. Later in his shift, Officer Griffith located the vehicle on Spruce St. between Washington St. and Adams St., in Missoula, Montana. Officer Griffith confirmed the vehicle matched the description and license plate of the stolen truck. The truck had a male driver, who was the sole occupant of the vehicle (the male driver was later identified

as Defendant ANDREW STEPHEN BURD). Officer Griffith turned his patrol car around to further investigate. The driver of the truck quickly turned south on Washington St. then immediately accelerated quickly into the alley eastbound. Officer Griffith activated his patrol car overhead lights and siren. The vehicle accelerated and showed no signs of stopping or slowing as it exited the alley and continued eastbound crossing Adams St. The officer slowed at the exit of the alley for the safety of any pedestrians or cross traffic who might be present. The officer was subsequently unable to locate the truck and terminated the initial pursuit.

Other officers then located the truck and pursued it through the downtown area of Missoula, Montana. Corporal Kameron and Officer Loya each used lights and sirens to stop the truck, and all such signs were disregarded and actively evaded by Defendant. The Defendant drove a circuitous route through downtown Missoula, including through the Police Department parking lot, and the wrong way through the downtown bus depot. The Defendant drove well in excess of the 25 m.p.h. speed limit, with Officer Loya noting a speed of approximately 45 m.p.h. at one point during the pursuit. Officer Loya noted 11 stop signs and two red lights that were violated by Defendant. A citizen witness reported that she had observed

the white pickup speeding westbound across Higgins and down the alleyway. As it was driving, she observed a guitar case fly from the bed of the truck; this can also be seen on police car video. The witness said that when the pickup entered the alley at such a high rate of speed it caused a pedestrian to jump out of the way to avoid being struck. The pedestrian can also be seen on police car video sucking up to a wall in order to avoid being struck.

Defendant ultimately drove the truck east on Pine St, disregarded the stop sign at the intersection with Madison, and nearly struck a civilian vehicle. Defendant then turned south on Madison and sped into the intersection with Broadway in violation of a red signal light. A civilian vehicle that had the lawful right-of-way struck the stolen truck driven by Defendant within the intersection, with impact sufficient to spin the stolen truck 180 degrees. Defendant was taken into custody and positively identified by the identification in his wallet as ANDREW STEPHEN BURD.

Officer Griffith contacted the owner of the truck, who granted consent to search the vehicle. Within the truck, Officer Griffith observed a black sweatshirt on the seat with a white design pattern on the sleeve. Officer Griffith recognized the item as the clothing the suspect was reported to be wearing when the vehicle was stolen. An amplifier was located in the bed of

the truck. The guitar case that had been flung from the truck, which contained a guitar, was also subsequently retrieved by officers.

Later in the day on 3/28/2020, Officer Mulligan responded to a report of a theft at 527 W. Alder St, Missoula, Montana. Victim John Ross reported that his guitar and amplifier had been stolen from the storage unit outside his apartment. The storage unit for his apartment was connected to two other units, separated on the interior only by chicken wire. There had been a fire in the adjoining unit on 3/21/2020. Fire personnel had pried the door to the adjoining unit open at that time, and it had not been subsequently repaired. The items within Ross's unit were observed by Officer Mulligan to have a layer of white film from fire extinguishers. Officer Mulligan asked Ross to describe the guitar and amplifier. The descriptions given by Ross matched the guitar and case that had been flung from the truck during the pursuit on 3/28/2020, and the amplifier located in the truck that Defendant was driving on 3/28/2020. Notably, the amplifier from the truck also had a white film on it. Officer Mulligan then displayed photos of the guitar and amplifier from the truck to Ross, who positively identified the items as the items that had been stolen from his storage unit. Officer Mulligan looked up the address for Defendant Burd, and found his listed address to be another apartment at 527 W. Alder St.

DATED this 30th day of March, 2020.

/s/ D. JAMES MCCUBBIN

D. JAMES MCCUBBIN
Deputy County Attorney

SUBSCRIBED AND SWORN TO before me, a Justice of the Peace, in
and for the State of Montana, County of Missoula.

Electronically Signed By:
Hon. Judge Alex Beal
Mon, Mar 30 2020 01:59:35 PM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Department No.
Missoula County Justice Court
Missoula County Courthouse
200 W. Broadway
Missoula MT 59802
(406) 258-3474

IN THE JUSTICE COURT OF RECORD OF MISSOULA COUNTY,
STATE OF MONTANA

STATE OF MONTANA,

Plaintiff,

-vs-

ANDREW STEPHEN BURD,

Defendant,

Department No.
Cause No.
MANS No. - 3201C2000900

ORDER OF PROBABLE CAUSE

Upon reading the Affidavit of Probable Cause filed by the State, the Court finds that there is probable cause to believe the above-named Defendant committed the crimes charged.

DATED this _____ day of _____, 20____ at _____ A.M./P.M.

JUSTICE OF THE PEACE