

JUSTICE COURT

MAR 29 2013

DEPARTMENT 4
MISSOULA COUNTY, MT

IN THE JUSTICE COURT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF MISSOULA
BEFORE John E. Odlin, JUSTICE OF THE PEACE

Cause No. CR-2013-10713-C1

STATE OF MONTANA,

Plaintiff,

-vs-

COMPLAINT

MICHAEL SCOTT BURKE,

Defendant.

Jason Marks, being duly sworn, deposes and says: that on or about the 29th day of March, 2013, at Missoula County, the above-named Defendant committed the offense of COUNT I: ROBBERY, a Felony, in violation of Mont. Code Ann. § 45-5-401. The penalty for this offense is not less than two (2) years and not more than 40 years in the Montana State Prison and/or a fine not to exceed \$50,000.00; COUNT II: CRIMINAL POSSESSION OF DANGEROUS DRUGS - OPIATE, a Felony, in violation of Mont. Code Ann. § 45-9-102(4). The penalty for this offense is not less than two (2) years nor more than five (5) years in Montana State Prison and/or a fine not to exceed \$50,000.00.

The facts constituting the offense are:


COUNT I:

On or about the 29th day of March, 2013, the above-named defendant, in the course of committing a theft, threatened to inflict bodily injury upon Sarah Guhl, and/or purposely or knowingly put Sarah Guhl in fear of immediate bodily injury by brandishing a pistol while demanding Oxycontin and threatening to hurt Sarah Guhl.

COMPLAINT

COUNT I:

On or about the 29th day of March, 2013, the above-named Defendant possessed a dangerous drug, Oxycontin, an opiate, when he was not exempt from prosecution.



Jason Marks
Deputy County Attorney

Subscribed and sworn to before me this ____ day of March, 2013.

JUSTICE OF THE PEACE

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Cause No. CR-2013-10713-C1

STATE OF MONTANA,)
)
 Plaintiff,)
)
 -vs-)
)
 MICHAEL SCOTT BURKE,)
)
 Defendant.)

AFFIDAVIT OF PROBABLE CAUSE

STATE OF MONTANA)
 : ss
County of Missoula)

Jason Marks, Deputy County Attorney of Missoula County, Montana, being first duly sworn upon oath, deposes and says:

I have read the official law enforcement reports regarding the investigation of MICHAEL SCOTT BURKE for allegedly committing the offense set forth in the complaint and based upon the information contained in the reports, if true, believe probable cause exists to justify charging the above-named defendant as specified in the accompanying complaint.

On the 29th day of March, 2013, Officer Ethan Smith with the Missoula City Police Department was on patrol near Wal-greens on Brooks Street when he observed a man wearing Carhartt overalls and a long sleeve black sweatshirt walking toward Wal-greens. Shortly thereafter, 911 received a call that the Wal-greens pharmacy had just been robbed by a man with a gun. The description of the robber matched that of the man Officer Smith had seen walking toward the store.

AFFIDAVIT OF PROBABLE CAUSE

Officer Smith turned around and observed what appeared to be the same man driving a tan Lexus. Officer Smith began following the Lexus which ran a stop sign and a red light. Officer Smith turned on his lights and siren and attempted to stop the vehicle. A high speed pursuit ensued that eventually led north on Highway 93 into Lake County where the Lexus came to a stop after a Lake County deputy deployed a spike strip. The driver fled on foot.

Officers were able to determine that the care was registered to Michael Scott Burke out of Spokane. Looking inside the car they observed Oxycontin pills, Carhartt overalls, and a black long sleeve shirt. After hiding for a short time, Michael Scott Burke surrendered to law enforcement and was taken into custody. He indicated to Deputy Cochrane that the gun he used was inside the car. A search warrant was obtained for the Lexus.

Officer Potter interviewed the employees of Wal-greens. Sarah Guhl said that she had been working the pharmacy counter when a man wearing Carhartt overalls and a long sleeve black shirt came up to the counter. He brandished a black pistol and demanded all of the Oxycointin. He said that if she did not hurry he would jump over the counter and hurt her. He was given Oxycintin in a pharmacy bag and then left.



Jason marks
DEPUTY COUNTY ATTORNEY

SUBSCRIBED AND SWORN TO before me this ____ day of March, 2013.

JUSTICE OF THE PEACE

AFFIDAVIT OF PROBABLE CAUSE

ORDER

Upon reading the foregoing Affidavit, the Court finds that there is probable cause to believe the above-named Defendant committed the crime charged.

DATED this ____ day of _____, 2013 at ____ a.m./p.m.

JUSTICE OF THE PEACE