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MAY 28 2013

IN THE JUSTICE COURT OF THE STATE OF MONTANA, *Justice Court*
IN AND FOR THE COUNTY OF MISSOULA
BEFORE Karen A. Orzech JUSTICE OF THE PEACE

STATE OF MONTANA
Plaintiff,
-vs-
BOBBY LEE LAMERE
Defendant.

Cause No. CR2013-10898-C2

COMPLAINT

PATRICIA C. BOWER, Deputy Missoula County Attorney, deposes and says that on or about the 28th day of May, 2013, in Missoula County, the Defendant committed the offenses of COUNTS I--III: CRIMINAL ENDANGERMENT, Felonies, in violation of Montana law, namely: Mont. Code Ann. 45-5-207, punishable by 10 years MSP and/or a \$50,000 fine for each offense.

The facts constituting the offense are:

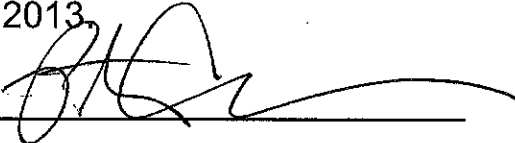
COUNT I: On or about the 28th day of May, 2013, the above-named Defendant knowingly engaged in conduct that created a substantial risk of death or serious bodily injury to the occupant(s) of a vehicle traveling north on Orange Street by nearly colliding with the vehicle.

COUNT II: On or about the 28th day of May, 2013, the above-named Defendant knowingly engaged in conduct that created a substantial risk of death or serious bodily injury to his 14 year old passenger by nearly

1 colliding with a vehicle on Orange Street as he was attempting to elude law
2 enforcement.
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4 COUNT III: On or about the 28th day of May, 2013, the above-named
5 Defendant knowingly engaged in conduct that created a substantial risk of
6 death or serious bodily injury to his wife, a passenger in his vehicle, by
7 nearly colliding with another vehicle on Orange Street as he was attempting
8 to elude law enforcement.
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11 DATED this 28th day of May, 2013,



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14 PATRICIA C. BOWER
15 Deputy Missoula County Attorney

16 Subscribed and sworn to before me this 28th day of May, 2013.

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18 JUSTICE OF THE PEACE
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1 IN THE JUSTICE COURT OF THE STATE OF MONTANA
2 IN AND FOR THE COUNTY OF MISSOULA Justice Court
3 BEFORE Karen A. Orzech, JUSTICE OF THE PEACE

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5 STATE OF MONTANA,
6 Plaintiff,

Cause No. CR-2013-10898-02

7 -vs-

**AFFIDAVIT OF PROBABLE
CAUSE**

8
9 BOBBY LEE LAMERE,
10 Defendant.

11 STATE OF MONTANA)
12 : SS
13 County of Missoula)

14 PATRICIA C. BOWER, Deputy County Attorney of Missoula County,
15 Montana, being first duly sworn upon oath, deposes and says:
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17 I have read the official law enforcement reports regarding the
18 investigation of BOBBY LEE LAMERE for allegedly committing the offense(s)
19 set forth in the complaint in and based upon the information contained in the
20 reports, if true, believe probable cause exists to justify charging the above-
21 named defendant as specified in the accompanying complaint.
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24 This incident occurred within Missoula County. The Missoula City
25 Police Department conducted the investigation. Officer Craigen's report is
26 attached verbatim, in pertinent part, as follows:
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1 On the above date and time I was on routine patrol in the area of
2 Ronan and 14th. I observed a dark colored passenger car pull out onto
3 Ronan from Addison at what I observed to be a speed that was too fast for
4 the turn and road condition. This driving behavior appeared strange and
5 caught my attention. I also noticed that the vehicle did not have a required
6 license plate light. I began to accelerate in an attempt to catch up to this
7 suspicious vehicle. This vehicle appeared to still be traveling at a speed
8 beyond the speed limit for this area. I eventually caught up to the vehicle at
9 Ronan and 6th. The vehicle registration was later identified as AAEQ3312
10 and the driver later identified himself as BOBBY LAMERE.
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15 I contacted dispatch to provide the registration plate. I was unable to
16 do so because the plate was completely obstructed from view. I could only
17 determine that the plate was a temporary registration. There was a plastic
18 cover that was obstructing my ability to read the plate. As BOBBY was
19 driving east on S. 6th street I attempted to pull up along side his vehicle to
20 get an opportunity to possibly read the plate. I was still unable to do so. I
21 pulled my patrol car behind BOBBY'S vehicle and initiated my top light to
22 affect a traffic stop. At this time BOBBY began to accelerate making
23 obvious maneuvers to elude me. With my emergency top lights and
24 audible siren were running I called out the pursuit.
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1 BOBBY had turned north onto Oak from 6th street and then east on
2 4th. His speeds increased and he was not stopping or slowing down for any
3 stop signs. I had not seen any vehicle traffic and due to our continued
4 changes of direction, our speeds did not exceed speeds that I wasn't
5 feeling comfortable pursuing. BOBBY continued east before turning south
6 on Orange again failing to yield or stop at the posted stop signs. BOBBY
7 crossed Orange street and turned north through a traffic calming device. I
8 had a brief opportunity to see that the driver was a male. I believed at the
9 time that BOBBY was a white male and attempted to provide this
10 description to dispatch. BOBBY turned west bound back towards Orange
11 street through an alley way. When he emerged onto Orange Street he
12 almost collided with a vehicle traveling north. BOBBY crossed through a
13 parking lot on the south west corner of 3rd and Orange and began traveling
14 west. When he reached the intersection of 3rd and Walnut he opened his
15 door. The vehicle was still in motion and he had his foot hanging out.
16 BOBBY stopped for a brief moment and appeared to be getting ready to
17 flee on foot. He continued south on Walnut until he exited his vehicle at the
18 entrance of the alley.
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27 BOBBY immediately began running east through the alley. The front
28 passenger, who I later discovered to be [a juvenile], exited the car and fled

1 on foot south bound. A third passenger, later discovered as BOBBY'S wife,
2 SHIRLEY LAMERE, exited the rear passenger side and also fled south
3 bound. I continued my pursuit of BOBBY on foot through the alley until he
4 began running north through an open back yard. I identified myself as the
5 police, yelled for BOBBY to stop, and warned that if he didn't he would be
6 tased. BOBBY attempted to climb over a fence when I deployed my taser
7 striking him with two probe connections in his back right side for a five
8 second cycle. BOBBY fell through the fence and to the ground. While he
9 was on the ground I attempted to obtain control of his arms while he
10 continued to physically resist. I yelled for him to place his hands behind his
11 back. Because BOBBY was still physically resisting arrest, and the fact
12 that my back up had not yet arrived, I deployed another five second cycle
13 from my taser. At this time, he complied and was placed under arrest.
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20 Officer Franke arrived to my location and I attempted to provide him a
21 description of the passengers. I asked BOBBY who was in his vehicle with
22 him and he stated that [a juvenile} and wife were with him. I asked BOBBY
23 why he felt the need to elude me and he stated that he thought he had
24 traffic warrants. I pulled BOBBY'S wallet out of his pocket and discovered
25 that he was in possession of another male's ID card. BOBBY informed me
26 that he had this other male's ID card for approximately two weeks. I placed
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1 BOBBY in the rear of my patrol car. By this time other officers had arrived
2 on scene and were attempting to secure BOBBY'S vehicle.
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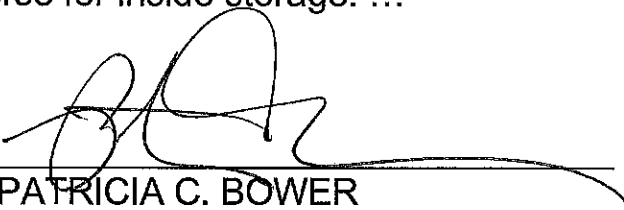
4 I could see inside BOBBY'S vehicle and noticed a black handgun
5 sitting next to the driver seat. Cpl. Kelly had informed me that it was an air
6 soft pellet gun. I had been told by other officers that BOBBY had bolt
7 cutters and a large welder in the back seat.
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10 I asked BOBBY where he was coming from and he stated that he had
11 just left his brother's house who lived on the south hill. He stated that he
12 was on his way to the Sleepy Inn to book a room for the night. I found this
13 suspicious because he was not traveling in the direction of the Sleepy Inn
14 when I attempted to stop him. I mentioned the welder in his back seat and
15 he stated to me that he had just picked it up from his brother and it
16 belonged to him. I transported BOBBY to the county jail.
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20 I conducted a DUI investigation at the jail and determined that
21 BOBBY was not under the influence. BOBBY seemed concerned about his
22 vehicle being towed and how he could get his keys to his wife so she could
23 retrieve it. BOBBY did not have warrants for his arrest, his driver's license
24 is valid, and he was not operating a motor vehicle under the influence
25 making his reason to flee more suspicious.
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1 I cited BOBBY for reckless eluding and criminal endangerment. He
2 recklessly eluded a police officer with his wife [a] juvenile ... in the vehicle
3 and nearly caused an accident. He was also cited for an obstructed plate,
4 no license plate light, no proof on insurance, no DL in possession,
5 obstructing a peace officer, resisting arrest, and Theft of lost or mislaid
6 property for possession a Montana ID card not belonging to him (F1276,
7 F1275).

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11 I logged my in car video, BOBBY'S car keys, and the stolen ID card
12 belonging to CHARLES WALKINGCHILD into evidence. I also obtained
13 photos of BOBBY and his back where the taser probes made contact. His
14 vehicle was towed by Iron Horse for inside storage. ...
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20 PATRICIA C. BOWER
Deputy Missoula County Attorney

21 SUBSCRIBED AND SWORN TO before me this 28th day of May, 2013.
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24 _____
JUSTICE OF THE PEACE

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27 ORDER
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