

1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE Marie A Andersen, JUSTICE OF THE PEACE
4

RECEIVED
JUN 05 2015
Justice Court

5 STATE OF MONTANA
6 Plaintiff,
7 -vs-
8 FRANCISCO GUTIERREZ
Defendant,

Dept No. 1
Cause No. CR-2015-491

COMPLAINT

9
10 D. JAMES MCCUBBIN, Deputy County Attorney, deposes and says that on or
11 about the 4th day of June, 2015, in Missoula County, the Defendant committed the
12 offense of COUNT I: CONSPIRACY TO COMMIT CRIMINAL DISTRIBUTION OF
13 DANGEROUS DRUGS - NARCOTIC OR OPIATE, a Felony, in violation of Montana law,
14 namely: Mont. Code Ann. 45-4-102 and 45-9-101(2), punishable by not less than 2 years
15 or more than life in MSP and a \$50,000 fine; on or about the 4th day of June, 2015, in
16 Missoula County, the Defendant committed the offense of COUNT II: CONSPIRACY TO
17 COMMIT CRIMINAL DISTRIBUTION OF DANGEROUS DRUGS - OTHER DRUGS, a
18 Felony, in violation of Montana law, namely: Mont. Code Ann. 45-4-102 and 45-9-101(4),
19 punishable by not less than 1 year or more than life in MSP and/or a \$50,000 fine; on or
20 about the 12th day of May, 2015, in Missoula County, the Defendant committed the
21 offense of COUNT III: CONSPIRACY TO COMMIT CRIMINAL DISTRIBUTION OF
22 DANGEROUS DRUGS - OTHER DRUGS, a Felony, in violation of Montana law, namely:
23 Mont. Code Ann. 45-4-102 and 45-9-101(4), punishable by not less than 1 year or more
24 than life in MSP and/or a \$50,000 fine.
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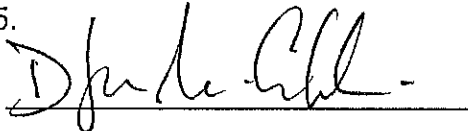
28 The facts constituting the offense are:

1 COUNT I: On or about the 4th day of June, 2015, the above-named Defendant,
2 with the purpose that an offense be committed, knowingly conspired to sell, barter,
3 exchange, or give away a dangerous drug, as defined in 50-32-101, to wit: heroin, a
4 narcotic drug, as defined in 50-32-101(18)(d) or opiate drug, as defined in 50-32-
5 101(19).
6

7 COUNT II: On or about the 4th day of June, 2015, the above-named , with the
8 purpose that an offense be committed, knowingly conspired to sell, barter, exchange, or
9 give away a dangerous drug, as defined in 50-32-101, to wit: methamphetamine.
10

11 COUNT III: On or about the 12th day of May, 2015, the above-named , with the
12 purpose that an offense be committed, knowingly conspired to sell, barter, exchange, or
13 give away a dangerous drug, as defined in 50-32-101, to wit: methamphetamine.
14

15 DATED this 5th day of June, 2015.

16 

17 D. JAMES MCCUBBIN
18 Deputy County Attorney

19 Subscribed and sworn to before me this ____ day of June, 2015.

20 _____
21 JUSTICE OF THE PEACE

22 COMPLAINT 15-1215

23 ED MCLEAN, Missoula City Police Dept
24 MARK BLOOD, Missoula City Police Dept
25 STEVE SPANOGLE, Northwest Drug Task Force
26 SHANE HABERLOCK, Northwest Drug Task Force
27 GUY BAKER, Missoula City Police Dept
28 JARED COCHRAN, Missoula County Sheriff's Office
ROB VENEMEN, Northwest Drug Task Force
BRAD STAHLBERG, Northwest Drug Task Force
BEN SUTTON, Northwest Drug Task Force

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5 STATE OF MONTANA,
6 Plaintiff,

Cause No. CR-2015 -491

7 -vs-
8 FRANCISCO GUTIERREZ,
9 Defendant.

AFFIDAVIT OF PROBABLE CAUSE

10 STATE OF MONTANA)
11 : ss
12 County of Missoula)

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

15 I have received law enforcement reports regarding the investigation of
16 FRANCISCO GUTIERREZ (aka: Ronald Moises Gomez) for allegedly committing the
17 offense(s) set forth in the complaint and based upon the information contained in the
18 reports, if true, believe probable cause exists to justify charging the above-named
19 defendant as specified in the accompanying complaint.

20 On or about May 11, 2015, a Montana multi-agency law enforcement team
21 conducted an undercover operation in Missoula, Missoula County, Montana. The goal
22 of this investigation was for Agent Spanogle and RAC Haberlcok to purchase a quantity
23 of methamphetamine from suspect Timothy Pine and/or Pine's criminal co-conspirators.

24 Prior to this investigation, Agent Spanogle received a search warrant from
25 Montana 11th Judicial District Court Judge Allison for the purpose of monitoring and
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1 recording conversations between Agent Spanogle, RAC Haberlock and third parties to
2 include suspect Pine and/or Pine's criminal co-conspirators.

3
4 Agent Spanogle and Pine discussed, via text and phone conversations, meeting
5 in Missoula, Missoula County, Montana in order to conduct a transaction of ¼ pound of
6 methamphetamine for the purchase price of \$6000.00. Numerous text and telephone
7 call communications were exchanged between Spanogle and Pine on May 11, 2015,
8 and continuing into the morning of May 12, 2015, making arrangements for a meeting.

9
10 At approximately 0326 hours on May 12, 2015, Agent Spanogle received a text
11 message from Pine's cell phone number stating, "Bro I need to have you with me. My
12 dude is here. I will need to swap my dude. Just get a room. I'll reimburse. Just need a
13 place to go if you don't want to come here." Agent Spanogle sent a text message to
14 Pine's cell phone number instructing Pine to meet at Ruby's Motel and that Agent
15 Spanogle would get a room. Agents parked their vehicle's in front of Ruby's motel, room
16 158, on North Reserve, Missoula, Montana. Agent Spanogle texted Pine's cell phone
17 the directions to Ruby's motel and the room number.

18
19 At approximately 0344 hours, Agents Spanogle and Haberlock made contact with
20 Pine and April Timberman. In order to avoid meeting Pine in a motel room and losing
21 control of the undercover operation, Agent Spanogle notified Pine and Timberman that
22 Agent Spanogle's wife just called and yelled at Agent Spanogle to get home. Agent
23 Spanogle further told Pine and Timberman that RAC Haberlock got the money back
24 from the motel so Agents Spanogle and Haberlock did not have a room anymore. Pine
25 instructed Agent Spanogle to get into Pine's vehicle and that Pine's supplier was across
26 the street at the Cennex gas station. Agents Vememen and Dirkson, who were
27
28

1 conducting surveillance in support of the operation, observed the supplier exit the gas
2 station and get into the supplier's vehicle at the Cennex gas station.

3
4 At approximately 0350 hours, Pine drove from Ruby's motel and made contact
5 with the supplier in the Cennex gas station parking lot. Timberman remained with
6 Agents Spanogle and Haberlock at Ruby's motel.

7 At approximately 0400 hours, Agent Spanogle observed Pine drive back to
8 Ruby's and make contact with Agents Spanogle and Haberlock.

9
10 Agent Spanogle observed Pine's supplier arrive at the parking lot of Ruby's motel
11 driving a 1998 Honda Civic. Agent Spanogle observed a female (Later identified as
12 Rachael Ruiz) exit the passenger side of the vehicle and enter the lobby of Ruby's
13 motel. Agent Spanogle then observed Pine's methamphetamine supplier (Later
14 identified as Francisco Gutierrez aka: Ronald Moises Gomez) and Ruiz go to the
15 adjacent motel to the south, the Hampton Inn. Moments later, Gutierrez aka: Gomez
16 and Ruiz pulled up to Pine and Agents Spanogle and Haberlock, yelled out "Motel 6,"
17 and drive away. Pine instructed Agents Spanogle and Haberlock to meet at Motel 6.

18
19 At approximately 0407 hours, Agents Spanogle and Haberlock left the Ruby's
20 motel parking lot.

21
22 At approximately 0418 hours, Agents Spanogle and Haberlock arrived at the
23 Motel 6 parking lot located at 3035 Expo Parkway, Missoula, Montana. Agent Spanogle
24 observed Gutierrez aka: Gomez exiting the 1998 Honda Civic which was parked in front
25 of Motel 6.

26
27 At approximately 0424 hours, Agent Spanogle received a phone call from Pine's
28 phone. Timberman was on the phone and Timberman instructed Agent Spanogle to go

1 to the Motel 6 parking lot and await instructions. Agent Spanogle advised that Agent
2 Spanogle was already at the Motel 6 parking lot waiting.

3 At approximately 0438 hours, Agent Venemen observed Pine's vehicle arrive at
4 the Motel 6 parking lot.

5 At approximately 0439 hours, Agent Spanogle received a text message from
6 Pine's cell phone asking where Agent Spanogle was located. Agent Spanogle replied
7 and received another text message from Pine's cell phone stating, "Ok. I'm heading out
8 to my truck." Moments later, Agent Spanogle received a phone call from Pine instructing
9 Agent Spanogle to come to Pine's vehicle.
10

11 At approximately 0450 hours, Agents Spanogle and Haberlock made contact with
12 Pine. Agent Spanogle entered the passenger side of Pine's GMC truck. Pine stated that
13 it was in a box sitting on the center console of Pine's vehicle. Agent Spanogle took
14 possession of the box, opened the box and located a plastic garbage bag containing a
15 plastic bag containing a quantity of methamphetamine. Pine discussed how much the
16 quantity of methamphetamine weighed and to let Pine know if the weight was off. Agent
17 Spanogle handed Pine \$6,000.00 US Currency. Agent Spanogle and Pine made
18 arrangements for future transactions.
19

20 At approximately 0600 hours, Agent Venemen arrived at the Motel 6 parking lot.
21 Agent Venemen recorded Oregon license plate YKU594 located on Gutierrez aka:
22 Gomez and Ruiz's 1998 Honda Civic while the vehicle was parked in the parking lot of
23 the Motel 6. The registration returns to a Rachael Ruiz at 4614NE 62nd Avenue,
24 Portland, Oregon.
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1 On May 15, 2015, RAC Haberlock made contact with employee's at the Motel 6
2 located at 3035 Expo Parkway, Missoula, Montana. RAC Haberlock gave the
3 employees a time frame that the supplier would have checked into the motel and was
4 able to receive a Guest Bill for Rachael Ruiz at address 4524 SE Roethe Road, Apt. 34,
5 Milwaukie, Oregon. The Guest Bill states that Ruiz rented room number 326 on May 12,
6 2015 with a departure of May 13, 2015.
7

8 Agent Spanogle received an Oregon Driver's License photo of Ruiz from Agent
9 Venemen. Agent Spanogle positively identified Ruiz as the female who was occupying
10 the 1998 Honda Civic and attempting to get a motel room at Ruby's and Hampton Inn.
11

12 The substance received on May 12, 2015 was subsequently NIK field tested, and
13 the test returned a presumptive positive result for methamphetamine.
14

15 On or about June 3, 2015, a Montana multi-agency law enforcement team
16 conducted an undercover surveillance operation in Missoula, Missoula County,
17 Montana. The goal of this investigation was for Agent Spanogle and RAC Haberlock to
18 purchase a quantity of methamphetamine from suspect Timothy Pine and/or Pine's
19 criminal co-conspirators.
20

21 It should be noted that prior to this investigation, Agent Spanogle received a
22 search warrant from Montana 4th Judicial District Court Judge Larson for the purpose of
23 monitoring and recording conversations between the Informant, Agent Spanogle, RAC
24 Haberlock and third parties to include suspect Pine and/or Pine's criminal co-
25 conspirators.
26

27 Agent Spanogle discussed with Pine, via text and phone conversations, meeting
28 Pine in Missoula, Missoula County, Montana in order to conduct a transaction of ½

1 pound of methamphetamine for the purchase price of \$10000.00. Pine notified Agent
2 Spanogle to be in Missoula at 2100 hours on June 3, 2015, in order for the transaction
3 to be completed.
4

5 Agent Spanogle maintained contact with Pine up until June 4, 2015 at
6 approximately 0315 hours. Pine related that Pine believed that Pine's supplier would
7 arrive in Missoula at any time.
8

9 Agents Ben Sutton and Keith Dirkson were conducting visual surveillance at a
10 rest stop located on the I-90 eastbound lane located just west of Alberton, Montana.
11 Agent Sutton observed a green colored 1996 Honda Civic bearing Oregon license plate
12 number 560-FWB in the rest area parking lot. The registration returned to a 1996 Honda
13 Civic registered to Rachael Ruiz. Missoula County Sheriff Office deputies conducted a
14 traffic stop on the vehicle on I-90 and the US Hwy 93 underpass at approximately 0500
15 hours. Agent Spanogle made contact with the driver of the vehicle who identified himself
16 as Fransisco Gutierrez and the passenger Rachael Ruiz. Also located in the backseat
17 of the Honda Civic was an 8 year old juvenile. The juvenile was sitting in a toddler car
18 seat.
19

20 Gutierrez and Ruiz were detained by law enforcement, based on probable cause
21 to believe they were conspiring with Pine to distribute dangerous drugs. When Ruiz
22 was informed that she would be transported to a more appropriate location for an
23 interview, she spontaneously told multiple Agents that the juvenile needed the car seat
24 and protested that the juvenile should not be transported without the car seat. Agents,
25 at the direction of Rachael Ruiz, removed the car seat and placed the seat in the rear
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1 passenger seat of Agent Sutton's vehicle. After the juvenile was transported, the car
2 seat remained secure in the rear passenger seat of Sutton's vehicle.

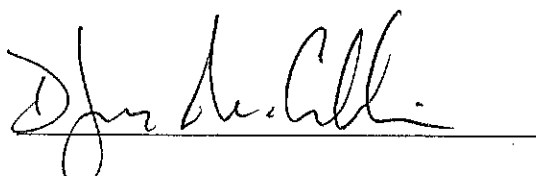
3
4 Gutierrez aka: Gomez admitted to not being a US Citizen. Gutierrez aka: Gomez
5 was transported to the Missoula County Detention Facility. Agent Spanogle conducted a
6 mirandized recorded interview with Gutierrez aka: Gomez. Gutierrez aka: Gomez
7 admitted that there was approximately ¼ ounce of marijuana in the 1996 Honda Civic.
8 Gutierrez aka: Gomez admitted to arriving in Missoula, Montana and staying at the
9 Motel 6 in May. Gutierrez aka: Gomez stated that Gutierrez had a medical marijuana
10 card for the state of Oregon. Gutierrez aka: Gomez signed a consent to search form to
11 allow Agents to search the 1996 Honda Civic.
12

13 Agent Spanogle conducted a mirandized recorded interview with Ruiz. Ruiz
14 admitted to knowing and talking to a male known to Ruiz as "Montana". Agent Spanogle
15 showed a Montana driver license photo of Tim Pine. Ruiz positively identified Pine as
16 the male Ruiz knows as "Montana". Ruiz stated that Gutierrez aka: Gomez had been
17 selling marijuana to Pine. Ruiz denied knowing that Gutierrez aka: Gomez was selling
18 methamphetamine. Ruiz stated that in May, 2015, Gutierrez and Ruiz traveled to meet
19 with Pine in Missoula, Montana. Ruiz stated that Ruiz's juvenile daughter also occupied
20 the vehicle during the trip. Ruiz stated that Ruiz remembered seeing Agent Spanogle
21 and RAC Haberlock outside the Ruby's Motel. Ruiz stated that Ruiz and Gutierrez
22 rented a room at the Motel 6. Ruiz stated that they kept the lights in the room off. Pine
23 arrived at the room and went into the bathroom with Gutierrez aka: Gomez. Moments
24 later, Pine left the room and arrived back at the room a short time later with money. Ruiz
25 admitted to having marijuana in the 1996 Honda Civic bearing Oregon license plate
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1 number 560-FWB. Ruiz stated that Ruiz owns a 1996 Honda Civic and a 1998 Honda
2 Civic that appear identical and called them "sister cars". Ruiz signed a consent to
3 search form to allow Agents to search the 1996 Honda Civic.
4

5 The 1996 Honda Civic bearing Oregon license plate number 560-FWB was
6 towed to the Missoula County Sheriff Office Impound lot and followed by Agent Marty
7 Heaney. Agent Heaney secured the vehicle. Agent Spanogle applied for and received a
8 Montana District Court Search Warrant to search the 1996 Honda Civic bearing Oregon
9 license plate number 560-FWB. In connection with the search of the car, officers
10 searched the child car seat that had been occupied by the youth in the 1996 Honda
11 Civic. Agent Heaney located 4 screws on the rear of the car seat. Agent Heaney
12 removed the screws and located a plastic wrapped bag containing approximately one
13 (1) pound of suspected methamphetamine. Also wrapped in the plastic wrap was a
14 small plastic baggie containing approximately 6 grams of suspected heroin.
15
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17 The substances concealed in the car seat were subsequently NIK tested, and the
18 tests returned presumptive positive results for methamphetamine and heroin.
19

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22 D. JAMES MCCUBBIN
23 Deputy County Attorney

24 SUBSCRIBED AND SWORN TO before me this ____ day of June, 2015.
25

26 _____
27 JUSTICE OF THE PEACE
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1
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3 ORDER
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5 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to
6 believe the above-named Defendant committed the crimes charged.

7 DATED this _____ day of _____, 2015 at _____ a.m./p.m.
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10 _____
11 JUSTICE OF THE PEACE
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