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MAY 06 2016

Justice Court

1 D. JAMES MCCUBBIN
2 Deputy County Attorney
3 KIRSTEN H. PABST
4 Missoula County Attorney
5 Missoula County Courthouse
6 Missoula, Montana 59802
7 (406) 258-4737
8 ATTORNEYS FOR PLAINTIFF

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

STATE OF MONTANA,

Plaintiff,

-vs-

STEVEN ELMER SPANBAUER,

Defendant,

Department No. 2
Cause No. CR-2016-440

COMPLAINT

D. JAMES MCCUBBIN, Deputy County Attorney, deposes and says that on or about the 6th day of May, 2016, in Missoula County, the Defendant committed the offenses of COUNT I: CRIMINAL POSSESSION OF DANGEROUS DRUGS WITH INTENT TO DISTRIBUTE - ANY DRUG OTHER THAN AN OPIATE, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-9-103(3), punishable by 20 years MSP and/or \$50,000 fine; COUNT II: UNLAWFUL USE/POSSESSION OF PROPERTY SUBJECT TO CRIMINAL FORFEITURE, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-9-206(1), punishable by 10 years MSP and forfeiture of property.

The facts constituting the offense are:

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9 IN THE JUSTICE COURT OF THE STATE OF MONTANA
 10 IN AND FOR THE COUNTY OF MISSOULA
 11 BEFORE, Karen A. Orzech, JUSTICE OF THE PEACE

11 STATE OF MONTANA,
 12 Plaintiff,
 13 -VS-
 14 STEVEN ELMER SPANBAUER,
 15 Defendant,
 16

Department No. 2
 Cause No. CR-2016-440

AFFIDAVIT OF PROBABLE CAUSE

17
 18 STATE OF MONTANA)
 19 : ss
 20 County of Missoula)

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

23 I have read the official law enforcement reports regarding the investigation of
 24 STEVEN ELMER SPANBAUER for allegedly committing the offense(s) set forth in the
 25 complaint and based upon the information contained in the reports, if true, believe
 26 probable cause exists to justify charging the above-named defendant as specified in the
 27 accompanying complaint.
 28

1 On or about the 6th day of May, 2016, Missoula Sheriff's Deputies responded to
2 a single vehicle crash on the exit from Interstate 90 at Mile Marker 89, in Missoula
3 County, Montana. A male in the vicinity of the vehicle was identified as the driver, and
4 confirmed to be Defendant STEVEN ELMER SPANBAUER.
5

6 Several bags of a substance consistent with the appearance of marijuana were
7 observed by deputies near the vehicle, which had apparently rolled over in the crash.
8 SPANBAUER was advised of his Miranda rights, and agreed to speak with deputies.
9 SPANBAUER stated that a "dealer" had paid him to deliver the marijuana from
10 Washington to a location further east that he would not state. SPANBAUER said that he
11 was carrying approximately 35 pounds of marijuana, packaged in roughly eight ounce
12 packages, and he believed he had 70 packages. SPANBAUER also stated that he had
13 "edibles" as well, which consisted of cookies, candies and other homemade goods.
14 SPANBAUER said that he would be paid "about \$1400" to deliver the marijuana.
15

16 SPANBAUER granted deputies consent to search the vehicle. A search of the
17 vehicle and immediately surrounding area located the 70 packages of marijuana and
18 marijuana edibles described by SPANBAUER. The packages of marijuana appeared to
19 match SPANBAUER's described eight ounce estimate and bore names such as "Moby
20 Dick", "Blue Dream", "Royal Kush" etc. The edibles consisted of commercial cookies
21 and candies that had been purchased from "Smokane" in Spokane, WA, for
22 approximately \$309, and other homemade baked goods. Also located was
23 approximately \$546 in cash comprised of mostly \$10 bills that SPANBAUER claimed
24 was his "gas money".
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1 The marijuana in one of the bags was later NIK tested, which returned a
2 presumptive positive result for marijuana.

3 

4 _____
5 D. JAMES MCCUBBIN
6 Deputy County Attorney

7 SUBSCRIBED AND SWORN TO before me this ____ day of May, 2016.

8 _____
9 JUSTICE OF THE PEACE
10

11
12 ORDER

13
14 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to
15 believe the above-named Defendant committed the crimes charged.

16 DATED this ____ day of _____, 2016 at ____ a.m./p.m.
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19 _____
20 JUSTICE OF THE PEACE
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