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APR 11 2017
Justice Court

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KARLA PAINTER
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 THE STATE OF MONTANA
IN AND FOR THE COUNTY OF MISSOULA
BEFORE, Marie A Andersen, JUSTICE OF THE PEACE

STATE OF MONTANA,

Plaintiff,

-vs-

BRIAN C BUCKREUS,

Defendant,

Department No. ¹
Cause No. CR-2014-357

COMPLAINT

KARLA PAINTER, Deputy County Attorney, deposes and says that on or about the 9th day of April, 2017, in Missoula County, the Defendant committed the offenses of COUNT I: BURGLARY, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-6-204(1), punishable by 20 years MSP and/or \$50,000 fine; COUNT II: THEFT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-6-301 (1) [4], punishable by 10 years MSP and/or \$50,000 fine; COUNT III: CRIMINAL MISCHIEF, a

1 Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-6-
2 101(1)[1], punishable by 6 months MCDP and/or \$1,500 fine.
3

4 The facts constituting the offense are:

5 COUNT I: On or about the 9th day of April, 2017, the above-named
6
7 Defendant knowingly entered or remained unlawfully in an occupied
8 structure, a garage at 8400 Vann Drive, with the purpose to commit an
9 offense therein, to wit: theft of property including tools and a motorcycle.
10

11 COUNT II: On or about the 9th day of April, 2017, the above-named
12 Defendant purposely or knowingly obtained or exerted unauthorized control
13 over several tools, motorcycles, a stereo, and other various pieces of
14 property owned by Grant Hellmuth, Joe, McGillivray, and Louis Hayes with
15 the purpose of depriving the owner of the property. The value of the
16 property exceeds \$1,500.00.
17

18
19 COUNT III: On or about the 9th day of April, 2017, the above-named
20 Defendant committed the offense of criminal mischief by knowingly or
21 purposely damaging or destroying the property, the interior of a Chevrolet
22 pickup, belonging to Grant Hellmuth without consent.
23
24

25 DATED this 11th day of April, 2017.
26

27 _____
28 KARLA PAINTER
Deputy County Attorney

1 Subscribed and sworn to before me this ____ day of April, 2017.

2
3 JUSTICE OF THE PEACE

4
5 COMPLAINT 17-902

6 MICHAEL HASH, Missoula County Sheriff's Office
7 SCOTT KING, Missoula County Sheriff's Office
8 JOHN LEONARD, Missoula County Sheriff's Office

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8 IN THE JUSTICE COURT OF THE STATE OF MONTANA
 9 IN AND FOR THE COUNTY OF MISSOULA
 10 BEFORE, Marie A Andersen, JUSTICE OF THE PEACE

11 STATE OF MONTANA,
 12
 13 Plaintiff,
 14 -vs-
 15 BRIAN C BUCKREUS,
 16 Defendant,

Department No. 1
 Cause No. CR-2016-387

AFFIDAVIT OF PROBABLE

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

21 KARLA PAINTER, Deputy County Attorney, Montana, being first duly
 22 sworn upon oath, deposes and says:
 23

24 I have read the official law enforcement reports regarding the
 25 investigation of BRIAN C BUCKREUS for allegedly committing the offense(s)
 26 set forth in the complaint and based upon the information contained in the
 27
 28

1 reports, if true, believe probable cause exists to justify charging the above-
2 named defendant as specified in the accompanying complaint.
3

4 On April 9, 2017 at approximately 4:00 p.m., Deputy Michael Hash
5 responded to 8350 Van Drive in Lolo for a report of theft of tools from a
6 construction site. The complainant, Grant Hellmuth, advised there were tools
7 scattered all over the property and a small motorcycle had been stolen along
8 with other tools. Hellmuth contacted Deputy Hash a short time later and
9 stated a neighboring house to the construction site owned by Carol and Louis
10 Hayes had been broken into as well.
11
12
13

14 When Deputy Hash arrived on the scene, Hellmuth approached him
15 and said his acquaintance, Derek Zeiler, had located the stolen motorcycle at
16 an address in Lolo. Zeiler explained that one of his employees named
17 Eugene Mitchell resides at the residence. Hellmuth described the motorcycle
18 as a blue and white Yamaha PW50 motorcycle with training wheels and a
19 Yeti sticker on the back fender. Hellmuth said the motorcycle was worth
20 approximately \$2,000. Zeiler subsequently accompanied Deputy Hash down
21 Red Fox Road and showed him the motorcycle parked behind a camper on
22 the property of 500 River Drive.
23
24
25

26 As Deputy Hash waited for Sergeant King to arrive to assist, Mitchell
27 emerged from the residence and asked what was going on. Deputy Hash
28

1 informed Mitchel why he was there and requested permission to look at the
2 motorcycle, to which Mitchell consented. Deputy Hash confirmed the
3 motorcycle was Grant's. Mitchell stated the motorcycle belonged to
4 someone else whom he identified as Brian. Sergeant King arrived on scene
5 and started shouting at a male who was attempting to leave the area.
6

7
8 Sergeant King stopped the male who identified himself as Brian Buckreus.
9
10 Buckreus said he found the motorcycle alongside the road and picked it up
11 and brought it to Mitchell's house. Deputy Hash inquired why Buckreus did
12 not report the abandoned motorcycle and Buckreus stated he found the
13 motorcycle that morning and just did not get around to it.
14

15 Deputy Hash observed three vehicles in the driveway and asked
16
17 Buckreus which was his. Buckreus identified a black Dodge Ram 1400.
18
19 Deputy Hash observed the interior of the pickup and noticed a red Milwaukee
20 brand job site radio in the backseat. Deputy Hash then spoke with Hellmuth
21 who stated the radio was his and was approximately \$400.

22 Mitchell stated Buckreus had stored other property in the barn. Deputy
23
24 Hash requested to look in the barn and Mitchell consented. When he
25 opened the barn he said everything just inside the door belonged to
26
27 Buckreus and that everything from a crib, which was about halfway in the
28 barn, and back belonged to Mitchell. Among Buckreus's property Deputy

1 Hash observed a Milwaukee brand electric grease gun, a Milwaukee brand
2 circular saw, and a yellow case that appeared to be a case for storing tools.
3
4 Deputy Hash photographed the property and showed it to Hellmuth who
5 stated the grease gun (approximately \$450) and the saw (approximately
6 \$300) belonged to him and that the yellow case stored a transit that belonged
7 to Joe McGillivray. Deputy Hash later spoke with McGillivray who confirmed
8 the transit was his and stated it was worth approximately \$1,500.
9
10

11 Deputy Hash then approached Buckreus and advised him of his
12 Miranda rights. As he did so, Buckreus turned around and put his hands
13 behind his back and took a posture as if he was going to be arrested. When
14 Deputy Hash informed Buckreus of the results of his investigation, Buckreus
15 stated, "I don't know what to say." Buckreus then invoked his right to an
16 attorney and Deputy Hash arrested him for felony theft. Deputy Hash
17 requested a tow company respond to the vehicle and store Buckreus's truck
18 to a secure warehouse pending a search warrant.
19
20
21

22 Deputy Hash returned to scene of the thefts and met with Hellmuth
23 who walked Deputy Hash through the construction site. Deputy Hash
24 noticed a set of tire tracks that matched the tires on Buckreus's truck. The
25 door to the work trailer located on the site was wide open and there was a
26 tool belt on the ground near the trailer as well as a transit in an open case.
27
28

1 Hellmuth said the motorcycle was in the trailer and showed Deputy Hash
2 where the suspected wheeled the motorcycle into the ditch and walked it to
3 the west to Mitchell's residence. Hellmuth also showed Deputy Hash several
4 boot prints in the dirt and stated that he followed them to where he was
5 storing a pancake air compressor (approximately \$250) which was now
6 gone. Deputy Hash later seized Buckreus's boots and observed the tread
7 patterns appeared identical to the prints left at the scene.
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11 Hellmuth provided a list of items he had discovered stolen. It included:
12 a Dewalt corded impact gun with 6 impact sockets, a cordless Milwaukee
13 impact gun with batter, a Cabelas game camera, a Bosch eye transit, a
14 Dewalt 30 foot tape measure, and a Shark shop vacuum. Hellmuth said the
15 impact gun was in a black carrying case and Deputy Hash recalled such a
16 case in the bed of Buckreus's Dodge Ram.
17
18

19 Hellmuth advised that he had been to the construction site on
20 Saturday, April 8, about midday and determined no one had been on the
21 property since the gate was closed. When Hellmuth returned on April 9, he
22 discovered the gate open, the tool trailer open, and the items missing.
23
24


25 Hellmuth said Buckreus was a concrete worker and that his tasks on the site
26 would have been completed by April 4, thus he should not have been on the
27 site after that date.
28

1 After Deputy Hash departed the scene, Hellmuth contacted him and
2 stated he discovered a plow truck at the site had been broken into and
3 damaged. Deputy Hash later returned and viewed the interior of an early
4 1980's Chevrolet pickup and noted the stereo had been extricated leaving
5 several wires dangling. Hellmuth stated he believed the stereo was a Son
6 Xplod valued at approximately \$50.
7

8
9 On April 10, Deputy Hash responded to 8400 Vann Drive and met with
10 Louis Hayes. He stated that he had looked through his house and garage
11 and discovered that a table saw and a yellow 1971 Honda Trail 90
12 motorcycle had been taken from the garage. Deputy Hash recalled such a
13 motorcycle and a table saw next to the Yamaha motorcycle he recovered at
14 500 River Drive. Deputy Hash observed the rear door to the garage had
15 been forced open, with damage to the door and lock. Inside the garage,
16 several miscellaneous tools were scattered throughout. Carol Hayes advised
17 Deputy Hash the house was mostly empty as she and her husband were
18 preparing to sell it.
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24 Deputy Hash returned to 500 River Drive and located the yellow Honda
25 Trail 90 behind the shed. Deputy Hash spoke with Mitchell whom indicated
26 Buckreus brought the motorcycle and table saw to the residence around the
27 same time. Mitchell stated he moved both out of the way in an effort to clean
28

1 up the property. Mitchell voluntarily retrieved the table saw and turned it and
2 the motorcycle over to Deputy Hash. Deputy Hash then requested to see the
3 inside of the barn again. Mitchell consented and Deputy Hash observed the
4 stereo that had been removed from the Chevrolet pickup.
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9 KARLA PAINTER
10 Deputy County Attorney

11 SUBSCRIBED AND SWORN TO before me this ____ day of April,
12 2017.

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14 _____
15 JUSTICE OF THE PEACE
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ORDER

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3 Upon reading the foregoing Affidavit, the Court finds that there is
4 probable cause to believe the above-named Defendant committed the crimes
5 charged.
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7 DATED this _____ day of _____, 2017 at _____ a.m./p.m.
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11 JUSTICE OF THE PEACE
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