

IN THE JUSTICE COURT OF THE STATE OF MONTANA IN  
AND FOR THE COUNTY OF GALLATIN

STATE OF MONTANA,

Plaintiff,

vs.

NICHOLAS BRYAN DAWSON,

Defendant.

CAUSE NO. CR-13-23

ARREST WARRANT

THE STATE OF MONTANA TO THE ABOVE NAMED DEFENDANT, GREETINGS:

A Complaint having been filed by the Gallatin County Attorney's Office charging the Defendant with the crime(s) of:

Count I: Burglary, a felony, in violation of MCA 45-6-204;

Count II: Burglary, a felony, in violation of MCA 45-6-204;

Count III: Burglary, a felony, in violation of MCA 45-6-204;

You are hereby commanded to arrest the defendant, during the day or night, and forthwith bring the defendant before this court, or in my absence or inability to act, before the nearest or most accessible judge in this county, or if the arrest is made in another county, before a judge of that county, without necessary delay.

The defendant is to be admitted to bail in the sum of

\$150,000

Given under my hand with the seal of this court affixed, this  
19 day of March, 2013.

*Original Signed by*  
*Bryan Adams*  
Justice of the Peace

CCAN-PW  
MAR 10 2013

THIS WARRANT MAY BE SERVED ANYTIME DAY OR NIGHT, INCLUDING AT THE DEFENDANTS PLACE OF RESICENCE.

Bayan Adams  
Justice of the Peace

RETURN

I hereby certify that I arrested the above named defendant by authority of this warrant on \_\_\_\_\_, 2013 at \_\_\_\_\_ a.m. /p.m.

SHERIFF OF GALLATIN COUNTY

By: \_\_\_\_\_  
Deputy

OTHER LAW ENFORCEMENT AGENCY

By: \_\_\_\_\_  
Officer

Shannon Foley, Deputy Gallatin County Attorney  
Judge Guenther Memorial Center  
Gallatin County Attorney's Office  
1709 West College Street, Suite 200  
Bozeman, MT 59715  
Telephone: (406) 582-3745



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COMPLAINT

Comes now, Deputy Gallatin County Attorney Shannon Foley, being first duly sworn and accuses the above named Defendant of committing the following crimes in Gallatin County, Montana:

**Count I:** Burglary, a felony, in violation of MCA 45-6-204; committed on or about February 8, 2013, when the defendant purposefully or knowingly and without authority, entered and remained unlawfully in an occupied structure, Lee and Dad's IGA, located at 205 West Madison, Belgrade, Montana, and knowingly or purposely stole controlled drugs within that structure.

**Count II:** Burglary, a felony, in violation of MCA 45-6-204, committed on or about March 11, 2013, when the defendant purposefully or knowingly and without authority, entered and

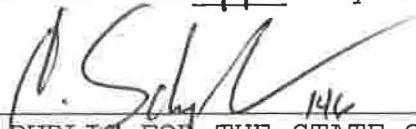
remained unlawfully in an occupied structure, Lee and Dad's IGA, located at 205 West Madison, Belgrade, Montana, and knowingly or purposely stole controlled drugs within that structure.

**Count III:** Burglary, a felony, in violation of MCA 45-6-204; committed on or about February 18, 2013, when the defendant purposefully or knowingly and without authority, entered and remained unlawfully in an occupied structure, Lee and Dad's IGA, located at 205 West Madison, Belgrade, Montana, and knowingly or purposely stole controlled drugs within that structure.

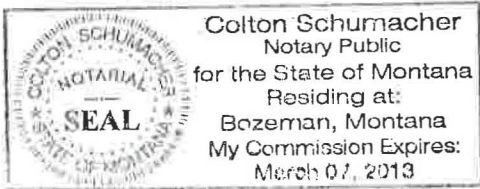


Shannon Foley, Deputy County Attorney

SUBSCRIBED and SWORN to before me this 19 day of March 2013.



NOTARY PUBLIC FOR THE STATE OF MONTANA  
Residing at: Bozeman, Montana  
My commission expires:



Shannon Foley, Deputy Gallatin County Attorney  
Judge Guenther Memorial Center  
Gallatin County Attorney's Office  
1709 West College Street, Suite 200  
Bozeman, MT 59715  
Telephone: (406) 582-3745

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Defendant.

CAUSE NO. CR-13-23

AFFIDAVIT OF PROBABLE CAUSE IN  
SUPPORT OF FILING A COMPLAINT

COMES NOW Shannon Foley, Deputy County Attorney and  
being first duly sworn upon oath, deposes and says as follows:

1. That your affiant is a Deputy Gallatin County Attorney,  
and by law one of the attorneys to prosecute criminal matters in  
the State of Montana.

2. The following facts are reported by Peace Officer,  
Justin Sharp, from the Belgrade Police Department.

3. On or about February 8, 2013 Patrick Nix, the head  
pharmacist for the Lee and Dad's IGA pharmacy, called the  
Belgrade Police Department to report the theft of several  
bottles of controlled drugs from the business. Nix reported to

Officer Sharp that three hundred and thirteen (313) Oxycodone 30mg pills, ten (10) Fentanyl 75mcg per hour patches, five (5) Fentanyl 100mcg per hour, six (6) Oxycontin 60mg pills and thirty-six (36) Morphine Sulfate 100mg pills were taken from the business.

4. Later review of the Lee and Dad's IGA video surveillance footage revealed that the suspect entered the business on February 8, 2013, wearing a red or maroon coat, dark colored baseball cap with a light colored logo on the front, and tan boots or shoes. Shortly after entering the business, the video surveillance footage from inside of the pharmacy showed a flashlight shining through the ceiling tiles. The suspect was then seen exiting the business through the north service doors.

5. On or about March 11, 2013 Nix called the Belgrade Police Department again to report another theft of several bottles of controlled drugs from the business. Nix reported that four (4) bottles of Methadone 10mg, two (2) bottles of Oxycodone 325mg, one (1) bottle of Oxycodone 15mg, two (2) bottles of Oxycodone 30mg, and three hundred and twenty-five (325) pills of Percocet had been taken from a locked cabinet. Officer Sharp reported that, upon reviewing the video surveillance footage, it was determined that the suspect entered the business after it closed by removing a ceiling tile above and climbing down into the pharmacy. The suspect then forced the cabinet open and

exited again through the displaced ceiling tile before exiting the business using a service door on the north side of the building.

6. During this incident the suspect was wearing a black winter jacket with a red logo on the back right shoulder. He was also wearing multi colored, striped knit hat, Nike tennis shoes and latex surgical gloves. As a result of this burglary, Officer Sharp placed a motion activated camera above the ceiling tiles of the pharmacy.

7. Officer Sharp further reported that on or about March 18, 2013 at approximately 2013 hours, Belgrade Police Sergeant Dustin Lensing was monitoring the live surveillance footage and detected what appeared to be the movement of a flashlight in the attic space above the pharmacy. Officers Ben Caucutt, John Owens and Jarrod Robinson were dispatched to Lee and Dad's, with Sergeant Lensing responding as well. Officers Owens and Caucutt made contact with the suspect as he exited through the rear service door. The suspect resisted arrest and fled to a red 2000 Chevrolet Corvette that was parked nearby.

8. Upon entering the vehicle, the suspect attempted to flee the scene. Officer Owens tried to repeatedly break the driver side window of the vehicle without success, but left several scratches on the window. The vehicle then sped past, and in close proximity to, officers at a high rate of speed.



The vehicle fled the Lee and Dad's parking lot through the rear access and sped west on Silverbow towards Jackrabbit Lane.

9. Belgrade Police Officer Jarrod Robinson recorded the vehicle's Montana registration, 6-31744A, as it fled the parking lot. A registration check was run through Gallatin County dispatch and it was determined that the vehicle is registered to Nicholas Bryan Dawson. Officer Sharp obtained a photograph of Dawson and compared it against the video surveillance footage of the suspect. It should be noted that Dawson matched the physical description of the male that entered the business during the commission of both previous burglaries. Officer Sharp reported that Dawson's appearance matched the physical description of the male who fled from officers.

10. Officers responded to Dawson's last known address, 489 Red Oak Drive, and attempted to make contact with him, however received no answer after knocking on the door repeatedly. Officers noted that there appeared to be lights on inside of the residence and that all of the window shades were drawn.

11. Officers observed the red 2000 Chevrolet Corvette, with matching registration, parked in a detached parking structure to the north of the main residence. This vehicle was visible through a garage window. The officers also observed that the gate to the fenced back yard had been left open, with the gate swung inward toward the house. Belgrade Police Officer



Jarrold Robinson remained on scene at the residence to monitor any activity and provide security.

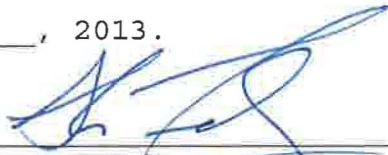
12. Belgrade Police Officer Cory Welch met with Nix who conducted an inventory of the controlled substance cabinet. Officer Sharp is aware that the following items were missing from the cabinet: four (4) 100 count bottles of Oxycodone 30mg pills, two (2) 100 count bottles of Methadone 10mg pills, and one (1) 100 count bottle of Oxycontin 40mg pills. Your affiant is aware that all of these medications are listed in schedules I through V of the Montana Code Annotated.

13. Based on the observations and evidence gathered by Belgrade officers, Officer Sharp applied for and obtained a legal search warrant from the Honorable Judge Holly Brown on or about March 19, 2013. Pursuant to the search warrant, Belgrade officers searched the residence at 489 Red Oak Drive. In the residence officers discovered a multi-colored knit stocking cap matching the description of the stocking cap from the March 11<sup>th</sup> surveillance video, a pair of tan boots matching the description of the boots from the February 8<sup>th</sup> incident, an empty bottle of methadone (one of the items listed in the missing inventory), three (3) loose pills of Percocet (items also listed in the missing inventory), one (1) open box of latex gloves.


Based upon the foregoing facts, the undersigned moves this court to find probable cause exists to file a complaint charging


the above-named defendant with the offenses of:       Count 1:  
Burglary, a felony, in violation of MCA 45-6-204;   Count II:  
Burglary, a felony, in violation of MCA 45-6-204;   Count III:  
Burglary, a felony, in violation of MCA 45-6-204.

DATED this 19<sup>th</sup> day of MARCH, 2013.

  
\_\_\_\_\_  
Shannon Foley  
Deputy County Attorney

SUBSCRIBED and SWORN to before me this 19 day of  
March, 2013.

 Colton Schurnacher  
Notary Public  
for the State of Montana  
Residing at:  
Bozeman, Montana  
My Commission Expires:  
March 07, 2013

  
\_\_\_\_\_  
NOTARY PUBLIC FOR THE STATE OF MONTANA  
Residing at: Bozeman, Montana  
My commission expires: