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GALLATIN COUNTY CLERK
OF DISTRICT COURT
JENNIFER BRANDON
2012 DEC 13 PM 3 52
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DEPUTY

MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT, GALLATIN COUNTY

THE STATE OF MONTANA,

No. DC-12-244B

Plaintiff,

v.

AFFIDAVIT OF PROBABLE CAUSE
AND MOTION FOR LEAVE TO FILE
INFORMATION

BRANDIE LEE WICK,

Defendant.

* * * * *

COMES NOW Marty Lambert, Gallatin County Attorney, and being first duly sworn upon oath, deposes and says as follows:

1. Affiant is the Gallatin County Attorney, and by law one of the attorneys to prosecute criminal matters in the State of Montana.

2. Detective Cindy Crawford of the Gallatin County Sheriff's Office investigated a case of theft that occurred in Gallatin County. Det. Crawford provided your affiant with the details set forth below.

3. In November, 2010 Phil Cox, owner of Big Sky Masonry, reported a theft to the Gallatin County Sheriff. Cox reported that Defendant, an employee of Big Sky Masonry, had stolen money from the business.

4. Mr. Cox's complaint initially was investigated by Deputy Sheriff Thomas Madsen. Madsen interviewed Defendant on December 31, 2010. Madsen advised Defendant of her *Miranda* rights, and Defendant agreed to waive her *Miranda* rights and answer Madsen's questions.

5. Madsen advised Defendant that Big Sky Masonry had recently done an audit of the business accounts. The audit revealed unauthorized transactions on Defendant's part. Madsen asked, for example, why the business's Quickbooks ledger recorded a \$400.00 check written to Alan Grant when the actual check was made payable to Defendant. Defendant said she didn't know why she would make such an erroneous bookkeeping entry. Defendant described some of the transactions as "advances". When Madsen advised Defendant that he had 25 or 30 similar transactions, where the Quickbook post for the item did not match the check payee, Defendant replied that she had no way to explain those transactions. Later in the interview, Defendant claimed that Cox authorized "some" of the transactions.

6. Detective Crawford assumed responsibility for the investigation in February, 2011. She interviewed Phil Cox on February 24, 2011. Crawford learned that in May, 2007 Cox hired Defendant to serve as a bookkeeper for Big Sky Masonry Stone, Inc.

7. Cox said that in September of 2012, Big Sky Masonry was audited by the State of Montana Unemployment Insurance Division.

To comply with the audit, Defendant was tasked with putting together the financial records of the business. The accounting firm of Junkermier Clark Campanella Stevens, P.C. also helped Big Sky Masonry prepare for the audit.

8. Cox searched Big Sky Masonry Stone's office for documents needed for the audit. Cox looked at payroll documents and saw that Defendant had been paid for hours she did not work for the business. Cox also found credit card statements that revealed that Defendant had made unauthorized purchases for personal items by use of Big Sky Masonry credit cards. Defendant's employment with Big Sky Masonry Stone was terminated on November 8, 2010.

9. Kim Grafel, an accountant working for JCCS, compiled all the account records available from Big Sky Masonry. Ms. Grafel also reviewed Big Sky Masonry's Quickbooks accounting software. Ms. Grafel noted that the business's accounts had not been reconciled in July, August and September, 2010. Ms. Grafel learned that Defendant had used electronic payments to pay for Defendant's personal Northwestern Energy charges. Ms. Grafel learned that the Quickbooks' payees postings did not match numerous checks where Defendant was the actual payee. Further, Ms. Grafel went through numerous credit card transactions where Defendant had charged items using Big Sky Masonry's credit cards. Ms. Grafel noted, and Mr. Cox confirmed, that Defendant purchased personal items such as cigarettes and alcohol using the business's credit cards.

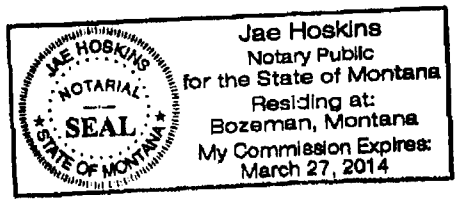
10. Ms. Grafel prepared a summary dated March 29, 2011. The summary listed the Defendant's unauthorized transactions, which included the following: 40 checks, totaling \$13,293.36, on the account #101281; 6 checks, totaling \$1,454.15 on account #3140946; and 1 check totaling \$300.00 on account # 2132281; electronic fund transfers from account #101281, totaling \$2,158.70; electronic fund transfers from account # 3140946, totaling \$1,256.93; and credit card transactions from account #4507-3750-2304, totaling \$16,188.74.

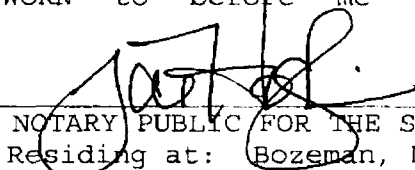
11. Based upon the foregoing facts, the undersigned requests that this court find probable cause exists to file an Information charging the above-named defendant with the following offense: COUNT 1: Theft, as part of a common scheme, a Felony, in violation of §45-6-301(7)(a), MCA.

DATED this 13 day of December, 2012.


Marty Lambert
Gallatin County Attorney

Dec SUBSCRIBED and SWORN to before me this 13 day of _____, 2012.




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