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GALLATIN COUNTY CLERK  
OF DISTRICT COURT  
JENNIFER BRANDON

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MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT, ~~GALLATIN COUNTY~~  
DEPUTY

THE STATE OF MONTANA,

Plaintiff,

No. DC-11-195A

v.

AFFIDAVIT OF PROBABLE CAUSE  
AND MOTION FOR LEAVE TO FILE  
AN INFORMATION

JEREMIAH ANDREW STANKIEWICZ,

Defendant.

\* \* \* \* \*

COMES NOW Todd S. Whipple, Chief 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. Pursuant to a report of investigation prepared by Officer Jeremy Ewan of the Manhattan Police Department, your affiant is aware of the following.

3. On or about July 19, 2011, Chief Dennis Hengel of the Manhattan Police Department advised Officer Ewan of a burglary that had occurred at the Broken Arrow Bar located at 208 East Main in Manhattan, Montana early that morning. Officer Ewan responded to the Broken Arrow Bar and observed that the east-side door to the building had been forced open. Officer Ewan observed that the damage to the door frame and side of the door was consistent with someone using a pry bar, crow bar or other similar flat metal tool to gain entrance.

4. Once inside the Broken Arrow Bar, Officer Ewan observed that several gaming machines had been damaged and that the internal cash boxes were empty and laying on the floor. Officer Ewan observed two damaged cash registers lying on the floor and extensive damage to the floor boards near the safe. Officer Ewan noticed that the Automated Teller Machine (ATM) was missing and that there were multiple broken bottles of alcohol lying around.

5. Officer Ewan spoke with Sherrie Venema, an employee at the Broken Arrow Bar, who advised Officer Ewan that she was the last employee who left the building at around 0030 hours on July 28, 2011. Officer Ewan and Venema reviewed the surveillance video and at approximately 0115 hours on July 19, 2011, the surveillance video showed two adult white males walk around the rear of the Broken Arrow Bar toward the east door. The video showed that before entering the building, the males covered their faces with bandanas.

6. Officer Ewan observed that one of the males appeared to be wearing a blue bandana with a white design, a tight black shirt, torn blue jeans, light-colored gloves and white shoes. The other male appeared to be wearing a black cap with a design on the front left side, a blue bandana with a white design, a dark short sleeved shirt over a dark long sleeved shirt, gray pants and tan shoes with a design on the outside near the heel of the shoe.

7. After entering the Broken Arrow Bar, one of the males appears to check the rear of the bar for something while the

other male retrieved a hand cart and used the hand cart to move the ATM that had been located near the rear door of the bar. Officer Ewan watched the males unsuccessfully attempt to gain access to a safe behind the bar. Ewan observed the males pry open gaming machines with what appeared to be a flat pry-bar and remove cash from the cash boxes inside. Officer Ewan observed that one of the males had a distinct "swagger" in his walk. At approximately 0210 hours the males left the bar.

8. On or about August 1, 2011, Officer Ewan was contacted by Detective Robert Vanuka of the Bozeman Police Department. Detective Vanuka informed Officer Ewan that a convenience store in Columbus, Montana had been burglarized on July 31, 2011, and that an ATM had been taken. Detective Vanuka informed Officer Ewan that a safe in the convenience store was also broken into and a large amount of quarters had been stolen. Officer Ewan was advised that the ATM was recovered along the side of a road and that it was empty.

9. Detective Vanuka advised Officer Ewan that he had received information from an informant that the burglary in Columbus had been committed by two males by the name of Joshua Menning and Casey Ellerbee. The informant advised Detective Vanuka that Menning and Ellerbee were both at the Continental Inn in Bozeman, Montana.

10. Officer Ewan, Detective Vanuka, Officer Scott McCormick of the Bozeman Police Department, Officer Knott and Officer Arturo Gonzalez of Montana Probation and Parole, responded to the

Continental Inn. Officer Ewan checked the room number described by the informant and made contact with a male and female. The male stated that Menning had left the previous day and that he had not seen him since. While Officer Ewan was speaking with the male, Detective Vanuka advised Officer Ewan that Menning was on the walkway of the floor above them. Officer Ewan ran upstairs, identified himself as a police officer and advised Menning that he was under arrest. Menning fled and jumped off of the walkway to the ground floor below. Menning was apprehended by Officer McCormick and Detective Vanuka.

8. Detective Vanuka learned from speaking with the motel staff that Menning and his girlfriend, Kayla Carpenter, had checked into a room on the second floor of the Continental Inn. Officer Ewan made contact with Carpenter. From outside the room, Officer Ewan could see one unopened carton of cigarettes and several other loose packs of cigarettes on the dresser. Officer Ewan explained the situation to Carpenter and asked that she wait outside until the situation was resolved. Officer Gonzalez advised Officer Ewan that he was conducting a search of Menning's room, as authorized by the conditions of Menning's supervised release.

9. Officer Ewan observed Officer Gonzalez remove numerous electronic devices, including two GPS units and several cellular phones from a bag Carpenter claimed belonged to Menning. Officer Gonzales found a metal spoon with white residue near the bathroom, a used hypodermic needle behind a desk and a partially

empty box of .45 caliber handgun ammunition and a "Glock" model magazine holder from a bag that was near the bathroom.

10. Officer Gonzalez found a pair of men's gray pants that appeared similar to those worn by one of the suspects in the Broken Arrow Bar burglary. In the cargo pocket of the pants, Officer Gonzales removed a blue bandana with a white design. In the same bag as the pants, Officer Gonzales found a pair of light colored work gloves.

11. Detective Vanuka advised Officer Ewan that Menning had over \$800 in cash in his wallet at the time of his arrest. Officer Ewan was aware that a surveillance video from WalMart in Bozeman had showed Menning and three other males in the store on July 31, 2011, exchanging around \$800 worth of quarters at the Coinstar machine.

12. Menning was transported to the Law and Justice Center. Officer Ewan observed that Menning was wearing a pair of tan "DC" shoes that had "DC" stamped on the outside of the shoe near the heel, similar to the style worn by one of the suspects on the Broken Arrow Bar surveillance video.

13. Officer Ewan and Detective Vongehr conducted an interview with Menning. Officer Ewan advised Menning of his rights per Miranda, to which Menning agreed to speak with them without an attorney present.

14. Menning stated he has been going through a very rough stretch since June. Menning stated that Carpenter had a miscarriage in the early stages of pregnancy with twins and that

Carpenter's mother convinced his probation officer not to let him have contact with Carpnetter. Menning stated that the stress of the event triggered a relapse and that he has been abusing Oxycontin and Methamphetamine for the past two months.

15. Officer Ewan asked Menning about Columbus and said that he had been there with the people described by Carpenter. Officer Ewan advised Menning that he observed a lot of electronics in his motel room and asked if he had been stealing from vehicles. Menning stated that he had and indicated that at least one of the GPS units had been stolen from a vehicle in Columbus.

16. Officer Ewan advised Menning of his investigation of the burglary at the Broken Arrow Bar. Officer Ewan informed Menning of the surveillance video and the clothing that Officer Gonzalez found in his motel room. Officer Ewan stated he believed Menning was one of the subjects in the surveillance video and asked Menning who the second male was. Menning declined to speak with Officer Ewan any further until he had an attorney present. Officer Ewan concluded the interview and advised Menning he was free to contact him after consulting with an attorney.

17. Menning was held at the Gallatin County Detention Center for probation violations and a warrant out of Stillwater County for Burglary, Theft and Criminal Mischief for an incident out of Columbus. After Menning was booked into the detention center, Officer Ewan reviewed audio recordings of his telephone

calls from the detention center to his father. Menning advised his father that he was being questioned about several burglaries. Menning's father asked Menning "so are you involved with any of that?", to which Menning stated "Uh, yeah, I, no, well, I am on a recorded phone. You know what I Mean? So, but no, I didn't have nothing to do with that."

18. In subsequent telephone conversations, Menning told his father to have "Jeremiah" put money on his account at the detention center. Menning stated that "Jeremiah" "owed" him. Menning also stated that "Jeremiah" would retrieve his broken down truck from Columbus. During an interview with Carpenter, Officer Ewan learned that she and Menning had briefly lived with a friend named Jeremiah Stankiewicz (hereinafter the defendant) while they were between homes.

19. Detective Vongehr pulled a Bozeman Police Department photograph of the defendant and observed that he strongly resembled the man in the surveillance video who was not wearing a hat. Some investigation revealed that the defendant was on parole for one robbery and two burglary convictions out of Kalispell, Montana.

20. Officer Ewan contacted the defendant's probation and parole officer, Levi Knott of Montana Adult Probation and Parole, and showed him the video from the Broken Arrow Bar. Officer Knott identified the male who was not wearing a hat as the defendant. Officer Knott informed Officer Ewan that the defendant had visited him at the office the previous week and

that he recognized the face and the very distinct walk as both belonging to the defendant. Officer Knott stated he was going to conduct a search of the defendant's residence and property, as authorized by the terms of the defendant's supervised release and requested Officer Ewan and Detective Vongehr's assistance.

21. Officer Knott stated the defendant had moved from a Biehl Street address in Belgrade, Montana to 428 West Shore Drive in Belgrade at the end of July of 2011. Officer Ewan, Officer Knott and Detective Vongehr responded to the defendant's residence and made contact with a female who identified herself as Rebecca Stankiewicz, the defendant's wife. Officer Knott explained the reason for the visit and advised her of the investigation. Rebecca stated she did not know anything about the burglary and did not believe that the defendant was involved. Officer Knott advised Rebecca that they would be conducting a search of the residence.

22. Officer Ewan found a receipt for a Wal-Mart purchase in the amount of \$580.83. Officer Ewan observed that the purchase was made with cash approximately 16 hours after the burglary at the Broken Arrow Bar. Officer Ewan and Officer Knott observed numerous receipts in the defendant's bedroom, inside an envelope that were all from around the same time period.

23. After completing the search at the defendant's residence, Officer Ewan and Officer Knott responded to the defendant's place of employment at Andy's Glass, located at 166 Briar Place, Belgrade, Montana. Officer Ewan made contact with



the defendant and advised him of his rights per Miranda, to which the defendant stated he understood his rights and agreed to speak with Officer Ewan without an attorney present. Officer Ewan advised the defendant of the report of burglary to the Broken Arrow Bar in Manhattan and the surveillance video from the bar. The defendant stated he did not know what Officer Ewan was talking about. Officer Ewan asked the defendant if he would give Officer Ewan and Officer Knott permission to search his storage unit and his pickup truck. The defendant stated they could search both the storage unit and truck. As the defendant walked, Officer Ewan observed that the defendant had the same type of distinct "swagger" in his walk that the suspect had in the video from the Broken Arrow Bar.

24. Andy Mitchell, the owner of Andy's Glass, approached Officer Ewan and asked if he was there regarding the ATM theft. Officer Ewan asked Mitchell how he knew about the ATM theft and Mitchell stated he observed the picture in the newspaper and believed that one of the males from the image looked like the defendant. It should be noted Officer Ewan released stills from the Broken Arrow Bar video surveillance to local media outlets the previous week. Mitchell stated he spoke to the defendant and believed that the defendant was not the man in the video.

25. Officer Ewan transported the defendant to the Airport Aviation Storage and Officer Knott and Detective Vongher conducted a search of the defendant's storage unit. While Officer Ewan spoke with the defendant, he observed that the

defendant appeared uncomfortable and upset while Officer Ewan outlined the details of why the defendant was suspected to be involved in the burglary and theft from the Broken Arrow Bar. The defendant insisted he was not the man in the video surveillance. The defendant admitted to being an acquaintance of Menning's but did not know what he did when they were not together. Detective Vongher seized a black hat with a logo on the left front side, similar to the hat one of the suspects had worn in the surveillance video.

26. The defendant agreed to go to the Belgrade Police Department for an interview. Officer Ewan again reminded the defendant of his rights per Miranda and again the defendant agreed to speak with Officer Ewan. Officer Ewan asked the defendant where he had been residing and the defendant stated he had been evicted from his residence on West Biehl in Belgrade because they did not allow dogs and was now residing at 428 West Shore Drive in Belgrade. The defendant stated he was refunded close to \$1,000 from his landlord after moving out of the residence on West Biehl and claimed that was the source of the large expenditures Officer Ewan had observed receipts for.

27. Officer Ewan asked the defendant if he had been in Three Forks, Montana the weekend of the rodeo festivities. The defendant stated he had been in Three Forks staying with John Morton but never attended the rodeo or party that had been downtown afterwards. Officer Ewan is aware that the Frontier Bar in Three Forks had been burglarized the weekend of the rodeo;

however, the defendant denied going to the Frontier Bar and denied being a part of the burglary.

28. Officer Ewan advised the defendant that he believed the suspects from the Broken Arrow Bar burglary had left in a flatbed pickup truck. Officer Ewan explained he came across the conclusion because the surveillance video showed the suspects loading the ATM from the side of the bed, instead of the rear of the bed truck. Officer Ewan remembered that the defendant had informed him earlier, while at his storage unit that the tailgate on his pickup truck does not lower. Officer Ewan explained that a non-functioning tailgate would explain why the suspects loaded the ATM into the bed of the truck from the side instead of the rear. The defendant shook his head but would not respond.

29. Officer Ewan informed the defendant that he was aware that Menning had been calling him from the jail. Officer Ewan informed the defendant that in a recording from one of their conversations, Menning stated the defendant owed him a favor. The defendant stated that Menning was probable referring to a friendly favor and that there was nothing more to it. Officer Ewan advised the defendant that the surveillance video clearly showed him as the suspect not wearing a hat; however, the defendant continued to deny that he had any involvement with the burglary and theft of the Broken Arrow Bar. The defendant stated he wished to speak with an attorney.

30. Officer Ewan ended the interview and photographed the defendant. Officer Ewan observed that the defendant had a high

forehead with a rounded hairline and a small bald spot at the back of the top of his head that was consistent with the suspect in the surveillance video. Officer Ewan released the defendant back at Andy's Glass.

31. Once back at the police station, Officer Ewan totaled the receipts seized from the defendant's residence. Officer Ewan found that from June 24, 2011, through July 24, 2011, the defendant had receipts that totaled \$3,955.28 in cash purchases. The defendant's wife had informed Officer Ewan that the defendant was the only one in the family that had been working that that they had no savings and lived paycheck to paycheck. Officer Ewan observed a paystub from July of 2011, showing during the same time period that the defendant spent \$3,955.28 in cash; he was only paid \$2,300.

31. In August of 2011, Detective Vongehr advised Officer Ewan that he had conducted an interview with M.O., an inmate at the Yellowstone County Detention Center, who had information on the burglary of the Broken Arrow Bar. Detective Vongehr provided Officer Ewan with an audio recording of the interview.

32. Officer Ewan listened to the audio and learned that Joshua Menning had provided the details of a string of burglaries throughout Gallatin County and Broadwater County to M.O., Menning's cellmate.

33. Officer Ewan learned that Menning told M.O. he and an accomplice named "Jeremiah" had committed a burglary at Bagel Works in Bozeman. Menning stated he stood as the lookout while

"Jeremiah" went into Bagel Works through the ceiling and took a safe and two handguns from Bagel Works, handing the safe through the ceiling to Menning. Menning claimed he had a friend sell the firearms because "Jeremiah" did not want to be involved with the sale in any way. Menning also claimed to have committed a burglary at the Pickle Barrel in Bozeman stating he and "Jeremiah" had taken an ATM from the business. Menning told M.O. he and "Jeremiah" had been upset because there were only \$5 bills inside of the ATM. Menning claimed to have stolen multiple ATM's in the area as well as one ATM..in Columbus, Montana that they discarded along side of the road. Menning stated that he and "Jeremiah" had stolen other ATM's from Manhattan and Bozeman and had discarded them in rivers by throwing the ATM's over the side of bridges. Menning told M.O. that he and "Jeremiah" had thrown one ATM into what turned out to be a shallow creek east of Bozeman that they had mistaken for a river. Menning claimed to have taken money from Keno machines in one of the bars he and "Jeremiah" had burglarized. This statement matches the video gaming machines at the Broken Arrow Bar that had been broken into during the July 18, 2011, burglary. Menning claimed that he and "Jeremiah" had committed the Broken Arrow Bar burglary in Manhattan. Menning stated Ellerbee had helped him with the burglary in Columbus.

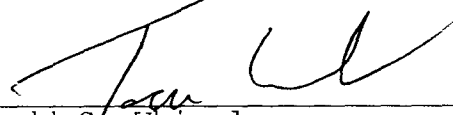
34. Officer Ewan is aware that in July of 2011, a known associate of Menning's, Casey Ellerbee, sold one of the guns that had been reported as stolen from Bagel Works to an undercover

police officer. Officer Ewan is aware that an ATM was stolen from a convenient store in Columbus in July of 2011. The ATM from Columbus was recovered along the side of a dirt road. Officer Ewan is also aware that the ATM stolen from the Pickle Barrel was recovered from a shallow creek east of Bozeman. Detective Vongehr had advised Officer Ewan of a burglary that had occurred in June of 2011, at Bagel Works. Detective Vongehr advised Officer Ewan that the burglars took a safe and two handguns from Bagel Works and gained entrance in through the ceiling. Officer Ewan is aware of an investigation of a burglary that had occurred at the Pickle Barrel in which an ATM with \$5 bills was stolen.

35. After listening to the interview, Officer Ewan searched bridges in the Manhattan area and located the ATM stolen from the Broken Arrow Bar under the Gallatin River Bridge located outside Logan, Montana.

Based upon the foregoing facts, the undersigned moves this court to grant leave to file an information charging the above-named defendant with the offenses of COUNT 1: Burglary, a Felony, in violation of Section 45-6-204, MCA; and COUNT 2: Theft, a Felony, in violation of Section 45-6-301, MCA.

DATED this 30 day of September, 2011.

  
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Todd S. Whipple  
Chief Deputy County Attorney