

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

**THE STATE OF MONTANA**

Plaintiff,

Cause No. \_\_\_\_\_

PR:\_\_\_

v.

**AFFIDAVIT OF PROBABLE CAUSE**

John Michael Owens

Defendant

STATE OF MONTANA )

:SS

County of Gallatin )

COMES NOW Detective Cory Klumb, and being first duly sworn upon oath, deposes and says:

1. Your affiant is a detective with the Bozeman Police Department, Gallatin County, Montana.
2. On July 2, 2010, your affiant arrested the above-named defendant and charged the defendant with the crime(s) of:  
  
Robbery, a Felony, in violation of Section 45-5-401, MCA.
3. The crime(s) occurred on July 2, 2010.
4. The place of the crimes was 1211 East Main located within the city limits of Bozeman, Montana.
5. The facts relied upon to make the arrest and charge are as follows:

On July 2, 2010, at approximately 12:30 a.m. Dustin Ray Bryan, the night clerk of Casey's Corner store/gas station, 1211 E Main Street, Bozeman

contacted 911 Dispatch and reported the store had been robbed.

6. Bryan told dispatch that a younger skinny male with a blue jacket with a hood and a black handkerchief brandished silver and black gun and robbed him. Bryan reported that the male left the store westbound on foot and then went behind the Greyhound Bus Station.
7. Officer Green responded to the area and attempted to contact a single male riding a bicycle on the south end of Village Crossing Blvd., but that the male refused to stop. Officer Green last observed the male riding his bicycle westbound towards N. Broadway Ave.
8. Officer Toresdahl responded to the area of E. Main St. and N. Broadway Ave and observed a male matching the description provided by Officer Green riding a bicycle westbound on the sidewalk on the south side of Village Downtown Blvd. Officer Toresdahl identified himself as Police and instructed the male, later identified as John Michael Owens, to stop. Owens crossed the eastbound lane of Village Downtown Blvd. and dropped his bicycle on the median. Officer Toresdahl again instructed Owens to stop as he ran northbound across Village Downtown Blvd. then again as he turned back southbound and crossed Village Downtown Blvd.
9. Officer Toresdahl took Owens to the ground in the field to the south of Village Downtown Blvd., where he physically resisted attempts to place him into handcuffs by rolling and pulling his hands away. Owens eventually placed his hands behind his back and was taken into custody. Owens is a young,

thin male who was wearing a white t-shirt, dark shorts and had a red backpack on. Officer Toresdahl placed Owens into Officer Green's patrol car. Toresdahl seized a backpack from Owens and it was subsequently transported to the Bozeman Police Department.

10. Officer Ziegler responded to the scene with his K9 partner "Taco" and began to track the direction and path the robbery suspect took after leaving Casey's Corner. "Taco" is trained and certified in suspect tracking. "Taco's" track led officers from Casey's Corner to the same area where Owens was first seen by Officer Green and followed the path of travel which Owens was observed riding his bike to the area of Officer Green's patrol car where Owens was in custody.
11. When Officer Green asked Owens if he had anything on him that he shouldn't have, Owens asked the officer if he meant on his person. Officer Green said, no in your backpack. Owens stated, "you already know what's in the backpack." Officer Green asked Owens if he could search his backpack and Owens nodded yes, but replied, no. Officer Green transported the Owens to the Law & Justice Center.
12. Your affiant arrived at the Law and Justice Center and introduced himself to Owens and asked him if he needed anything. Owens asked for, and was provided with water. After gathering some information for Sgt. Munter and some paperwork, your affiant re-entered the room and told Owens that your affiant was going to "talk to the clerk" and would be right back. Owens

nodded and made a verbal acknowledged consistent with knowing what your affiant was talking about and Owens did not inquire as to why your affiant would be talking to a clerk.

13. In an interview with Bryan, your affiant learned that Bryan was going through his closing routine and had just counted his till and had one hundred dollars and some change that he needed to put into the safe when he saw a male in a dark blue or purple jacket with the hood up over his head and a black silky bandana over his face enter the store. Bryan stated the male put a glove in the door in an apparent attempt to prop it open. The male approached the counter and waived a very large silver pistol at him, held open a plastic shopping bag and told him to “put the money in the bag.” Bryan was fearful of being shot so he placed five twenties, one five and fifteen one dollar bills along with an unknown amount of change into the bag. The male asked if there was any more money and Bryan told him no. The male then left the store and walked westbound on foot. Bryan stated that the male stopped near his van in the parking lot and it appeared that the male picked something up off of the ground. The male then walked behind the Greyhound station.
14. Your affiant advised Owens of his rights per Miranda and Owens gave both a verbal and written understanding and waiver of those rights and agreed to speak with your affiant without an attorney.
15. Your affiant then interviewed Owens, who identified himself as James NMN

Owen DOB 2/24/88. Owens stated that he could not remember his Social Security number, and that he has never had a driver's license. Owens was unsure of the number of his address in Lincoln, Nebraska.

16. Owens told your affiant that he knew nothing about a robbery and was in the area because he and a friend named "Eric" had met a man named "Kevin" there to buy some drugs. Owens stated that he bought some marijuana and "Eric" was there for something else.
17. Owens stated that after "Eric" got what he needed he left and he and "Kevin" stayed to share a joint. After finishing the joint, "Kevin" left but Owens stayed to smoke some more. Owens stated that he only ran from the police because he didn't want to get into trouble for drugs.
18. Your affiant told Owens that if he consented to me searching his backpack your affiant could verify his story by not finding any evidence of the robbery. Owens stated that he could not consent because it was not his backpack. Owens told your affiant that when he decided to run from the police, he realized that either "Eric" or "Kevin" had left the backpack so he picked it up, put it on, threw his marijuana away, grabbed his bike and began riding away.
19. Your affiant asked Owens to provide "Eric's" number so your affiant could call him to verify his story. Owens told your affiant that he was not prepared to bring "Eric" into this at this point because he could not see how it could help him.
20. Your affiant told Owens that your affiant was going to apply for a warrant to

search the backpack and would be back to speak with him. When your affiant left the interview room, Sgt. Munter informed me that the bike Owens was riding had been reported stolen on June 28, 2010 from 1710 ½ S. Willson.

21. Your affiant brought Owens some more water and began talking to him about the bike. Owens told your affiant that he bought the bike in the first part of April from an MSU student he found via Craig's List, for \$350.00.
22. After your affiant informed Owens that the bike had been reported stolen four days ago, he decided that he no longer wanted to talk about the bike. Your affiant told Owens that our Evidence Technician Tom Weightman had also recovered fingerprints and a palm print from the store and your affiant asked him for consent to obtain his palm prints and Owens refused.
23. Your affiant walked Owens to the Gallatin County Detention Center. Your affiant informed the Detention Center staff that Owens had identified himself as "James Owen", but your affiant had not verified his identity.
24. Your affiant received a call from DC Officer Owens who told me that she had run the Owens' date of birth and come up with a Social Security number of 574-96-1762. Owens used this number and found an active warrant out of Virginia. Your affiant contacted the agency in Virginia and was told that John Michael Owens, DOB 2/24/1988, has three non-extraditable, misdemeanor warrants for Identity Theft and one non-extraditable misdemeanor warrant for Petty Larceny.

25. Your affiant used the D/License number and received a photo and a fingerprint form from the State of Colorado confirming that "James Owen" is actually John Michael Owens.
26. Your affiant is aware that it is common for suspects in crimes such as robbery to attempt to conceal their identity using clothing such as coats with hoods and bandanas to cover their faces. Your affiant is also aware that suspects commonly remove these articles shortly after committing the crimes to confuse responding officers.
27. Your affiant applied for and received a search warrant for the backpack seized from Owens. Inside the backpack officers located a blood hooded sweatshirt/jacket, black cloth consistent with a mask, a plastic black and silver handgun and United States Currency.
28. Your affiant is aware that pursuant to Montana Code Annotated, section 45-5-401, a person commits the offense of Robbery if in the course of committing a theft, the person threatens to inflict bodily injury upon any person or purposely or knowingly puts any person in fear of immediate bodily injury.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
 Signature of Affiant  
 Det. Cory Klumb  
 Bozeman Police Department

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day \_\_\_\_\_, 2010

\_\_\_\_\_  
 \_\_\_\_\_  
 (Printed Name of Notary Public of Montana)

Residing at Bozeman Montana  
My commission expires: \_\_\_\_\_