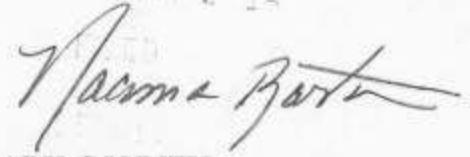


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PARK COUNTY CLERK
OF JUDICIAL DISTRICT COURT
LIVINGSTON, MONTANA
2010 FEB 9 PM 2 15



MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY

THE STATE OF MONTANA,)
)
 Plaintiff,)
 v.)
 LOVE THOMAS WRIGHT COOPER,)
)
 Defendant.)

Cause No. DC 10- 25

**AFFIDAVIT IN SUPPORT OF MOTION AND
MOTION FOR ORDER GRANTING LEAVE TO FILE INFORMATION**

Brett D. Linneweber, Park County Attorney, and as attorney for the State of Montana, states that based upon the investigative reports and information provided to him that he believes that the Defendant committed the offenses of COUNT I: THEFT, a felony, in violation of Section 45-6-301(1)(a), MCA, 2009, punishable by imprisonment for not more than ten (10) years, or by a fine not more than \$50,000.00, or both said fine and imprisonment; COUNT II: CRIMINAL POSSESSION OF DANGEROUS DRUGS, marijuana, 2nd offense, a felony, in violation of Section 45-9-102, MCA 2009, punishable by imprisonment in the county jail for a term not to exceed 1 year or in the state prison for a term not to exceed 3 years, or by a fine not to exceed \$1,000.00, or both said fine and imprisonment; COUNT III: CARRYING A CONCEALED WEAPON, first offense, a misdemeanor, in violation of Section 45-8-316, MCA, 2009, punishable by imprisonment for not more than six months, or by a fine not to exceed

\$500.00, or both said fine and imprisonment; COUNT IV: OBSTRUCTING A PEACE OFFICER a misdemeanor, in violation of Section 45-7-302, MCA, 2009, punishable by imprisonment for not more than six months, or by a fine not to exceed \$500.00, or both said fine and imprisonment; COUNT V: OPERATING A VEHICLE WITHOUT A LICENSE PLATE, a misdemeanor, in violation of Section 61-3-301, MCA, 2009, punishable by a fine not to exceed \$500.00; COUNT VI: SPEEDING, 80 mph in a 65 mph zone, in violation of Section 61-8-303, MCA, 2009, punishable by a fine of \$40.00; COUNT VII: OPERATING A VEHICLE WITHOUT INSURANCE, first offense, a misdemeanor, in violation of Section 61-6-301, MCA, 2009, punishable by imprisonment for not more than 10 days, or by a fine not less than \$250.00 nor more than \$500.00, or both said fine and imprisonment; and COUNT VIII: DRIVING WHILE THE PRIVILEGE TO DO SO IS SUSPENDED OR REVOKED, first offense, a misdemeanor, in violation of Section 61-5-212, MCA, 2009, punishable by imprisonment for not less than 2 days nor more than six months, or by a fine not to exceed \$500.00, or both said fine and imprisonment.

COUNTS I-VIII

I.

Officer recordings and investigative information reflect the following: In the late night hours of March 6, 2010, Deputy Green's radar clocked a south bound vehicle on radar at 80 MPH in a posted 65 night zone. Deputy Green initiated a traffic stop on the subject vehicle activating his warning lights at approximately mile post 35. The driver (later identified as Love Cooper) turned on the right turn signal as though he were going to pull over onto the shoulder. The vehicle maintained speeds between 50 and 65 MPH and did not attempt to stop. The driver

then turned on his left turn signal as though he was going to stop on the left side of the road. As Deputy Green got close enough to the subject vehicle he noticed the rear license plate read "Pontiff". From previous contact with the vehicle Deputy Green knew that the license plate was fictitious, the registration was expired and if the driver was Love Cooper, he had a revoked drivers license.

II.

Deputy Green immediately radioed dispatch and asked for an additional patrol unit to accompany him on the traffic stop. Deputy Green also relayed to dispatch that the vehicle was not stopping and gave to them the current speeds and locations. The driver finally made a right turn in Emigrant and stopped in the parking lot of the Old Saloon. Deputy Green approached the drivers side and knocked on the window. The driver, Love Cooper, lowered his window approximately two inches and handed Deputy Green an identification card purported to be issued by the Sovereign Church of Christ (hereinafter SCC). Deputy Green informed him that he was stopped for speeding. Deputy Green asked Cooper for his drivers license, registration and proof of insurance. Cooper stated that because he was a member of the SCC he wasn't required to have any of those items. Deputy Green asked him several times to roll his window down but Mr. Cooper refused. Cooper stated that he was alone in the vehicle but would answer the question of whether or not he had any weapons in the truck. The window tint was so dark that Deputy Green could not confirm if he was alone in the vehicle. Cooper's phone rang and Deputy Green instructed him not to answer it. Cooper argued that it was his wife calling. Deputy Green again told him not to answer as the deputy was in the process of an investigation.

III.

Cooper stated that as a citizen of a sovereign nation, he was not subject to the laws of the State of Montana. Deputy Green informed Cooper that he (Deputy Green) was enforcing the laws of the State of Montana. When asked again he said that he did not have a drivers license and he wanted Deputy Green to run the numbers on his Sovereign Church of Christ ID card on the patrol vehicle computer. Cooper stated that would clear up the confusion Deputy Green was having.

IV.

Deciding not to debate Cooper on the legalities of his claims Deputy Green returned to his patrol car and confirmed through dispatch that he was indeed revoked. About that time, Trooper Jim Sulages arrived. Deputy Green advised him of the situation and as they were speaking, Deputy Blake Blatter arrived on the scene as well. The officers approached the vehicle again and asked Cooper to step out of his pick up. Cooper refused to do so, stating that the whole thing was an illegal search and seizure. As he was being spoken to by Deputy Blatter, Deputy Green was able to see through the front windshield that Cooper was alone in the vehicle.

V.

Cooper refused to cooperate to the point of obstructing. He stated he was afraid to get out of his vehicle. As shown on the officers recordings, the officers repeatedly talked to Cooper in a calm manner and attempted to reassure him nobody would hurt him. Deputy Green advised him that he was under arrest for driving with a revoked drivers license and the obstruction of a peace officer. He continued for a number of minutes to obstruct, refusing to get out and denying that he was subject to the laws of Montana. At this time, one of Cooper's friends, Eric Newhouse, approached and attempted to insert himself into the officer's investigation. The officers repeatedly ordered him away in a calm manner. Cooper only decided to get out of the vehicle

when the officers told him they would have to physically extract him if he continued to refuse. Cooper argued awhile longer and then got out. Cooper insisted that the keys be given to his wife when she arrived. Cooper reiterated that the whole thing was an illegal search and seizure and the State of Montana had no jurisdiction over him.

VI.

As he got out of the truck he was told to turn around and put his hands on the cab of the truck and then on his head. Deputy Green asked him if he had any weapons on his person and he stated no. However, Deputy Green began to search him incident to arrest and found a semi automatic hand gun under his outer layer of clothing in a leather holster attached to his left hip. Deputy Green immediately retrieved the weapon and handed it to Trooper Sulages who later confirmed that the hand gun was loaded with a full magazine and a round in the chamber.

VII.

As the search continued Deputy Green found in the front pouch of Cooper's sweatshirt, a plastic bag containing a green leafy substance, later identified as 10.2 grams of marijuana (an amount approximately equivalent to a third of a baggie) by Deputy Steve Voss. Cooper was again told that he was under arrest for driving while revoked, obstructing a peace officer and carrying a concealed weapon.

VIII.

Cooper was handcuffed behind his back and placed in the passenger rear seat of Deputy Green's patrol car. While in the car Cooper complained he was arrested for preemptive stuff and then stated he could have hurt someone. He repeatedly said that Montana laws do not apply. During the ride to the detention center, he continued to talk about how "our laws" don't apply to

him and made the statement that he was being kidnapped. He said that no crimes were committed because the SCC gives him the right to carry a concealed weapon. "I haven't harmed another man or his property; I have broken no laws," he stated. He claimed to be a common law lawyer for the SCC and that the only law he was breaking was by going along with this.

IX.

During the transport Cooper explained he arrived in Montana within the past year. Cooper explained how he and about 15 others in this SCC group were their own sovereign not subject to Montana law. Cooper described how the members are supposed to give 10% of what they take in and give it to the SCC. Cooper stated it operates similar to the Vatican as a separate nation-state. Cooper stated he is not allowed to accept any other court not of the SCC. Cooper described how individuals are entitled to claim unoccupied, abandoned land by claiming the land patent at the Bureau of Land Management. Cooper also claimed he had not been arrested before.

X.

Once in the detention center, Cooper reluctantly complied with the booking. He stated during the transport that he was not allowed to give a urine sample, fingerprints or have his picture taken. He wanted Deputy Green to sign a paper stating that the deputy was a witness to him being there and he was agreeing to photos and fingerprints under duress.

XI.

Cooper never provided proof of insurance. Driving records also reflect that Cooper's driving privileges are suspended.

XII.

Upon running a criminal history for drug investigation, Deputy Green learned that Cooper was prohibited from owning a firearm based on his prior violent criminal history. On March 1, 2000, Cooper was convicted for Felonious Assault. That offense was out of Richmond, VA. That offense is defined as follows: "If any person maliciously shoot, stab, cut or wound any person or by any means cause him bodily injury, with the intent to maim, disfigure, disable, or kill, he shall, except where it is otherwise provided, be guilty of a Class 3 felony. If such act be done unlawfully but not maliciously, with the intent aforesaid, the offender shall be guilty of a Class 6 felony." VA. Code Ann. Section 18.2-51. Records from that jurisdiction reflect that pursuant to an agreement with the prosecution that the offense was amended from the greater charge and that Cooper pled guilty to lesser offense defined by that statute. Cooper received a five year sentence that was suspended for a period of ten years, was ordered to pay restitution for the victim, and was ordered onto probation with terms and conditions.

XIII.

Cooper also had a prior conviction for marijuana possession that remains on his record. The possession of a firearm by a convicted felon matter has been referred to the ATF to be pursued as a separate federal offense through the U.S. District Attorney's Office.

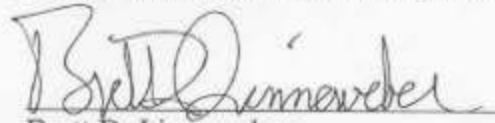
XIV.

During his Justice Court initial appearance, Cooper again denied being subject to the laws that the Justice of the Peace attempted to arraign him on. However, because Cooper and a colleague attending the appearance repeatedly disrupted the court (including by the colleague falsely representing to be an attorney and confronting the judge), the Justice of the Peace was unable to complete Cooper's arraignment.

XV.

Driving records reflect that the registration to the vehicle expired in April 2009, and is not even in Cooper's name. Law enforcement contacted the registered owner, Robert Bonaccolta, who stated that he had allowed Cooper and his "church" to use it, but subject to conditions not met. (Cooper and the members of his church promised that they would show how Bonaccolta would not have to pay taxes among other promises.) Bonaccolta reports at no point did he give ownership to Cooper or members of his "church." Later Bonaccolta requested his vehicle back, but Cooper refused and instead has taken the vehicle to Park County. Bonaccolta did not give permission for the vehicle to be taken to Montana, and had even taken steps to report it stolen with law enforcement in his location. There is also a lien by GMAC on the vehicle with respect to Bonaccolta's ownership interest that is also effected by Cooper taking the vehicle to Montana.




Brett D. Linneweber
Park County Attorney


ORDER GRANTING LEAVE TO FILE INFORMATION

Brett D. Linneweber, the duly elected, qualified and acting County Attorney in and for the County of Park, State of Montana, having this day appeared and having filed a written affidavit in this court asking leave to file an information charging LOVE THOMAS WRIGHT COOPER with the offenses of COUNT I: THEFT, a felony, COUNT II: CRIMINAL POSSESSION OF DANGEROUS DRUGS, marijuana, 2nd offense, a felony, COUNT III: CARRYING A CONCEALED WEAPON, first offense, a misdemeanor, COUNT IV: OBSTRUCTING A

PEACE OFFICER a misdemeanor, COUNT V: OPERATING A VEHICLE WITHOUT A LICENSE PLATE, a misdemeanor, COUNT VI: SPEEDING, 80 mph in a 65 mph zone, COUNT VII: OPERATING A VEHICLE WITHOUT INSURANCE, first offense, a misdemeanor, and COUNT VIII: DRIVING WHILE THE PRIVILEGE TO DO SO IS SUSPENDED OR REVOKED, first offense, a misdemeanor, and it satisfactorily appearing to the court that there exists sufficient cause therefor;

NOW THEREFORE, LEAVE IS HEREBY GRANTED to file said information as set forth in said written affidavit.

DATED this 9th day of March, 2010.



District Judge