

23 Helena

JUSTICE COURT/DISTRICT COURT/MUNICIPAL COURT

THE STATE OF MONTANA,

* Incident No: 091514-97

Plaintiff,
vs.

* Dr No.: HP144492

Cody James Goodsell

* AFFIDAVIT AND ORDER
RE: PROBABLE CAUSE

Defendant.
STATE OF MONTANA)
: ss.
County of Lewis and)
Clark

* Time of arrest: 1410 hours

* Date of arrest: 09-17-14

The undersigned, being duly sworn, states as follows:

That I am the officer, who arrested the Defendant,

Cody James Goodsell: for the charge(s) of:

1. Trespass to MV (MCA 45-6-202) Misdemeanor
2. Theft from MV (MCA 45-6-301) Misdemeanor
3. Criminal Mischief (MCA 45-6-101) Misdemeanor
4. Possession of Dangerous Drugs (MCA 45-9-102) Felony
5. Probation Violation (MCA 45-18-203)

That I believe that there is probable cause to charge said Defendant with said charges because:

1. On 09-15-14, I, Officer L. Mardis was working shift #4 in marked patrol unit #23. At approximately 1507 hours, I was contacted by a student at Capitol High School who advised his vehicle which had been parked in the student lot had been broken into and items had been stolen.

2. The complainant escorted me to his vehicle and advised it had been parked where it was before five AM on Sunday Sept. 14th and he had returned to it Sept 15th at approximately 1440 hours. He advised he had found the passenger side door slightly open and was not sure if he had locked it. The victim advised the items removed from his vehicle were a longboard (skateboard), a large black speaker box with rhino lining like surface and 12" Planet Audio subwoofers, an amplifier with black and silver lettering and a power capacitor. The victim also located two items in his vehicle that did not belong to him. One being a wrench with a red handle and the other a small silver Gerber folding knife. The victim advised cords connecting the stereo equipment had been cut to remove the items.

3. I requested the assistance of an assistant principal at the school to review video of the parking lot to ascertain if the

break in had been captured. I was later contacted by the principal and advised the offense had been captured. I later viewed this footage. The camera footage showed a male approach the victim's vehicle on a skateboard, sit on the base of a light pole for a moment appearing to be looking out for other people and vehicles and then check the door handles of the vehicle. The suspect appeared to find the passenger side door unlocked. The male left on his skateboard west from the parking lot. From another angle of the video footage the male can be seen turning right (south) onto Henderson from Brady.

4. Approximately five minutes later a maroon colored vehicle arrived in the parking lot and parked next to the vehicle. A male with similar size and build without a shirt exited the vehicle and entered the victim's vehicle. The video shows the male leave the victim's vehicle a few times and return to the suspect vehicle. The suspect vehicle leaves the parking lot for a moment and drives through the parking lot of Northwest Park. The suspect vehicle then returns and the male again enter the victim's vehicle this time removing a large black box. This appeared to be the speaker box the victim had described. At this time a shorter female with blonde hair in a ponytail exits the suspect vehicle from the driver's seat and opens the door behind her, apparently in an effort to assist the male in putting the large speaker box in the back seat.

5. The male and female enter the suspect vehicle and leave the parking lot. From another angle of the camera system the suspect vehicle can be seen turning right (South) onto Henderson from Brady. In looking at footage from where the vehicle came from, I learned the vehicle had taken a right turn onto Brady from Henderson.

6. Due to the fact the male on the skateboard and the male that arrived in the suspect vehicle appeared to be one in the same, I assumed the male must not reside very far from the school to be able to get back to the lot within five minutes of leaving. I decided to start searching areas south of CHS off of Henderson. I first searched the parking lot of Broadwater Village, an apartment complex near the school. While searching the parking lot, I located a vehicle that appeared to be very similar to the vehicle that had been involved with the incident.

7. I ran the plate of the vehicle and discovered the owners were a Melba and Shawna VanSprang. I then made contact with the managers of the apartment complex and was advised they knew the owner of the vehicle as a Shawna VanSprang and her boyfriend Cody Goodsell who lived at 1401 Broadwater Circle. I took a few pictures of the vehicle to compare it to the video footage. I later determined the vehicles were very likely one in the same due to the fact dents on the two vehicles matched up and a magnetic ribbon on the trunk of the vehicle matched as well.

8. I was also able to view footage from a security camera on the premises of Broadwater Village. The footage is from quite a distance away but does show what appears to be Shawna's vehicle leave the parking lot just before the time it arrives at the high school and returns shortly after it leaves the area of the school.

9. I requested dispatch check both Shawna and Cody for warrants and probation status. I learned Cody was on probation with Landon Lamb. I contacted Landon and asked if he would be able to view the video I had obtained from the high school to assist me in determining if the male and female could possibly be Cody and Shawna. I responded to probation the following day and met with Landon. Another probation officer Gina Rassmussen who had previously supervised Cody viewed the video. Gina advised the male did look very similar to Cody. Landon had only met Cody a couple of times and was not certain.

10. I advised Landon of the circumstances around the vehicle and he decided there was enough reasonable suspicion to contact Cody and determine if he was in possession of stolen property. I accompanied probation to Cody and Shawna's residence. Landon made contact first with Shawna and then Cody. I made contact with Cody and advised him of the investigation I was conducting.

11. I advised Cody of his rights per Miranda. He advised he understood his rights and agreed to speak with me. I advised him of the camera system of the high school and asked why he would be on the camera on the previous Sunday. Cody advised it was because he had done it. I asked him what he had done; he said he had taken items from the car. He described the car as being a small silver car, which matched the victim's vehicle.

12. I asked Cody how he had arrived at the school parking lot, he said he had been on a longboard. I asked him after he left how he had returned, he said in a vehicle. I asked him what he was wearing during both of these times. Cody did not remember what he had been wearing while he was on the longboard but did say when he returned in the vehicle, he was not wearing a shirt. Cody described to me the items he had taken including the large speaker box. Cody would not tell me who the shorter female with blonde hair was who was with him.

13. Cody was taken into custody for the offenses and would be charged with a probation violation by Landon. Cody pointed out to me the amplifier, power capacitor and the longboard he had stolen from the victim's vehicle. He advised the speaker box taken had been placed in Shawna's van which was parked in front of the apartment.

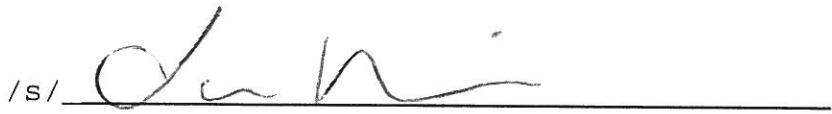
14. During probation's search of Cody's residence a prescription bottle said to contain Lorazepam (schedule 3) with the name Justin Thomas was located in an "Ogio" black backpack. This backpack was

located with tools and tool belts Shawna advised belonged to Cody. Cody advised the backpack belonged to him but did not know where the prescription bottle came from. Cody does not have a prescription for Lorazepam.

15. Due to the fact Cody was seen on camera trespassing to and taking items from the victim's vehicle and causing damage in the process, he was charged with Trespass to M/V, Theft from M/V and Criminal Mischief. Due to the fact a scheduled drug was located in a backpack Cody admitted belonged to him, he was charged with Possession of Dangerous Drugs.

Attested to by
Officer L. Mardis
Helena Police Officer 730

This 17th day of September, 2014.

/s/ 

ORDER

The undersigned, having reviewed the foregoing and for good cause shown;

IT IS HEREBY ORDERED that probable cause is found to charge the above-named Defendant with the following charges:

IT IS HEREBY ORDERED that probable cause is not found to charge the above-named Defendant with the following charges:

DATED this _____ day of _____, 20_____.

JUSTICE OF THE PEACE/
MUNICIPAL COURT JUDGE
DISTRICT COURT JUDGE

cc: Lewis and Clark County Jail
Lewis and Clark County Sheriff
Lewis and Clark County Attorney