

FORFEITURES

RESPONDENT(S): KRISTOFER WRIGHT

ITEMS: \$5,132.00 U.S. CURRENCY

SEARCH WARRANT(S): PROBATION SEARCH

LaMantia contacted the Respondent's probation officer, JC Lawson, in Cody, Wyoming. When apprised of the situation, Lawson authorized a search of the Respondent's backpack. The search yielded: a digital scale with white residue on the scale and a shoe-box sized safe. The Respondent denied knowing the combination to the safe because he claimed the backpack and the safe did not belong to him. The Respondent's denial contradicted the fact that the backpack was under his legs, on the ground, when officers contacted him in the lobby of the Clock Tower. LaMantia contacted the Respondent's probation officer who requested the officers to break open the safe. The safe was opened and it yielded: a large bag of white, crystalline substance, which later field-tested positive as methamphetamine and weighed approximately 49.3 grams; .6 grams of suspected black tar heroin; 1.6 grams of suspected cocaine; a .4 grams clump of green, leafy substance suspected of being marijuana; a green pill identified as Clonazepam; a hypodermic needle; a sealed manila envelope containing four rolls of money, totaling \$4020.00; a 10 gram weight inside a black container; and a photo of the Respondent kissing a woman. LaMantia seized \$1112.00 from the Respondent's wallet.

The Respondent was transported to YCDF. During booking, detention officers located a small ziplock baggie containing a white, crystalline substance, inside the Respondent's jacket and a green-colored pill determined to be Clonazepam. The Respondent was found to be in possession of two cell phones which were seized. The suspected meth found on the Respondent's person at the jail was field-tested and it tested positive as meth. All the drugs were submitted to the Montana State Crime Lab for analysis.

CELL PHONE: NOT APPLICABLE

SERVICE: PERSONAL @ YCDF

CRIMINAL CHARGES: FEDERAL INDICTMENT

RESOLUTION: DEFAULT; TIMELY VERIFIED RESPONSE NOT FILED

COUNTY ATTORNEY DOCKET

DEFENDANT(S) NAME(S)

Case No: **14-403**

WRIGHT, KRISTOFER MIKAL

DOB: **10/30/1987**

Victoria Callender

Counsel for State

Justice of the Peace

Billings Police Department

Complaining Witness

Justice Court No.

14-11752

Agency No.

GREGORY R. TODD

District Court Judge

3/18/14

Date Complaint Filed

DV 14-0563

District Court Number

Defense Counsel

CHARGES

FORFEITURE (FELONY)

ITEMS: \$5,132.00 U.S. CURRENCY

PROCEEDINGS (Include Date, Court and Description):

04/15/14 Petition Filed - Summons Issued

04/16/14 Summons Served - Verified Answer Due 5-6-14

05/07/14 Received Response to Petition - Untimely, Due 5-6-14

05/08/14 Filed Entry of Default - Motion to Judge - Copies to Defendant & Lundvall

05/09/14 Order Signed by Judge Todd

05/12/14 Filed Entry of Order - Copies to Deft. & Lundvall - Release Evidence July 10, 2014

05/14/14 ** Received an e-mail from District Court Clerk Kim Paxinos. She explained that since the order was not attached to the Entry of Order that she would not accept the document.

The Original Entry of Order was "whited out" by Clerk Paxinos. The original order was signed, but still with the Judge's clerk and was not yet received in the Clerk's office.

Approx. May 19 - June 18, 2014 Mr. Twito, Mr. English, and Mr. Gillen all discussed the matter with Ms. Callender and it was concluded with the Clerk's office they will no longer deny documents and will not "white out" original documents.

06/20/14 Filed Original Order and Re-Filed Entry of Order - Release Evidence 7-8-14

07/16/14 Release of Evidence Signed - Sent to BPD - CASE CLOSED

1 Victoria Callender
2 Deputy Yellowstone County Attorney
3 Room 701, Courthouse
4 P.O. Box 35025
5 Billings, MT 59107
6 (406) 256-2870
7 Attorney for Petitioner

8 **MONTANA THIRTEENTH JUDICIAL DISTRICT COURT YELLOWSTONE COUNTY**

9 STATE OF MONTANA,
10 Petitioner,

CAUSE NO. DV

11 vs.

JUDGE

12 \$5,132.00 U.S. CURRENCY,

13 KRISTOFER MIKAL WRIGHT,
14 Respondent.

**PETITION TO INSTITUTE
FORFEITURE PROCEEDINGS AND TO
FORFEIT PERSONAL PROPERTY**

15 COMES NOW, Petitioner, State of Montana, by and through Victoria Callender, Deputy
16 County Attorney, and alleges as follows:

- 17 1. This is a Civil Action for forfeiture of personal property under Title 44, Chapter
18 12, Part 1, Montana Code Annotated.
- 19 2. The property subject to forfeiture is \$5,132.00 U.S. CURRENCY.
- 20 3. The property is subject to forfeiture under Section 44-12-102(1) Montana Code
21 Annotated, because it was used, or intended for use, in manufacturing or
22 delivering dangerous drugs; or because it served as value furnished in exchange for
23 dangerous drugs; or because it was used or intended to be used to facilitate a
24 violation of Title 45, Chapters 9 and 10, Montana Code Annotated.
- 25 4. The property has been seized by the Billings Police Department (BPD) through a
probation search.
5. On March 14, 2014, at approximately 12:57 a.m., Officer Paul LaMantia (BPD) was
dispatched to a citizen complaint about possible illegal drug activity taking place in
the area of 524 N. 23rd Street. Dispatch reported that the complainant said a silver
passenger vehicle pulled up to the residence on the southeast corner of 5th North and
North 23rd Street. Two males entered the house. The complainant told dispatch that he
suspects the occupants of the house are selling illegal drugs.

- 1 6. LaMantia responded and as he sat in his patrol car the complainant approached him
2 on a bike. The complainant identified himself to LaMantia as the reporting party. The
3 complainant told LaMantia about the constant traffic to the residence, typically
4 involving subjects entering the house for a few minutes and then leaving. The
5 complainant said most of this activity takes place at night. LaMantia told the
6 complainant that he would remain in the area for awhile to monitor the residence.
- 7 7. LaMantia was finishing up some paperwork when he noticed a vehicle drive past him
8 on North 23rd; it was the only vehicle on North 23rd at the time. The complainant
9 reappeared and told LaMantia that the vehicle that had just passed was the one he had
10 called in about. LaMantia turned his vehicle around and attempted to catch up with
11 the silver vehicle. The vehicle turned westbound onto 1st Avenue North before turning
12 north into the parking lot of Stella's at 2525 1st Avenue North. The vehicle then
13 looped around the parking lot and into the alley. LaMantia located the vehicle
14 southbound on 26th; it was nearly stopped in front of Stella's. LaMantia pulled his
15 vehicle over on 1st Avenue North and waited for the westbound traffic to clear before
16 turning around to go northbound on 26th Street. LaMantia located the vehicle in a
17 parking stall in the Stella's/Clock Tower lot; it was unoccupied. LaMantia called for
18 assistance from other officers.
- 19 8. As officers were checking the area, an employee of the Clock Tower Motel
20 approached LaMantia and told him that the two males who had exited the vehicle,
21 had walked through the parking lot, through the lobby of the Clock Tower, and were
22 currently walking southbound in the alley behind the Clock Tower towards 1st Avenue
23 North. The employee said that one of the males was wearing a bright green jacket.
24 LaMantia relayed this information to other officers and pulled his vehicle forward to
25 be able to observe 1st Avenue North. LaMantia saw the male in the green jacket
emerge, look at him, and then enter the Clock Tower lobby, 2511 1st Avenue North,
Billings, Yellowstone County, Montana.
9. LaMantia entered the lobby and observed two males sitting in chairs. Both males had
black backpacks in their immediate possession. The male wearing the green jacket
was asked for his identification; he stated he did not have it. He encountered some
difficulty giving his name to the officers. LaMantia asked him to stand so he could
conduct a pat down for officer safety. While doing so, he gave LaMantia permission
to clear items from his pockets. LaMantia located his wallet in his pants pocket which
contained identification. The male was identified as KRISTOFER MIKAL WRIGHT
(born in October of 1987), the Respondent herein. The Respondent was run
through dispatch and it was determined that he was on felony probation out of
Cody, Wyoming.
10. The Respondent and his companion, Andrew Hughes, were separated so the
officers could speak to them about why they had eluded LaMantia. The Respondent
was advised of his rights per *Miranda* and he agreed to speak with LaMantia. The

1 Respondent denied knowing why Hughes eluded him. When asked about his
2 backpack he denied ownership of it. When LaMantia asked why it was in his
3 possession, the Respondent claimed that when he exited the vehicle Hughes
instructed him to take the backpack.

- 4 11. Hughes allowed officers to search his backpack; no contraband was located.
5 Hughes allowed officers to also search his vehicle; no contraband was located.
6 Hughes' PO at Alpha House was contacted and a PV hold was requested for
Hughes.
- 7 12. LaMantia contacted the Respondent's probation officer, JC Lawson, in Cody,
8 Wyoming. When apprised of the situation, Lawson authorized a search of the
9 Respondent's backpack. The search yielded: a digital scale with white residue on
10 the scale and a shoe-box sized safe. The Respondent denied knowing the
11 combination to the safe because he claimed the backpack and the safe did not
12 belong to him. The Respondent's denial contradicted the fact that the backpack was
13 under his legs, on the ground, when officers contacted him in the lobby of the
14 Clock Tower. LaMantia contacted the Respondent's probation officer who
15 requested the officers to break open the safe. The safe was opened and it yielded: a
16 large bag of white, crystalline substance, which later field-tested positive as
methamphetamine and weighed approximately 49.3 grams; .6 grams of suspected
black tar heroin; 1.6 grams of suspected cocaine; a .4 grams clump of green, leafy
substance suspected of being marijuana; a green pill identified as Clonazepam; a
hypodermic needle; a sealed manila envelope containing four rolls of money, totaling
\$4020.00; a 10 gram weight inside a black container; and a photo of the Respondent
kissing a woman. LaMantia seized \$1112.00 from the Respondent's wallet.
- 17 13. The Respondent was transported to YCDF. During booking, detention officers
18 located a small ziplock baggie containing a white, crystalline substance, inside the
19 Respondent's jacket and a green-colored pill determined to be Clonazepam. The
20 Respondent was found to be in possession of two cell phones which were seized. The
21 suspected meth found on the Respondent's person at the jail was field-tested and it
tested positive as meth. All the drugs were submitted to the Montana State Crime Lab
for analysis.
- 22 14. Personnel from the Billings Police Department assert the \$5,132.00.00 U.S.
23 Currency is profit from or being used to facilitate the illegal sale of drugs.
- 24 15. The State may seek a forfeiture of the \$5,132.00 U.S. CURRENCY belonging to
25 KRISTOFER MIKAL WRIGHT.
16. Pursuant to Section 44-12-101, et seq., Montana Code Annotated, Petitioner is
entitled to have the above-mentioned personal property forfeited and used
according to these statutes.

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THEREFORE; Petitioner respectfully requests the following:

1. That the Court issue an Order which forfeits the above-mentioned personal property to the Petitioner.
2. That the Court Order the property to be used or disposed of according to the above-mentioned statutes.
3. That the Court Order any further relief it deems just and proper.

DATED this _____ day of April 2014.

Victoria Callender
Deputy County Attorney