

1 D. JAMES MCCUBBIN
2 Deputy County Attorney
3 KIRSTEN H. PABST
4 Missoula County Attorney
5 Missoula County Courthouse
6 Missoula, Montana 59802
7 (406) 258-4737
8 ATTORNEYS FOR PLAINTIFF

9
10 IN THE JUSTICE COURT OF THE STATE OF MONTANA
11 IN AND FOR THE COUNTY OF MISSOULA

12 STATE OF MONTANA,
13 Plaintiff,
14
15 -vs-
16
17 AUTUMN SIENNA HEINZ,
18 Defendant,

Department No.
Cause No.

19 **COMPLAINT**

20 D. JAMES MCCUBBIN, Deputy County Attorney, deposes and says that on or
21 about the 10th day of April, 2018, in Missoula County, the Defendant committed the
22 offenses of COUNT I: ENDANGERING THE WELFARE OF A CHILD, a Felony, in
23 violation of Montana law, namely: Mont. Code Ann. 45-5-622(3), punishable by 5 Years
24 MSP and/or \$10,000 fine or if a child suffers serious bodily injury 10 Years MSP and/or
25 \$25,000 fine; COUNT II: CRIMINAL POSSESSION OF DANGEROUS DRUGS (ALL
26 OTHER DRUGS), a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-9-
27 102(3), punishable by 5 years MSP and/or \$5,000 fine; COUNT III: CRIMINAL MISCHIEF,
28 a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-6-101, punishable by
10 years MSP and/or \$50,000 fine.

The facts constituting the offense are:

1 COUNT I: On or about the 10th day of April, 2018, the above-named Defendant
2 knowingly endangered the welfare of one or more children enrolled for childcare at
3 YMCA Learning Center in Missoula Montana, a child (or children) under 18 years of
4 age, by causing or permitting a child to inhale, be exposed to, have contact with, or
5 ingest methamphetamine or be exposed to or have contact with methamphetamine
6 paraphernalia in a building or structure where a child might reasonably be expected to
7 be present.
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10 COUNT II: On or about the 10th day of April, 2018, the above-named Defendant
11 knowingly had in her possession METHAMPHETAMINE, a dangerous drug, as defined
12 by 50-32-101.

13 COUNT III: On or about the 10th day of April, 2018, the above-named Defendant
14 committed the offense of criminal mischief by knowingly or purposely injuring,
15 damaging, or destroying BUILDING AND ITS CONTENTS LOCATED AT 2683
16 PALMER A, MISSOULA, MONTANA, the property of YMCA and/or MOUNTAIN
17 STATES LEASING, without consent.
18

19
20 DATED this 12th day of April, 2018.
21

22 /s/ D. James McCubbin
23 D. JAMES MCCUBBIN
24 Deputy County Attorney

25 COMPLAINT 18-983

26 J.C. DENTON, Missoula City Police Dept
27 BOB FRANKE, Missoula City Police Dept
28 45-5-622(3) ~ Endangering the Welfare of a Child

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IN THE JUSTICE COURT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF MISSOULA

STATE OF MONTANA,

Plaintiff,

-VS-

AUTUMN SIENNA HEINZ,

Defendant,

Department No.
Cause No.

**AFFIDAVIT OF PROBABLE
CAUSE**

STATE OF MONTANA)
 : ss
County of Missoula)

D. JAMES MCCUBBIN, Deputy County Attorney, Montana, being first duly sworn upon oath, deposes and says:

I have read the official law enforcement reports regarding the investigation of AUTUMN SIENNA HEINZ for allegedly committing the offenses of COUNT I: ENDANGERING THE WELFARE OF A CHILD, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-622(3) COUNT II: CRIMINAL POSSESSION OF DANGEROUS DRUGS (ALL OTHER DRUGS), a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-9-102(3) COUNT III: CRIMINAL MISCHIEF, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-6-101.

1 Based upon the following facts which have been obtained from reports of the law
2 enforcement officer which, if true, constitute sufficient probable cause to justify the filing of
3 the charges. The facts from those reports are as follows:
4

5 On April 10, 2018, Missoula Police Sgt. Denton was contacted by a YMCA
6 employee stating that a possible drug kit had been located at the YMCA Learning Center
7 located at 2683 Palmer A., Missoula, Montana. Sgt. Denton responded to the Learning
8 Center's location to investigate the possible drug activity.
9

10 Learning Center Director Nanette Melzer reported that on 4/10/2018, employee
11 Dawn Williamson came to Melzer to report that she had seen another employee AUTUMN
12 SIENNA HEINZ hiding in or beneath a cabinet in a strangely constructed hiding spot that
13 can be described as a "drug den", on Thursday 4/5/18. This drug den was located in the
14 laundry room of the Learning Center. Williamson told Melzer that she had located a
15 sparkly hard case that contained a glass pipe and some sparkly lighters. She took pictures
16 of the "drug den" and its contents but left the items where she had found them. Sgt.
17 Denton was provided with the photos that Williamson had taken. Williamson had further
18 reported to Melzer that later in the afternoon of 4/5/2018 she saw that HEINZ was missing
19 so she went inside the laundry room and located HEINZ inside the cabinet. Williamson
20 could see the hard case that contained the meth pipe near HEINZ's leg. HEINZ then
21 moved the sparkly pipe case under her leg in an attempt to hide the case from Williamson.
22 She told Williamson she was just hiding and did not say anything further. Williamson
23 confirmed this was the same case that she had seen earlier in the day. Williamson was
24 unsure of what to do, then ultimately made the report to Melzer on 4/10/2018. Melzer then
25 located the "drug den" and called police.
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1 Melzer informed Sgt. Denton that HEINZ has been a full time employee for three
2 years. HEINZ works in the infant area and tends to all of the infants' needs and handles
3 the babies. Recently there had been some changes in HEINZ's behavior in the past three
4 weeks where she was taking 35-45 minute breaks at a time. Sgt. Denton was informed
5 that there have been 72 children enrolled at the YMCA Learning Center in 2018, with 18
6 enrolled in the infants section.
7

8 Sgt. Denton was then taken to the laundry room, which is located in the middle of
9 the building. Sgt. Denton entered the laundry room and was shown the double cabinet that
10 was located under a shelf. He opened the door and could see that HEINZ had stapled
11 some cloth around the openings to the doors from the inside. This appeared to be
12 intended to block the odor of smoked drugs from escaping the cabinet. He could also see
13 where HEINZ had placed eye hooks on the inside of the doors so they could be fastened
14 and locked from the inside to prevent anyone from opening them. The right drawer of the
15 cabinet had been removed with just the front fastened to the cabinet to create a larger
16 interior space. A couple of small shelves and a battery powered light had also been placed
17 inside. There were screw drivers and also some Original Gourmet lollipops in the shelves
18 along with a clock. On the right side of the cabinet, to the rear where HEINZ's head would
19 be located when she was sitting inside, was a small black air filter that had some sparkly
20 beads on it. Sgt. Denton then located the sparkly hard case that Williamson had seen
21 secured near the front of cabinet. This was the same case as in the photos that Williamson
22 took. The case contained a glass pipe with what appeared to be meth residue. There were
23 some other small snort tubes and some lighters that had glitter on them. Sgt. Denton
24 seized the items and later took all of the items from the cabinet to the Missoula Police
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1 Department. When he was looking at the hard case with the glass meth pipe he located a
2 plastic tube that had glitter on it that was full of white crystals that tested presumptively
3 positive for methamphetamine using a NIK Kit. The weight of the container and meth was
4 5.2 grams.
5

6 HEINZ was present in the facility and was brought to the office to await contact with
7 Sgt. Denton. HEINZ was already in the office when he entered. She just sat in the chair
8 looking forward and did not say anything to him. She did not look surprised or show
9 changes in emotion while sitting there. Sgt. Denton introduced himself and informed her
10 he was investigating what was going on in the cabinet in the laundry room. She nodded
11 and acknowledged she knew what he was talking about. Sgt. Denton requested that
12 HEINZ come to the Missoula Police Department for an interview and she stated she
13 would.
14

15 Prior to transport, Sgt. Denton asked for permission to look inside HEINZ's two
16 bags to make sure there were no weapons or contraband. HEINZ stated Sgt. Denton
17 could look inside but there was nothing in them. HEINZ stood by and watched him search
18 the two bags. Inside her white purse, Sgt. Denton located the same kind of Original
19 Gourmet lollipops that he located in the drug den. He also located the same kind of small
20 bags in her purse that were found in the drug den. He also noticed that there were some
21 lighters with glitter on them just like the ones that were located in the den and in the glass
22 pipe case. At this time HEINZ told Sgt. Denton that she likes candy and sweets and also
23 likes these types of glittery lighters and small bags. Sgt. Denton observed that the lighters
24 and small bags were decorated exactly like the ones in the drug den. Sgt. Denton also
25 located a small mirror that had a white residue on it and a small folding knife with residue
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1 on the tip. Sgt. Denton knows from training and experience that people involved in illegal
2 drug use will often use these small mirrors and knives to chop and move drugs in a line to
3 consume them.

4
5 When Cpl. Campbell arrived to transport HEINZ to the police station he patted her
6 down for any weapons and means of escape and located a ball of tin foil on her person.
7 There was some similar tin foil in the meth pipe case. Inside of the tin foil ball was some
8 burnt residue. Cpl. Campbell and Sgt. Denton know from training and experience that
9 people involved in the use of drugs will put the drug on a piece of tin foil and then heat the
10 foil from the bottom. The drug will then start to create fumes which can be inhaled and
11 ingested into the body. HEINZ quickly told Cpl. Campbell that she didn't know what that tin
12 foil was.

13
14 Sgt. Denton advised HEINZ of her Miranda rights, which she waived via written
15 form. Sgt. Denton conducted a recorded interview of HEINZ at the police station. HEINZ
16 acknowledged that she started working at the YMCA Learning Center full time about three
17 years ago. She stated she cares for the infants in the center ranging from ages of 6 weeks
18 to 18 months. She handles them and cares for them during the day.

19
20 Sgt. Denton asked HEINZ about her drug history. She stated that she started at
21 the Methadone Clinic in 2013 and stopped sometime in 2016 or 2017. She stated she did
22 not need it anymore. She stated she had an opioid pill addiction but also admitted to using
23 heroin before starting the Methadone clinic.

24
25 Sgt. Denton then asked HEINZ to describe what was in the laundry room. HEINZ
26 admitted to constructing the cabinet about three weeks ago. She stated she put up the
27 cloth to block out the light and also installed shelves, a light, and had some of her lollipops
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1 in the cabinet. She stated she made this area to go on breaks and get away. Sgt. Denton
2 asked about when she was caught inside and she said that an employee found her inside
3 but would not talk about the meth pipe kit. Sgt. Denton stressed that he wanted her
4 cooperation so he could find out how long the children had been exposed to meth and how
5 much was smoked. HEINZ refused to cooperate or give any of this information and this is
6 when she stated she wanted a lawyer. Sgt. Denton stopped asking questions at this time.
7

8 Lee Yelin, owner of Water Rights Inc., responded to the YMCA Learning Center.
9 Yelin informed Sgt. Denton that he does meth testing and has also testified in court as an
10 expert for meth testing and clean up. Yelin conducted initial surface tests for
11 methamphetamine. The tests were positive for methamphetamine within the cabinet
12 modified and used by HEINZ. Yelin then found that the employee bathroom and
13 specifically the vent fan in the bathroom were positive for meth. Sgt. Denton knows from
14 training and experience that people using illegal drugs will commonly exhale into a
15 ventilation fan to try to avoid detection of the odor of the drug being smoked. Because this
16 was done the meth fumes appear to have permeated the whole Learning Center. Yelin
17 later informed Sgt. Denton that all of the rooms in the facility had tested positive for meth,
18 specifically including the infant room. Based on Yelin's preliminary estimates the clean up
19 for the methamphetamine contamination could be in excess of \$80,000.
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23 DATED this 12th day of April, 2018.

24
25 /s/ D. James McCubbin
26 D. JAMES MCCUBBIN
27 Deputy County Attorney

28 SUBSCRIBED AND SWORN TO before me, a Justice of the Peace, in and for the
State of Montana, County of Missoula.

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Department No.
Missoula County Justice Court
Missoula County Courthouse
200 W. Broadway
Missoula MT 59802
(406) 258-3474

IN THE JUSTICE COURT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF MISSOULA

STATE OF MONTANA,

Plaintiff,

-vs-

AUTUMN SIENNA HEINZ,

Defendant,

Department No.
Cause No.

ORDER OF PROBABLE CAUSE

Upon reading the Affidavit of Probable Cause filed by the State, the Court finds that there is probable cause to believe the above-named Defendant committed the crimes charged.

Upon reading the foregoing Affidavit, the Court finds that there is probable cause to believe the above-named Defendant committed the crimes charged.

DATED this ____ day of _____, 20__ at ____ A.M./P.M.

JUSTICE OF THE PEACE

Electronically Signed By:
Hon. Judge Landee Holloway
Thu, Apr 12 2018 11:39:53 AM