

085R-ER00114

PROBABLE CAUSE STATEMENT FELONY

Date: 0417-08I, Sgt. Mike Mullaney

[Name and identify law enforcement officer, or person having information as to probable cause]

Upon my oath, and under penalties of perjury, state as follows:

1. I have probable cause to believe that Michael A. Garlett Jr. D.O.B 03/26/70 Sn# [REDACTED]
[Insert name of offender(s) and description of identity]
committed one or more criminal offense (s) property Damage 1st degree

2. The facts supporting this belief are as follows: _____

On 12-05-07 at approximately 1445 hours r/o Detective Mike Crocker went to the Collins highway barn and met with John Mehuy's MoDot Wet land Specialist 601 W Main, Jefferson City Mo. phone 573-526-6675 and Aaron Rieder MoDot 600 W Outer rd, Nevada Mo. Phone 417-448-1189. Both Mehuy's and Rieder gave r/o information of trees that were cut on MoDot right of way.

They explained that hundreds of trees have been girdled (cut half way though) and left to die. The trees had been a topic of discussion that MoDot had with the area residence of Collins before the new construction began. The argument was that the trees would block the line of sight of the Collins businesses and they wanted them cut down. Mehuy's explained that MoDot is required under the clean water act to maintain the trees in this area and they could not be cut. Mehuy's told r/o that towns people said that they would cut the trees if they were not removed when the new road was built.

Rieder stated that MoDot workers had noticed some of the trees had chain saw cuts in them about two weeks ago but did not think about what was going on until today when the trees began to get blown over due to the stronger wind.

The trees were cut mainly at the north end of the timber line laying between new hwy 13 and the north bound on ramp along Coon Creek.

Mehuy's was not sure what will happen at this point to the trees that have been cut but believes that clean up and repairing the damage could cost between \$200,000.00 and \$500,000.00 due to the regulations along Coon Creek.

On 01-08-08 at approximately 1125 hours r/o Deputy Mike Crocker received a phone call from John Mehuy's with the department of transportation wanting to report that more trees have been cut at the new Collins bypass.

R/o met with Mehuy's at approximately 1135 hours at the sight. John showed r/o were one to two more acres of timber has been cut in the last 3 weeks. John told r/o that he had done an assessment of the area around three weeks ago and was sure that this area was not cut at that time. The new area cut is on the north side of hwy 54 between new Hwy 13 and the north on ramp and extends the previously cut timber to the south.

On 01-11-08 at approximately 1050 r/o received information from Jahn Mahueys that all the remaining trees at the Collins bypass area had been cut last night. Mahueys stated that he was at the timber yesterday to do further checking of which trees were cut. He went back today and all the trees were cut. He stated that not only did they cut the trees in the area not cut before but they went back into the area that was all ready cut and cut the ones that they missed before.

On 12/21/2007 at 0023 hrs. R/O Deputy Adams was dispatched to the Collins area. Rhonda Cardwell at 1710 Main st Collins Mo. called and advised she could hear chain saw's running and it sounded like they were down around the area where the tree's had been cut. R/O responded to the area. The fog was very thick visibility was approximately 100 yards. R/O stopped on the bridge over 54 hwy and listen for a few minutes and did not hear anything. R/O went down to the south end of the bridge and came down the ramp. R/O observed one of Mike's big wrecker's come west on 54 hwy and turned north on the 13 hwy ramp. R/O observed the truck stop just to the north of the bridge that goes over the creek on the ramp. The truck stopped about 15 seconds then headed north up the ramp. R/O followed the truck up to the 4 lane and R/O turned around and went back south to Jump stop then turned around and came back to Collins. R/O pulled into the parking lot of Mike's Tow and was there about 2 minutes and observed the same wrecker come down the ramp from south 13 hwy and turned west on 54 hwy.

On 04-16-2008 at approx. 2252 hours R/O Bob Couch and Deputy Anthony Roth received a call from dispatch that a party had exited off North Bound 13 HWY and seen someone in the trees on the west side of the exit and heard a chain saw running. Deputy Roth requested Deputy Bill Adams to come to the area and assist with the search for the individuals cutting trees.

On arrival in area Deputy Roth left patrol car and began search on north side of 13 HWY, R/O drove up the entrance ramp and searched area with spot lite. After several minutes of search the search was moved to the south side of 54 HWY between north bound 13 HWY and the exit ramp on to 54 HWY. R/O went into the trees near the exit ramp and Deputy Roth started his search near 13 HWY on the west side of tree line. As R/O was looking for fresh cut trees R/O noticed two individuals lying on the ground in a small clearing there was two chain saws in front of them. R/O told the two individuals not to move or they would be shot R/O then called for Deputy Roth who walked to the two individuals and had them get two their feet. R/O walked to this area and told the two individuals that they were under arrest and put handcuffs on one of them. The two individuals were identified as Michael A. Garlett W/M DOB 03-26-1970 SSN [REDACTED] and Bryce Evan Vogel W/M DOB 11-16-1990 SSN [REDACTED]. Both parties were put into Deputy Adams Patrol car the chain saws 1 a Stihl Model MS 310 claimed by Michael A. Garlett and a Jonsered 2150 claimed by Bryce Evan Vogel and being his fathers two flash lights and a chain tightening tool were put in R/O's Patrol Car along with a Red plastic gas can a bottle of chain oil to be transported to the St. Clair County Sheriff's Office for evidence.

After returning to the area that the subjects were hiding Deputy Couch and R/O met with the reporting party a Charles Hanna whom stated that he heard the chainsaws running as he exited off Hwy 13 onto Hwy 54 and he then turned and looked over his shoulder to see a subject cutting some tree's. Mr. Hanna showed R/O and Deputy Couch where he seen the subject and where he heard the chainsaw cutting and R/O and Deputy Couch located and counted 28 tree's that appeared to be freshly cut with chainsaws.

Photographs were taken of the scene by Deputy Couch and the two chainsaws that were in the possession of Michael Garlett and Bryce Vogel were seized for evidence. The first chainsaw is a Stihl MS310 stated to belong to Michael Garlett, and a red in color "Jonsered CS2150" stated to belong to Bryce Vogel

After returning to the St. Clair County Sheriffs Office R/O read Miranda Rights to Bryce Vogel and Michael Garlett and a written statement was made by Bryce Vogel. Michael Garlett exercised his rights and requested an attorney before making any statements.

On 04-17-8 at approximately R/O Deputy A. Roth took a written statement from Bryce Vogel in regards to cutting tree's along Missouri highway 13. Bryce states that on 04-16-08 at approximately 16:30 hours Michael Garlett asked him if he wanted to cut trees Along 13 and 54. Bryce stated that he was not paid for cutting the trees he Volunteered.

Bryce was asked if he knew who the property belong to, Bryce stated to Deputy A. Roth that it belong to the state. Bryce was asked if Michael Garlett with him with the intention to cut trees down. Bryce stated to Deputy A. Roth that as far as he knew.

Bryce stated that he and Michael Garlett walked from the shop over to where they were cutting the trees. Bryce was asked if any one else knew that they were cutting trees. Bryce stated to Deputy A. Roth that no one knew. Deputy A. Roth asked Bryce if this was the first time that he cut any trees on state property. Bryce stated to Deputy A. Roth that it was the first time that he cut any trees there.

Deputy A. Roth asked Bryce how many trees he thought that he and Michael Garlett had cut down. Bryce stated to Deputy A. Roth he thought at the most 10. Deputy A. Roth asked Bryce why they were cutting down the trees. Bryce stated to Deputy A. Roth and Deputy Couch "to make sure the state kept there promise, They said that they were going to cut down the trees".

Bryce was asked by Deputy A. Roth if he knew by cutting the trees he was breaking the law. Bryce stated to Deputy A. Roth he did know that it was.

[Insert facts including time and date]

Deputy A. Roth
[Print Name]

[Handwritten Signature]
[Signature]