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OPINION AND ORDER

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APPENDIX A–
OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT (SEPTEMBER 23, 2020)

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

RICHARD B. "RICK" SPINNENWEBER
and CHRIS SPINNENWEBER,

Plaintiffs-Appellants,

v.

DAN WILLIAMS,

Defendant-Appellee.

No. 19-14489

D.C. Docket No. 4:18-cv-00515-RH-CAS

Appeal from the United States District Court
for the Northern District of Florida

Before: JORDAN, NEWSOM, and
GRANT, Circuit Judges.

PER CURIAM:

Plaintiffs Richard and Chris Spinnenweber brought this action against defendant Dan Williams under 42 U.S.C. § 1983, alleging both false arrest and malicious prosecution. The district court dismissed the complaint

for failure to state a claim. The Spinnenwebers appeal that decision. We affirm.

I.

The events giving rise to this case began in 2014. Detective Dan Williams responded to an accusation that the proprietors of a campground—Richard, Chris, and their now-deceased father—had stolen a truck. Accompanied by the alleged victim, he and another detective went to the campground. The responses the officers received from the Spinnenwebers and other campground personnel about the truck were inconsistent. With further investigation, Williams located the truck in a storage shed and found that the truck bed had been repainted to gray and that the tail lamps had been removed.

Williams filled out a probable cause affidavit describing the visit to the campground. The affidavit form shows that Williams was requesting an arrest warrant for two charges: (1) grand theft of a motor vehicle, and (2) resisting or obstructing without violence. Florida Statutes § 812.014 states that a "person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently" deprive "the other person of a right to the property or a benefit from the property" or appropriate "the property to his or her own use or to the use of any person not entitled to the use of the property." Fla. Stat. § 812.014. Furthermore, it "is grand theft of the third degree and a felony of the third degree" if the stolen property is a "motor vehicle." Fla. Stat. § 812.014(2)(c)(6) (2014). And Florida Statutes § 843.02 sets out a first degree misdemeanor for anyone who

"shall resist, obstruct, or oppose" a law enforcement officer "without offering or doing violence to the person of the officer." Fla. Stat. § 843.02 (2014).

A state judge issued the requested warrant, and the Spinnenwebers were charged with grand theft of a motor vehicle and resisting an officer without violence. The charges were eventually dismissed when the State filed a *nolle prosequi*. The Spinnenwebers, not satisfied, sued various parties involved in their arrests. They whittled down the targets of their suit, ultimately bringing 42 U.S.C. § 1983 claims for deprivation of civil rights and malicious prosecution against Detective Williams.

The Spinnenwebers apparently do not dispute the facts that Williams alleged in the affidavit. Instead, they argue that Williams did not include enough in the affidavit. The two issues center around (1) their contention that the dispute over the truck was civil in nature rather than criminal, and (2) the fact that the truck was returned. On the civil-or-criminal point, they claim that Williams told them that "we are trying to resolve this as a civil matter. Don't make it worse on yourself. Believe me." The Spinnenwebers argue that the warrant should have been clear that this "'civil' dispute over the amount of a storage fee had been resolved." As to the return of the truck, they say that the affidavit should have noted that Williams was "instrumental" in the return of the truck in exchange for payment of storage fees. According to the Spinnenwebers, these omissions were "false," "misleading," and "material."

The district court disagreed, and entered an order of dismissal on both counts, explaining that a finding of probable cause was "fatal" to the Spinnenwebers'

claims. The district court found that because the information that the Spinnenwebers claim should have been included in the affidavit was—at best—"immaterial," the Spinnenwebers' claims did not refute that the warrant showed probable cause for their arrest. The Spinnenwebers now appeal.

II.

"We review *de novo* the district court's grant of a motion to dismiss under 12(b)(6) for failure to state a claim, accepting the allegations in the complaint as true and construing them in the light most favorable to the plaintiff." *Hill v. White*, 321 F.3d 1334, 1335 (11th Cir. 2003) (per curiam) (citation omitted).

III.

A.

The district court and Detective Williams characterize the Spinnenwebers' first count as a false arrest claim; the Spinnenwebers do not dispute this characterization. We affirm the district court's holding that this claim fails. Recently, in *Williams v. Aguirre*, we noted that a "claim of false arrest or imprisonment under the Fourth Amendment concerns seizures without legal process, such as warrantless arrests." 965 F.3d 1147, 1158 (11th Cir. 2020) (citation omitted). The fact that a state judge issued a warrant in this case thus extinguishes the Spinnenwebers' false arrest claim. Any objection they have must necessarily be towards the legal process, rather than the absence of legal process. We now turn to that question.

B.

Unlike a claim of false arrest, a claim of malicious prosecution "requires a seizure pursuant to legal process." *See id.* (quotation marks and citations omitted). In order to establish malicious prosecution, the Spinnenwebers must show that the legal process "was constitutionally infirm." *Id.* at 1165. In the context of an arrest warrant, they can do so if they establish "either that the officer who applied for the warrant should have known that his application failed to establish probable cause, or that an official, including an individual who did not apply for the warrant, intentionally or recklessly made misstatements or omissions necessary to support the warrant." *Id.* (citations omitted). To put a finer point on this inquiry, we consider whether a "misstatement in an officer's warrant affidavit amounts to a violation of the Fourth Amendment" through a two-part test: (1) "we ask whether there was an intentional or reckless misstatement or omission," and (2) "we examine the materiality of the information by inquiring whether probable cause would be negated if the offending statement was removed or the omitted information included." *Paez v. Mulvey*, 915 F.3d 1276, 1287 (11th Cir. 2019) (citations omitted).

The Spinnenwebers' claim fails on that second part of our inquiry. It does not matter that the Spinnenwebers returned the truck. Florida law criminalizes "endeavors" of theft, as well as theft for a temporary time; that means it is irrelevant that the Spinnenwebers eventually returned the truck to its rightful owners. Fla. Stat. § 812.014 (2014). And in any event, the fact that the truck was returned to its owners has no bearing on everything that happened

before that point. Nor does the fact that Williams referred to resolving the case as a "civil matter" have any bearing on probable cause. Finally, none of the Spinnenwebers' allegations do anything to cure the conduct that gave rise to the resisting-justice charge. In short, none of the omitted information relates to the elements of the crimes for which probable cause was found.

In every case, there are a multitude of facts. Some affect the existence of probable cause and others do not. The facts that the Spinnenwebers claim Detective Williams omitted from his probable cause affidavit fall into the latter category. The district court's judgment is AFFIRMED.

APPENDIX B– ORDER OF DISMISSAL OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA (OCTOBER 31, 2019)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

RICHARD B. "RICK" SPINNENWEBER
and CHRIS SPINNENWEBER,

Plaintiffs,

v.

DAN WILLIAMS,

Defendant.

Case No. 4:18cv515-RH-CAS

Before: Robert L. HINKLE,
United States District Judge.

This case arises from the plaintiffs' arrest and the filing of criminal charges that were later dropped. The plaintiffs assert the arrest and filing of charges were unconstitutional, but they were not. As set out on the record of the hearing on October 30, 2019, there was probable cause to believe the plaintiffs had committed the charged crime. This is fatal to the plaintiffs' claims.

At one time or another during the litigation, the plaintiffs have named nine defendants. The original complaint named six defendants: Mac McNeil, Dan Williams, Dustin Matthews, Gerald Knecht, Jennifer Roysdon, and Jay Roysdon. The amended complaint, filed as of right, dropped the claims against all of the original defendants except Mr. Williams. And the amended complaint added three new defendants: Bill Bullock, Logan Wilcox, and Dorian Bradley. The plaintiffs voluntarily dismissed their claims against Mr. Bullock, Mr. Wilcox, and Mr. Bradley. Judgment in their favor was entered under Federal Rule of Civil Procedure 54(b). That left the case pending only against Mr. Williams.

Mr. Williams moved to dismiss. At a hearing on October 30, 2019, the plaintiffs acknowledged that for purposes of the motion to dismiss, Mr. Williams's probable-cause affidavit and the warrant issued by a state judge based on that affidavit could properly be considered. The plaintiffs have not alleged that the information in the affidavit was untrue. The plaintiffs do assert that other information was omitted from the affidavit, but the information was either included in the affidavit or immaterial. The complaint and properly considered documents show that the state judge properly issued an arrest warrant. And with or without a warrant, the complaint and properly considered documents show that there was probable cause for the plaintiffs' arrest. Probable cause is a complete defense to the plaintiffs' claims. *See Brown v. City of Huntsville*, 608 F.3d 724, 734 (11th Cir. 2010).

For these reasons and those set out at greater length on the record of the October 30 hearing,

IT IS ORDERED:

1. The motion to dismiss, ECF No. 35, is granted.
2. The clerk must enter judgment under Federal Rule of Civil Procedure 58 stating, "The claims of the plaintiffs Richard B. "Rick" Spinnenweber and Chris Spinnenweber against the defendant Dan Williams are dismissed with prejudice. Any remaining claims against Mac McNeil, Dan Williams, Dustin Matthews, Gerald Knecht, Jennifer Roysdon, and Jay Roysdon are dismissed."
3. The clerk must close the file.

SO ORDERED on October 31, 2019.

/s/ Robert L. Hinkle
United States District Judge

APPENDIX C– SUPPRESSION HEARING BENCH RULING TRANSCRIPT (OCTOBER 30, 2019)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

RICHARD B. "RICK" SPINNENWEBER
and CHRIS SPINNENWEBER,

Plaintiffs,

v.

DAN WILLIAMS,

Defendant.

Case No. 4:18cv515-RH-CAS

Before: Hon. Robert L. HINKLE,
United States District Judge.

IN CHAMBERS

THE COURT: Good morning. This is Judge Hinkle. I've read all of your papers and the record. I think I'm familiar with where things stand. I'll hear from you briefly, and I've got a couple of questions.

Mr. Carson, your motion, I'll let you go first.

MR. CARSON: Thank you, Your Honor. Matt Carson for Defendant Dan Williams.

As we outlined in our motion, Your Honor, plaintiffs have brought a false arrest claim under 1983 and a malicious prosecution claim under 1983 against Lieutenant Dan Williams in his individual capacity.

The false arrest claim fails for a few reasons:

One, Lieutenant Williams did not arrest either one of these plaintiffs. They were arrested pursuant to a warrant that was secured as a result of a probable cause affidavit that was submitted to the Jefferson County Court by Lieutenant Williams, but he did not physically arrest them. There's no allegation that he was even present during their arrest, and their arrest was pursuant to a warrant that was, despite plaintiffs' assertions to the contrary, was a valid process. So, accordingly, the false arrest claim fails for those reasons.

As it relates to the malicious prosecution claim, plaintiff alleges—plaintiffs allege—excuse me—that the probable cause affidavit is fraudulent because it omits information; specifically, in their complaint, in their third amended complaint as well as in their response to the Motion to Dismiss, the only information they allege should have been included in the probable cause affidavit but was not was that the Roysdons, the alleged victims in this case, paid the storage fee and ultimately retrieved their vehicle.

I would first suggest that that's not actually omitted from the probable cause affidavit, although I will acknowledge that it's not abundantly clear on its face. In the probable cause affidavit on the last page—and this is part of Document 35-1 that was

attached as a composite exhibit to the Motion to Dismiss—it states that the plaintiffs—I'm sorry—the Roysdons agreed to pay for the vehicle storage. The vehicle was located, and at the end, the very last paragraph of the probable cause affidavit, Lieutenant Williams states that it appears to him at least that the Spinnenwebers all conspired to keep the Roysdons from obtaining their property for 12 days in an attempt to keep the vehicle for the family business permanently. And, again, acknowledging that that's not abundantly clear that they were, you know, ultimately drove—the Roysdons drove off the campground with their truck on that day, I don't think that it was an omission, and I don't think it was Lieutenant Williams attempting to hide that fact from the magistrate. He states that they were deprived of the use of their vehicle temporarily for a period of time, and that is sufficient to meet the elements of theft under Florida. It doesn't require a permanent deprivation. It only requires a temporary deprivation. That's the only omission or falsity that the plaintiffs have identified in the probable cause affidavit; and, accordingly, even if that information would have been more clear in the probable cause affidavit, I would suggest—and we argue—that the judge still would have signed the warrant for the arrest of the Spinnenwebers, and that probable cause still would have existed for both of the charges for which the warrant was issued.

THE COURT: All right. Thank you.

Mr. Printy?

MR. PRINTY: Well, Your Honor, I guess there's a couple things that would be mistakes in there that we didn't point out, not that they, you know, they identified—Mr. Williams or Detective Williams identifies October 28th as a Sunday when it was a Tuesday; and he says 12 days, when even on their own thing it was nine days, but I don't think that really mattered.

But I do think the issue at all times, you know, the Spinnenwebers were under the impression in their dealings with Detective Matthews—Deputy Matthews, who came out first to investigate when the Roysdons called this in, that it was a civil matter, and it was just a function of paying the bill.

The lady came out there—Ms. Roysdon came out, talked to the dad on a Sunday night. He said, we're closed, come back tomorrow, and we'll deal with this. That was November 2nd. We didn't put that—that's not in the complaint, but that's what happened. They didn't come back—

THE COURT: Well, let's get this in proper sequence to start with. First, is it okay for me to consider the warrant and the affidavit on the Motion to Dismiss?

MR. PRINTY: Yes. I mean, that's what—

THE COURT: All right. And the complaint doesn't say there is a single word that is untrue in the affidavit. That's correct; isn't it?

MR. PRINTY: Yes. It says withheld information.

THE COURT: So doesn't the affidavit establish probable cause to believe that the plaintiffs committed theft?

MR. PRINTY: Well, I don't think he ever says in there that, having paid the money they owed, they were refused their car.

THE COURT: They showed up. The people denied that the car was on the property. They acted like they've never seen it before. They didn't turn over the car. You don't think that's theft?

MR. PRINTY: No. I would say they were required to pay, they agreed to pay, they were required to pay.

THE COURT: So somebody leaves the car, makes a deposit, arranges to have the car stored there for five months. They come back and the guy says, never saw you before, don't have your truck, think we took it 'cause we tried to call you, and we couldn't get you, we don't know what you're talking about, the truck is not here. Then they show—the woman shows up, punches her key and the horn starts beeping in the closed storage area. You don't think that's probable cause to arrest them for theft?

MR. PRINTY: No. I mean, it's not clear who she's talking to. I mean, I guess you could say that, if the lady is lying about things, that misled the police officer, but I still think a judge would want to—that it had been represented to them during this entire thing that it wasn't a criminal case and—

THE COURT: Why does that matter? If the cop—if the officer says, look, I'd like to resolve this as a civil matter, give the woman back her car; and

the guy still doesn't do it or it doesn't work out, you think that somehow the officer's actions have waived the right of the state of Florida to charge him for the crime he committed?

MR. PRINTY: No, I don't think so. I mean—

THE COURT: Let me ask you another question. Why does a warrant make any difference at all? If there was probable cause, the arrest did not violent the Fourth Amendment whether there was a warrant or not. Isn't that true?

MR. PRINTY: Yes.

THE COURT: So, if I read the affidavit and I say that's probable cause even when I consider the additional facts that you say should have been in it, you lose the case, right?

MR. PRINTY: Yes.

THE COURT: All right. I interrupted you. You can tell me anything else you wish.

MR. PRINTY: Your Honor, that's all I have.

THE COURT: All right. Mr. Carson, anything further?

MR. CARSON: Not unless Your Honor has any questions.

THE COURT: I don't.

I'm going to grant the motion. The affidavit sets out facts that are plainly sufficient to establish probable cause. The plaintiff hasn't contested those facts. The allegation is that there was information that was withheld; that Mr. Williams in his affidavit did not say that he had been instrumental in the transaction under which the Roysdons

got their car back. But fairly read, the affidavit does suggest that they got their car back, and whether he had a part of arranging that or not is not material to the probable cause issue.

The other alleged omission is that Mr. Williams had said this was a civil dispute. It was a civil dispute. It was also a crime. When a person willfully shoots another person, it's both a tort and a crime. The fact that something is a civil matter doesn't mean it's not a criminal matter. In any event, the fact that the officer described it as a civil matter at one point does not mean that, if a crime was committed, it could not be charged.

There's a good bit of additional information in the affidavit. There was probable cause without it, but of note, information in the affidavit that's not been denied is that the truck was being driven around the property; the Spinnenwebers denied that it was there; some indication it was being painted. Abundant indication that they may have been in the process of stealing the vehicle.

So there was probable cause, and that's a complete defense to the claims asserted in the complaint.

One of the counts seemed to me possibly to suggest that there was unlawful entry into the premises to make the arrest. It's a place of business, apparently open to the public. So there wouldn't be any basis to assert that the officers going there was improper. In any event, when there is a warrant to arrest a person, and there's good ground to believe that the person is at the premises, the officers can enter the premises to effect the arrest. There's a long line of cases that establish that, and coincident-

ally the Eleventh Circuit issued an opinion just yesterday that confirmed that. That was *United States versus Ross*.

The bottom line is that the defense is entitled to prevail on the Motion to Dismiss. I'll enter a brief order granting the motion.

Thank you both.

Anything else, Mr. Printy?

MR. PRINTY: No, Your Honor.

THE COURT: Mr. Carson?

MR. CARSON: Your Honor, just quickly. Is that motion or is that order granting the Motion to Dismiss with prejudice?

THE COURT: Yes.

MR. CARSON: Thank you, Your Honor.

THE COURT: Thank you. We'll be in recess.

(The proceedings concluded at 11:14 a.m.)

[* * *]

APPENDIX D–
PROBABLE CAUSE AFFIDAVIT OF THE JEFFERSON COUNTY SHERIFF'S OFFICE (NOVEMBER 14, 2014)

ADMINISTRATIVE

OBTS Number: 3302002097
Agency ORI Number: FLO330000
Agency Name: Jefferson County Sheriff's Office
Location of Office: 346 KOA Rd
Agency Report Number: 14003210
Request for Capias
Juvenile: N

DEFENDANT

Name: Spinnenweber Richard B
Race: White
Sex: Male
Date of Birth or Age: [redacted] 55
Height: 510
Hair Color: BRN
Complexion: LT
Build: THN
Address: 346 KOA Road, Monticello, FL, 32344
Phone: (850) 997-3890

CHARGE

Charge Description: Grand Theft Mot
Counts: 1; ☒ F.S.
Status Violation Number: 812-014-2C6
Activity: N/A; Drug Type: N/A
Court Number: 14-165CFA

Charge Description: Resist W/O V Obstruction
Counts: 1; ☒ F.S.
Status Violation Number: 843-02
Activity: N/A; Drug Type: N/A

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.

On the 28 day of October 2014 at 2045

P.C. Exists for Charge(s) – YES

/s/ {Illegible}
Judge's Signature

Date: 11/12/14

ADMINISTRATIVE

OBTS Number: 3302002097
Agency ORI Number: FLO330000
Agency Name: Jefferson County Sheriff's Office
Agency Report Number: 14003210
Location of Office: 346 KOA Rd
Request for Capias: 5
Juvenile: N

DEFENDANT

Name: Spinnenwbbbr, Chris W. Alias: CW
Race: White
Sex: Male
Date of Birth or Age: [redacted] 52
Height: 508
Hair Color: BLN
Complexion: LT
Build: MED
Address: 346 KOA Road, Monticello, FL 32344
Phone: (850) 997-3890

CHARGE

Charge Description: Grand Theft Mot
Counts: 1; ☒ F.S.
Status Violation Number: 812-014-2C6
Activity: N/A; Drug Type: N/A
Court Number: 14-165CFA

Charge Description: Resist W/O Obstruction
Counts: 1; ☒ F.S.
Status Violation Number: 843-02
Activity: N/A; Drug Type: N/A

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.

On the 28 day of October 2014 at 2045

P.C. Exists for Charge(s) – YES

/s/ {Illegible}
Judge's Signature

Date: 11/12/14

JEFFERSON COUNTY SHERIFF'S OFFICE
171 Industrial Park
Monticello, Florida 32344
David C. Hobbs, Sheriff

Case: #14003210
Date: 11/06/2014
Ref: Grand Theft Motor Vehicle, Resisting Without Violence, Obstruction of Justice
Suspect(S): Richard (Dick) P Spinnenweber,
Richard B Spinnenweber,
Chris W Spinnenweber

11/06/2014

On the above date, I Inv. Dan Williams met with Jay and Jennifer Roysdon at the Jefferson County Sheriff's Office to interview them about their stolen vehicle they reported on 10/28/2014.

Jennifer told me that on their way to see me, her and Jay drove to the KOA and pushed the keyless remote button for their truck they reported stolen on. A horn from inside a storage unit began honking. She pushed the button again, and it quit honking.

The storage unit is on KOA property, and belongs to Richard P. Spinnenweber (aka "Dick".) According to the Roysdon's, they rented a lot at the campground for a while. Jay is a seasonal fisherman in California, and Jennifer has some family in Tallahassee, so they stay at the KOA during Jay's off season. They made a verbal agreement with Chris Spinnenweber (Dick's son, who is also the maintenance man, and keeps the keys to all storage units.) to leave their black, gray with red rear quarter panels, Ford F150 with until they

returned. Jennifer left a $50 deposit with Chris, and agreed to pay the KOA listed storage fees upon their return. They gave the truck keys to the campground manager James Henderson (aka "Jimbo") and parked in an outside storage parking space. Jimbo said he has lived at the KOA for a few years, and works at the KOA to work off rent.

All parties involved believe the Roysdon's left the KOA sometime around May 2014. On Sunday, 10/28/2014, the Roysdon's returned to pay their storage fees, and get their truck and other personal belongings left in storage. (They found a place to live closer to family in Tallahassee). Jennifer spoke with Chris and Dick Spinnenweber, and was treated as if they never met. She was later that day told by Jimbo that Dick demanded the keys from him, and he does not know where the truck was anymore.

D/S Dustin Matthews was dispatched to the KOA because of this incident. He spoke with Richard B Spinnenweber (Rick) (Dick's other son, who manages the front desk, and handles the renting and payment for camp lots, and storage units.) Rick said they tried to contact Jennifer, but her number was disconnected, and that they never received any payment for storage. He said he thinks they took the truck for payment of the storage unit.

D/S Matthews spoke with Jimbo. He said he moved the truck from outside storage to inside storage. Dick demanded the keys, and told Jimbo the truck had to go. Jimbo said they attempted to make contact with Jennifer, but were not able to, so Jimbo gave Dick the keys. Jimbo told D/S Matthews he believed the truck was still on the property.

Chris Spinnenweber told D/S Matthews that he did not have an agreement with Jennifer or Jay, nor did the KOA receive a $50 deposit for storage. He said Jennifer did leave the truck, but he does not know what happened to it.

11/06/2014

Lt. Gerald Knecht and I followed the Roysdon's back out to the KOA. Jennifer again pushed the button on her keyless remote, and a horn began honking from inside unit 37. We walked inside the main office, and spoke with Rick. We introduced ourselves, and told him why we were there. Rick became very angry and began yelling at us. He told me there is nothing to discuss, and we had no right to bother him with this issue.

We explained to Rick that we knew the truck was on the property, and that the owners were wanting to pay for their storage, and get their truck. Rick refused to allow them to pay for the vehicle. I went over to unit 37, and met Jimbo and his girlfriend Dana Boucher. Jimbo wrote me a sworn statement explaining that he tried to contact Jennifer for 2 or 3 days and was not able to. Rick wanted the keys to the truck, so either he or his girlfriend Dana Boucher turned over the keys.

Dana also wrote me a sworn written statement explaining that Jennifer gave her and Jimbo the keys when they left town around June, and that management wanted the keys turned in. She gave the keys to Rick, and sometime after that, saw Dick driving it around the property.

After it became obvious that we knew the truck was on the property, Rick told Lt. Knecht that they tried to get the information to have the Roysdon's "Served". There is no record at the Jefferson County Courthouse, or the Jefferson County Sheriff's Office that an attempt to serve the Roysdon's was ever made.

Lt. Knecht told Dick 'We are trying to get this vehicle out of your storage unit, but no one is wanting to talk to us". Dick told Lt. Knecht "Well if someone owed you money, you wouldn't want to talk either".

About 30 minutes later, Jimbo walked up to us and handed over a hand written bill (Not from a computer like all the other bills) saying the Roysdon's owed $385 for 5 months of storage fees on the truck in unit #09 (Not 37), $525 on storage fees for mini storage for personal belongings in unit #14 (Not 28 where they had their belongings), and $650 for May's rent.

The Roysdon's said they were trying to come to this conclusion on 10/28/2014 and pay whatever was owed, but were told the truck was not there. Chris and Dick even went as far as pretending to not know the Roysdon's. They were very upset about being deprived of their vehicle for 12 days, and being lied to by the owner, and by Chris. This vehicle is one of the few possessions the Roysdon's own.

After they agreed to pay for the vehicle storage, Rick left the office, and called me on the office phone about 20 minutes later. He told me it didn't matter if they were paying, he still refused to open the unit. I explained to him the truck was considered stolen (It had been entered in NCIC as stolen on 10/28/2014), and he was in possession of it, and he still refused. I

spent about 20 minutes explaining to Rick that he was obstructing justice. Rick never came back.

Chris Spinnenweber drove up to the storage units about 20 minutes later, and unlocked unit 37 as I was walking back to the units from the office. Lt. Knecht and I never mentioned the unit number, but Chris opened the correct unit on the first try.

I began photographing the truck inside unit 37. I noticed the tail lamps had been removed, and there was painters tape on the edges of the bed (Supposed to be red). I saw that the bed had been repainted to gray, and there seemed to have been a couple coats of gray paint on the bed. It became obvious that the truck was in the process of being repainted to hide distinguishing characteristics like the red quarter panels on it. The camper shell had been removed, and there were still screw holes in the bed rail from where the shell had been. The paint was still slightly sticky, suggesting the last coat was applied recently. There were dried tire tracks made from mud on the concrete floor. These tire tracks resemble the tread on the truck tires, suggesting it had been in and out of the storage unit recently. I ran the VIN number through dispatch, and it was confirmed as stolen.

Julianne Salancy began her shift during our visit to the KAO. She works part time at the office. She explained to us that unit 37 was listed as empty, and had never been in the Roysdon's name. She explained to us that when a unit is rented, the storage fee, and the amount owed is always put in the computer and is easily retrievable. Rick who had been working at this establishment for years, and is trusted with managing the office, was never able to find the actual bill on the computer system. He continued to act

confused on how to operate the system. We asked him what the storage unit prices where, and he said he didn't know. Rick made every attempt to hide this vehicle from D/S Matthews, Lt. Knecht, and myself. He was never able to produce a legitimate bill for the storage.

Dick acted like he didn't know anything about this when confronted by Jennifer, but then was driving the truck around sometime in October. Then he told Lt. Knecht they owed money for it.

Due to the constant lying and changing of stories, along with the truck being repainted, it appears Chris, Rick, and Dick Spinnenweber all conspired to keep the Roysdon's from obtaining their property for the 12 days in an attempt to keep the vehicle for the family business permanently.

/s/ Dan Williams

STATE ATTORNEY'S OFFICE WARRANT REVIEW

Name: Richard B. Spinnenweber
Agency No. 14-3210

To Issuing Magistrate

The State Attorney's Office has reviewed the attached Probable Cause Affidavit and hereby forwards it to the Court for a PROBABLE CAUSE REVIEW.

The State Attorney's Office would request that the Court set the following conditions on Pre-Trial Release upon the finding of Probable Cause:

Recommended total bond 2,500.00 + 500

No Contact with Jay and Jennifer Roysdon

/s/ {Illegible}
Assistant State Attorney

Received: 11/12/14
Returned: 11/12/14

STATE ATTORNEY'S OFFICE WARRANT REVIEW

Name: Chris Spinnenweber
Agency No. 14-3210

To Issuing Magistrate

The State Attorney's Office has reviewed the attached Probable Cause Affidavit and hereby forwards it to the Court for a PROBABLE CAUSE REVIEW.

The State Attorney's Office would request that the Court set the following conditions on Pre-Trial Release upon the finding of Probable Cause:

Recommended total bond 2,500.00 + 500

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/s/ {Illegible}
Assistant State Attorney

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Returned: 11/12/14