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 Latah County Courthouse
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FACSIMILE TRANSMISSION
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FROM: Bill Thompson

Organization: **LATAH COUNTY PROSECUTOR'S OFFICE**

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IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

THE STATE OF IDAHO,)
)
 Plaintiff)
)
 vs)
)
 ERNESTO A. BUSTAMANTE)
)
 DOB 10-06-79)
)
 Defendant)

CASE NO: _____

UNIFORM CITATION NO: Felony

AFFIDAVIT OF: Bruce Fager
INITIAL DETERMINATION OF
PROBABLE CAUSE

The undersigned Judge having examined the affidavit submitted by Peace Officer _____ along with the attached documents, and the complaint against the above indicated defendant for the crime of:

First Degree Murder, I.C. 18-4001/4003(a)

having been laid before the undersigned Judge, it is hereby determined by the undersigned judge that there is probable cause to believe that the said offense has been committed, and that the defendant has committed it.

DATED this _____ day of _____, 2011

Judge

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

THE STATE OF IDAHO,)
)
 Plaintiff)
)
 vs)
 ERNESTO A. BUSTAMANTE)
 DOB 10/06/1979)
)
 Defendant)

CASE NO: _____

UNIFORM CITATION NO: Felony

AFFIDAVIT OF: Bruce Fager
INITIAL DETERMINATION OF
PROBABLE CAUSE

Your affiant, the undersigned police officer, being first duly sworn, deposes and says under oath as follows:

1. Your affiant is a duly qualified peace officer serving with the Moscow Police Department.
2. The above indicated defendant has been investigated for the crime of:

First Degree Murder, I.C. 18-4001/4003(a)

and your affiant asks that a Judge, after your affiant lays a complaint before him, determine whether there is probable cause to believe that said offense has been committed and that the defendant has committed it.

The facts upon which affiant relied in believing there is probable cause for said arrest are:

On 08-22-2011 at 2038 hrs. Officers responded to a report of shots fired at 112 S. Lilley, City of Moscow, Idaho. When they arrived they found Katie Benoit dead on the front porch. She had been shot multiple times at close range with what appeared to be a .45 caliber semi-automatic weapon. Idaho State Police Detectives who later processed the crime scene confirmed that the casings were from a .45 caliber handgun and the shots were concentrated in the upper chest/throat area.

Benoit had two roommates. Their names are Meghan Walker-Smith, and Emma Gregory. They told Det. Wolverton and myself they had all been baking cookies when Katie Benoit stepped outside to smoke a cigarette. She had been outside about 2 minutes when they both heard gun shots. Emma Gregory went to the front door and saw that Benoit had been shot and was down. Both Meghan Walker-Smith and Emma Gregory said they suspected Ernesto Bustamante. Neither one saw who did the shooting.

Both Walker-Smith and Gregory said Bustamante was a University of Idaho professor and had been involved in a sexual relationship with Benoit who was a student. The relationship deteriorated in about March 2011. Gregory told Det. Wolverton that Katie Benoit claimed Bustamante had pointed a handgun at her on multiple occasions and put the gun in her mouth at one point. Sometime in about June of 2011, Benoit filed a complaint with the University of Idaho. Bustamante was either fired or allowed to resign as a result of the complaint.

* At this time it is not clear exactly what happened with the complaint as it was handled as a personnel matter and was confidential. Both Walker Smith and Gregory were concerned because they explained that Bustamante had weapons and had multiple personalities.

I spoke to Lorissa Plotsky who is a close friend of Bustamante and has had a relationship with him. He has also been living with her for the last 6 days. She told me that Bustamante had multiple handguns including a Smith and Wesson .45 cal semi-automatic handgun and a 1911 .45 caliber handgun. I know from experience that there are multiple manufactures of the 1911 style handgun.

Det. Wolverton spoke to Rowdy J. Hope who considered himself a close friend of Bustamante. He confirmed that Bustamante had multiple handguns and multiple personality disorders to include one Bustamante calls a "psychopathic killer" and another Bustamante calls "the beast".

Cpl. Krasselt spoke to Lorne Hetsler who said he heard the gun shots. Hetsler is a neighbor. He told Officer Krasselt that he saw a male wearing a dark trench coat and hat leave the area of 112 S. Lilley immediately after the shots, and get in to a car that was parked to the south of the residence. He told Cpl. Krasselt that the license plate on the vehicle was Washington Plate ABW3726.

Cpl. Krasselt gave the plate to dispatch and they were able to determine that the car was a rental. Dispatch conducted research and made phone calls to the local rental agencies and found out the car was rented to Ernesto Bustamante on 08-22-11 in Pullman Washington.

ISP Trooper Swewecke found the vehicle parked on the west side of the University Inn Bestwestern at 0110 hrs. on 08-23-2011. Dispatch called the Bestwestern and learned that Bustamante checked in to room #213 around 2200 hrs. on 08-22-2011.

Officers have surrounded the room and have made contact with a male inside the room with a foreign accent however the male is refusing to cooperate and exit the room. Bustamante is reportedly from Venezuela.

Affiant / Police Officer

SUBSCRIBED and SWORN to before me this _____ day of _____, 2011

Notary Public Clerk of the Court

My commission expires

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

STATE OF IDAHO,)	
Plaintiff,)	
)	Case No. CR-2011-_____
V.)	
)	WARRANT OF ARREST
Ernesto Alfredo Bustamante,)	
DOB: 10/6/1979)	
SSN: ***-**-4268))
Defendant.)	
_____)	

To any Sheriff, Constable, Marshal or Policeman of said State, or County of Latah, Greetings:

A complaint being laid before me charging that the crime of Murder in the First Degree, Idaho Code 18-4001,4003, a Felony, has been committed, and accusing Ernesto Alfredo Bustamante thereof, and a finding of probable cause having been made;

YOU ARE THEREFORE COMMANDED forthwith to arrest the above named Ernesto Alfredo Bustamante day or night, and bring that person before me at the Latah County Courthouse at Moscow, in said Latah County, or in the case of my absence or inability to act, before the nearest and most accessible Magistrate in this County. Bond is set in the amount of \$_____.

ISSUED AT MOSCOW CITY, LATAH COUNTY, IDAHO, BY MY HAND THIS _____ DAY OF August, 2011, AT _____:_____.M.

John C. Judge
Magistrate

OFFICER'S RETURN

STATE OF IDAHO)
) ss.
County of _____)

I HEREBY CERTIFY that the within Warrant of Arrest came to hand on the ___ day of _____, and that I executed the same by arresting the within named and bringing _____ into Court this ___ day of _____, 20__.

Sheriff

By: _____
Deputy

WARRANT OF ARREST

LATAH COUNTY PROSECUTOR'S OFFICE
 WILLIAM W. THOMPSON, JR.
 PROSECUTING ATTORNEY
 Latah County Courthouse
 P.O. Box 8068
 Moscow, Idaho 83843-0568
 (208) 883-2246
 ISB No. 2613

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

STATE OF IDAHO,)	
Plaintiff,)	
)	Case No. CR-20__-000__
V.)	
)	CRIMINAL COMPLAINT
Ernesto Alfredo Bustamante,)	
Defendant.)	
_____)	

The undersigned, based upon the Affidavit of Sgt. Bruce Fager, complains and says that Ernesto Alfredo Bustamante, in Latah County, State of Idaho, on or about the 22d day of August, 2011, did then and there commit a crime against the People of the State of Idaho: MURDER IN THE FIRST DEGREE, Idaho Code 18-4001, 4003, a Felony, committed as follows:

That the Defendant, Ernesto Alfredo Bustamante, on or about the 22d day of August, 2011, in Moscow City, Latah County, State of Idaho, did wilfully, unlawfully, deliberately, with premeditation and with malice aforethought, kill and murder Kathryn Benoit, a human being, by shooting her with a .45 caliber firearm, from which she died.

All of which is contrary to the form, force and effect of the statutes above cited, and against the peace and dignity of the People of the State of Idaho, WHEREFORE complainant REQUESTS a Warrant of Arrest be issued for the person of:

Ernesto Alfredo Bustamante
DOB: 10/6/1979
SSN: ***-**-4268

And that the Defendant may be dealt with according to law.

DATED this _____ day of _____, 20__.

WILLIAM W. THOMPSON, JR.
Prosecuting Attorney

by _____
Prosecuting Attorney

LATAH COUNTY PROSECUTOR'S OFFICE
 WILLIAM W. THOMPSON, JR.
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IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

STATE OF IDAHO,)	
Plaintiff,)	
)	Case No. CR-2011-_____
v.)	
)	MOTION TO DISMISS
ERNESTO ALFREDO BUSTAMANTE,)	CRIMINAL COMPLAINT
Defendant.)	
_____)	

COMES NOW, the State of Idaho, by and through the Latah County Prosecuting Attorney, and respectfully moves the Court for an order dismissing the Criminal Complaint filed herein pursuant to Idaho Code 19-3504, 19-3506 and Idaho Criminal Rule 48. In support of this motion, the undersigned respectfully represents to the Court that the defendant is deceased.

WHEREFORE, the undersigned respectfully prays for an order of dismissal of the Criminal Complaint herein.

DATED this _____ day of August, 2011.

 William W. Thompson, Jr.
 Prosecuting Attorney

MOTION TO DISMISS CRIMINAL COMPLAINT

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

STATE OF IDAHO,)
Plaintiff,)
V.)
ERNESTO ALFREDO BUSTAMANTE,)
Defendant.)
_____)

Case No. CR-2011-_____

ORDER OF DISMISSAL

The above matter having come before the Court based upon the motion of the State, and good cause appearing:

IT IS HEREBY ORDERED that Criminal Complaint is dismissed.

SO ORDERED this _____ day of August, 2011.

John C. Judge
Magistrate Judge

CERTIFICATE OF SERVICE

I do hereby certify that full, true, complete and correct copies of the foregoing ORDER OF DISMISSAL were delivered to the following as indicated:

William W. Thompson, Jr.	<input type="checkbox"/> U.S. Mail
Latah County Prosecuting Attorney	<input type="checkbox"/> Overnight Mail
Latah County Courthouse	<input type="checkbox"/> Fax
Moscow, ID 83843	<input type="checkbox"/> Hand Delivery

on this _____ day of August, 2011.

SUSAN PETERSEN
Latah County Clerk of the Court

By: _____
Deputy Clerk