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NOV 18 2012

Justice Court

IN THE JUSTICE COURT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF MISSOULA
BEFORE Karen A. Orzech, JUSTICE OF THE PEACE

COPY

Cause No. CR-2012-10283-22

STATE OF MONTANA,)

Plaintiff,)

-vs-)

MICHAEL S. PATTERSON,)

Defendant.)


COMPLAINT

Suzy Boylan, Assistant Chief Deputy Missoula County Attorney, being duly sworn, deposes and says: that on or about November 17, 2012, at Missoula County, the above-named Defendant committed the offenses of COUNT I: OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS, a fourth or subsequent lifetime offense, a Felony, in violation of Mont. Code Ann. §§ 61-8-401 and 61-8-731(3). The penalty for this offense is not more than thirteen (13) months at the Department of Corrections for appropriate placement in a correctional facility or program for successful completion of a residential alcohol treatment program, followed by up to five (5) years in the Department of Corrections or Montana State Prison, all suspended, and fine of not less than \$1,000 or more than \$10,000. However, if the Department of Corrections previously placed this Defendant in a residential alcohol program upon a prior conviction, the Defendant has either a single conviction under 45-5-106 or any combination of four or more prior convictions under 45-5-104, 45-5-205, 61-8-401, 61-8-406, or 61-8-465, and the offense under 45-5-104 occurred while the person was operating a vehicle while under the influence of alcohol, a dangerous drug, any other

drug, or any combination of the three, as provided in 61-8-401(1), and the person was, upon a prior conviction, placed in a residential alcohol treatment program, whether or not the person successfully completed the program, the person shall be sentenced to the department of corrections for a term of not less than 13 months or more than 5 years or be fined an amount of not less than \$1,000 or more than \$10,000, or both.

The facts constituting the offenses are:

COUNT I: On or about November 17, 2012, the above named Defendant committed the offense of driving or being in actual physical control of a motor vehicle, upon a way of this state open to the public, the parking lot of Fast Trip, located at 2730 North Reserve, while under the influence of alcohol and/or drugs.



Suzy Boylan
Assistant Chief Deputy County Attorney

Subscribed and sworn to before me this _____ day of _____,
2012.

JUSTICE OF THE PEACE

COMPLAINT
SEB/weekend

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IN THE JUSTICE COURT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF MISSOULA
BEFORE Karen A. Orzech, JUSTICE OF THE PEACE.

COPY
Justice Court

Cause No. CR-2012-10283-02

STATE OF MONTANA,

Plaintiff,

-vs-

MICHAEL S. PATTERSON,

Defendant.

AFFIDAVIT OF
PROBABLE CAUSE

STATE OF MONTANA)

: ss

County of Missoula)

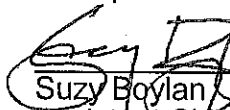
Suzy Boylan, Assistant Chief Deputy County Attorney of Missoula County, Montana, being first duly sworn upon oath, deposes and says:

I have read the investigative reports regarding the investigation of MICHAEL S. PATTERSON for allegedly committing the offenses of COUNT I: OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS, a FOURTH OR SUBSEQUENT OFFENSE, a FELONY and, based upon the information contained in the reports, believe probable cause exists to charge the above-named defendant as specified in the accompanying Complaint.

On or about November 17, 2012, officers responded to the Fast Trip convenience store located at 2730 Reserve Street for a report of two males in a car in the parking lot drinking alcohol. The car was located in a handicapped spot, on top of several full garbage bags that appeared to have been placed there by store employees. The car contained two occupants, both of whom were in possession of an open can of beer. The key was in the ignition and the stereo and dash lights were on, indicating that the ignition was in the "on" position.

The driver was identified as the above-named Defendant. His eyes were glassy and bloodshot and his speech was slurred. He stated he had had two beers. When he got out of the vehicle, officers could smell the odor of an alcoholic beverage coming from his person. He displayed six out of six clues on the Horizontal Gaze Nystagmus, four out of six clues on the Walk and Turn, and three out of four clues on the One Leg Stand. Defendant refused to submit a blood sample. A warrant was obtained and a blood draw taken at the hospital. Defendant was verbally abusive and threatening to the officers. After he blood draw he was taken to the Missoula County Detention Facility.

Officers advise that Defendant had seven total prior convictions for DUI.



Suzy Boylan
Assistant Chief Deputy County Attorney

SUBSCRIBED AND SWORN TO before me this _____ day of _____
_____, 2012.

JUSTICE OF THE PEACE

ORDER

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 _____, 2012 at ___ a.m./p.m.

JUSTICE OF THE PEACE