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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

Cause No. CR. 2012-10291-C2

STATE OF MONTANA,

Plaintiff,

-vs-

SHANE ROY DAVIS,

Defendant.

COMPLAINT

JENNIFER CLARK, Deputy Missoula County Attorney, being duly sworn, deposes and says that on or about the 19th day of November, 2012, at Missoula County, the above-named Defendant committed the offense(s) of COUNT I: BURGLARY, a Felony, in violation of Montana law, namely: Mont. Code Ann. §45-6-204(1), punishable by 20 years MSP and/or \$50,000 fine; COUNT II: RESISTING ARREST, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. §45-7-301, punishable by 6 months MCDF and/or \$500 fine;.

The facts constituting the offense(s) are:

COUNT I: On or about the 19th day of November, 2012, the above-named Defendant committed the offense of burglary by knowingly entering or remaining unlawfully in an occupied structure, 1644 s. 4th Street, Missoula, Montana, and knowingly or purposely commits an offense within that structure, resisting arrest.

COUNT II: On or about the 19th day of November, 2012, the above-named Defendant knowingly prevented or attempted to prevent Officer Vreeland

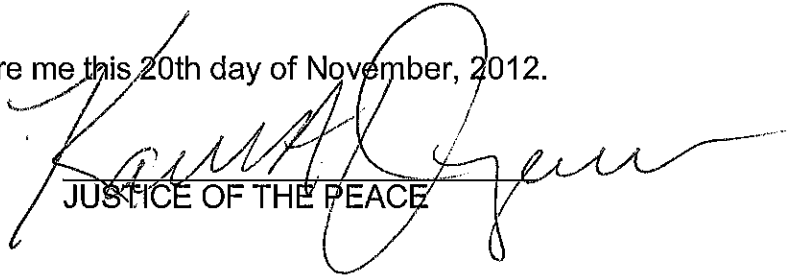
and Officer Serba, a peace officer, from effecting an arrest by using physical force or violence against the peace officer.

DATED this 20th day of November, 2012.



JENNIFER CLARK
Deputy Missoula County Attorney

Subscribed and sworn to before me this 20th day of November, 2012.



JUSTICE OF THE PEACE

COMPLAINT 12-2711
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IN AND FOR THE COUNTY OF MISSOULA
BEFORE _____, JUSTICE OF THE PEACE

Cause No. _____

STATE OF MONTANA,

Plaintiff,

-vs-

SHANE ROY DAVIS,

Defendant.

AFFIDAVIT OF PROBABLE
CAUSE

STATE OF MONTANA)
 : ss
County of Missoula)


JENNIFER CLARK, Deputy County Attorney of Missoula County, Montana,
being first duly sworn upon oath, deposes and says:

I have read the official law enforcement reports regarding the investigation of
SHANE ROY DAVIS for allegedly committing the offense(s) set forth in the
complaint and based upon the information contained in the reports, if true, believe
probable cause exists to justify charging the above-named defendant as specified
in the accompanying complaint.

Officer Vreeland responded to 1644 S. 4th Street West with Officer Serba
for a male who was found inside the residence. The unknown male was lying on
the couch inside the residence with his pants around his ankles. The female
resident had grabbed her three year old daughter and ran outside the home and
called 911.

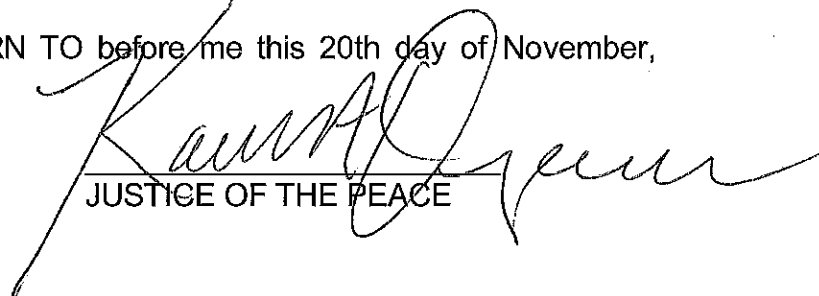
Officer Serba spoke with Courtney Hodek. She was holding her three year old daughter, who was clearly upset. Courtney was still in her night clothes and standing to the south side of 4th Street in front of her house. Courtney explained she had sent her daughter into the living room to retrieve something. She had run back into her mother's bedroom and asked to be picked up. When Courtney walked into the living room she saw a male who she did not know laying on her couch. The male had pulled his pants down all the way to his ankles and had his penis in his right hand as if he had just finished masturbating. Courtney and her daughter were both afraid and left the residence running out the front door.

Officer Serba and Officer Vreeland went inside and observed the male on the couch. Officer Vreeland woke the male up. He got up from the couch and resisted Officer Serba and Officer Vreeland attempt to place him into handcuffs. His pants were down around his ankles and he fell against the south wall of the living room and attempted to push himself away from the wall. The male was identified by his social security card as Shane Davis. He said he was not sure where he was but that he had permission to sleep there. He did not know Courtney or the person to the west of her house.



JENNIFER CLARK
Deputy Missoula County Attorney

SUBSCRIBED AND SWORN TO before me this 20th day of November,
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 20th day of November, 2012 at 10⁰³ a.m./p.m.


JUSTICE OF THE PEACE