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Justice Court

IN THE JUSTICE COURT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF MISSOULA
BEFORE John E. Odlin, JUSTICE OF THE PEACE

Cause No. _____

STATE OF MONTANA,

Plaintiff,

-vs-

JOSHUA THOMAS SWIGERT,

Defendant.

COMPLAINT

M. SHAUN DONOVAN, Deputy Missoula County Attorney, being duly sworn, deposes and says that on or about the 22nd day of November, 2012, at Missoula County, the above-named Defendant committed the offense of AGGRAVATED BURGLARY, a Felony, in violation of Montana law, namely: Mont. Code Ann. §45-6-204(2), punishable by 40 years MSP and/or \$50,000 fine.

The facts constituting the offense(s) are:

On or about the 22nd day of November, 2012, the above-named Defendant knowingly entered or remained unlawfully in an occupied structure with the purpose to commit an offense therein and in effecting entry or in the course of committing the offense or in immediate flight thereafter, the Defendant was armed with a weapon and or purposely, knowingly, or negligently inflicted or attempted to inflict bodily injury upon Brant Geersten.

DATED this 23rd day of November, 2012.



M. SHAUN DONOVAN
Deputy Missoula County Attorney

Subscribed and sworn to before me this 23rd day of November, 2012.

JUSTICE OF THE PEACE

COMPLAINT 12-2728
MCPD Officers Corbett, Mattix and Volinkaty

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-vs-

JOSHUA THOMAS SWIGERT,

Defendant.

AFFIDAVIT OF PROBABLE
CAUSE

STATE OF MONTANA)
 : ss
County of Missoula)

M. SHAUN DONOVAN, 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
JOSHUA THOMAS SWIGERT 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.

On the evening of January 22, 2012 Officers of the Missoula Police
Department were called to a residence on South 5th Street where a burglar alarm
had alerted residents of an intruder in their garage. One of the homeowners,
Brant Geersten, pursued the intruder who, with the help of police, was
apprehended a few blocks from the residence. The suspect, who was wearing all

dark clothing, was identified as Joshua Swigert. He told officers he had merely been "cutting across" Geersten's property on his way to a friend's house nearby.

Geersten reported that when his burglar alarm sounded his wife called 911 and he went to his shop armed with a baseball bat. The intruder impeded his opening the door by pushing against it from the inside. Geersten forced his way in and confronted Swigert who ran from the scene. Geersten gave chase and during the pursuit Swigert sprayed Geersten with pepper spray which was located by officers under a truck Swigert had attempted to crawl beneath.



M. SHAUN DONOVAN
Deputy Missoula County Attorney

SUBSCRIBED AND SWORN TO before me this 23rd 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 23rd day of November, 2012 at _____ a.m./p.m.

JUSTICE OF THE PEACE