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FEB 02 2013

Justice Court

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

Cause No. CR-13-10539-CD

STATE OF MONTANA,

Plaintiff,

-vs-

COMPLAINT


AARON ROBERT EUGENE NEUBAUER,

Defendant.

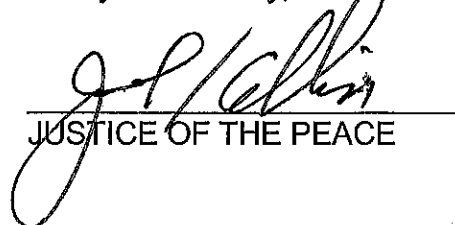
PATRICIA C. BOWER, being duly sworn, deposes and says: that on or about the 2nd day of February, 2013, at Missoula County, the above-named Defendant committed the offense of CRIMINAL ENDANGERMENT, a Felony, in violation of Mont. Code Ann. §45-5-207. The penalty for this offense is not more than ten (10) years in the Montana State Prison and/or a fine not to exceed \$50,000.00.

The facts constituting the offense are:

On or about the 2nd day of February, 2013, the above-named defendant knowingly engaged in conduct that created a substantial risk of death or serious bodily injury to another by discharging his firearm multiple times.


PATRICIA C. BOWER
Deputy County Attorney

Subscribed and sworn to before me this 2nd day of February, 2013.


JUSTICE OF THE PEACE

COMPLAINT

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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-13-10539-C2

STATE OF MONTANA,

Plaintiff,

-vs-

AARON ROBERT EUGENE NEUBAUER,

Defendant.

AFFIDAVIT OF PROBABLE CAUSE

STATE OF MONTANA)
 : ss
County of Missoula)

PATRICIA C. BOWER, 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
AARON ROBERT EUGENE NEUBAUER for allegedly committing the offenses 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.

This incident occurred within Missoula County. The Missoula City Police
Department conducted the investigation. Officer Volinkaty and Sergeant Odlin's reports
are contained verbatim, in pertinent parts, as follows:

Officer Volinkaty's Report:

On February 2, 2013 at approximately 0214 hours, dispatch advised of shots
heard in the area of Scott and Rogers. Dispatch stated that a witness had just

AFFIDAVIT OF PROBABLE CAUSE

observed a dark colored Chevy Silverado truck shoot a handgun out of the window. The caller then lost visual of the truck. Approximately 45 seconds later the caller advised 911 that he had just seen the truck again and it was south bound on Shakespeare. At 0219 hours a second caller reported hearing several shots in a row.

At this time, I began to make my way towards the area of the north side to see if I could spot the Silverado. While I was on W. Broadway I heard Corporal Caton tell dispatch that he was out with a truck matching the description. As I arrived in the area I noticed the truck was stopped near Pine and Scott. Upon my arrival, Corporal Caton had the occupants of the vehicle putting there hands out the truck window. I covered fellow officers as the occupants of the vehicle were removed.

As the occupants of the truck were being removed, I took one of the females to my patrol car and began speaking to her. I identified her as KIRSTIE ROBY. ROBY stated she was sitting in the front middle seat right next to the driver. I asked her if she knew why they were being stopped and she confirmed to me that she did know. I then asked KIRSTIE what was going on. Initially she was hesitant and started looking at the male driver. I explained to KIRSTIE that this was a serious issue and we needed to get it figured out. She then explained to me what had happened. KIRSTIE said she had been drinking down at Stockman's Bar with a female later identified as Brittany. I noticed KIRSTIE was intoxicated and she made numerous statements that she was drunk and had been drinking. She went on to say that her and Brittany both had been drinking and didn't want to get a DUI so they got a ride with the driver (later identified as Aaron.) Aaron was supposed to drive her and Brittany to Brittany's house on Leisure

Lane. Brittany and Aaron are cousins. KIRSTIE said that while they were on the way to Brittany's house, Aaron started driving up towards the north side. Once they got up there Aaron made a statement about how he had a gun and wanted to shoot it. She then said something to the effect that Aaron is a "Dumbass. Obviously!" According to KIRSTIE's statement Aaron held the gun out the window and started shooting. I asked her if he was shooting at anyone or anything and she said "Just shooting in the air it was nothing." I asked KIRSTIE where they were when they shot. She said she didn't know but she remembered seeing a big fence. I know there is a large fence that parallels Rogers street on the south side of the road. I asked KIRSTIE how many shots were fired and she stated probably 4 shots in the air. I then asked KIRSTIE where the gun was put and she stated in between her and Aaron between the two seats. She said at some point a statement was made that we "Gotta go, were gonna get in trouble."

Following my conversation with KIRSTIE I made contact with Tait Strom in the Safeway parking lot. STROM was the original caller. Upon making contact with STROM he advised that the truck the police had stopped on Scott was the truck he witnessed shoot the gun. I then asked him to tell me what he had observed. STROM stated that he and his girlfriend RIAN BARTOCH were driving north on Scott street about to turn west onto Rogers to go to there apartment which is on Otis. As they were turning west onto Rogers he saw a Silverado truck. As they turned, the truck honked its horn. STROM slowed down thinking he had done something wrong. STROM stated he continued west and heard 4 pops which he believed to be gun shots. Initially STROM stated he looked at his girlfriend and asked "did they just shoot at us?" He believed he

was about 30 yards from the truck at that time. STROM stated they continued west on Rogers towards Shakespeare. At that time the Silverado turned north on Scott Street. STROM stated as they turned north on Shakespeare headed towards Otis, the truck was paralleling them on Scott. At that time STROM stated they heard the sound again and still believed they were shots. I asked STROM if he felt they were shooting at him. Based on his initial statement of "did they just shoot at us?" I felt he may have been scared or in fear, however this time he said I wasn't too worried about it but RIAN was starting to freak out. When I directly asked him if he was scared about the gun shots he shrugged his shoulders and stated no.

STROM said as they pulled into the apartment complex he noticed the truck now traveling west on Otis headed directly towards the apartment complex. STROM said he told RIAN to go into the apartment and he waited outside. STROM said once the truck reached the intersection of Otis and Shakespeare it stopped facing the apartment. STROM said the truck then turned north on Shakespeare and started heading towards the dump. As the truck pulled away, STROM said it drove very slowly and the driver appeared to be watching him to see what he was doing. The truck then sped off towards the dump.

STROM advised after a while the truck came back and he last saw it going over the Scott Street bridge.

Following my conversation with STROM I transported KIRSTIE to the M.P.D. for gun shot residue testing. Following the testing the G.S.R. kit was placed into evidence under item JV-1.

AFFIDAVIT OF PROBABLE CAUSE

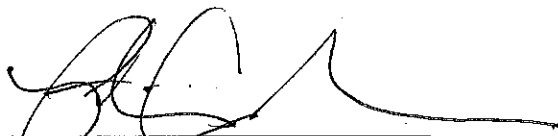
I have attempted to speak to RIAN directly on the phone however she did not answer my phone call. At this time the only statements I have from RIAN are what her boyfriend STROM told me.

Sergeant Odlin's Report:

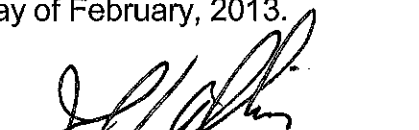
On 020213 at approximately 0215 hours, I responded to the area of Otis and Shakespeare for the report of several gunshots heard. I could not find any evidence in the area, but was approached by the complainant. He advised the shots had been fired near the stop sign at Scott and Rodgers. I was able to locate a .45 caliber shell casing just west of that intersection. I marked it with a flashlight until it could be collected. Several officers were out with a possible suspect vehicle, and I notified them of the calibre of weapon we were looking for. Officer PUDDY and Lt. STEPPER arrived and were each able to locate an additional shell casing. The evidence was photographed and collected by PUDDY. The complainant responded to the area where Cpl. CATON had stopped the suspect vehicle, and confirmed that it was indeed the suspect vehicle.

I spoke to Officer VOLINKATY, who had further contact with the complainant. VOLINKATY told me the complainant thought the people in the trucks had possibly fired at him and his girlfriend. Based on that information, as well as the fact that multiple shots had been fired, demonstrating that the suspect knowingly fired the weapon, and the fact that the weapon was fired on a street with houses on one side, I advised Cpl CATON to arrest the driver for Criminal Endangerment.

VOLINKATY told me later that the complainant had changed his statement in a phone call, saying he was not scared, but his girlfriend was. VOLINKATY was not able to make contact with the girlfriend. I decided to keep the charge at Criminal Endangerment, as that was the statement the complainant made just shortly after the incident, and the other facts remained the same.


PATRICIA C. BOWER
DEPUTY COUNTY ATTORNEY


SUBSCRIBED AND SWORN TO before me this 2nd day of February, 2013.


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 2nd day of February, 2013 at 12/6 a.m./p.m.


JUSTICE OF THE PEACE