

RECEIVED

APR 03 2013

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

STATE OF MONTANA  
Plaintiff,

-VS-

JOEL VINCENT MCCONNELL  
Defendant.

Cause No. CR-2013-10726-CL

**COMPLAINT**

JENNIFER CLARK, Deputy Missoula County Attorney, deposes and  
says that on or about the 29th day of March and the 1st day of April, 2013,  
in Missoula County, the Defendant committed the offenses of:

**COUNT I:** ASSAULT WITH WEAPON, a Felony, in violation of Montana  
law, namely: Mont. Code Ann. 45-5-213, punishable by 20 years MSP and  
a \$50,000 fine;

**COUNT II:** CRIMINAL DESTRUCTION OF OR TAMPERING WITH A  
COMMUNICATION DEVICE, a Misdemeanor, in violation of Montana law,  
namely: Mont. Code Ann. 45-6-105, punishable by 6 months MCDF and a  
\$1000 fine;

**COUNT III:** AGGRAVATED KIDNAPPING, a Felony, in violation of  
Montana law, namely: Mont. Code Ann. 45-5-303, punishable by Death,  
Life Imprisonment or 2-100 years MSP and a \$50,000 fine; and

1 **COUNT IV: AGGRAVATED ASSAULT**, a Felony, in violation of Montana  
2 law, namely: Mont. Code Ann. 45-5-202, punishable by not to exceed 20  
3 years MSP and a \$50,000 fine.  
4

5 The facts constituting the offense are:  
6

7 **COUNT I:** On or about the 29th day of March, 2013, the above-named  
8 Defendant purposely or knowingly caused reasonable apprehension of  
9 serious bodily injury in Amber Drugge by use of a weapon, a large knife.  
10

11 **COUNT II:** On or about the 29th day of March, 2013, the above-named  
12 Defendant purposely or knowingly destroyed or tampered with a telephone  
13 to obstruct, prevent, or interfere with the report to any law enforcement  
14 agency of any actual criminal offense, to wit: Defendant destroyed a phone  
15 being used by Amber Drugge to call 9-1-1 to report an assault.  
16  
17

18 **COUNT III:** On or about the 1st day of April, 2013, the above-named  
19 Defendant knowingly or purposely, and without lawful authority, restrained  
20 Malarie Radabaugh by holding her in a place of isolation and/or threatening  
21 to use physical force for the purpose of holding her for ransom or reward  
22 and/or inflicting bodily injury on or to terrorize her.  
23  
24

25 **COUNT IV:** On or about the 1st day of April, 2013, the above-named  
26 Defendant purposely or knowingly caused, with the use of physical force or  
27  
28

1 contact, a reasonable apprehension of serious bodily injury to Malarie  
2 Radabaugh by strangling her to point of unconsciousness.  
3

4 DATED this 3<sup>rd</sup> day of April, 2013.

5  
6   
7 JENNIFER CLARK  
8 Deputy Missoula County Attorney  
9  
10

11 Subscribed and sworn to before me this 2nd day of April, 2013.  
12  
13

14 JUSTICE OF THE PEACE  
15

16 COMPLAINT 13-793  
17 Missoula City Police Dept: Det. Curtis  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

APR 03 2013

1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,  
2 IN AND FOR THE COUNTY OF MISSOULA Justice Court  
3 BEFORE Karen A. Orzech, JUSTICE OF THE PEACE  
4

5 STATE OF MONTANA,  
6 Plaintiff,

Cause No. CR-2013-10726-C2

7 -vs-  
8

**AFFIDAVIT OF PROBABLE**  
**CAUSE**

9 JOEL VINCENT MCCONNELL,  
10 Defendant.

11 STATE OF MONTANA )  
12 : ss  
13 County of Missoula )

14 JENNIFER CLARK, Deputy County Attorney of Missoula County,  
15 Montana, being first duly sworn upon oath, deposes and says:  
16

17 I have read the official law enforcement reports regarding the  
18 investigation of JOEL VINCENT MCCONNELL for allegedly committing the  
19 offense(s) set forth in the complaint in and based upon the information  
20 contained in the reports, if true, believe probable cause exists to justify  
21 charging the above-named defendant as specified in the accompanying  
22 complaint.  
23  
24

25 On or about the 29th day of March, 2013, Missoula City Police Officer  
26 Long responded to Safeway on Broadway to meet with Amber Drugge  
27 regarding her report that Joel McConnell threatened her with a knife. When  
28

1 Officer Long arrived on scene he observed that Drugge was in a  
2 wheelchair. She said that her leg was broken and that she had recently  
3 had surgery on that leg. Drugge reported that she currently resides at a  
4 motel in Missoula. McConnell was also staying at the same motel.  
5

6  
7 At about 6:30 p.m., Drugge encountered McConnell in the motel  
8 parking lot. She confronted him about some money he owed her.  
9  
10 McConnell became upset, got in Drugge's face and then kicked her broken  
11 leg. As he walked away, Drugge said, "You won't get away with this."  
12  
13 McConnell came back to Drugge, pulled a large knife out of his back pocket  
14 and put it up to Drugge's throat, touching the skin of her neck. McConnell  
15 said, "You better watch it or I'm gonna kill you."  
16

17 McConnell then turned to Drugge's husband, Daniel Helton, held the  
18 knife up to his throat and said, "You need to keep your bitch in line."  
19  
20 McConnell then returned to his room. Drugge described the knife as being  
21 approximately 8 inches long with a serrated edge on one side.  
22

23 Drugge then proceeded to her room to call 9-1-1. As she was  
24 speaking with the 9-1-1 operator, McConnell left his room and got in a car.  
25 He held the knife up to show it to Drugge. Drugge blew him a kiss. This  
26 seemed to upset McConnell. He got out of his car, approached Drugge,  
27  
28

1 pushed her, grabbed the phone she had been using and smashed it on the  
2 ground. He then left in his car.  
3

4 When asked if she thought McConnell was going to use the knife to  
5 hurt her, she said, "Yes." Helton agreed. Drugge said that she was scared  
6 to go back to the motel. Drugge was visibly shaken and constantly looking  
7 around.  
8

9  
10 On April 1, 2013, at about 1:07 p.m., Missoula City Police Officer Pat  
11 Erbacher responded to a different motel to speak with a female named  
12 Malarie Radabaugh. Upon arrival he saw two females and a male sitting in  
13 and around a mini-van. Officer Horton took Radabaugh aside to speak with  
14 her while Erbacher spoke with Cheyenne, Christopher then Elizabeth (who  
15 had come out of the motel shortly after Erbacher arrived).  
16  
17

18 Malarie told Horton that at about 1 a.m. she met Joel McConnell at  
19 her motel. She later admitted that she wanted to get methamphetamine  
20 from him, as she had on multiple other occasions. Malarie said that she  
21 had stolen \$200 from McConnell a couple days earlier. She believed  
22 McConnell was coming by looking for his money.  
23  
24

25 She got into McConnell's vehicle, a white Chevy Malibu and he began  
26 driving around. McConnell then started to threaten Malarie, telling her, "I  
27 am going to kill you. You're going to get your ass kicked. I am going to feed  
28

1 to feed your body to the pigs. I am going to kill and rape your kids."

2 Malarie was scared he really was going to kill her and harm her kids. She  
3 said that she had never been so scared. She started crying and couldn't  
4 stop. McConnell kept saying, "You better get my money, you fucking  
5 bitch." Malarie said that two cars drove up behind them and McConnell  
6 said, "Now, you're going to get your ass beat." Malarie pleaded with  
7 McConnell and promised him that she'd get the money.  
8  
9  
10

11 While they were driving back to McConnell's motel room, Malarie  
12 tried to jump out of the car. McConnell grabbed her hair, pulled her back  
13 inside the car and strangled her until she passed out. McConnell then  
14 drove them back to his motel room. McConnell told Malarie that she was  
15 going to stay in the room until she paid her debt. McConnell tried to tie her  
16 up but she was able to fend him off. McConnell put duct tape over her  
17 mouth. McConnell threatened to slash Malarie's throat. There were  
18 several knives in the room.  
19  
20  
21

22 Malarie reported that there were two other people in the room:  
23 Sharon Kuhn and a male she only knew as "Stolle." Kuhn and Stolle would  
24 take turns sitting in a chair between Malarie and the door to prevent her  
25 from leaving. They were using methamphetamine. McConnell gave  
26 Malarie one hit of methamphetamine so that she wouldn't get sick. At one  
27  
28

1 point, McConnell left her with Kuhn and Stolle so that he could "go make a  
2 run."  
3

4 When he returned, he held his phone up to her ear and she heard a  
5 male tell her that she better pay up because if she didn't he had some  
6 bikers who were willing to pay \$1,200 to "run a train on her."  
7

8 After some time, Malarie fell asleep. When she woke up, Kuhn  
9 indicated that she needed to get to work. McConnell took Malarie with him  
10 to drive Kuhn to work. After Kuhn was dropped off, Malarie convinced  
11 McConnell to take her to her motel so that she could pick up a few personal  
12 items. When McConnell pulled up to the motel, Malarie got out of the  
13 vehicle and located several of her friends. She told them what happened  
14 and they confronted McConnell, who was waiting in his vehicle in the motel  
15 parking lot. McConnell sped away.  
16  
17  
18

19 Officers responded to McConnell's motel room where they located  
20 McConnell. Officer Horton advised McConnell of his Miranda rights and  
21 McConnell agreed to speak with Horton. McConnell admitted that he  
22 picked up Malarie at 1 a.m. However, he claimed that he was there to  
23 protect her from someone else. He said that Malarie was hysterical and  
24 freaked out on drugs. She tried to jump out of his car and he had to  
25 physically restrain her. Back at his motel room, he said that they talked all  
26  
27  
28



1 night. In the morning, after he dropped off Kuhn, he took Malarie to her  
2 motel. Malarie got out and approached two people in the parking lot. A  
3 few minutes later the two individuals started to approach him, saying: "So,  
4 you're going to kill her?" McConnell said that he quickly drove out of the  
5 parking lot and returned to his motel room.  
6

7  
8 McConnell was arrested and transported to the police station.  
9

10 Detective Geoff Curtis applied for and was granted a search warrant  
11 for McConnell's motel room and vehicle. During the service of the search  
12 warrant, Curtis observed both Kuhn and Stolle on scene in another vehicle.  
13 Curtis provided Kuhn with a copy of the warrant.  
14

15 During a search of the Chevy Malibu, Curtis located a large knife in a  
16 sleeve. Later he saw Amber Drugge and asked her if this was the same  
17 knife McConnell used to threaten her. When Curtis removed the sleeve,  
18 Drugge's eyes widened and she said she was 100% sure the knife was the  
19 same one McConnell held to her throat. Inside the room, officers located a  
20 roll of duct tape, an air soft pistol, snort tube, blue-colored rope or bungee  
21 cord and other miscellaneous items.  
22  
23  
24

25 Curtis then asked Kuhn and Stolle to meet him at the police station.  
26 They arrived at the police station and Curtis interviewed them separately.  
27 At first, Kuhn said that nothing happened and that McConnell didn't do  
28

1 anything wrong. Later, she claimed that they were trying to "scare her  
2 straight." Kuhn admitted that Stolle came over and sat in the room with  
3 them. Kuhn said that at one point she walked out of the bathroom and  
4 McConnell was down at face level with Malarie and McConnell had his  
5 phone in his hand. Kuhn reported that McConnell told Malarie that she  
6 didn't want to mess with these people. Kuhn admitted that she believes it  
7 is reasonable for Malarie to have felt that she could not leave the room.  
8

9  
10  
11 Kuhn said that they were trying to keep her in the room but only to  
12 help her get off drugs. Later she admitted that McConnell loaded a pipe  
13 and supplied Malarie with methamphetamine.  
14


15 Curtis then spoke with Stolle. Stolle said that McConnell called him  
16 and told him to come over right away. Stolle arrived at the motel room and  
17 McConnell told Stolle to watch Malarie and to not let her do anything stupid.  
18 McConnell told him not to let anyone in the room. Stolle learned that  
19 Malarie had stolen methamphetamine from McConnell on several  
20 occasions and that she owed McConnell money. Stolle understood that  
21 McConnell was trying to collect this drug debt. Stolle admitted that he sat  
22 in a chair between Malarie and the door. He claimed he would have let her  
23 go, if she tried to leave. However, given her smaller size it would be  
24 reasonable for her to believe that she was trapped in the room.  
25  
26  
27  
28

1 Stolle showed Curtis text messages between himself and Kuhn.

2 Stolle received a text from Kuhn that stated: "did you get the rope out of  
3 there too" and Stolle replied "Joel packed" and then "Im scared." Stolle  
4 said that McConnell removed items prior to police arriving at his room.  
5

6  
7 Curtis read the elements of Kidnapping to Stolle and he agreed that is  
8 what McConnell, Kuhn and he did to Malarie. Stolle expressed remorse for  
9 what had happened.  
10

11 Curtis then re-interviewed Kuhn. She admitted that McConnell had  
12 duct tape and rope on the bed and that he had threatened to tie Malarie up.  
13 Kuhn said that she didn't want McConnell to get in trouble and that this was  
14 very hard for her.  
15

16  
17  
18   
19 JENNIFER CLARK  
20 Deputy Missoula County Attorney

21 SUBSCRIBED AND SWORN TO before me this 3<sup>rd</sup> day of April, 2013.

22  
23 JUSTICE OF THE PEACE  
24  
25  
26  
27  
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013 at \_\_\_\_\_ a.m./p.m.

# JUSTICE OF THE PEACE