

JUL 29 2013
Justice Court

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

COPY

4 STATE OF MONTANA
5 Plaintiff,
6 -VS-
7 JOSHUA RYAN SAKIEVICH
8 Defendant.

Cause No. CR-2013-11121-C
COMPLAINT

9 JESSICA FINLEY, Deputy Missoula County Attorney, deposes and
10 says that on or about the 28th day of July, 2013, in Missoula County, the
11 Defendant committed the offenses of **COUNT I: NEGLIGENT VEHICULAR**
12 **ASSAULT - RESULTING IN SERIOUS BODILY INJURY**, a Felony, in
13 violation of Montana law, namely: Mont. Code Ann. 45-5-205(1)[2],
14 punishable by 10 years MSP and/or \$10,000 fine; **COUNT II: DRIVING A**
15 **MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR**
16 **DRUGS - 1ST OFFENSE**, a Misdemeanor, in violation of Montana law,
17 namely: Mont. Code Ann. 61-8-401(1)(a)[1st], punishable by not less than 24
18 hours or more than 6 months MCDF and \$300-\$1,000 fine; **COUNT III:**
19 **FAILURE TO USE SEATBELT**, a Misdemeanor, in violation of Montana law,
20 namely: Mont. Code Ann. 61-13-103, punishable by \$20 fine; **COUNT IV:**
21 **FAILURE TO GIVE NOTICE BY QUICKEST MEANS OF AN ACCIDENT**, a
22 Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 61-7-
23 108, punishable by 20 days MCDF or \$200-\$300 fine; **COUNT V:**
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1 **OBSTRUCTING PEACE OFFICER OR OTHER PUBLIC SERVANT, a**
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3 Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-7-
4 302(1), punishable by 6 months MCDF and/or \$500 fine.

5 The facts constituting the offense are:

6
7 COUNT I: On or about the 28th day of July, 2013, the above-named
8 Defendant negligently operated a vehicle, a 1999 Pontiac bearing Montana
9 license plate 437474A, while under the influence of alcohol and/or drugs
10 and caused serious bodily injury to minor "C.L." to wit: the vehicular crash
11 knocked "C.L." unconscious and "C.L." suffered from a seizure and head
12 injury.
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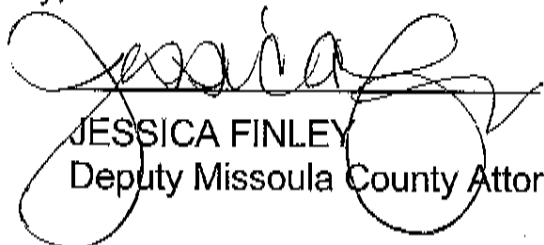
15 COUNT II: On or about the 28th day of July, 2013, the above-named
16 Defendant committed the offense of driving or being in actual physical
17 control of a motor vehicle, a 1999 Pontiac bearing Montana license plate
18 437474A, upon a way of this state open to the public, Frenchtown Frontage
19 Road, while under the influence of alcohol and/or drugs.
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22 COUNT III: On or about the 28th day of July, 2013, the above-named
23 Defendant operated a motor vehicle upon Frenchtown Frontage Road while
24 an occupant of a designated seating position was not wearing a properly
25 adjusted and fastened seatbelt.
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1 COUNT IV: On or about the 28th day of July, 2013, the above-named
2 Defendant drove a vehicle involved in an accident resulting in the injury or
3 death of another person or property damage to an apparent extent of \$500
4 or more and failed to immediately by the quickest means of communication
5 give notice of the accident to the appropriate law enforcement agency.
6

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8 COUNT V: On or about the 28th day of July, 2013, the above-named
9 Defendant knowingly obstructed, impaired, or hindered the enforcement of
10 the criminal law, the preservation of the peace, or the performance of a
11 governmental function, including service of process by running from law
12 enforcement, providing and incomplete or false identifying address, and/or
13 failing to inform law enforcement of two minor passengers who were also in
14 the vehicle at the time of the crash.
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18 DATED this 29th day of July, 2013.

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21 JESSICA FINLEY
22 Deputy Missoula County Attorney

23 Subscribed and sworn to before me this 29th day of July, 2013.

24
25 JUSTICE OF THE PEACE

26 COMPLAINT 13-1822
27 Montana Highway Patrol SILVAN
28

JUL 29 2013

Justice Court

1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE _____, JUSTICE OF THE PEACE
4 ~~John E. Odlin~~

5 STATE OF MONTANA,
6 Plaintiff,

Cause No. *CR-2013-11121-C1*

7 -vs-

**AFFIDAVIT OF PROBABLE
CAUSE**

9 JOSHUA RYAN SAKIEVICH,
10 Defendant.

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

14 JESSICA FINLEY, Deputy County Attorney of Missoula County,
15 Montana, being first duly sworn upon oath, deposes and says:
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17 I have read the official law enforcement reports regarding the
18 investigation of JOSHUA RYAN SAKIEVICH 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.
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25 On or about the 28th day of July, 2013, at approximately 1:56 a.m.,
26 Trooper Shawn Silvan of the Montana Highway Patrol responded to a
27 report of a single vehicle crash on the Frenchtown Frontage Road near Six
28

1 Mile Road. Upon arriving on scene, Trooper Silvan observed a white
2 passenger car that left the roadway on the Frenchtown Frontage Road and
3 came to a stop in the ditch on the west side of the roadway. Trooper Silvan
4 observed a black tire mark that started in the westbound lane, crossed the
5 double yellow center lines and entered the ditch on the west side of the
6 road. There were no occupants found in the vehicle and dispatch had not
7 received a report of the accident from anyone involved in the crash.
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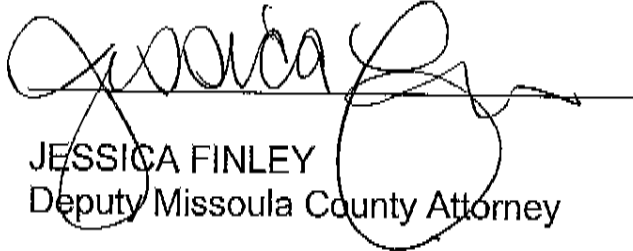
11 Law enforcement located two individuals walking a mile from the
12 crash site who were later identified as the Defendant Joshua Sakievich and
13 passenger Tyler Ames. Ames took off running from law enforcement, but
14 Sakievich remained with the ambulance. Trooper Silvan made contact with
15 Sakievich. Sakievich stated he picked up his friend from Larry's Six Mile
16 Bar and they he drove down Frenchtown Frontage Road, but failed to
17 negotiate a curve. Sakievich stated his friend's name was "Tyler Whitman."
18 Trooper Silvan later learned the passenger's name to be Tyler Ames.
19 Trooper Silvan asked Sakievich for his address. Sakievich stated his
20 address was "907 Outback Trail," but was unable to provide a city for the
21 address.
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27 Trooper Silvan conducted an investigation based on his suspicion
28 that Sakievich was under the influence of alcohol and/or drugs. Sakievich

1 smelled strongly of alcohol, his eyes were blood shot and watery, he
2 appeared to have "dry mouth" and there was a faint smell of marijuana
3 coming from his person. Sakievich admitted to consuming alcohol that
4 evening. Trooper Silvan conducted the standardized field sobriety tests.
5 Sakievich displayed 6/6 indicators of impairment on the Horizontal Gaze
6 Nystagmus test, 1/8 indicators of impairment on the Walk and Turn test,
7 and 1/4 indicators of impairment on the One Leg Stand test. Sakievich
8 provided a preliminary breath test result of .089%.

12 Trooper Silvan later learned there were two more passengers in the
13 vehicle at the time of the crash, minors "C.L." and "P.J.," and minor "C.L."
14 had sustained serious injuries. Sakievich's father called Trooper Silvan to
15 report that Sakievich had called to tell him he was concerned that one of
16 the minors was hurt from the crash. Trooper Silvan was able to make
17 contact with minor "C.L." at Saint Patrick Hospital who confirmed she was
18 in the vehicle driven by Sakievich at the time of the crash. "C.L." stated at
19 the time of the crash she was not wearing her seatbelt and had hit her head
20 during the crash sequence leaving her unconscious. "C.L." also stated she
21 suffered a seizure following the crash and complained of an ongoing
22 headache. "C.L." confirmed all parties, including Sakievich, had been
23 consuming alcohol that night.

1 Trooper Silvan again spoke with Sakievich who stated he did not
2 inform Trooper Silvan of the minors in his vehicle at the time of the crash
3 because he figured they would make it home. Sakievich also denied that
4 anyone was hurt and stated he had just told his father that so that his father
5 would bail him out of jail.
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10 JESSICA FINLEY
11 Deputy Missoula County Attorney

12 SUBSCRIBED AND SWORN TO before me this 29th day of July,
13 2013.

14
15
16 _____
17 JUSTICE OF THE PEACE

18
19 ORDER

20
21 Upon reading the foregoing Affidavit, the Court finds that there is
22 probable cause to believe the above-named Defendant committed the crimes
23 charged.
24

25 DATED this _____ day of _____, 2013 at _____ a.m./p.m.
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27

28 _____
JUSTICE OF THE PEACE