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OCT 04 2013

Justice Court

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

4
5 STATE OF MONTANA
6 Plaintiff,

7 -vs-
8 ERIC J AIMSBACK
9 Defendant.

Cause No. CR-2013-11348-C2

COMPLAINT

10 JORDAN KILBY, Deputy County Attorney, deposes and says that on or
11 about the 29th day of September, 2013, in Missoula County, the Defendant
12 committed the offenses of COUNT I: AGGRAVATED ASSAULT, a Felony,
13 in violation of Montana law, namely: Mont. Code Ann. 45-5-202, punishable
14 by not to exceed 20 years MSP and a \$50,000 fine; COUNT II: PARTNER
15 OR FAMILY MEMBER ASSAULT - 1ST OFFENSE, a Misdemeanor, in
16 violation of Montana law, namely: Mont. Code Ann. 45-5-206[1st], punishable
17 by not less than 24 hours or more than 1 year MCDF and/or \$100-\$1000
18 fine; COUNT III: UNLAWFUL RESTRAINT, a Misdemeanor, in violation of
19 Montana law, namely: Mont. Code Ann. 45-5-301, punishable by 6 months
20 MCDF and/or \$500 fine
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25 The facts constituting the offense are:

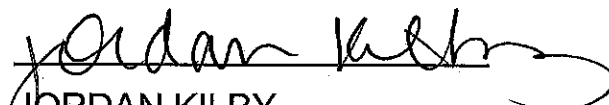
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27 COUNT I: On or about the 29th day of September, 2013, the above-
28 named Defendant purposely or knowingly caused, with the use of physical

1 force or contact, reasonable apprehension of serious bodily injury to Phyllis
2 Kipp by strangling her.
3

4 COUNT II: On or about the 29th day of September, 2013, the above-
5 named Defendant purposely or knowingly caused bodily injury to Phyllis
6 Kipp, a partner.
7

8 COUNT III: On or about the 29th day of September, 2013, the
9 above-named Defendant knowingly or purposely and without lawful
10 authority restrained the victim so as to interfere substantially with the
11 victim's liberty.
12
13

14 DATED this 4th day of October, 2013.

15 
16 JORDAN KILBY
17 Deputy County Attorney
18

19 Subscribed and sworn to before me this 4th day of October, 2013.

20 JUSTICE OF THE PEACE
21

22 COMPLAINT 13-2361
23 Missoula City Police Dept ERICKSON
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IN THE JUSTICE COURT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF MISSOULA
BEFORE Karen A. Orzech, JUSTICE OF THE PEACE

STATE OF MONTANA,
Plaintiff,

Cause No. CR-2013-11348-c2

-VS-

**AFFIDAVIT OF PROBABLE
CAUSE**

ERIC J AIMSBACK,
Defendant.

STATE OF MONTANA)
 : ss
County of Missoula)

JORDAN KILBY, Deputy County Attorney, Montana, being first duly
sworn upon oath, deposes and says:

I have read the official law enforcement reports regarding the
investigation of ERIC J AIMSBACK for allegedly committing the offense(s)
set forth in the complaint in 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 or about the 29th day of September, 2013, Missoula City Police
Officers responded to 1250 34th Street in Missoula County, for the report of
a possible disturbance. The complainant, Diane Keefauver, reported she
hearing slamming noises and a female screaming and crying next door.

1 Keefauver reported the female had left the apartment. She reported the
2 female had a cut lip and blood on her face.
3

4 Officers met with the male in the apartment and identified him as Eric
5 Aimsback. Eric stated he had been arguing with his girlfriend Phillis Kipp.
6 Officers observed fresh and dried blood throughout the apartment and it
7 appeared the door to the bathroom had been recently broken. Eric
8 admitted to restraining Phillis because he did not want her to leave. He
9 stated that some of the blood could have been from the altercation that
10 night.
11
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14 Officers were eventually able to locate Phillis. Phillis stated she and
15 Eric had been at the Grey Wolf Casino on the evening of September 29,
16 2013. She stated Eric had been drinking shots of blue velvet. Phillis
17 stated she drove home and they were fighting. When they got home the
18 argument escalated. One of Eric's children woke up and came out to see
19 what was going on.
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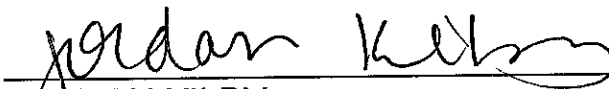
22 Phillis stated Eric kicked in the bathroom door. She hid in the
23 children's room, but Eric came in after her. He began hitting her on her legs
24 while she was in bed with the children. He then dragged her out of the
25 bedroom and she began screaming for help.
26
27
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1 She stated she stood to leave and he shoved her down causing her
2 to hit her tailbone very hard. At this point she was very scared as she was
3 having to push to get him off of her. She pushed him off of her and she ran
4 to the bathroom. He kicked the door in and broke the door. At this time
5 she was attempting to call her brother. Eric grabbed her phone and broke
6 the screen so that it would not work.
7

8
9
10 Phillis then attempted to leave and Eric pulled her down again. At
11 this point, Eric held her by her throat with his fingers at her left jaw bone.
12 He pushed down with his hands, strangling her. Phillis was unsure if she
13 blacked out at this point. She remembers attempting to scream for help,
14 but that she was unable to breathe. The next thing she remembers, she
15 was outside of the apartment and she saw her neighbor. She called for her
16 son, he came and they left the apartment.
17

18
19
20 Phillis stated her voice had changed and that it had been raspy. She
21 stated she heard ringing in her ears. Detectives photographed Phillis's
22 injuries, including multiple bruises on her left thigh and calves, finger print-
23 like bruises on her arms, fingerprint bruises on the left side of her face, and
24 a black eye. She had swelling on the left side of her forehead, marks by
25 her ears and severe bruising in her lips.
26
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1 Detectives interviewed Eric who admitted he had been drinking black
2 velvet on the evening of the incident. He stated he had blacked out and
3 only remembers pieces of the evening. He remembers breaking Phyllis's
4 phone and stated he remembers Phyllis leaving and the cops arriving. He
5 stated Phyllis is truthful and if she said he caused the bruising then he
6 caused it.
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10 
11 JORDAN KILBY
12 Deputy County Attorney

13 SUBSCRIBED AND SWORN TO before me this 4th day of October,
14 2013.
15

16
17 JUSTICE OF THE PEACE
18

19
20 ORDER
21

22 Upon reading the foregoing Affidavit, the Court finds that there is
23 probable cause to believe the above-named Defendant committed the crimes
24 charged.
25

26 DATED this _____ day of _____, 2013 at _____ a.m./p.m.
27
28