

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

OCT 20 2013

DEPARTMENT 1
MISSOULA COUNTY, MT

STATE OF MONTANA
Plaintiff,
-vs-
JUSTIN DWAYNE KING
Defendant.

Cause No. CR-2013-11416-C1
COMPLAINT

PATRICIA C. BOWER, Deputy County Attorney, deposes and says
that on or about the 17th day of October, 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/or a \$50,000 fine; and COUNT II:
ASSAULT - BODILY INJURY, a Misdemeanor, in violation of Montana law,
namely: Mont. Code Ann. 45-5-201, punishable by 6 months MCDF and/or a
\$500 fine.

The facts constituting the offense are:

COUNT I: On or about the 17th day of October, 2013, the above-
named Defendant purposely or knowingly caused bodily injury to David
Colaprete with a weapon by striking him in the head with a metal rod
repeatedly.

COMPLAINT 13-2500: MCSO/TJ McDermott

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3 COUNT II: On or about the 17th day of October, 2013, the above-
4 named Defendant purposely or knowingly caused bodily injury to Mozelle
5 Stewart by punching her in the face.
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7 DATED this 20th day of October, 2013,

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9 _____
10 PATRICIA C. BOWER
11 Deputy County Attorney

12 Subscribed and sworn to before me this 20th day of October, 2013.

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14 JUSTICE OF THE PEACE
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IN THE JUSTICE COURT OF THE STATE OF MONTANA, OCT 20 2013
IN AND FOR THE COUNTY OF MISSOULA
BEFORE John E. Quinn, JUSTICE OF THE PEACE DEPARTMENT 1
MISSOULA COUNTY, MT

STATE OF MONTANA,
Plaintiff,

Cause No. CR-2013-11416-C1

-vs-

**AFFIDAVIT OF PROBABLE
CAUSE**

JUSTIN DWAYNE KING,
Defendant.

STATE OF MONTANA)
: ss
County of Missoula)

PATRICIA C. BOWER, 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 JUSTIN DWAYNE KING 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 17th day of October, 2013, Missoula City Police
officers responded to the Reserve Street bridge for a report of a male who
had been assaulted and was bleeding heavily from the head. Upon arrival,

1 Officer Crocker met with Mozelle Stewart who was a witness to the assault
2 and is also the girlfriend to the victim, David Colaprete. Mozelle stated she
3 was camping in her tent south of the river and west of the Reserve Street
4 bridge when she heard what sounded like her boyfriend returning to their
5 camp. She looked out her tent over to where a male was starting a camp
6 fire approximately 20 yards from her tent. She said the male starting the
7 camp fire is a male they had been camping with for approximately 3 weeks
8 and stated his name is Justin King.

12 Her boyfriend David began speaking with the male near the camp fire
13 (who was already holding the metal square rod which was approximately
14 1.5-2 feet long), but she could not clearly hear what they were discussing.
15 She believed they were starting to argue over pork chops and that Justin
16 was accusing David of stealing his pork chops. Mozelle continued to try to
17 listen as the two walked toward her tent which had a porch type enclosure
18 made of tarps in the front. Mozelle said when the two males got to the
19 opening of the tarps, Justin became very angry and started yelling, "It's the
20 Principle!" over and over. She said at this time she watched Justin take the
21 metal rod he was holding and hit David over the head repeatedly. Mozelle
22 stated the first couple blows to David's head knocked him to the ground
23 inside the tarps. Mozelle said Justin then stood over David continuing to hit

1 David over the head repeating "it's the principle!". Mozelle then got out of
2 the tent and grabbed Justin in an effort to get him away from David. Justin
3 turned around and punched Mozelle in the face then turned around and
4 continued to hit David in the head. Mozelle thought after approximately 20
5 hits Justin took off running north towards the river. She was not aware of
6 where he went after that and focused on getting David help and having
7 police arrive. Mozelle said she had a hard time getting David up to the
8 Reserve Street bridge as he kept falling down and appearing to black out.
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10 The Missoula County Sheriff's Office will take over the investigation
11 as this incident occurred in Missoula County.
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16 PATRICIA C. BOWER
17 Deputy County Attorney

18 SUBSCRIBED AND SWORN TO before me this 20th day of October, 2013.
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20 JUSTICE OF THE PEACE

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

26 DATED this _____ day of _____, 2013 at _____ a.m./p.m.
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28 JUSTICE OF THE PEACE