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FEB 21 2015

Justice Court

IN THE JUSTICE COURT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF MISSOULA
BEFORE Marie A Andersen JUSTICE OF THE PEACE

STATE OF MONTANA
Plaintiff,

-vs-
Ana Cristina Perez
Defendant.

Dept No. 1
Cause No. RR-2015-172

COMPLAINT

MATT JENNINGS, Deputy County Attorney, deposes and says that on or about the 20th day of February, 2015, in Missoula County, the Defendant committed the offenses of COUNT I: CHILD CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. § 45-5-628(1)(e), punishable by 10 years MSP and/or \$50,000 fine; COUNT II: RECKLESS DRIVING, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. § 61-8-301(1)(a), punishable by 90 days MCDF and/or \$25-\$300 fine; COUNT III: DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS - 3RD OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. § 61-8-401(1)(a)[3rd], punishable by not less than 30 days or more than 1 year MCDF and \$1,000-\$5,000 fine.

The facts constituting the offense are:

COUNT I: On or about the 20th day of February, 2015, the above-named Defendant committed the offense of criminal child endangerment by purposely, knowingly, or negligently causing substantial risk of death or serious bodily injury to a child under 14 years of age by operating a motor vehicle under the influence of alcohol or dangerous drugs in violation of § 61-8-401 with a child in the vehicle.

1 COUNT II: On or about the 20th day of February, 2015, the above-named
2 Defendant operated a vehicle, a Dodge Caliber, in willful or wanton disregard for the
3 safety of persons or property, to wit: driving in a manner in which she almost hit a
4 house, drove on the sidewalk, and hit two parked cars before stopping and having the
5 keys removed from her by a bystander.
6

7 COUNT III: On or about the 20th day of February, 2015, the above-named
8 Defendant committed the offense of driving or being in actual physical control of a motor
9 vehicle, a Dodge Caliber upon a way of this state open to the public, Margaret Street
10 and Strand Avenue in Missoula County, while under the influence of alcohol and/or
11 drugs, a third offense.
12

13 DATED this 21st day of February, 2015.

14 
15 MATT JENNINGS
16 Deputy County Attorney

17
18 Subscribed and sworn to before me this 21 day of February, 2015.

19 
20 JUSTICE OF THE PEACE

21 COMPLAINT 15-402
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IN AND FOR THE COUNTY OF MISSOULA
BEFORE Marie A Andersen, JUSTICE OF THE PEACE

STATE OF MONTANA,
Plaintiff,

Cause No.

-vs-

Ana Cristina Perez,
Defendant.

AFFIDAVIT OF PROBABLE CAUSE

STATE OF MONTANA)

: ss

County of Missoula)

MATT JENNINGS, 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 Ana
Cristina Perez for allegedly committing the offense(s) 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.

On or about the 20th day of February, 2015, at approximately 1929 hours,
Missoula City Police officers were alerted by dispatch to moving violations occurring in
the area of Margaret Street and Strand Avenue in the City of Missoula. One caller
reported seeing a silver Dodge Caliber almost hit a house, drive on the sidewalk, and hit
two parked cars before stopping. A second witness observed similar driving and
attempted to block the Caliber in by parking his truck in front of the car. The second
witness ultimately reached into the Caliber after it stopped and pulled the keys from the
ignition. The second witness also reported there was a small child in the vehicle.

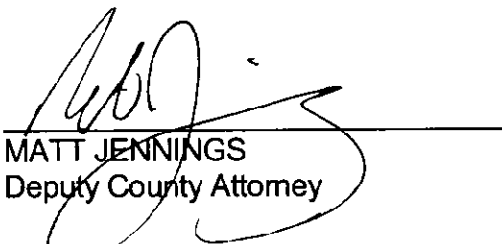
1 Missoula Police officers Kamerer, Woods, and Potter reported to the scene.
2 Officer Kamerer made contact with the driver of the Caliber who was later identified as
3 Ana Perez, the Defendant. Officer Kamerer observed that the Defendant had slurred
4 speech, squinted bloodshot eyes, and had an extremely difficult time speaking with him.
5 The Defendant had a significant difficulty finding her license or other identification even
6 though Officer Kamerer could clearly see her Passport in her purse and directly asked
7 her for her Passport. Officer Kamerer obtained her purse with her consent and found
8 her license and Passport in it. During this entire encounter, the Defendant was in the
9 vehicle and her four year old daughter was on her lap, upset and crying.
10
11

12 Officer Kamerer also spoke to the original complainant at the scene. The
13 Complainant first saw the Defendant's vehicle traveling East on South Avenue, and
14 observed is swerving back and forth. The complainant followed the Defendant's
15 vehicle. The first complainant saw the Defendant's vehicle take an extremely wide left
16 turn at an intersection and drove up onto the curb in the process, and that the
17 Defendant had failed to yield to oncoming traffic when making the left turn. The
18 Complainant described the driving as "crazy," and that the Defendant continued to
19 swerve, speed up and then slam on the brakes, and ultimately struck a car on
20 Burlington Street before stopping in a parking lot. The complainant yelled for the
21 Defendant to turn her car off and an argument ensued. It was at this point that the
22 second complainant blocked her vehicle to keep it from leaving the scene.
23
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25 Officer Kamerer observed significant damage to the front passenger side quarter
26 panel of the Defendant's vehicle.
27
28

1 Officer Woods interviewed the second complainant who reported observations
2 similar to the first complainant. He saw the Defendant's vehicle drive onto the curb, saw
3 it almost crash into another car, and strike a parked Ford truck. The second
4 Complainant reported that the Defendant refused to shut off her car so blocked her
5 vehicle, reached in her car, put the car in park, and took the keys.
6

7 Officer Potter also observed when he arrived at the scene the Defendant was in
8 her vehicle holding her child in her lap. Officer Potter reported that the Defendant had a
9 dazed expression on her face and could barely open her eyes, which were red and
10 glassy. Officer Potter observed that the Defendant's speech was slurred and her motor
11 skills were delayed. He observed a sharp odor from the vehicle, but could not identify it.
12 The Defendant admitted to Officer Potter that she had consumed alcohol. Officer Potter
13 performed SFTS on the Defendant who exhibited 6 of 6 indicators on the HGN test, but
14 he could not perform other tests because the Defendant was too intoxicated to follow
15 his instructions. The Defendant refused to provide a breath sample. After officers
16 obtained a warrant, a blood sample was taken and the Defendant was taken to
17 Missoula County Detention Facility.
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24 MATT JENNINGS
25 Deputy County Attorney

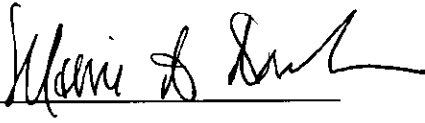
26 SUBSCRIBED AND SWORN TO before me this 21 day of February, 2015.

27 
28 JUSTICE OF THE PEACE

1
2 ORDER
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4 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to
5 believe the above-named Defendant committed the crimes charged.

6 DATED this 21 day of Feb, 2015 at 9:08 a.m./p.m.
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10 JUSTICE OF THE PEACE
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