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Justice Court

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County Attorney

IN THE JUSTICE COURT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF MISSOULA
BEFORE KAREN A. ORZECZ JUSTICE OF THE PEACE

STATE OF MONTANA
Plaintiff,

-vs-

CAROL ANN BURRAFATO
Defendant.

Dept No. 2
Cause No. CR-2015-388

COMPLAINT

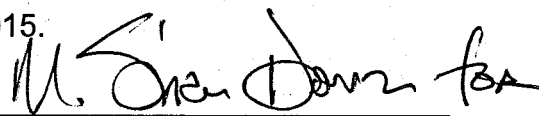
SHAWN THOMAS, Deputy Missoula County Attorney, deposes and says that on or about the 29th day of January, 2015, in Missoula County, the Defendant committed the offenses of COUNT I: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-207, punishable by 10 years MSP and/or \$50,000 fine; COUNT II: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-207, punishable by 10 years MSP and/or \$50,000 fine; COUNT III: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-207, punishable by 10 years MSP and/or \$50,000 fine; COUNT IV: FLEEING FROM OR ELUDING A PEACE OFFICER, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 61-8-316(1) and (2)(a), punishable by 1 year MCJ and/or \$2,000 fine; COUNT V: 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 and COUNT VI: DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS - 4TH OFFENSE, a Felony, in violation of Montana law, namely: Mont. Code Ann. 61-8-401(1)(a)[4th+], punishable by 13 months DOC & not more than 5 years DOC or MSP suspended and \$1,000-\$10,000 fine. If prior

1 vehicle and such Defendant knowingly failed to obey such signal by increasing the
2 speed of her motor vehicle, continuing at a speed that was 10 or more mph above the
3 applicable speed limit or otherwise fleeing from, eluding or attempting to flee from or
4 elude the peace officer.
5

6 COUNT V: On or about January 29, 2015, the above-named Defendant operated
7 a vehicle, a 2000 Chevrolet Malibu, in willful or wanton disregard for the safety of
8 persons or property, by nearly colliding with other motor vehicles, including a school
9 bus, and or pedestrians.
10

11 COUNT VI: On or about January 29, 2015, the above-named Defendant drove or
12 was in actual physical control of a motor vehicle, a 2000 Chevrolet Malibu, upon ways of
13 this state open to the public including Pine, Spruce, Higgins, Orange, Owen, Alder,
14 Railroad, Patte and or Main Streets in the City of Missoula, while under the influence of
15 alcohol and/or drugs, a fourth or subsequent offense.
16

17 DATED this 30th day of January, 2015.

18 

19 SHAWN THOMAS
20 Deputy County Attorney

21 Subscribed and sworn to before me this ____ day of January, 2015.
22

23 JUSTICE OF THE PEACE
24

25 COMPLAINT 15-244

26 JIM PONTRELLI, Missoula City Police Dept
27 SHELAGH MORE, Missoula City Police Dept
28 J.C. DENTON, Missoula City Police Dept
ANDREW NOVAK, Montana Highway Patrol
ERIC CORBETT, Missoula City Police Dept
PETER WOODS, Missoula City Police Dept

1 placement at residential treatment facility, the sentence shall be not less than 13 months
2 or more than 5 years DOC and a fine between \$1,000 and \$10,000.

3 The facts constituting the offenses are:

4
5 COUNT I: On or about January 29, 2015, the above-named Defendant
6 knowingly engaged in conduct that created a substantial risk of death or serious bodily
7 injury to "DPC" by consuming alcohol and or prescription drugs, eluding pursuing
8 officers at a high rate of speed and or driving the wrong way on Main Street crashing
9 her 2000 Chevrolet Malibu into a Jeep SUV he was driving.
10

11 COUNT II: On or about January 29, 2015, the above-named Defendant
12 knowingly engaged in conduct that created a substantial risk of death or serious bodily
13 injury to nine year old "KC" by consuming alcohol and or prescription drugs, eluding
14 pursuing officers at a high rate of speed and or driving the wrong way on Main Street
15 crashing her 2000 Chevrolet Malibu into a Jeep SUV in which he was a passenger.
16

17 COUNT III: On or about January 29, 2015, the above-named Defendant
18 knowingly engaged in conduct that created a substantial risk of death or serious bodily
19 injury to seven year old "VC" by consuming alcohol and or prescription drugs, eluding
20 pursuing officers at a high rate of speed and or driving the wrong way on Main Street
21 crashing her 2000 Chevrolet Malibu into a Jeep SUV in which she was a passenger.
22

23 COUNT IV: On or about January 29, 2015, the above-named Defendant, while
24 operating a 2000 Chevrolet Malibu automobile, fled from or eluded a uniformed peace
25 officer, Missoula Police Sergeant J. C. Denton, operating a police vehicle in the lawful
26 performance of such officer's duties who gave the Defendant a visual or audible signal
27 by hand, voice, emergency light or siren directing the Defendant to stop the motor
28

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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 CAROL ANN BURRAFATO,
9 Defendant.

Cause No. CR-2015-388

AFFIDAVIT OF PROBABLE CAUSE

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

M. SHAWN DONOVAN,

S. THOMAS, Deputy County Attorney, Montana, being first duly sworn upon oath,

13 deposes and says:

14 I have read the official law enforcement reports regarding the investigation of
15 CAROL ANN BURRAFATO for allegedly committing the offense(s) set forth in the
16 complaint and based upon the information contained in the reports, if true, believe
17 probable cause exists to justify charging the above-named defendant as specified in the
18 accompanying complaint.
19

20 At approximately 2 PM on January 29, 2014 the Missoula 911 Center
21 began receiving multiple calls of a white car being driven recklessly, by an apparently
22 impaired driver, in downtown Missoula on Orange, Spruce, Pine, Higgins, Pattee and
23 Main Streets.

24 Officers of the Missoula Police Department responded and observed the car, a
25 2000 Chevrolet Malibu, nearly strike a yellow school bus turning North onto Orange
26 Street. The suspect car turned north onto Owen with officers in pursuit. The car failed to
27 yield to the lights or sirens activated on marked patrol cars and increased its speed to
28

1 an estimated 40 miles per hour going past two stop signs without stopping and nearly
2 striking another vehicle.

3 Eventually the car turned the wrong way on Main Street - driving east in lanes of
4 traffic assigned exclusively to westbound vehicles - and collided with a westbound Jeep
5 SUV occupied by an adult driver and two minor children. The driver of the Jeep told
6 officers that as he swerved trying unsuccessfully to avoid a head on collision he
7 thought, "Why are you trying to kill me?"

8 The white Malibu spun the Jeep 180 degrees and then careened into a parked
9 and unoccupied Suburban. All three vehicles sustained major damage with the front
10 ends of both the Jeep and the Malibu having extensive disabling damage.

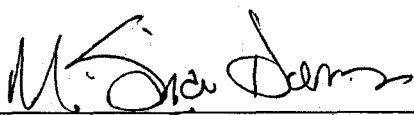
11 The occupants of the Jeep, who were all wearing seat belts, were visibly shaken
12 and upset. They were examined by emergency medical personnel and released. The
13 driver and sole occupant of the white Malibu, identified as Carol Ann Burrafato, was
14 transported to St. Patrick Hospital for treatment of apparent ankle or leg injuries. At the
15 hospital a sample of her blood was drawn pursuant to the Montana implied consent law.
16 It has been sent to the State Crime Lab for toxicology analysis.

17 Medical personal at the crash scene recovered two bottles of prescription
18 medication from inside Ms. Burrafato's Mailbu. One of them is a pain reliever which,
19 according to Drugs.com, when mixed with alcohol, can impair thinking and reactions.
20 On the morning after the crash, Ms. Buffato was interviewed by officers at the hospital.
21 She denied any memory of the crash but admitted having consumed alcohol prior to the
22 incident.

23 Subsequent to the crash, the Montana Highway Patrol was notified that minutes
24 before the incident on Main Street, the same suspect vehicle had struck two other cars
25 near the intersection of Pine and Higgins. The driver of the first vehicle reported that
26 after the white car hit him from behind, he got out and approached the female driver
27 who cursed at him. She then backed up, hit a second car, then pulled forward, again
28 striking the first car, before driving from the scene at a high rate of speed. The drivers of

1 both hit vehicles report the woman driving the white car appeared intoxicated and nearly
2 struck a pedestrian in a nearby crosswalk as she left the area.

3 Carol Ann Burrafato's Montana Driver's history indicates that since April of 2012
4 she has been a Revoked Habitual Traffic Offender whose driving privileges are
5 suspended. That history also shows she was convicted of Driving Under the Influence of
6 Alcohol in 2010 and 2012 and of Operating A Motor Vehicle with a BAC of 0.08 or
7 Greater in 2011.

8
9
10 
11 S. THOMAS M. SHAUN DONOVAN
12 Deputy County Attorney

13 SUBSCRIBED AND SWORN TO before me this ____ day of January, 2015.

14
15 JUSTICE OF THE PEACE

16
17
18 ORDER

19
20 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to
21 believe the above-named Defendant committed the crimes charged.

22 DATED this ____ day of _____, 2015 at ____ a.m./p.m.

23
24
25 JUSTICE OF THE PEACE
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27
28