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FEB 26 2015

Justice Court

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,  
-vs-  
SHAYNE DEAN SPENCE  
Defendant.

Dept No. 2  
Cause No. CR-2015-183

COMPLAINT

JENNIFER CLARK, 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: 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: DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS - 1ST OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 61-8-401(1)(a)[1st], punishable by not less than 24 hours or more than 6 months MCDF and \$300-\$1,000 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: OBSTRUCTING PEACE OFFICER OR OTHER PUBLIC SERVANT, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-7-302(1), punishable by 6 months MCDF and/or \$500 fine; COUNT VI: VIOLATION OF ORDER OF PROTECTION - 1ST OFFENSE, a Misdemeanor, in violation of Montana law, namely:

1 Mont. Code Ann. 45-5-626(3)[1st], punishable by 6 months MCDF and/or \$500 fine;

2 COUNT VII: VIOLATION OF ORDER OF PROTECTION - 2ND OFFENSE, a

3 Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-5-626(3)[2nd],

4 punishable by not less than 24 hours or more than 6 months MCDF and a \$200-\$500 fine;

6 COUNT VIII: VIOLATION OF ORDER OF PROTECTION - 3RD OR SUBSEQUENT

7 OFFENSE, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-

8 626(3)[3rd], punishable by not less than 10 days or more than 2 years MCDF or MSP and

9 a \$500-\$2,000 fine.

11 The facts constituting the offense are:

12 COUNT I: On or about the 25th day of February, 2015, the above-named  
13 Defendant knowingly engaged in conduct that created a substantial risk of death or  
14 serious bodily injury to ambulance and law enforcement, by nearly striking an  
15 ambulance while fleeing from law enforcement.  
16

17 COUNT II: On or about the 25th day of February, 2015, the above-named  
18 Defendant knowingly engaged in conduct that created a substantial risk of death or  
19 serious bodily injury to drivers in Missoula County, by running red lights and driving into  
20 oncoming traffic at a high rate of speed.  
21

22 COUNT III: On or about the 25th day of February, 2015, the above-named  
23 Defendant committed the offense of driving or being in actual physical control of a motor  
24 vehicle, upon a way of this state open to the public, Reserve, Highway 93 South and  
25 Highway 12, while under the influence of alcohol and/or drugs.  
26

27 COUNT IV: On or about the 25th day of February, 2015, the above-named  
28 Defendant, while operating a motor vehicle, fled from or eluded a uniformed peace

1 peace officer, Deputy Shaffer, operating a police vehicle in the lawful performance of  
2 such officer's duties who gave the Defendant a visual or audible signal by hand, voice,  
3 emergency light or siren directing the Defendant to stop the motor vehicle and such  
4 Defendant knowingly failed to obey such signal by increasing the speed of the motor  
5 vehicle and otherwise fleeing from, eluding or attempting to flee from or elude the  
6 peace officer.  
7

8         COUNT V: On or about the 25th day of February, 2015, the above-named  
9 Defendant knowingly obstructed, impaired, or hindered the enforcement of the criminal  
10 law, the preservation of the peace, or the performance of a governmental function,  
11 including service of process by refusing to show his hands and comply with officers  
12 orders when being placed in custody.  
13


14         COUNT VI: On or about the 20th day of February, 2015, the above-named  
15 Defendant committed the offense of violation of an order of protection when, with  
16 knowledge of the order, purposely or knowingly violated a provision of an order provided  
17 for in 40-4-121 or an order of protection under Title 40, chapter 15, by texting Tina  
18 Spence.  
19

20         COUNT VII: On or about the 22nd day of February, 2015, the above-named  
21 Defendant committed the offense of violation of an order of protection when, with  
22 knowledge of the order, purposely or knowingly violated a provision of an order provided  
23 for in 40-4-121 or an order of protection under Title 40, chapter 15, by texting Tina  
24 Spence, a second offense.  
25

26         COUNT VIII: On or about the 25th day of February, 2015, the above-named  
27 Defendant committed the offense of violation of an order of protection when, with  
28

1 knowledge of the order, purposely or knowingly violated a provision of an order provided  
2 for in 40-4-121 or an order of protection under Title 40, chapter 15, by texting Tina  
3 Spence, a third or subsequent offense.  
4

5 DATED this 26th day of February, 2015.

6   
7 JENNIFER CLARK  
8 Deputy County Attorney

9 Subscribed and sworn to before me this 26th day of February, 2015.

10   
11 JUSTICE OF THE PEACE  
12

13 COMPLAINT 15-447

14 GORDON SCHMILL, Missoula County Sheriff's Office  
15 CONNIE BRUECKNER, Missoula City Police Dept  
16 KENNETH WHITE, Missoula County Sheriff's Office  
17 PATRICK ERBACHER, Missoula City Police Dept  
18 JUSTIN URIARTE, Missoula County Sheriff's Office  
19 JUSTIN SHAFFER, Missoula County Sheriff's Office  
20 JEREMIAH PETERSEN, Missoula County Sheriff's Office  
21 SHAUN FIFE, Missoula County Sheriff's Office  
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IN AND FOR THE COUNTY OF MISSOULA  
BEFORE Karen A. Orzech, JUSTICE OF THE PEACE

STATE OF MONTANA,  
Plaintiff,

Cause No. *CR-2015-183*

-vs-

**AFFIDAVIT OF PROBABLE CAUSE**

SHAYNE DEAN SPENCE,  
Defendant.

STATE OF MONTANA )

: ss

County of Missoula )

JENNIFER CLARK, 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  
SHAYNE DEAN SPENCE 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 February 25, 2015, around 9:31 p.m., Fire and Medical were responding to  
crash near 3330 South Avenue. The complainant advised there was airbag deployment  
and the driver, later identified as Shayne Spence, was extremely intoxicated. The  
vehicle was described as a silver or white truck and that the driver was leaving the  
scene. The truck nearly struck the responding ambulance when fleeing from the scene.

Missoula County Sheriff Deputy Shaffer observed the truck turn southbound onto  
Reserve from South Avenue. Fire Enging 311 reported that Spence had run a red light  
there. Spence then turned eastbound onto Harve and then into a parking lot. Deputy

1 Shaffer had his lights and siren activated. Spence stopped and then put the truck into  
2 Reverse. Deputy Shaffer got out of his vehicle with his gun drawn, concerned Spence  
3 would try to ram his patrol car. He told Spence to stop. Spence got back to Reserve  
4 and drove southbound at a high rate of speed. Deputy Shaffer noted that the airbag  
5 completely covered his side window.  
6

7 Spence ran a red light at Reserve and Brooks and drove south on Highway 93,  
8 traveling approximately 70 miles per hour and crossing between the driving and passing  
9 lanes. At one point he crossed the double yellow line into oncoming traffic and nearly  
10 struck a northbound vehicle. He ran a red light at Blue Mountain road and then started  
11 driving down the center turn lane. He struck the concrete median and continued  
12 erratically driving.  
13

14 As Spence entered Lolo, he increased his speed back to approximately 75 miles  
15 per hour. He ran a red light at Glacier and Highway 93 and then turned onto Highway  
16 12. He began driving westbound in the eastbound lane with oncoming traffic. He  
17 eventually went off the road and got stuck. He continued to attempt to drive away. Law  
18 enforcement surrounded his vehicle and ordered him to show his hands. He disobeyed  
19 this order. He was eventually pulled from the vehicle after being pepper sprayed.  
20 Deputy Shaffer could smell the strong odor of an alcoholic beverage coming from him.  
21 Spence continued to resist Trooper Burman's attempt to place him in handcuffs.  
22

23 Earlier this same day, around 7:00 p.m., Tina Spence reported that Spence had  
24 violated a restraining order by texting her. She had received three text messages on  
25 February 20, 2015, one message on February 22, 2015, and five messages on  
26  
27  
28

1 February 25, 2015. He had been served with an order of protection on February 17,  
2 2015, the prohibited him from contacting Tina in any form.

3  
4 Jennifer Clark  
5 JENNIFER CLARK  
6 Deputy County Attorney

7 SUBSCRIBED AND SWORN TO before me this 27<sup>th</sup> day of February, 2015.

8  
9 Kauraby con  
10 JUSTICE OF THE PEACE

11  
12 ORDER

13  
14 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to  
15 believe the above-named Defendant committed the crimes charged.

16 DATED this 27<sup>th</sup> day of Feb, 2015 at 5<sup>24</sup> a.m./p.m.

17  
18 Kauraby con  
19 JUSTICE OF THE PEACE  
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