

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

RECEIVED
MAY 20 2015
Justice Court

4
5 STATE OF MONTANA
6 Plaintiff,

7 -VS-

8 RUBEN CITO CALDERA
9 Defendant,

Dept No. ²
Cause No. CR-2015-445

COMPLAINT

10
11 BRIAN LOWNEY, Deputy County Attorney, deposes and says that on or about the
12 20th day of May, 2015, in Missoula County, the Defendant committed the offense of
13 COUNT I: AGGRAVATED ASSAULT - REASONABLE APPREHENSION, a Felony, in
14 violation of Montana law, namely: Mont. Code Ann. 45-5-202, punishable by 20 years
15 MSP and \$50,000 fine.

16
17 The facts constituting the offense are:

18 COUNT I: On or about the 20th day of May, 2015, the above-named Defendant
19 purposely or knowingly, with the use of physical force or contact, caused reasonable
20 apprehension of serious bodily injury or death in another Jane Doe, by strangling her.

21
22 DATED this 20th day of May, 2015.

23 

24 BRIAN LOWNEY
25 Deputy County Attorney

26 Subscribed and sworn to before me this ____ day of May, 2015.

27 JUSTICE OF THE PEACE

28 COMPLAINT 15-1083
KURT TROWBRIDGE, Missoula City Police Dept
BRYCE BARE, Missoula City Police Dept

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4 STATE OF MONTANA,
5 Plaintiff,

Cause No. CR-2015-445

6 -vs-

AFFIDAVIT OF PROBABLE CAUSE

7
8 RUBEN CITO CALDERA,
9 Defendant.

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

14 BRIAN LOWNEY, Deputy County Attorney, Montana, being first duly sworn upon
15 oath, deposes and says:

16 I have read the official law enforcement reports regarding the investigation of
17 RUBEN CITO CALDERA for allegedly committing the offense(s) set forth in the complaint
18 and based upon the information contained in the reports, if true, believe probable cause
19 exists to justify charging the above-named defendant as specified in the accompanying
20 complaint.
21

22 On or about the 20th day of May, 2015, officers responded to a residence on
23 Brooks Street for a report of a disturbance. It was reported that a woman was outside
24 yelling for help. Officers located the woman, Jane Doe, who reported that her partner,
25 identified as the above-named Defendant, assaulted her. She reported that Defendant
26 got mad because he believed she was cheating on her. He pulled her off the toilet and
27 threw her onto the bed, where he pinned her and strangled her. She reported that his
28

1 hands were on her throat and she could not breathe. She did not lose consciousness.
2 She was able to get up and walk out. Defendant started yelling at her to go ahead and
3 call the police and threw her phone at her. She ran out into the street yelling for help as
4 Defendant started yelling at her not to call the police. She tried to get away from him but
5 he grabbed her and threw her onto the grass, where he pinned her down until a passer-
6 by came to help her. Jane Doe reported Defendant had assaulted her before and that
7 this time she thought he was going to kill her. She had redness around her neck and a
8 scratch on her face, as well as possible petechiae.
9

10
11 The witness who helped pull Defendant off Jane Doe stated he heard a woman
12 screaming, then saw a male on top of a woman. He pushed the male off. When she got
13 up, the woman ran to a nearby vehicle, which had stopped. Defendant looked at him
14 and said he was "fucked" and would be going to jail for a really long time. He then
15 changed his story and said Jane Doe was trying to cut herself.
16

17 The driver of the truck reported he heard a woman screaming for help so he went
18 to see what was going on. He saw a female running away from a male and the male
19 running after her. He drove to the corner and the female came over and jumped in his
20 truck. The male then came over and yelled that he was sorry. He said Jane Doe was
21 trying to hurt herself.
22

23 Defendant said he and Jane Doe argued and Jane Doe said she was going to kill
24 herself with a pair of scissors. He wrestled the scissors away from her. She apologized
25 and they began to talk. She then jumped up and ran out the door screaming and he ran
26 after her. He said he did not hit or harm her and was just trying to keep her from hurting
27 herself.
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4 BRIAN LOWNEY
Deputy County Attorney
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SUBSCRIBED AND SWORN TO before me this ____ day of May, 2015.

JUSTICE OF THE PEACE

ORDER

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

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

JUSTICE OF THE PEACE