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

AUG 17 2015

Justice Court

STATE OF MONTANA
Plaintiff,

-vs-

DANIEL JOSEPH MITCHELL IV
Defendant,

Dept No. 1

Cause No. CP-2015-776

COMPLAINT

SUZY BOYLAN, Assistant Chief Criminal County Attorney, deposes and says that on or about the 15th day of August, 2015, in Missoula County, the Defendant committed the offenses of COUNT I: AGGRAVATED ASSAULT - REASONABLE APPREHENSION, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-202, punishable by 20 years MSP and \$50,000 fine; COUNT II: PARTNER OR FAMILY MEMBER ASSAULT - 2ND OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-5-206[2nd], punishable by not less than 72 hours or more than one year MCDF and a fine not less than \$300 or more than \$1000.

The facts constituting the offense are:

COUNT I: On or about the 15th day of August, 2015, the above-named Defendant purposely or knowingly, with the use of physical force or contact, caused reasonable apprehension of serious bodily injury or death in another, Jane Doe, by strangling her.

COUNT II: On or about the 15th day of August, 2015, the above-named Defendant purposely or knowingly caused bodily injury to Jane Doe, a partner, by striking her in the face.

1 DATED this 17th day of August, 2015.

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4 SUZY BOYLAN
5 Assistant Chief Criminal County Attorney

6 Subscribed and sworn to before me this ____ day of August, 2015.

7 _____
8 JUSTICE OF THE PEACE

9 COMPLAINT 15-1825

10 BOB FRANKE, Missoula City Police Dept
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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,

Cause No. CR-2015-172

-vs-

AFFIDAVIT OF PROBABLE CAUSE

DANIEL JOSEPH MITCHELL IV,
Defendant.

STATE OF MONTANA)
 : ss
County of Missoula)

SUZY BOYLAN, Assistant Chief Criminal County Attorney, Montana, being first
duly sworn upon oath, deposes and says:

I have read the official law enforcement reports regarding the investigation of
DANIEL JOSEPH MITCHELL IV 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 15th day of August, 2015, officers responded to a residence on
South Surrey in Missoula. The victim reported she was strangled by her former partner,
who was identified as the above-named Defendant. Defendant had left the scene. When
officers arrived, they noted injuries on the victim, Jane Doe. She had marks on her
chest, neck, and shoulder, and the side of her face was swelling and showed some
scratches or cuts.

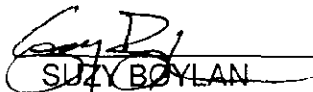
1 Jane Doe reported that Defendant came over and started yelling at her about
2 talking to his girlfriend. Doe denied she had talked to Defendant's girlfriend. Jane Doe
3 was on her bed, and Defendant jumped on her. He then put his hands around her neck
4 and squeezed. She demonstrated the amount of force he use don Cpl. McCarthy's arm,
5 which left a white mark on his arm. Doe reported Defendant was straddling her upper
6 chest while he was strangling her and she could not move. He called her a "fucking
7 bitch." She saw her youngest child watching and tried to tell him to go back to his
8 bedroom, but she could not. She did not know how she got off the bed but did recall
9 holding something in her hand and threatening Defendant to get him to leave. She then
10 called 911. Jane Doe was asked about the signs and symptoms of strangulation and
11 reported that she had a "pounding" headache and was dizzy.
12

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14 Jane Doe's son reported that he heard his mother and Defendant arguing in the
15 back bedroom. He went into the room and saw Defendant on top of Jane Doe,
16 strangling her. He demonstrated how Defendant had his hands around Jane Doe's
17 neck. He then said Doe pushed Defendant back with her feet and threw something at
18 Defendant.
19


20 Defendant was located and interviewed. He stated he went to Jane Doe's house
21 to give her some over-the-counter medication because she had a headache. He stated
22 Doe attacked him. He reported she punched and scratched him. He admitted to
23 grabbing Doe by the arm and neck area and throwing her on the bed to get her to stop.
24 Defendant then left. He said Doe threw something at him as he walked toward the door.
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1 Jane Doe reported that she was scared for her life while being strangled, and
2 thought to herself, "this is it." She reported continuing soreness in her throat on August
3 17, 2015.
4

5 Defendant has one previous conviction for Partner or Family Member Assault
6 from Missoula Municipal Court in 2007.
7


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9 
10 SUZY BOYLAN
Assistant Chief Criminal County Attorney

11 SUBSCRIBED AND SWORN TO before me this 17th day of August, 2015.
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14 JUSTICE OF THE PEACE
15 ORDER Subjudge

16 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to
17 believe the above-named Defendant committed the crimes charged.
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19 DATED this 17th day of August, 2015 at 1:55 a.m.(p.m).
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22 JUSTICE OF THE PEACE
23 Subjudge
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