

SEP 06 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-
ANTHONY JOHN GODINEZ
Defendant,

Dept No. 2
Cause No. CR-2015-4274

COMPLAINT

JASON MARKS, Chief Deputy County Attorney, deposes and says that on or about the 5th day of September, 2015, in Missoula County, the Defendant committed the offenses of COUNT I: ASSAULT WITH WEAPON, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-213, punishable by 20 years MSP and/or \$50,000 fine; COUNT II: AGGRAVATED DRIVING UNDER THE INFLUENCE - FIRST OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 61-8-465[1st], punishable by 1 year MCDF and a \$1,000 fine.

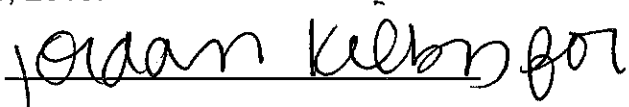
The facts constituting the offense are:

COUNT I: On or about the 5th day of September, 2015, the above-named Defendant purposely or knowingly caused bodily injury to Officer Erbacher with a weapon, to wit: a vehicle.

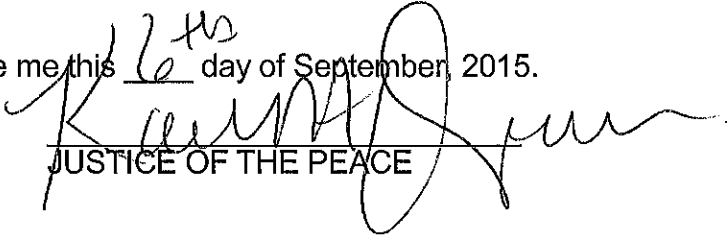
COUNT II: On or about the 5th day of September, 2015, the above-named Defendant committed the offense of driving or being in actual physical control of a motor vehicle, a Cadillac Eldorado upon a way of this state open to the public, Main Street, while under the influence of alcohol and/or drugs in violation of 61-8-401 or 61-8-406 and at the time of the offense:

1 (a) the person's blood alcohol concentration was 0.16 or more;
2

3 DATED this 6th day of September, 2015.
4

5 
6 JASON MARKS
7 Chief Deputy County Attorney

8 Subscribed and sworn to before me this 6th day of September, 2015.
9

10 
11 JUSTICE OF THE PEACE

12 COMPLAINT 15-2026
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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-2015-4274

-vs-
ANTHONY JOHN GODINEZ,
Defendant.

AFFIDAVIT OF PROBABLE CAUSE

STATE OF MONTANA)
 : ss
County of Missoula)

JASON MARKS, Chief 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
ANTHONY JOHN GODINEZ 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 5th day of September, 2015, Officer Erbacher was working foot
patrol of the downtown area of Missoula in Missoula County. He and other officers were
in the area of Ryman and Main when, shortly after midnight, one of the officers heard
yelling, breaking glass, tires skidding, and a loud crash coming from the 100 block of
West Main Street. As Officer Erbacher and others were crossing the street, he
witnessed a vehicle strike a truck and leave the scene. The vehicle was headed toward
the officers. Officer Erbacher shined his flashlight at the vehicle. The driver of the
vehicle initially hit the brakes, but then "floored it." Officer Erbacher stated, "He hit me

1 with the car." The driver hit Officer Erbacher, throwing him onto the hood of the vehicle.

2 Officer Erbacher fired his weapon downwards into the car and the driver stopped.

3
4 Officer Erbacher complained of pain in his lower legs and ankles. He was
5 treated and released from the hospital.

6 The driver of the vehicle was identified as Anthony Godinez. He was bleeding
7 from the lip, but otherwise uninjured and had not been shot. He was checked by EMTs
8 and then transported to the Missoula Police Department for interviews.

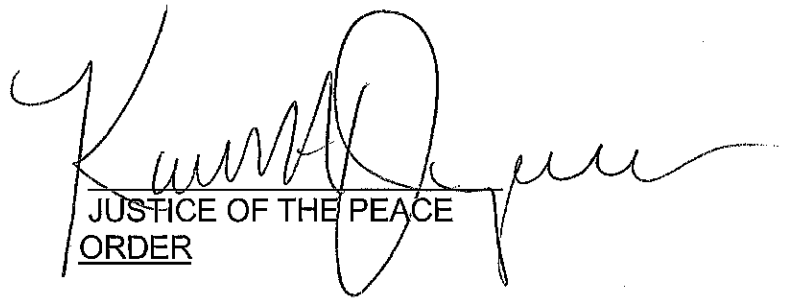
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10 The Montana Highway Patrol investigated to see if Godinez was under the
11 influence of alcohol. When the trooper arrived at the police department, Godinez
12 appeared to be sleeping. The trooper nudged Godinez and Godinez awakened.
13 Godinez's eyes were blood shot and watery. He had an odor of alcohol on his breath.
14 He acknowledged driving the vehicle and reported he had been drinking. Godinez
15 reported drinking ten to 11 pints of beer, starting at four pm on September 4, 2015 and
16 stopping about 15 minutes before being stopped by the police. Godinez recalled being
17 stopped, but nothing else about the incident.

18
19 Godinez agreed to participate in the Standardized Field Sobriety Tests. He
20 scored six out of six indicators of impairment on the Horizontal Gaze Nystagmus, five
21 out of eight indicators on the Walk and Turn, and four out of four indicators on the One
22 Leg Stand. Godinez provided a breath sample. His breath alcohol concentration was
23 .241.
24

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26 
27 JASON MARKS
28 Chief Deputy County Attorney

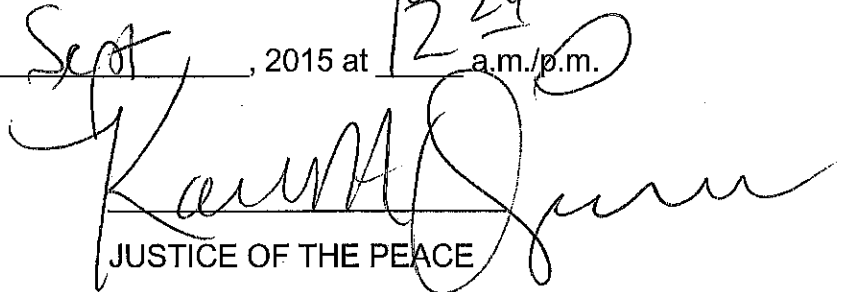
SUBSCRIBED AND SWORN TO before me this 6th day of September, 2015.

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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 6th day of Sept, 2015 at 12²⁴ a.m./p.m.


JUSTICE OF THE PEACE