

RECEIVED

SEP 27 2015

Justice Court

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 Michael Wayne Silva
9 Defendant,

Dept No. 2
Cause No. CR2015-899

COMPLAINT

10
11 BRITTANY SANTORNO, Deputy County Attorney, deposes and says that on or
12 about the 26th day of September, 2015, in Missoula County, the Defendant committed
13 the offenses of COUNT I: AGGRAVATED ASSAULT - BODILY INJURY, 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; COUNT II: PARTNER OR FAMILY MEMBER ASSAULT - 2ND
16 OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-5-
17 206[2nd], punishable by not less than 72 hours or more than one year MCDF and a fine
18 not less than \$300 or more than \$1000.
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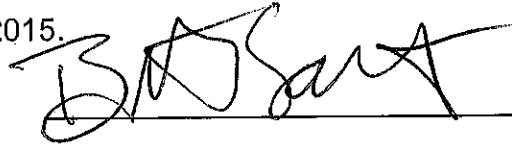
20 The facts constituting the offense are:

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22 COUNT I: On or about the 26th day of September, 2015, the above-named
23 Defendant purposely or knowingly caused serious bodily injury to another by strangling
24 Tana Pickett.

25
26 COUNT II: On or about the 26th day of September, 2015, the above-named
27 Defendant purposely or knowingly caused bodily injury to Tana Pickett, a partner, by
28 pushing her to the ground and throwing her into a vehicle.

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1 DATED this 27th day of September, 2015.



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3 BRITTANY SANTORNO
4 Deputy County Attorney

5 Subscribed and sworn to before me this 27 day of September, 2015.

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8 JUSTICE OF THE PEACE

9 COMPLAINT 15-2198

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4 STATE OF MONTANA,
5 Plaintiff,

Cause No. CR-2015-899

6 -vs-
7 Michael Wayne Silva,
8 Defendant.

AFFIDAVIT OF PROBABLE CAUSE

9 STATE OF MONTANA)
10 County of Missoula) : ss

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12 BRITTANY SANTORNO, Deputy County Attorney, Montana, being first duly sworn
13 upon oath, deposes and says:

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

20 On or about the 26th of September, Sergeant Stevenson and Officer Malone
21 responded to 1120 Shakespeare to a report of a physical disturbance between a male
22 and female. Upon arrival, Officer Malone made contact with the victim, Tana Pickett,
23 who was hysterical and unable to speak for several minutes. After she had gathered
24 herself, she stated there had been an argument and the Defendant had gotten physical.
25 Tana stated she had been choked repeatedly for an hour by the Defendant after she
26 had attempted to leave. She stated she had been in a relationship with the Defendant
27 for about two years, but it had recently ended.
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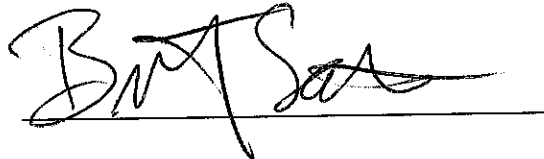
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1 Sergeant Stevenson made contact with the Defendant. He admitted to grabbing
2 Tana in a hugging embrace to stop her from leaving. Officer Malone then spoke with the
3 Defendant to confirm or deny Tana's recollection of the events. The Defendant stated
4 he and Tana were in a two year relationship and she was leaving him and he did not
5 want her to. The Defendant said he had physically restrained Tana trying to keep her
6 from leaving. He also admitted his hands may have ended up near Tana's throat when
7 he was restraining her. He also stated he believed the physical contact probably hurt
8 and scared Tana. He was subsequently placed under arrest.
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11 After concluding his interview with the Defendant, Sergeant Stevenson
12 interviewed a witness, who stated she had heard ongoing yelling and arguing and had
13 observed the Defendant restrain Tana, throw her on the ground and throw her into a
14 vehicle. She also observed the Defendant jumping into Tana's face as if he was going
15 to punch her.
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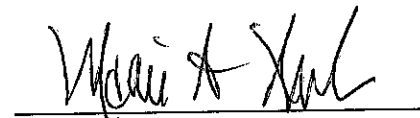
17 After speaking with the Defendant, Officer Malone returned to speak with Tana.
18 At this time, she had collected herself enough to give more information. She stated the
19 altercation had begun when she was inside her van and the Defendant was in the back.
20 He became angry when she wanted to leave and the Defendant came up and grabbed
21 her from behind and began choking her and pulling her into the back of the van. The
22 Defendant continued to choke Tana, stating he was not going to let her leave. At this
23 point, Tana stated she believed the Defendant was going to kill her. She further stated,
24 at one point she blacked out and came to just before the Defendant was able to reach a
25 baseball bat in the front seat, which she felt he was going to kill her with.
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1 Officer Malone photographed Tana, finding bruising and redness on both of her
2 arms and slight redness on her neck.

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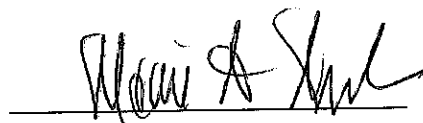
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6 BRITTANY SANTORNO
7 Deputy County Attorney

8 SUBSCRIBED AND SWORN TO before me this 27 day of September, 2015.

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11 JUSTICE OF THE PEACE
12 ORDER

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

15 DATED this 27 day of Sept, 2015 at 9:16 a.m. (p.m.)

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18 JUSTICE OF THE PEACE
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