

OCT 29 2015

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,

-vs-

ROBERT JAMES THOMAS
Defendant,

Dept No. 1

Cause No. CR-2015-1002

COMPLAINT

MAC BLOOM, Deputy County Attorney, deposes and says that on or about the 27th and/or 28th days of October, 2015, in Missoula County, the Defendant committed the offenses of COUNT I: AGGRAVATED BURGLARY, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-6-204(2), punishable by 40 years MSP and/or \$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; COUNT III: CRIMINAL POSSESSION OF DANGEROUS DRUGS - MARIJUANA (LESS THAN 60 GRAMS), 1ST OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-9-102(2)[1st], punishable by 6 months MCDF and a fine of not less than \$100 or more than \$500.

The facts constituting the offense are:

COUNT I: On or about the 28th day of October, 2015, the above named Defendant knowingly entered or remained unlawfully in an occupied structure with the purpose to commit an offense therein, to wit: assault, and in effecting entry or in the course of committing the offense or in immediate flight thereafter, the Defendant

1 purposely, knowingly, or negligently inflicted or attempted to inflict bodily injury upon
2 M.R.

3
4 COUNT II: On or about the 27th day of October, 2015, the above-named
5 Defendant purposely or knowingly caused bodily injury to a partner, T.T.

6 COUNT III: On or about the 28th day of October, 2015, the above-named
7 Defendant knowingly had in his possession a dangerous drug, to wit: marijuana
8 weighing 60 grams or less.

9
10 DATED this 29th day of October, 2015.

11 
12 MAC BLOOM
13 Deputy County Attorney

14 Subscribed and sworn to before me this 29 day of October, 2015.

15 
16 JUSTICE OF THE PEACE

17 COMPLAINT 15-2500

18 GLENVILLE KEDIE, Missoula County Sheriff's Office
19 JOSHUA VOLINKATY, Missoula County Sheriff's Office
20 THAISON MANRAKSA, Missoula County Sheriff's Office
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BEFORE Marie A Andersen, JUSTICE OF THE PEACE

STATE OF MONTANA,
Plaintiff,

-vs-

ROBERT JAMES THOMAS,
Defendant.

Cause No. CR-2015-1002

AFFIDAVIT OF PROBABLE CAUSE

STATE OF MONTANA)
 : ss
County of Missoula)

MAC BLOOM, 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
ROBERT JAMES THOMAS 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 28th day of October, 2015, at approximately 2:37 p.m., Deputy
Volinkaty, Missoula County Sheriff's Office, was dispatched to investigate a physical
disturbance between two males at a residence. Dispatch advised that the suspect,
Robert Thomas (Defendant), had fled the residence on foot. Upon arrival, Deputy
Volinkaty met with three people: M.R., T.T., and M.T. M.R. and T.T. are currently
dating. M.T. is the child of Defendant and T.T. Deputy Volinkaty began speaking with
M.R., but quickly ended that interview so that M.R. could obtain medical attention for a
laceration to the side of his head.

1 Next, Deputy Volinkaty spoke with T.T. T.T. stated that she and Defendant
2 divorced eight years ago. She is currently dating and living with M.R. Approximately
3 two weeks ago, Defendant showed up in Missoula. On October 27, 2105, T.T. met
4 Defendant at his hotel room. Defendant was extremely intoxicated at this time and
5 continually requested that T.T. take him to her residence so that he could fight M.R.
6 Eventually T.T. attempted to leave, but Defendant grabbed her and threw her onto the
7 bed. Defendant then "choked" her approximately five or six times with his left hand.
8 T.T. managed to escape when Defendant walked into the bathroom. T.T. stated that
9 Defendant applied most of the pressure to the sides of her neck and not her windpipe.
10 Deputy Volinkaty observed apparent bruising on the right side of T.T.'s neck and on her
11 arm. T.T. stated that she became a little light-headed during the incident, had trouble
12 breathing, and felt pain.
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15 The following morning, at approximately 6:30 a.m., Defendant called T.T. and
16 asked to borrow a phone charger. T.T. drove back to his hotel and dropped one off. At
17 approximately 11:00 a.m., Defendant re-contacted T.T. and informed her that he was
18 preparing to go to Oklahoma. He asked to see their daughter, M.T., before he left. T.T.
19 then picked M.T. up from school and met Defendant. The three went for a drive up
20 Deer Creek. Eventually, T.T. dropped Defendant off at his work and drove home. She
21 said that he was acting "pissy" when she left him.
22

23
24 When she got home, T.T. laid down for nap. Approximately ninety minutes later
25 she was awoken by M.T., who stated that Defendant was in their residence attacking
26 M.R. T.T. told M.T. to call 911 and rushed out to the living room to intervene. She
27 reported that she observed Defendant hitting M.R. M.R. was not fighting back, but was
28

1 merely attempting to protect himself. T.T. stated that at some point Defendant picked
2 up a rock and was preparing to strike M.R. with it. She was able to take the rock from
3 Defendant and put it in a flower pot. The fight ended when Defendant's phone rang.
4 T.T. stated that Defendant does not have permission to come to thier residence and that
5 this was made very clear.
6

7 Deputy Volinkaty later spoke with M.R. who stated that he and T.T. had been
8 dating for approximately seven years. He confirmed that Defendant recently showed up
9 in Missoula and did not have permission to come to the residence. M.R. explained that
10 at the time of the attack, Defendant knocked one time on a sliding glass door and then
11 walked inside. He began yelling and swearing at M.R. and then punched him in the left
12 ear, causing visible injuries. Defendant then struck M.R. in the face and ribs multiple
13 times. M.R. felt pain from the attack. He believed Defendant struck him approximately
14 eighteen times.
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17 Lastly, Deputy Volinkaty spoke with M.T., who stated that she observed
18 Defendant walk into the residence and swear and yell at M.R. She then ran into the
19 back room, informed T.T. of the situation, and called 911. M.T. confirmed that
20 Defendant was not allowed at the residence.
21

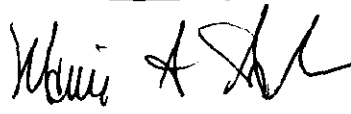
22 Deputies later located Defendant near the Milltown Market and placed him under
23 arrest. Defendant informed them that he had "weed" in his pocket, which deputies
24 located. The "weed" subsequently NIK tested positive for marijuana. Defendant was
25 transported to jail where he admitted that he went to M.R. and T.T.'s residence to "beat
26 his ass, and that's exactly what the [expletive] I did." With regard to the prior assault on
27 T.T., Defendant said, "Yeah, we got physical I'm ashamed to say." Defendant explained
28

1 that he was too intoxicated to remember the incident, but "she got marks [and] I got
2 marks." Defendant was previously convicted of partner/family member assault on May
3 7, 2004.
4

5 On October 29, 2015, Detective Kedie, Missoula County Sheriff's Office, re-
6 Mirandized Defendant, and Defendant agreed to provide another statement. Defendant
7 admitted that T.T. told him he was not welcome in the residence. He also stated that he
8 confronted M.R. because M.R. had been "bedding my wife" and "tucking my kids in" for
9 eight years.
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11 
12 MAC BLOOM
13 Deputy County Attorney

14 SUBSCRIBED AND SWORN TO before me this 24 day of October, 2015.

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17 JUSTICE OF THE PEACE
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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 29 day of Oct, 2015 at 1:29 a.m./p.m.

Walter A. Smith

JUSTICE OF THE PEACE