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MAR 28 2016

Justice Court

1 BRIAN LOWNEY
 2 Deputy County Attorney
 3 KIRSTEN H. PABST
 4 Missoula County Attorney
 5 Missoula County Courthouse
 6 Missoula, Montana 59802
 7 (406) 258-4737
 8 ATTORNEYS FOR PLAINTIFF

9 IN THE JUSTICE COURT OF THE STATE OF MONTANA
 10 IN AND FOR THE COUNTY OF MISSOULA
 11 BEFORE, Karen A. Orzech, JUSTICE OF THE PEACE

12 STATE OF MONTANA,
 13 Plaintiff,
 14 -vs-
 15 JOEL WAYNE CAHOON,
 16 Defendant,

17 Department No. 2
 18 Cause No. eA-2016-314

19 **COMPLAINT**

20 BRIAN LOWNEY, Deputy County Attorney, deposes and says that on or about the
 21 26th day of March, 2016, in Missoula County, the Defendant committed the offenses of
 22 COUNT I: AGGRAVATED BURGLARY, a Felony, in violation of Montana law, namely:
 23 Mont. Code Ann. 45-6-204(2), punishable by 40 years MSP and/or \$50,000 fine; COUNT
 24 II: PARTNER OR FAMILY MEMBER ASSAULT - 1ST OFFENSE, a Misdemeanor, in
 25 violation of Montana law, namely: Mont. Code Ann. 45-5-206[1st], punishable by not less
 26 than 24 hours or more than one year MCDF and/or a fine not less than \$100 or more than
 27 \$1000; COUNT III: ATTEMPTED ASSAULT - BODILY INJURY, a Misdemeanor, in
 28 violation of Montana law, namely: Mont. Code Ann. 45-5-201 and 45-4-103, punishable by
 6 months MCDF and/or \$500 fine; COUNT IV: CRIMINAL MISCHIEF, a Misdemeanor, in
 violation of Montana law, namely: Mont. Code Ann. 45-6-101(1)[1], punishable by 6

1 months MCDF and/or \$1,500 fine; COUNT V: CRIMINAL DESTRUCTION OF OR
2 TAMPERING WITH A COMMUNICATION DEVICE, a Misdemeanor, in violation of
3 Montana law, namely: Mont. Code Ann. 45-6-105, punishable by 6 months MCDF and/or
4 \$1000 fine.
5

6 The facts constituting the offense are:

7 COUNT I: On or about the 26th day of March, 2016, the above-named
8 Defendant knowingly entered or remained unlawfully in an occupied structure and
9 knowingly or purposely committed an offense within that structure, to wit: ASSAULT,
10 and in effecting entry or in the course of committing the offense or in immediate flight
11 thereafter, the Defendant purposely, knowingly, or negligently inflicted or attempted to
12 inflict bodily injury upon John Doe.
13

14 COUNT II: On or about the 26th day of March, 2016, the above-named
15 Defendant purposely or knowingly caused bodily injury to Jane Doe, a partner, or
16 purposely or knowingly caused reasonable apprehension of bodily injury in Jane Doe, a
17 partner.
18

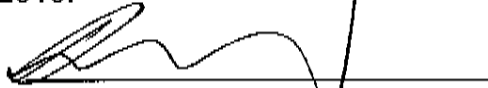
19 COUNT III: On or about the 26th day of March, 2016, the above-named
20 Defendant purposely attempted to cause bodily injury to another, John Doe.
21

22 COUNT IV: On or about the 26th day of March, 2016, the above-named
23 Defendant committed the offense of criminal mischief by knowingly or purposely
24 injuring, damaging, or destroying the property of John Doe, without consent.
25

26 COUNT V: On or about the 26th day of March, 2016, the above-named
27 Defendant purposely or knowingly destroyed or tampered with a telephone or other
28 communication device to obstruct, prevent, or interfere with: (a) the report to any law

1 enforcement agency of any actual criminal offense; (b) the report to any law
2 enforcement agency of any actual bodily injury or property damage; or (c) a request
3 made to any governmental agency or to any hospital, doctor, or other medical provider
4 for necessary ambulance or emergency medical assistance.
5

6 DATED this 28th day of March, 2016.

7 
8 BRIAN LOWNEY
9 Deputy County Attorney

10 Subscribed and sworn to before me this ____ day of March, 2016.

11
12 JUSTICE OF THE PEACE

13 COMPLAINT 16-731
14 ROBERT PARCELL, Missoula County Sheriff's Office
15 HEATH HANSON, Missoula County Sheriff's Office
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IN THE JUSTICE COURT OF THE STATE OF MONTANA
 IN AND FOR THE COUNTY OF MISSOULA
 BEFORE, Keren A. Orzech, JUSTICE OF THE PEACE

STATE OF MONTANA,
 Plaintiff,
 -vs-
 JOEL WAYNE CAHOON,
 Defendant,

Department No. 2
 Cause No. CR-2016-314
 AFFIDAVIT OF PROBABLE CAUSE

STATE OF MONTANA)
 : ss
 County of Missoula)

BRIAN LOWNEY, 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 JOEL WAYNE CAHOON 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 March 26, 2016, Missoula County Sheriff's Office deputies were called to a report of a disturbance on the 3000 block of Highway 83 in Seeley Lake, Missoula

1 County, MT. Upon arrival, they found Jane Doe and Defendant Joel Cahoon engaged
2 in an argument on the porch of the residence. Defendant Johnny Richardson was in a
3 running vehicle parked in the driveway of the residence. Also in the vehicle was Jane
4 Doe and Cahoon's 6 year-old child, Jenny Doe. Deputies observed that Richardson
5 appeared intoxicated, and told him not to move the vehicle.
6

7 Deputies spoke with Jane Doe, who indicated that she was staying at the
8 residence with John Doe, her boyfriend, along with Jenny Doe. Also present in the
9 residence were Michael Bernstrauch and Tristan Tanner. Jane Doe indicated that she
10 had been in a relationship with Cahoon for approximately 7 years, but that the
11 relationship had ended about 7 months prior. Jane Doe and Cahoon have a child in
12 common, Jenny Doe. Jane Doe said she had been dating John Doe for approximately
13 3 months, and was staying at his home that night.
14

15 Jane Doe indicated she and the other occupants of the house were sleeping
16 when Cahoon and Richardson entered the home without permission in the middle of the
17 night and then came into her bedroom. Jane Doe awoke to Cahoon yelling at her,
18 calling her derogatory names. Jane Doe believes that Cahoon was upset because he
19 did not like John Doe being around Jenny Doe.
20

21 The other occupants of the house, including John Doe, were awakened as well.
22 John Doe confronted Cahoon and Richardson and told them to leave. Cahoon and
23 Richardson refused, and Cahoon began to physically fight with John Doe. While
24 Cahoon and John Doe were engaged with each other, Richardson kicked John Doe in
25 the side, in an effort to assist Cahoon in assaulting John Doe. John Doe was able to
26
27
28

1 disengage with Cahoon and Richardson, and locked himself in a bedroom with
2 Bernstrauch.

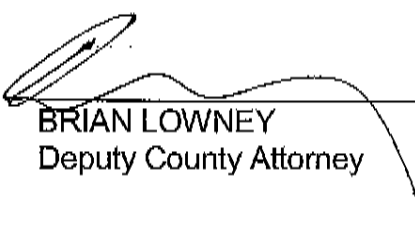
3
4 Jane Doe then told Cahoon she was going to call the police attempted to call the
5 911, but Cahoon took her phone and smashed it, rendering it inoperable. Jane Doe told
6 Cahoon and Richardson to leave, and Cahoon responded by breaking items in the
7 home, including two coffee tables and the TV in the home. Cahoon also punched
8 several holes in the sheetrock. Jane Doe tried to prevent Cahoon from reengaging with
9 John Doe and Bernstrauch, and Cahoon responded by throwing Jane Doe to the floor.
10 Cahoon pulled Doe's hair and threw her around the bathroom and living room. Jane
11 Doe had bruises and scratches from Cahoon's assault, and she indicated that one of
12 her teeth punctured her lower lip while Cahoon was assaulting her.
13

14
15 While deputies were speaking with Jane Doe, they heard Richardson begin
16 revving the engine of the vehicle he was in with Jenny Doe. Deputies exited the house
17 and saw Richardson backing the car out of the driveway between John Doe's truck and
18 the deputy's patrol vehicle. As he did so, Richardson ran into John Doe's truck, causing
19 damage to the right rear quarter panel and bumper of John Doe's truck. Deputies ran to
20 stop Richardson from continuing to drive, and were able to stop the vehicle. Jenny Doe
21 was still inside. Richardson failed field sobriety tests and later submitted to a breath test
22 which showed his blood alcohol level to be .158. The cost of the damage to John Doe's
23 truck is undetermined at this time. Richardson has previously been convicted of DUI in
24 2009.
25

26
27 Cahoon and Richardson were interviewed regarding the disturbance. Cahoon
28 told police that he and Richardson had knocked on the door prior to entering and that

1 Jane Doe had let them in. Richardson told police they knocked on the door and that
2 Bernstrauch had let them in. Both were visibly intoxicated. Cahoon admitted that he
3 was "a little over-aggressive", that he "fucked up", and that he knew he "overreacted".
4 Richardson denied any physical altercation took place, and offered that the damage to
5 the house was indicative of "possibly the way they [the occupants of the house] live".
6

7 Bernstrauch, John Doe and Tanner were interviewed. All confirmed that no one
8 let either Cahoon or Richardson into the house, and that they were awakened by
9 Cahoon yelling at the occupants of the house and fighting with them. Both Bernstrauch
10 and Tanner confirmed they saw Richardson jump on John Doe while John Doe was
11 engaged with Cahoon. All three witnesses indicated they either heard or saw Cahoon
12 breaking items in the house while he berated Jane Doe.
13

14 
15 BRIAN LOWNEY
16 Deputy County Attorney
17

18 SUBSCRIBED AND SWORN TO before me this ____ day of March, 2016.

19 _____
20 JUSTICE OF THE PEACE

21 ORDER

22
23 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to
24 believe the above-named Defendant committed the crimes charged.

25 DATED this ____ day of _____, 2016 at ____ a.m./p.m.
26

27 _____
28 JUSTICE OF THE PEACE