

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

13 STATE OF MONTANA,

14 Plaintiff,

15 -VS-

16 WESLEY JARED GARDINER,

17 Defendant,

Department No. 1

Cause No. CR-2016-508

**COMPLAINT**

18 BRIAN LOWNEY, Deputy County Attorney, deposes and says that on or about the  
19 30th day of May, 2016, in Missoula County, the Defendant committed the offenses of  
20 COUNT I: PARTNER OR FAMILY MEMBER ASSAULT - 3RD OR SUBSEQUENT  
21 OFFENSE, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-  
22 206[3rd+], punishable by not less than 30 days or more than 5 years MSP and/or a fine  
23 not less than \$500 or more than \$50,000; COUNT II: OBSTRUCTING PEACE OFFICER  
24 OR OTHER PUBLIC SERVANT, a Misdemeanor, in violation of Montana law, namely:  
25 Mont. Code Ann. 45-7-302(1), punishable by 6 months MCDF and/or \$500 fine; COUNT  
26 III: RESISTING ARREST, a Misdemeanor, in violation of Montana law, namely: Mont.  
27 Code Ann. 45-7-301, punishable by 6 months MCDF and/or \$500 fine.  
28

1 The facts constituting the offense are:

2 COUNT I: On or about the 30th day of May, 2016, the above-named Defendant  
3 purposely or knowingly caused reasonable apprehension of bodily injury in Jane Doe, a  
4 partner/family member.  
5

6 COUNT II: On or about the 30th day of May, 2016, the above-named Defendant  
7 knowingly obstructed, impaired, or hindered the enforcement of the criminal law, the  
8 preservation of the peace, or the performance of a governmental function, including  
9 service of process by fleeing from the police.  
10

11 COUNT III: On or about the 30th day of May, 2016, the above-named Defendant  
12 knowingly prevented or attempted to prevent members of the Missoula Police  
13 Department, peace officers, from effecting an arrest by: (a) using or threatening to use  
14 physical force or violence against the peace officer or another; or (b) using any other  
15 means which created a risk of causing physical injury to the peace officer or another.  
16

17 DATED this 31st day of May, 2016.

18   
19 BRIAN LOWNEY  
20 Deputy County Attorney

21 Subscribed and sworn to before me this \_\_\_\_ day of May, 2016.  
22

23 JUSTICE OF THE PEACE

24 COMPLAINT 16-1279

25 ANDY ROY, Missoula City Police Dept  
26 DEVIN ERICKSON, Missoula City Police Dept  
27 BEN SLATER, Missoula City Police Dept  
28 JOHN MARTINI, Missoula City Police Dept  
CRYSTAL CROCKER, Missoula City Police Dept  
BRYCE BARE, Missoula City Police Dept  
JOE BURGER, Missoula City Police Dept

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12 BEFORE, Marie A Andersen, JUSTICE OF THE PEACE

13 STATE OF MONTANA,

14 Plaintiff,

15 -VS-

16 WESLEY JARED GARDINER,

17 Defendant,

Department No. 1

Cause No.

CR 2016-208

**AFFIDAVIT OF PROBABLE CAUSE**

18 STATE OF MONTANA )  
19 : ss  
20 County of Missoula )

21 BRIAN LOWNEY, Deputy County Attorney, Montana, being first duly sworn upon  
22 oath, deposes and says:

23 I have read the official law enforcement reports regarding the investigation of  
24 WESLEY JARED GARDINER for allegedly committing the offense(s) set forth in the  
25 complaint and based upon the information contained in the reports, if true, believe  
26 probable cause exists to justify charging the above-named defendant as specified in the  
27 accompanying complaint.

28 On May 30, 2016, Missoula Police Department officers were called to a report of  
an assault on the 1400 block of West Broadway, Missoula County, MT. Officers

1 contacted Jane Doe, the Defendant's ex-girlfriend. Doe indicated she had travelled to  
2 the Defendant's home just prior to the police response to check on the Defendant's  
3 mental health. When the Defendant opened the door to his residence, he became  
4 angry that Doe was there and grabbed her by the throat. Doe indicated that the  
5 Defendant accused her of "sleeping around" and yelled at her that she was a "whore"  
6 while he was grabbing her by the throat. Doe indicated she did not feel pain in her  
7 throat, but told police that she was attempting to get away from the Defendant based on  
8 his actions.  
9  
10

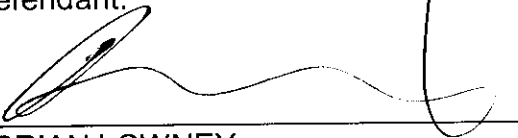
11 A witness to the event related that he saw the Defendant pin Doe up against a  
12 white van with his arm pushing up against Doe's neck. The witness indicated that it  
13 appeared Doe "was hurting" and "having a hard time breathing". The witness indicated  
14 that the Defendant was yelling at Doe the entire time.  
15

16 Two employees of a nearby business were also interviewed, as they interacted  
17 with Doe after the assault. Those employees indicated that Doe came into their  
18 business, and the Defendant followed her, yelling that he "dared" her to call the police  
19 and that he would have Doe "thrown in jail." The employees indicated that Doe was  
20 "clearly scared" of the Defendant. Doe later told the employees that the Defendant put  
21 her in a "choke hold".  
22

23 Officers attempted to locate the Defendant, and found him walking on a nearby  
24 street. Officers ordered the Defendant to stop, but the Defendant ran from them. The  
25 Defendant eventually ran to the Clark Fork River, and waded into the river in an effort to  
26 reach an island in the middle of the river. The Defendant remained in the river for  
27  
28

1 approximately 50 minutes, refusing numerous commands to come out. Officers were  
2 finally able to convince the Defendant to come to shore.

3 Once on shore, officers attempted to place handcuffs on the Defendant.  
4 However, the Defendant clenched his hands in a fist and held them to his chest, and  
5 would not comply with commands to put his hands behind his back. Officers attempted  
6 to force the Defendant's hands behind his back, but he resisted those efforts. Officers  
7 were finally able to handcuff the Defendant.  
8

9  
10 

11 BRIAN LOWNEY  
12 Deputy County Attorney

13 SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of May, 2016.

14  
15 \_\_\_\_\_  
16 JUSTICE OF THE PEACE

17 ORDER

18  
19 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to  
20 believe the above-named Defendant committed the crimes charged.

21 DATED this \_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_ a.m./p.m.  
22

23  
24 \_\_\_\_\_  
25 JUSTICE OF THE PEACE  
26  
27  
28