

MAY 09 2016

JUSTICE COURT

1 JENNIFER CLARK
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 BRADEN PARKER GIBSON,

17 Defendant,

Department No.
Cause No.

CR-2016-441

COMPLAINT

18 JENNIFER CLARK, Deputy County Attorney, deposes and says that on or about
19 the 6th day of May, 2016, in Missoula County, the Defendant committed the offenses of
20 COUNT I: CHILD CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law,
21 namely: Mont. Code Ann. 45-5-628(1)(e), punishable by 10 years MSP and/or \$50,000
22 fine; COUNT II: PARTNER OR FAMILY MEMBER ASSAULT - 2ND OFFENSE, a
23 Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-5-206[2nd],
24 punishable by not less than 72 hours or more than one year MCDF and a fine not less
25 than \$300 or more than \$1000; COUNT III: DRIVING WHILE LICENSE SUSPENDED OR
26 REVOKED, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 61-5-
27 212(1)(i), punishable by not less than 2 days or more than 6 months MCDF and a \$500
28 fine; COUNT IV: CRIMINAL DESTRUCTION OF OR TAMPERING WITH A

1 COMMUNICATION DEVICE, a Misdemeanor, in violation of Montana law, namely: Mont.
2 Code Ann. 45-6-105, punishable by 6 months MCDF and/or \$1000 fine; COUNT V:
3 ENDANGERING WELFARE OF CHILDREN - 1ST OFFENSE, a Misdemeanor, in
4 violation of Montana law, namely: Mont. Code Ann. 45-5-622(1)[1st], punishable by 6
5 months MCDF and/or \$500 fine; COUNT VI: SWITCHBLADE KNIVES, a Misdemeanor,
6 in violation of Montana law, namely: Mont. Code Ann. 45-8-331, punishable by 6 months
7 MCDF and/or \$500 fine.
8

9 The facts constituting the offense are:
10

11 COUNT I: On or about the 6th day of May, 2016, the above-named Defendant
12 committed the offense of criminal child endangerment by purposely, knowingly, or
13 negligently causing substantial risk of death or serious bodily injury to a child under 14
14 years of age by operating a motor vehicle under the influence of alcohol or dangerous
15 drugs in violation of 61-8-401 with a child in the vehicle, to wit: driving under the
16 influence of alcohol with an infant in his arms.
17

18 COUNT II: On or about the 6th day of May, 2016, the above-named Defendant
19 purposely or knowingly caused bodily injury to Jane Doe, a partner, by kicking,
20 punching, bending her fingers backwards.
21

22 COUNT III: On or about the 6th day of May, 2016, the above-named Defendant
23 drove a motor vehicle on Hawthorne Street at a time when his privilege to do so was
24 suspended or revoked.
25

26 COUNT IV: On or about the 6th day of May, 2016, the above-named Defendant
27 purposely or knowingly destroys or tampers with a telephone or other communication
28 device to obstruct, prevent, or interfere with the report to any law enforcement agency

1 of any actual criminal offense to wit: taking the phone away from Jane Doe when she
2 was trying to call 911.

3 COUNT V: On or about the 6th day of May, 2016, the above-named Defendant
4 knowingly endangered the welfare of Jane Doe 2, a child under 18 years of age, by
5 violating a duty of care and protection to such child, to wit: punching and kicking the
6 child's mom while she was lying next to her, causing her head to rock. The Defendant
7 was the parent of such child at the time of the offense.
8

9 COUNT VI: On or about the 6th day of May, 2016, the above-named Defendant
10 carried a switchblade knife upon his person.
11

12 DATED this 6th day of May, 2016.

13 
14 JENNIFER CLARK
15 Deputy County Attorney

16 Subscribed and sworn to before me this 9 day of May, 2016.

17 
18 JUSTICE OF THE PEACE

19
20 COMPLAINT 16-1070
21
22
23
24
25
26
27
28

1 JENNIFER CLARK
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 BRADEN PARKER GIBSON,

17 Defendant,

Department No. 1

Cause No. CR-2016-441

AFFIDAVIT OF PROBABLE CAUSE

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

21 JENNIFER CLARK, 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 BRADEN PARKER GIBSON 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

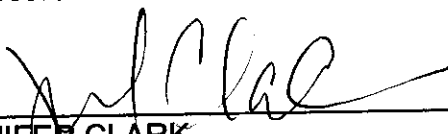
1 On May 6, 2016, at approximately 6:30 a.m., Jane Doe called 911 and stated
2 that she had been beaten up by her boyfriend at 1832 S. 3rd West, Missoula. She left
3 the house and was at a friend's residence.
4

5 Missoula City Police Officer Smith arrived and spoke to Doe. Doe stated that her
6 fiancé, Braden Gibson, came home after drinking. He had texted Doe a picture of him
7 snorting some blue powder and stated he wouldn't be driving home because he was
8 too intoxicated. He showed up at the residence shortly thereafter.
9


10 They began to argue and she told him he would need to move. Gibson began
11 punching her in her arm and kicking her on her hips and legs. She picked up the phone
12 to call 911 and he took the phone away and threw it across the room. She stated she
13 had been in bed with their 5-week-old daughter when he was punching and kicking her,
14 causing the baby's head to rock back and forth really hard. MESI arrived and observed
15 welts appearing on her thigh area. She stated she came to a friend's house so she
16 could call 911.
17

18 Gibson was located and he exited the vehicle with the baby in his arms. He was
19 highly agitated and yelling but eventually handed the baby over. Gibson admitted
20 texting Doe stating he was too drunk to drive home and drove home anyway. He
21 became angry when she accused him of being a bad father. He admitted hitting Doe
22 while she was holding their baby in her arms and taking her phone away from her,
23 though he didn't know she was trying to call 911.
24
25
26
27
28

1 Officers found a switchblade knife in his pocket. Gibson's driver's license status
2 shows he is suspended on his driving record.

3
4 
5 JENNIFER CLARK
6 Deputy County Attorney

7 SUBSCRIBED AND SWORN TO before me this 9 day of May, 2016.

8 
9 JUSTICE OF THE PEACE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 9 day of May, 2016 at 10:59 a.m./p.m.

Monte A. Hill
JUSTICE OF THE PEACE