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JUL 22 2016

JUSTICE COURT

MAC BLOOM
Deputy County Attorney
KIRSTEN H. PABST
Missoula County Attorney
Missoula County Courthouse
Missoula, Montana 59802
(406) 258-4737
ATTORNEYS FOR PLAINTIFF

COPY

IN THE JUSTICE COURT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF MISSOULA
BEFORE, Landee N. Holloway, JUSTICE OF THE PEACE

STATE OF MONTANA,

Plaintiff,

-VS-

BRETT D CANDELARIA,

Defendant,

Department No. 2
Cause No. CR-2016-679

COMPLAINT

MAC BLOOM, Deputy County Attorney, deposes and says that on or about the 21st day of July, 2016, in Missoula County, the Defendant committed the offenses of COUNT I: AGGRAVATED ASSAULT - REASONABLE APPREHENSION, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-202, punishable by 20 years MSP and \$50,000 fine; COUNT II: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-207, punishable by 10 years MSP and/or \$50,000 fine; COUNT III: PARTNER OR FAMILY MEMBER ASSAULT - 1ST OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-5-206[1st], punishable by not less than 24 hours or more than one year MCDF and/or a fine not less than \$100 or more than \$1000.

The facts constituting the offense are:

1 COUNT I: On or about the 21st day of July, 2016, the above-named Defendant
2 purposely or knowingly, with the use of physical force or contact, caused reasonable
3 apprehension of serious bodily injury or death in Jane Doe when he threw her to the
4 ground, strangled her to the point of unconsciousness multiple times, kicked her, and
5 punched her.
6

7 COUNT II: On or about the 21st day of July, 2016, the above-named Defendant
8 knowingly engaged in conduct that created a substantial risk of death or serious bodily
9 injury to Jane Doe when he strangled her to the point of unconsciousness multiple
10 times.
11

12 COUNT III: On or about the 21st day of July, 2016, the above-named Defendant
13 purposely or knowingly caused bodily injury to Jane Doe, a partner, when he threw her
14 to the ground, strangled her to the point of unconsciousness multiple times, kicked her,
15 and punched her.
16

17 DATED this 22nd day of July, 2016.

18 
19 MAC BLOOM
20 Deputy County Attorney

21 Subscribed and sworn to before me this ____ day of July, 2016.

22 _____
23 JUSTICE OF THE PEACE

24 COMPLAINT 16-1757
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13

14 STATE OF MONTANA,

15 Plaintiff,

16 -VS-

17 BRETT D CANDELARIA,

18 Defendant,

Department No. 2
Cause No. CR-2016-679

AFFIDAVIT OF PROBABLE CAUSE

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

22 MAC BLOOM, Deputy County Attorney, Montana, being first duly sworn upon oath,
23 deposes and says:

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

On or about the 21st day of July, 2016, at approximately 3:38 a.m., Officer
Adams and Officer Suazo, Missoula City Police Department, responded to the Sleepy

1 Inn Motel regarding a female who may have been assaulted. The female was last seen
2 in an alley behind the Motel. Upon arrival, Officer Adams determined that Brett
3 Candelaria (Defendant) may have information. She made contact with him in room
4 #137. Defendant, who appeared intoxicated, stated that his girlfriend, Jane Doe, stole
5 \$30.00 out of his wallet and went to purchase alcohol. He denied any physical
6 altercation had taken place. The officers then left the area.
7

8 A short time later, Officer Adams and Officer Suazo were re-dispatched to the
9 Sleepy Inn regarding a report that Jane Doe had been strangled. Dispatch confirmed
10 that the suspect was Defendant. Upon arrival, Officer Adams spoke with Jane Doe who
11 appeared afraid. Officer Adams observed multiple bruises on Jane Doe's face, neck,
12 and chest. Jane Doe stated that she had been too scared to make contact with the
13 officers during their earlier response.
14

15 EMS transported Jane Doe to St. Patrick Hospital, and Officer Adams followed.
16 At the Hospital, Officer Adams observed Jane Doe taking shallow breaths and receiving
17 breathing treatment. Jane Doe had dried blood around her mouth, bruising on her face,
18 neck, chest, arms, legs, and buttocks. Jane Doe's had bitten her tongue badly in
19 multiple spots and had a lump on her temple. Officer Adams also observed dark
20 bruising around Jane Doe's neck and a red mark along her jawline. Jane Doe stated
21 that Defendant caused all of the bruising to her body. Officer Adams noted that some of
22 the bruises appeared to be in various stages of healing, indicating that the assaults
23 were on-going.
24

25 Officer Adams spoke with the ambulance driver, Melissa Diebert, who stated that
26 Jane Doe told her that Defendant has strangled her before. She also stated that Jane
27
28

1 Doe said that she is afraid for her life and managed to escape Defendant when he went
2 to use the restroom.

3
4 Officer Adams then took a statement from Jane Doe. Jane Doe reported that
5 she has been in a relationship with Defendant for approximately nine months. She
6 denied that he has been physical with her in the past and referred to him as a "gentle
7 guy." However, she also described Defendant as short tempered and jealous. Jane Doe
8 stated that she didn't think Defendant would kill her, but then said, "[H]e has his
9 moments" and "I got out the door."
10

11 Jane Doe explained that earlier that day, she was making breakfast when
12 Defendant left to purchase cigarettes and alcohol. A short time later, Defendant's boss
13 arrived and had breakfast with her and Defendant. Defendant's boss left around 11:00
14 a.m. Thereafter, Defendant went to sleep. At some point, Jane Doe accidentally woke
15 him up when she opened the door to go outside and smoke a cigarette. Defendant
16 became upset and told Jane Doe that she was disrespectful. After a long period of
17 silence, wherein Jane Doe was washing dishes, she left again and went outside. When
18 she came back inside, Defendant grabbed her by the neck and threw her to the ground.
19 He stepped on her chest and began kicking her. He also punched her in the face.
20 Defendant then strangled Jane Doe unconscious four to five times. Jane Doe did not
21 recall how long the assault lasted, but remembered everything going black and the fact
22 that she could not breathe. She also remembered biting her tongue. She described
23 Defendant's face as angry, but reported that he apologized to her after she woke up on
24 the floor. Jane Doe would not provide a direct answer when Officer Adams asked her
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1 whether she feared for her life, even though she previously told Diebert that she fears
2 for her life.

3
4 Jane Doe gave Officer Adams permission to enter her motel room to collect
5 evidence. She told Officer Adams that Defendant ripped her pin-striped button-up shirt
6 and bra during the assault. Sergeant Stevenson and Officer Jones responded to the
7 Sleepy Inn and made contact with Defendant in room #137. Officer Jones placed
8 Defendant under arrest and escorted him out of the room. Sergeant Stevenson then
9 entered and located the torn shirt and torn bra. He also found a button from the torn
10 shirt on the floor. Officer Stevenson did not see any other signs of a disturbance.
11 Defendant was then transported to jail.
12

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16 
17 MAC BLOOM
18 Deputy County Attorney

19 SUBSCRIBED AND SWORN TO before me this ____ day of July, 2016.

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21 JUSTICE OF THE PEACE
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JUSTICE COURT

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 _____ day of _____, 2016 at _____ a.m./p.m.

JUSTICE OF THE PEACE