

JAN 16 2013

Justice Court

IN THE JUSTICE COURT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF MISSOULA
BEFORE KAREN ORZECH JUSTICE OF THE PEACE

STATE OF MONTANA
Plaintiff,

-vs-
MICHAEL NATHAN SHAE
MCVEY
Defendant.

Cause No. CR-2013-10499-02

COMPLAINT

M. SHAUN DONOVAN, Deputy Missoula County Attorney, deposes
and says that on or about the 15th day of January, 2013, in Missoula County,
Montana, the Defendant committed the offense(s) of COUNT I: 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 II: THEFT, a Felony, in violation of Montana law, namely: Mont.
Code Ann. 45-6-301(8), punishable by 10 years MSP and/or \$50,000 fine;
COUNT III: FLEEING FROM OR ELUDING A PEACE OFFICER, a High
Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 61-8-
316(2)(a), punishable by 1 year MCJ and/or \$2,000 fine; COUNT IV:
FLEEING FROM OR ELUDING A PEACE OFFICER, a High Misdemeanor,
in violation of Montana law, namely: Mont. Code Ann. 61-8-316(2)(a),
punishable by 1 year MCJ and/or \$2,000 fine; COUNT V: FLEEING FROM
OR ELUDING A PEACE OFFICER, a High Misdemeanor, in violation of

1 Montana law, namely: Mont. Code Ann. 61-8-316(2)(a), punishable by 1 year
2 MCJ and/or \$2,000 fine and COUNT VI: HABITUAL TRAFFIC OFFENDER
3 OPERATING A MOTOR VEHICLE, a High Misdemeanor, in violation of
4 Montana law, namely: Mont. Code Ann. 61-11-213, punishable by 14 days to
5 1 year MCDF and/or \$1000 fine.
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8 The facts constituting the offense are:
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11 COUNT I: CRIMINAL ENDANGERMENT

12 On or about the 15th day of January, 2013, the above-named
13 Defendant knowingly engaged in conduct that created a substantial risk of
14 death or serious bodily injury to other motorists, pedestrians or individuals
15 on or near Montana Highway 200 from approximately the Clearwater
16 Junction through Bonner, Interstate Highway 90 from Bonner to Missoula,
17 and or Orange, Toole, Broadway, Russell, Wyoming and or Curtis Streets
18 in the City of Missoula, by driving a 1996 Nissan automobile at excessive
19 rates of speed, pulling into the oncoming lane of traffic to pass, and
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24 eventually colliding with an automobile driven by another motorist.
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1 COUNT II: THEFT

2 On or about the 15th day of January, 2013, the above-named
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4 Defendant purposely or knowingly exerted unauthorized control over a
5 1996 Nissan Maxima automobile owned by Phillip and Heidi Stubbs, which
6 had a value of more than \$1,500, and used, concealed, or abandoned said
7 vehicle in a manner that deprived the owners of the property;
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11 COUNT III: FLEEING FROM OR ELUDING A PEACE OFFICER

12 (Montana Highway Patrol Troopers)

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14 On or about the 15th day of January, 2012 the above-named
15 Defendant Defendant, while operating a motor vehicle, specifically a 1996
16 Nissan Maxima automobile, on Montana highway 200, fled from or eluded
17 one or more uniformed peace officers of the Montana Highway Patrol, who
18 were operating one or more marked police vehicles in the lawful
19 performance of their duties and who gave the Defendant visual or audible
20 signals by hand, voice, emergency light or siren directing the Defendant to
21 stop his motor vehicle and such Defendant knowingly failed to obey such
22 signals by increasing the speed of his motor vehicle and or continuing at a
23 speed that was 10 or more mph above the applicable speed limit or
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1 otherwise fleeing from, eluding or attempting to flee from or elude said
2 peace officers.
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5 **COUNT IV: FLEEING FROM OR ELUDING A PEACE OFFICER**

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7 (Missoula County Deputy Sheriff)

8 On or about the 15th day of January, 2012 the above-named
9 Defendant Defendant, while operating a motor vehicle, specifically a 1996
10 Nissan Maxima automobile, on Montana highway 200 in and near Bonner,
11 Montana, fled from or eluded Missoula County Deputy Sheriff Kenneth
12 White, a uniformed peace officer, who was operating a marked police
13 vehicle in the lawful performance of their duties and who gave the
14 Defendant visual or audible signals by hand, voice, emergency light or
15 siren directing the Defendant to stop his motor vehicle and such Defendant
16 knowingly failed to obey such signals by increasing the speed of his motor
17 vehicle and or continuing at a speed that was 10 or more mph above the
18 applicable speed limit or otherwise fleeing from, eluding or attempting to
19 flee from or elude said peace officers.
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26 **COUNT V: FLEEING FROM OR ELUDING A PEACE OFFICER**

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28 (Missoula Police Officers)

1 On or about the 15th day of January, 2012 the above-named
2 Defendant Defendant, while operating a motor vehicle, specifically a 1996
3 Nissan Maxima automobile, on streets in the City of Missoula including
4 Orange, Toole, Broadway, Russell, Wyoming and or Curtis, fled from or
5 eluded Missoula Police Officers Mark Blood and Katherine Petersen, peace
6 officers, who were operating an unmarked police vehicle in the lawful
7 performance of their duties and who gave the Defendant visual or audible
8 signals by hand, voice, emergency light or siren directing the Defendant to
9 stop his motor vehicle and such Defendant knowingly failed to obey such
10 signals by increasing the speed of his motor vehicle and or continuing at a
11 speed that was 10 or more mph above the applicable speed limit or
12 otherwise fleeing from, eluding or attempting to flee from or elude said
13 peace officers.
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21 COUNT VI: HABITUAL TRAFFIC OFFENDER OPERATING A
22 MOTOR VEHICLE
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24 On or about the 15TH day of January, 2013, the above-named
25 Defendant, a person who at the time was declared to be a habitual traffic
26 offender, operated a motor vehicle on Montana Highway 200, Interstate
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1 highway 90 and or various streets in the City of Missoula, during the period
2 when his driver's license or driving privileges were revoked.
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5 DATED this 16th day of January, 2013.

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8 M. SHAUN DONOVAN
9 Deputy Missoula County Attorney

10 Subscribed and sworn to before me this 16th day of January, 2013.
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12 _____
13 JUSTICE OF THE PEACE

14 COMPLAINT 13-133
15 Missoula County Sheriff's Office WHITE
16 Missoula Police Department Blood and Petersen
17 MHP Trooper(s)
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JAN 16 2013

1 IN THE JUSTICE COURT OF THE STATE OF MONTANA, Justice Court
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE Karen A. Orzech, JUSTICE OF THE PEACE

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5 STATE OF MONTANA,
6 Plaintiff,

Cause No. CR-2013-10499-C2

7 -vs-

AFFIDAVIT OF PROBABLE
CAUSE

8
9 MICHAEL NATHAN SHAE MCVEY,
10 Defendant.

11 STATE OF MONTANA)
12 : ss
13 County of Missoula)

14 M. SHAUN DONOVAN, Deputy County Attorney of Missoula County,
15 Montana, being first duly sworn upon oath, deposes and says:

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17 I have read the official law enforcement reports regarding the
18 investigation of MICHAEL NATHAN SHAE MCVEY for allegedly committing
19 the offense(s) set forth in the complaint and based upon the information
20 contained in the reports, if true, believe probable cause exists to justify
21 charging the above-named defendant as specified in the accompanying
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24 complaint.

25 On the morning of January 15, 2013, Officers of the Montana Highway
26 patrol and the Missoula County Sheriff's Department were advised a dark
27 green 1996 Nissan automobile which had eluded officers and run the
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1 Cascade County Sheriff off of the road in Great Falls was observed on
2 Highway 200 in Missoula County near the Clearwater Junction. MHP
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4 officers gave chase in marked patrol units and attempted to stop the
5 suspect vehicle without success.
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7 A short time later Deputy Sheriff Kenneth White observed a car
8 matching the suspect vehicle's description traveling near the Bonner mill on
9 highway 200. The road was snowy and slushy and the car traveling an
10 estimated 55 to 60 mph in a 45 mph zone. Deputy White activated the
11 emergency lights and siren in his marked patrol unit and gave chase at
12 speeds in excess of 60 miles per hour as the suspect vehicle failed to yield
13 and continued pulling away. At one point it went through the 35 mph school
14 zone and later pulled into the oncoming eastbound lane of traffic where
15 another car in that lane was forced to pull to the side of the road to avoid a
16 head on collision. The suspect car entered Interstate 90 at the Bonner on
17 ramp, eluded Deputy White who was still in pursuit, and was observed near
18 the Van Buren exit traveling an estimated 100 mph and exiting into
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24 Missoula at Orange Street.

25 The chase was overheard by Missoula Police Detectives Katherine
26 Petersen and Mark Blood who drove to the Orange Street area in an
27 unmarked police vehicle. On Toole near Broadway they saw the suspect
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1 car which eventually turned onto Wyoming where the street was snowy and
2 icy. When Officers Blood and Peterson initiated the lights and siren on their
3 car, the suspect drove around a van and pulled away. Approximately four
4 blocks later, on Curtis, the Defendant lost control, slid sideways and hit the
5 back of another motorist's Subaru automobile. As officers approached the
6 suspect vehicle it attempted to drive off but was stuck in the snow. After
7 directions to exit the car and turn it off were ignored, officers drew their
8 weapons, extracted the young male driver from the car and placed him in
9 handcuffs.
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14 Subsequent investigation disclosed the Subaru owner was not
15 injured. The driver of the fleeing Nissan, which was reported stolen from
16 Great Falls early on the 15th, was identified as Michael Nathan Shae
17 McVey. McVey admitted knowing the unmarked car driven by Blood and
18 Petersen was a police vehicle and fleeing from it and that he had been
19 "running from the cops since Great Falls." He stated at times during the
20 various pursuits he drove as fast as 130 mph and admitted it was reckless
21 and he was fortunate not to have hurt himself or anyone else. He also
22 admitted failing to stop for an officer in a black patrol vehicle near Bonner
23 and said he drove through the school zone there at a speed of more than
24 100 miles per hour. He admitted knowing the Nissan he was driving was
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1 stolen saying it was for sale for \$3,700. Mr. McVey's Montana driving
2 history indicates his driving privileges are revoked and he has been
3 designated an habitual traffic offender.
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7 M. SHAUN DONOVAN
8 Deputy Missoula County Attorney

9 SUBSCRIBED AND SWORN TO before me this 16th day of January,
10 2013.

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13 _____
14 JUSTICE OF THE PEACE

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16 ORDER

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18 Upon reading the foregoing Affidavit, the Court finds that there is
19 probable cause to believe the above-named Defendant committed the crimes
20 charged.
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22 DATED this _____ day of _____, 2013 at _____ a.m./p.m.

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26 JUSTICE OF THE PEACE
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