

1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE _____ JUSTICE OF THE PEACE

RECEIVED

SEP 18 2013

Justice Court

4 STATE OF MONTANA
5 Plaintiff,

Cause No.

-vs-

6 DILLON TOREY FRANKLIN
7 Defendant.

COMPLAINT

8 PATRICIA C. BOWER, Deputy Missoula County Attorney, deposes
9 and says that on or about the 15th day of September, 2013, in Missoula
10 County, the Defendant committed the offenses of COUNT I: BURGLARY, a
11 Felony, in violation of Montana law, namely: Mont. Code Ann. 45-6-204(1),
12 punishable by 20 years MSP and/or a \$50,000 fine; COUNT II: CRIMINAL
13 MISCHIEF, a Misdemeanor, in violation of Montana law, namely: Mont. Code
14 Ann. 45-6-101(1)[1], punishable by 6 months MCDF and/or a \$1,500 fine;
15 COUNT III: CRIMINAL TRESPASS TO VEHICLES, a Misdemeanor, in
16 violation of Montana law, namely: Mont. Code Ann. 45-6-202(1), punishable
17 by 6 months MCDF and/or a \$500 fine; and COUNT IV: DISORDERLY
18 CONDUCT, a Misdemeanor, in violation of Montana law, namely: Mont.
19 Code Ann. 45-8-101(2), punishable by 10 days MCDF and/or a \$100 fine.

20 The facts constituting the offense are:

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26 COUNT I: On or about the 15th day of September, 2013, the above-
27 named Defendant committed the offense of burglary by knowingly entering
28 or remaining unlawfully in an occupied structure with the purpose to commit

1 an offense in the occupied structure, to wit: assault and/or theft; or
2 Defendant knowingly or purposely committed any other offense within that
3 structure, to wit: assault.
4

5 COUNT II: On or about the 15th day of September, 2013, the above-
6 named Defendant committed the offense of criminal mischief by knowingly
7 or purposely injuring, damaging, or destroying a window belonging to
8 Robert Jones without consent.
9
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11 COUNT III: On or about the 15th day of September, 2013, the
12 above-named Defendant committed the offense of criminal trespass to
13 vehicles when he purposely or knowingly and without authority entered a
14 1972 Jeep belonging to Robert Jones.
15

16 COUNT IV: On or about the 15th day of September, 2013, the
17 above-named Defendant knowingly disturbed the peace by using
18 threatening, profane, or abusive language at the hospital.
19
20

21 DATED this 17th day of September, 2013

22 

23 PATRICIA C. BOWER
24 Deputy Missoula County Attorney
25

26 Subscribed and sworn to before me this 17th day of September, 2013.

27 _____
28 JUSTICE OF THE PEACE

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Justice Court

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5 STATE OF MONTANA,
6 Plaintiff,

Cause No.

7 -vs-

**AFFIDAVIT OF PROBABLE
CAUSE**

8
9 DILLON TOREY FRANKLIN,
10 Defendant.

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

14 PATRICIA C. BOWER, 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 DILLON TOREY FRANKLIN for allegedly committing the
19 offense(s) set forth in the complaint in 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
22 complaint.
23
24

25 On Sunday, September 15, 2013 at approximately 2:00 a.m.,
26
27 Detectives Stacy Lear and Arianna Adams responded to 532 N. Pattee
28 Street in Missoula County for a report of a burglary in which the

1 homeowner, 77 year-old Robert "Bob" Withrow Jones had shot Defendant,
2 22 year-old Dillon Torey Franklin.
3

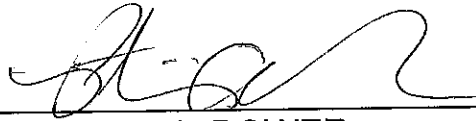
4 The detectives were briefed by the officers on scene. Mr. Jones
5 informed them he was sleeping when he woke up to the sound of breaking
6 glass. Mr. Jones began walking to the living room and heard the sound of
7 breaking glass again. He then went back to his bedroom where he
8 retrieved his .357 magnum handgun. Mr. Jones yelled out and asked
9 Defendant who was there and to stop. Mr. Jones yelled again to the
10 person that he had a gun and to stop. The suspect had gained entry and
11 Mr. Jones told the person to stop or he would shoot. The suspect was in a
12 standing position and continued to come into the house. Mr. Jones
13 demonstrated and explained that Defendant was standing with slightly bent
14 knees, with his torso bent forward at the waist and both arms extending out
15 and slightly forward from his body. Defendant, on notice that Mr. Jones
16 had a gun, did not stop as instructed and took one step forward while
17 maintaining that same posture. At that time, Mr. Jones fired one shot and
18 Defendant fell over. Mr. Jones immediately called 911 and officers and
19 EMS arrived. Mr. Jones acted in self defense and reported he was scared
20 during this incident and felt his life was in danger.
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1 Defendant was transported to St. Patrick's Hospital by ambulance.
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3 Detective Lear contacted Officer O'Dell and learned Defendant was awake
4 and alert when he was transported. Defendant was intoxicated, stating he
5 was high on heroin and methamphetamine. At the hospital, Defendant was
6 belligerent with hospital staff yelling "fuck you" and "you fucking monsters"
7 to the staff. Officer O'Dell later collected Defendant's clothing and
8 observed a small baggie containing 1 capsule with white powder in it,
9 another baggie containing 2 capsules containing a white powder in them, a
10 brown glass vial with a clear liquid inside and an eye dropper. These items
11 have been sent to the Crime Lab for testing.
12
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14

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16 The investigation also determined that Defendant took a chair from
17 the porch and smashed the front picture window to Mr. Jones's residence
18 to enter. Defendant also had broken into Mr. Jones's vehicle prior to
19 breaking the glass and entering the house because an iPhone belonging to
20 Defendant was located inside the vehicle, the turn signal of the vehicle was
21 in the on position and the windows were rolled down.
22
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24
25 When Detectives Lear and Adams responded to St. Patrick's Hospital
26 to speak with Defendant, Defendant told them he had been drugged, he
27 was staying in Missoula at a friend's house on East Spruce and he
28 probably thought it was his friend's house.

1 The investigation is ongoing.

2
3 

4 PATRICIA C. BOWER
5 Deputy Missoula County Attorney

6 SUBSCRIBED AND SWORN TO before me this 17th day of
7 September, 2013.

8
9
10 _____
11 JUSTICE OF THE PEACE

12
13 ORDER

14
15 Upon reading the foregoing Affidavit, the Court finds that there is
16 probable cause to believe the above-named Defendant committed the crimes
17 charged.
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19 DATED this _____ day of _____, 2013 at _____ a.m./p.m.

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22 _____
23 JUSTICE OF THE PEACE
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