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DEC 11 2013

Justice Court

1 IN THE JUSTICE COURT OF THE STATE OF MONTANA
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE John E. Odette JUSTICE OF THE PEACE

4
5 STATE OF MONTANA
6 Plaintiff,
7 -vs-
8 HEATHER LEANE BENNETT
9 Defendant.

Cause No. CR.2013.11604 el

COMPLAINT

10 JENNIFER CLARK, Chief Deputy County Attorney, deposes and says
11 that on or about the 10th day of December, 2013, in Missoula County, the
12 Defendant committed the offenses of COUNT I: ASSAULT ON A PEACE
13 OR JUDICIAL OFFICER, a Felony, in violation of Montana law, namely:
14 Mont. Code Ann. 45-5-210, punishable by not less than 2 years or more than
15 10 years MSP and \$50,000 fine; COUNT II: ASSAULT ON A PEACE OR
16 JUDICIAL OFFICER, a Felony, in violation of Montana law, namely: Mont.
17 Code Ann. 45-5-210, punishable by not less than 2 years or more than 10
18 years MSP and \$50,000 fine; COUNT III: NEGLIGENT ENDANGERMENT,
19 a High Misdemeanor, in violation of Montana law, namely: Mont. Code Ann.
20 45-5-208, punishable by 1 year MCDF and/or \$1,000 fine; COUNT IV:
21 DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF
22 ALCOHOL OR DRUGS - 1ST OFFENSE, a Misdemeanor, in violation of
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1 Montana law, namely: Mont. Code Ann. 61-8-401(1)(a)[1st], punishable by
2 not less than 24 hours or more than 6 months MCDP and \$300-\$1,000 fine.
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4 The facts constituting the offense are:

5 COUNT I: On or about the 10th day of December, 2013, the above-
6 named Defendant purposely or knowingly caused bodily injury to Trooper
7 Navarro, a peace officer, by kicking him in the shin.
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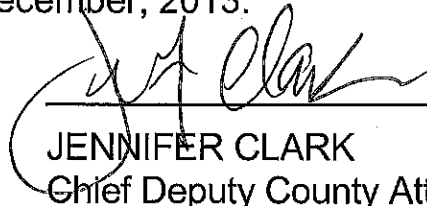
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10 COUNT II: On or about the 10th day of December, 2013, the above-
11 named Defendant purposely or knowingly caused bodily injury to Detention
12 Officer Smolinski, a peace officer, by biting him on the arm.
13

14 COUNT III: On or about the 10th day of December, 2013, the above-
15 named Defendant negligently engaged in conduct that created a
16 substantial risk of death or serious bodily injury to Officer Woods and
17 Officer Hebert when driving after consuming alcohol and running a red
18 light, striking their vehicle.
19

20
21 COUNT IV: On or about the 10th day of December, 2013, the above-
22 named Defendant committed the offense of driving or being in actual
23 physical control of a motor vehicle upon a way of this state open to the
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1 public, W. Broadway, while under the influence of alcohol and/or drugs.

2 DATED this 11th day of December, 2013.

3
4 
5 _____
6 JENNIFER CLARK
7 Chief Deputy County Attorney

8 Subscribed and sworn to before me this ____ day of December, 2013.

9 _____
10 JUSTICE OF THE PEACE

11 COMPLAINT 13-2892
12 Montana Highway Patrol NAVARRO
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1 IN THE JUSTICE COURT OF THE STATE OF MONTANA, Justice Court
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE John E. Odlin, JUSTICE OF THE PEACE

4
5 STATE OF MONTANA,
6 Plaintiff,

Cause No.

7 -vs-

**AFFIDAVIT OF PROBABLE
8 CAUSE**

9 HEATHER LEANE BENNETT,
10 Defendant.

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

14 JENNIFER CLARK, Chief Deputy County Attorney, Montana, being
15 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 HEATHER LEANE BENNETT 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 December 10, 2013, at around 11:00 p.m., Officers Woods and
26 Hebert were driving on Mullan Road and stopped for a red light at W.
27 Broadway in Missoula in an unmarked police vehicle. At the time, they
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1 were the only vehicle at the intersection. When the light turned green,
2 Officer Woods began to drive through the intersection. Both officers
3 observed a vehicle on Broadway approaching the intersection and that did
4 not appear to be stopping for the red light on Broadway. They braced
5 themselves and the vehicle struck their vehicle. The driver of the other
6 vehicle, later identified as Heather Bennett immediately got out of her car,
7 approached the officers and asked "Are you drunk?"
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10

11 Officer Hebert identified them as officers. Bennett appeared agitated
12 and nervous. She admitted she had consumed alcohol prior to the incident
13 and stated she had been drinking because her husband had been cheating
14 on her.
15
16

17 Trooper Navarro arrived to investigate the crash. Bennett admitted
18 she had been drinking and stated she was going to jail. Trooper Navarro
19 could smell a strong odor of an alcoholic beverage on her breath. Bennett
20 had difficulty walking to his patrol car.
21
22

23 At the detention center, Bennett began to fight with staff and Trooper
24 Navarro. She kicked Trooper Navarro in the shin, causing him pain. She
25 bit Detention Officer Smolinski on the arm, causing him pain.
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JENNIFER CLARK
Chief Deputy County Attorney

1
2 SUBSCRIBED AND SWORN TO before me this ____ day of
3 December, 2013.
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6 JUSTICE OF THE PEACE
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9 ORDER

10 Upon reading the foregoing Affidavit, the Court finds that there is
11 probable cause to believe the above-named Defendant committed the crimes
12 charged.
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15 DATED this ____ day of _____, 2013 at ____ a.m./p.m.
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18 JUSTICE OF THE PEACE
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