

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

RECEIVED
APR 27 2015
Justice Court

4
5 STATE OF MONTANA
6 Plaintiff,

Dept No.
Cause No.

-vs-

7 DAVID HARRIS STALLING
8 Defendant.

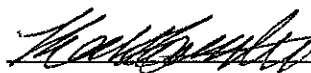
COMPLAINT

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10 KARLA PAINTER, Deputy County Attorney, deposes and says that on or about the
11 26th day of April, 2015, in Missoula County, the Defendant committed the offense of
12
13 COUNT I: AGGRAVATED ASSAULT - REASONABLE APPREHENSION, a Felony, in
14 violation of Montana law, namely: Mont. Code Ann. 45-5-202, punishable by 20 years
15 MSP and \$50,000 fine.

16
17 The facts constituting the offense are:

18 COUNT I: On or about the 26th day of April, 2015, the above-named Defendant
19 purposely or knowingly, with the use of physical force or contact, caused reasonable
20 apprehension of serious bodily injury or death in Ivan Lemeza by strangling him.

21 DATED this 27th day of April, 2015.

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23 

24 KARLA PAINTER
25 Deputy County Attorney

26 Subscribed and sworn to before me this ____ day of April, 2015.

27
28 JUSTICE OF THE PEACE

COMPLAINT 15-845

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5 STATE OF MONTANA,
6 Plaintiff,

Cause No.

7 -vs-

AFFIDAVIT OF PROBABLE CAUSE

8 DAVID HARRIS STALLING,
9 Defendant.

10 STATE OF MONTANA)

: ss

11 County of Missoula)

12 KARLA PAINTER, Deputy County Attorney, Montana, being first duly sworn upon
13 oath, deposes and says:

14 I have read the official law enforcement reports regarding the investigation of
15 DAVID HARRIS STALLING for allegedly committing the offense(s) set forth in the
16 complaint and based upon the information contained in the reports, if true, believe
17 probable cause exists to justify charging the above-named defendant as specified in the
18 accompanying complaint.

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20 On or about April 26, 2015 at approximately 1:30 a.m., Officer Casey Williams of
21 the Missoula Police Department responded to Noon's Sinclair gas station at 39th and
22 Russell for a report of an assault. Upon his arrival, Ivan Lemeza recounted the incident
23 for Officer Williams. Lemeza said that he had gone into the store and purchased beer,
24 snacks, and cigarettes and left. Once at his vehicle, Lemeza said he noticed the clerk,
25 David Stalling, had failed to give him the cigarettes. When he returned to the store,
26 Stalling said there had been no error and that he had given Lemeza the cigarettes. An
27 argument ensued in which "F-words" were exchanged. Stalling then walked out from
28

1 behind the counter, grabbed Lemeza around the neck with both hands, and pushed him
2 out of the store. Lemeza said Stalling continued to put pressure on his neck with both
3 hands and continued to berate him. Lemeza reported that at this point he was in fear
4 for his life and lost the ability to breath. He also believed he had lost consciousness at
5 some point and was feeling dizzy and light-headed. Lemeza refused medical treatment
6 but indicated he would go to the hospital on his own. Officer Williams examined
7 Lemeza's neck and observed redness and peeled skin on the right side that covered a
8 significant portion of his neck. Ivan's brother, Anatolie, witnessed the incident and
9 relayed information similar to what Ivan conveyed. Anatolie said Stalling only relented
10 when he approached Stalling and said he was going to call the cops.
11
12

13 Officer Williams spoke with Stalling who stated video surveillance would show he
14 gave Ivan the cigarettes. Stalling said he had trouble with Ivan in the past and had
15 previously kicked him out of the store on multiple occasions. Stalling stated he was
16 actually quitting his job due to problem customers like Ivan and that this was his last
17 night. Stalling reported that in this instance, Ivan used profanity and threatened to beat
18 him up. Stalling asked Ivan to leave the store and take the issue to his supervisor the
19 next day. Ivan refused and continued the verbal argument. Stalling said he then
20 walked out from behind the counter, grabbed Ivan by the neck with both hands, and
21 pushed him out the front doors. Stalling stated he lost his cool which was why he was
22 leaving his position. In fact, Stalling admitted to Officer Williams that he had previously
23 told a friend, "I better quit this job before I hurt someone."
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27 
28 KARLA PAINTER
Deputy County Attorney

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2 SUBSCRIBED AND SWORN TO before me this ____ day of April, 2015.
3

4
5 JUSTICE OF THE PEACE
6

7 ORDER
8

9 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to
10 believe the above-named Defendant committed the crimes charged.
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12 DATED this ____ day of _____, 2015 at ____ a.m./p.m.
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15 JUSTICE OF THE PEACE
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