

RECEIVED

MAY 18 2015

Justice Court

1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,  
2 IN AND FOR THE COUNTY OF MISSOULA  
3 BEFORE Karen A. Orzech, JUSTICE OF THE PEACE  
4

5 STATE OF MONTANA  
6 Plaintiff,

7 -vs-

8 HEATHER LUISE PORTNER  
Defendant,

Dept No. 2

Cause No. CR-2015-435

COMPLAINT

9  
10 BRIAN LOWNEY, Deputy County Attorney, deposes and says that on or about the  
11 16th day of May, 2015, in Missoula County, the Defendant committed the offenses of  
12 COUNT I: ASSAULT WITH WEAPON, a Felony, in violation of Montana law, namely:  
13 Mont. Code Ann. 45-5-213, punishable by 20 years MSP and/or \$50,000 fine; COUNT II:  
14 PARTNER OR FAMILY MEMBER ASSAULT - 1ST OFFENSE, a Misdemeanor, in  
15 violation of Montana law, namely: Mont. Code Ann. 45-5-206[1st], punishable by not less  
16 than 24 hours or more than one year MCDF and/or a fine not less than \$100 or more than  
17 \$1000.  
18  
19

20 The facts constituting the offense are:

21 COUNT I: On or about the 16th day of May, 2015, the above-named Defendant  
22 purposely or knowingly caused bodily injury to John Doe with a weapon, to wit: a  
23 baseball bat and/or reasonable apprehension of serious bodily injury in John Doe by  
24 use of a weapon or what reasonably appeared to be a weapon.  
25

26 COUNT II: On or about the 16th day of May, 2015, the above-named Defendant  
27 purposely or knowingly caused bodily injury to John Doe, a partner.  
28

1 DATED this 18th day of May, 2015.

2  
3   
4 BRIAN LOWNEY  
Deputy County Attorney

5 Subscribed and sworn to before me this 18<sup>th</sup> day of May, 2015.

6  
7   
8 JUSTICE OF THE PEACE

9 COMPLAINT 15-1060

10 JACE DICKEN, Missoula County Sheriff's Office  
11 THAISON MANRAKSA, Missoula County Sheriff's Office  
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5 STATE OF MONTANA,  
6 Plaintiff,

Cause No. CR-2015-435

7 -vs-

**AFFIDAVIT OF PROBABLE CAUSE**

8 HEATHER LUISE PORTNER,  
9 Defendant.

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

13 BRIAN LOWNEY, Deputy County Attorney, Montana, being first duly sworn upon  
14 oath, deposes and says:

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

20 On or about the May 18, 2015, Missoula County Sheriff's Office deputies  
21 responded to a report of a disturbance on the 100 block of Ridgeway Drive in Lolo,  
22 Missoula County, MT. Upon arrival, deputies contact the victim, John Doe. Doe  
23 reported that at approximately 9:40pm, he had arrived home and was locking his vehicle  
24 to go inside. At that point, the Defendant arrived at his home in her own vehicle. The  
25 Defendant is Doe's ex-girlfriend, as of two (2) months prior. She exited the vehicle  
26 wielding a baseball bat and started to advance towards Doe. Doe reported that the  
27 Defendant was making statements akin to "is she worth it?" as she advanced towards  
28

1 Doe. The Defendant then started to swing the bat at Doe. Doe attempted to grab the  
2 bat from the Defendant, at which point the Defendant struck him in the left leg and the  
3 left side of the face with the bat. Doe suffered a chipped tooth and appeared to have  
4 slight redness around his left jawline.  
5

6 Doe reported that he was able to take the bat from the Defendant at that point,  
7 and threw it away from the two of them. When Doe dialed 911, the Defendant fled the  
8 scene. Officers recovered the bat in a yard near Doe's house.  
9

10 The Defendant was stopped while driving away from the scene southbound on  
11 Highway 93. The Defendant denied that any physical altercation occurred, but admitted  
12 that she had gone to the scene to confront Doe, as she was upset with Doe.  
13

14   
15 BRIAN LOWNEY  
16 Deputy County Attorney

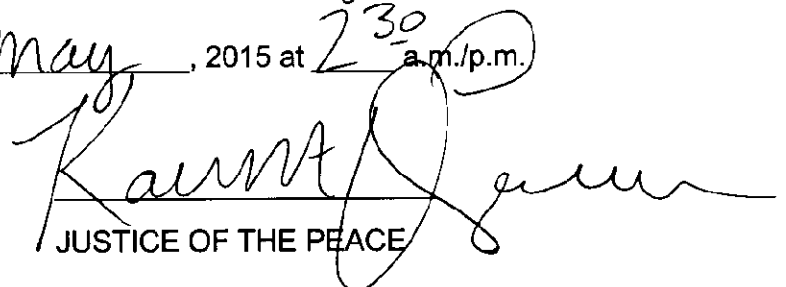
17 SUBSCRIBED AND SWORN TO before me this 18<sup>th</sup> day of May, 2015.

18   
19 JUSTICE OF THE PEACE  
20

21 ORDER  
22

23 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to  
24 believe the above-named Defendant committed the crimes charged.

25 DATED this 18<sup>th</sup> day of May, 2015 at 2<sup>30</sup> a.m./p.m.)  
26

27   
28 JUSTICE OF THE PEACE