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JUN 02 2015

Justice Court

1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE _____, JUSTICE OF THE PEACE
4

5 STATE OF MONTANA
6 Plaintiff,
7 -vs-
8 CARL ALAN TANNER
9 Defendant,

Dept No.
Cause No.

COMPLAINT

10 BRIAN LOWNEY, Deputy County Attorney, deposes and says that on or about the
11 1st day of June, 2015, in Missoula County, the Defendant committed the offenses of
12 COUNT I: AGGRAVATED ASSAULT - REASONABLE APPREHENSION, a Felony, in
13 violation of Montana law, namely: Mont. Code Ann. 45-5-202, punishable by 20 years
14 MSP and \$50,000 fine; COUNT II: KIDNAPPING, a Felony, in violation of Montana law,
15 namely: Mont. Code Ann. 45-5-302, punishable by not less than 2 years or more than 10
16 years MSP and/or \$50,000 fine; COUNT III: PARTNER OR FAMILY MEMBER ASSAULT
17 - 1ST OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann.
18 45-5-206[1st], punishable by not less than 24 hours or more than one year MCDF and/or a
19 fine not less than \$100 or more than \$1000.
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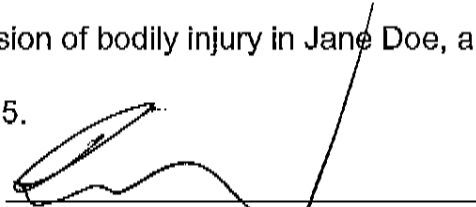
22 The facts constituting the offense are:

23
24 COUNT I: On or about the 1st day of June, 2015, the above-named Defendant
25 purposely or knowingly, with the use of physical force or contact, caused reasonable
26 apprehension of serious bodily injury or death in Jane Doe by strangling her.
27
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1 COUNT II: On or about the 1st day of June, 2015, the above-named Defendant
2 knowingly or purposely, and without lawful authority, restrained the victim by the use of
3 (or threatened use of) physical force.
4

5 COUNT III: On or about the 1st day of June, 2015, the above-named Defendant
6 purposely or knowingly caused bodily injury to Jane Doe, a partner, and/or purposely or
7 knowingly caused reasonable apprehension of bodily injury in Jane Doe, a partner.
8

9 DATED this 2nd day of June, 2015.

10 
11 BRIAN LOWNEY
12 Deputy County Attorney

13 Subscribed and sworn to before me this ____ day of June, 2015.

14 _____
15 JUSTICE OF THE PEACE

16 COMPLAINT 15-1163

17 BOB FRANKE, Missoula City Police Dept
18 NATHAN MATTIX, Missoula City Police Dept
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1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE _____, JUSTICE OF THE PEACE

4
5 STATE OF MONTANA,
6 Plaintiff,

Cause No.

7 -vs-

AFFIDAVIT OF PROBABLE CAUSE

8 CARL ALAN TANNER,
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 CARL
16 ALAN TANNER for allegedly committing the offense(s) set forth in the complaint and
17 based upon the information contained in the reports, if true, believe probable cause exists
18 to justify charging the above-named defendant as specified in the accompanying
19 complaint.

20 On or about June 1, 2015, Missoula Police Department Officers responded to
21 Community Hospital to speak with Jane Doe, who had been transported there by a friend
22 after being assaulted by the Defendant, her husband. Officers spoke with Doe in the
23 emergency room. Doe was upset and crying during this interaction.

24 Doe reported that she had returned to the couple's home on the 2100 block of
25 Fairview Avenue, Missoula County, MT, in the early morning of June 1, 2015 after being
26 out with a friend. The Defendant became angry with Doe when she returned, and took
27 her cell phone from her. Doe decided to leave the house, and went to the bedroom to
28

1 get her purse in order to do so. The Defendant followed her to the bedroom, threw her
2 on the bed and began to strangle her. Doe indicated the Defendant was sitting on her
3 chest with his knees pinning down her arms. Doe reported the Defendant grabbed her
4 throat with one hand and began squeezing, while using the other hand to cover her
5 mouth. Doe indicated that she could not breathe and believed she was going to "pass
6 out". Doe said that the Defendant was telling her to "shut the fuck up" and that he
7 wanted to kill her during the time he was choking her. Doe told officers she believed the
8 Defendant was going to kill her while he was choking her.
9
10

11 Doe indicated that the Defendant choked her for approximately 30 seconds, at
12 which point she began attempting to kick the Defendant in the legs, in an effort to force
13 the Defendant to let her up. When this effort failed, she lay still until the Defendant got
14 off of her. At this point, the Defendant told Doe that she could not leave, as he was
15 concerned she would call the police. The Defendant then told Doe that he would kill her
16 before he allowed her to call the police. The Defendant still had Doe's phone and now
17 had her purse as well.
18

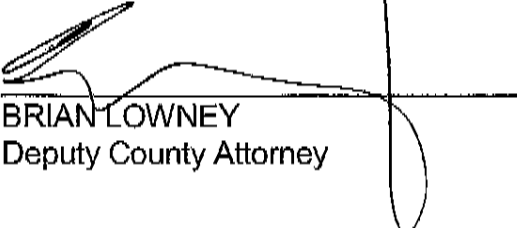
19 Doe put her boots on and attempted to leave the residence through one of the
20 doors to the outside, but the Defendant pushed her to the ground when she did so. Doe
21 retreated to the bedroom, where the Defendant punched her in the back and pushed
22 her face first onto their bed. The Defendant pushed Doe's head into the bed to the point
23 that Doe believed she was going to black out. Doe indicated as the Defendant
24 suffocated her, she believed she was going to die and wondered if she should fight or
25 just "let him do it." Doe was able to scream for the Defendant to stop, which he did
26 before she passed out.
27
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1 At that point, the Defendant told Doe that if she wanted to leave, she would have
2 to jump out the window of the home. Doe reported she felt like she had no other option
3 and that the Defendant would not let her leave, so she jumped out of the second story
4 window in the bedroom. Doe reported that the Defendant would not let her leave the
5 home for approximately an hour and a half total before she jumped out the window.
6

7 Officers observed red marks on Doe's neck and breastbone. Doe indicated she
8 was having trouble swallowing and officers noted that her voice was hoarse.
9

10 Officers contacted the Defendant, who reported that Doe had come home as she
11 said, but that she had assaulted him by jumping on him, punching him, trying to bite him
12 and pinching him in the sides. The Defendant reported that Doe was drunk and
13 "freaked out" at him when she came home. The Defendant indicated he grabbed Doe
14 by the throat to keep her from biting him. The Defendant also reported the Doe jumped
15 out the window to "make it believable" that the Defendant had assault her. Officers
16 offered to respond to photograph the Defendant's reported injuries, but the Defendant
17 declined to allow them to do so.
18

19 When speaking with Doe, officers did not smell any alcohol coming from her and
20 her speech was not slurred. The Defendant is 6'4" and 250 lbs, while Doe is 5'7" and
21 120 pounds.
22

23
24 
25 BRIAN LOWNEY
26 Deputy County Attorney

27 SUBSCRIBED AND SWORN TO before me this ____ day of June, 2015.
28

JUSTICE OF THE PEACE