

FEB 14 2016

Justice Court

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

STATE OF MONTANA
Plaintiff,
-vs-
GARY JAMES DESJARLAIS
Defendant,

Dept No. 2
Cause No. CR-2016-161

COMPLAINT

MAC BLOOM, Deputy County Attorney, deposes and says that on or about the 14th day of February, 2016, in Missoula County, the Defendant committed the offenses of
COUNT I: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-207, punishable by 10 years MSP and/or \$50,000 fine; COUNT II: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-207, punishable by 10 years MSP and/or \$50,000 fine; COUNT III: DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS - 4TH OFFENSE, a Felony, in violation of Montana law, namely: Mont. Code Ann. 61-8-401(1)(a)[4th+], punishable by not less than 13 months or more than 2 years DOC, followed by up to 5 years DOC/MSP, and \$10,000-\$10,000 fine. If defendant has a prior conviction with a treatment placement, then not less than 13 months or more than 5 years and \$5,000-\$10,000 fine; COUNT IV: FAILURE TO YIELD TO EMERGENCY VEHICLE, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 61-8-346, punishable by \$10 to \$100 fine.

The facts constituting the offense are:

1 COUNT I: On or about the 14th day of February, 2016, the above-named
2 Defendant knowingly engaged in conduct that created a substantial risk of death or
3 serious bodily injury to Trooper Palmer when he passed him in the wrong lane of travel
4 on Highway 93.
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6 COUNT II: On or about the 14th day of February, 2016, the above-named
7 Defendant knowingly engaged in conduct that created a substantial risk of death or
8 serious bodily injury to another motorist when he drove the wrong way on Interstate
9 90W.
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11 COUNT III: On or about the 14th day of February, 2016, the above-named
12 Defendant committed the offense of driving or being in actual physical control of a motor
13 vehicle, a Ford Taurus, upon a way of this state open to the public, Highway 93N and/or
14 Interstate 90W, while under the influence of alcohol and/or drugs, a fourth or
15 subsequent offense.
16

17 COUNT IV: On or about the 14th day of February, 2016, the above-named
18 Defendant, while operating a motor vehicle, a Ford Taurus, upon the immediate
19 approach of an emergency vehicle making use of the audio and/or visual signals
20 meeting the requirements of 61-90-402, failed to yield the right of way to such
21 emergency vehicle as required by law.
22

23 DATED this 14th day of February, 2016.

24 
25 MAC BLOOM
26 Deputy County Attorney

27 Subscribed and sworn to before me this 14 day of February, 2016.

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JUSTICE OF THE PEACE

1 COMPLAINT 16-375

2 TROOPER WADE PALMER, Montana Highway Patrol

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5 STATE OF MONTANA,
6 Plaintiff,

Cause No. *CR-2016-161*

7 -vs-
8 GARY JAMES DESJARLAIS,
9 Defendant.

AFFIDAVIT OF PROBABLE CAUSE

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

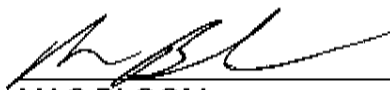
13 MAC BLOOM, Deputy County Attorney, Montana, being first duly sworn upon oath,
14 deposes and says:

15 I have read the official law enforcement reports regarding the investigation of GARY
16 JAMES DESJARLAIS 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 the 14th day of February, 2016, at approximately 12:13 a.m., Trooper
21 Palmer, Montana Highway Patrol, was travelling northbound on Highway 93N when a
22 white Ford Taurus passed him driving southbound in the northbound lanes of travel.
23 Trooper Palmer activated his emergency lights and attempted to stop the vehicle. The
24 driver, however, did not yield and eventually entered Interstate 90W travelling eastbound
25 (the wrong way). Defendant nearly collided with several westbound vehicles. Of particular
26 note, one motorist, while overtaking another motorist in the passing lane, had to take
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1 evasive action to avoid a head-on collision. The Taurus eventually came to a stop after
2 driving over "stop sticks" and losing air in its tires.

3
4 Trooper Palmer made contact with the driver, Gary Desjarlais (Defendant), and
5 placed him under arrest. Believing Defendant to be impaired, Trooper Palmer transported
6 him to St. Patrick Hospital. There, Defendant performed Standardized Field Sobriety
7 Tests. Defendant scored 2 out of 6 clues on the HGN test and 3 out of 8 clues on the
8 walk-and-turn test. Defendant did not perform the one-leg stand test. Defendant also
9 failed to correctly perform the Romberg test, and allowed 3 minutes to pass when
10 instructed to estimate the passage of 30 seconds. Trooper Palmer performed the
11 Romberg test a second time, and Defendant estimated the passage of 30 seconds as 37
12 seconds. Trooper Palmer noted that Defendant's eyes were yellow and glazed over.
13 Defendant also had a dark ring around his cornea. Trooper Palmer observed that
14 Defendant had a green tongue and emanated a pungent odor. Defendant eventually
15 agreed to provide a blood sample for testing. Defendant has 4 prior DUI convictions:
16 2013, 2003, 1994, and 1991.
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21 MAC BLOOM
22 Deputy County Attorney

23 SUBSCRIBED AND SWORN TO before me this 14 day of February, 2016.

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25 JUSTICE OF THE PEACE
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ORDER

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

DATED this 14 day of Feb, 2016 at 3:47 a.m./p.m.

Mouir X. Smith

JUSTICE OF THE PEACE

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