

FEB 22 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

RECEIVED

FEB 22 2016

M.C.S.O.

Cause No. *CR-2016-190*

STATE OF MONTANA,

Plaintiff,

-vs-

ARREST WARRANT

DANIEL JOSEPH MITCHELL IV,

Defendant.

The State of Montana to any Peace Officer of this State:

Complaint, upon oath, having been this day made before me by BRIAN LOWNEY, Deputy County Attorney for Missoula County, that the crime of COUNT I: CRIMINAL ENDANGERMENT, a Felony; COUNT II: PARTNER OR FAMILY MEMBER ASSAULT - 2ND OFFENSE, a Misdemeanor, has been committed and accusing DANIEL JOSEPH MITCHELL IV, thereof:

You are therefore ordered, forthwith, to arrest the above-named Defendant and bring him/her before this Court or in the case of my absence or inability to act, before the nearest and most accessible Judge in this County,

**WARRANT CANCELLED
JUSTICE COURT**

FEB 24 2016

DEPARTMENT 2
MISSOULA COUNTY, MT

in custody

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or if the arrest is made in another county, before a Judge of the County without unnecessary delay. This warrant may be served day or night.

The Defendant is to be admitted to bail in the sum of \$ 100,000.

DATED this 22nd day of February, 2016.


JUSTICE OF THE PEACE

I arrested the above-named Defendant by virtue of this warrant on the _____ day of _____, _____, at _____.

TITLE

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

RECEIVED
FEB 22 2016
Justice Court

4
5 STATE OF MONTANA
6 Plaintiff,
7 -vs-
8 DANIEL JOSEPH MITCHELL IV
Defendant,

Dept No. 2
Cause No. CR-2016-190

COMPLAINT

9
10 BRIAN LOWNEY, Deputy County Attorney, deposes and says that on or about the
11 19th day of February, 2016, in Missoula County, the Defendant committed the offenses of
12 COUNT I: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely:
13 Mont. Code Ann. 45-5-207, punishable by 10 years MSP and/or \$50,000 fine; COUNT II:
14 PARTNER OR FAMILY MEMBER ASSAULT - 2ND OFFENSE, a Misdemeanor, in
15 violation of Montana law, namely: Mont. Code Ann. 45-5-206[2nd], punishable by not less
16 than 72 hours or more than one year MCDF and a fine not less than \$300 or more than
17 \$1000.
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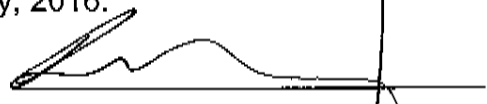
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20 The facts constituting the offense are:

21
22 COUNT I: On or about the 19th day of February, 2016, the above-named
23 Defendant knowingly engaged in conduct that created a substantial risk of death or
24 serious bodily injury to Jane Doe.

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26 COUNT II: On or about the 19th day of February, 2016, the above-named
27 Defendant purposely or knowingly caused bodily injury to Jane Doe, a partner.
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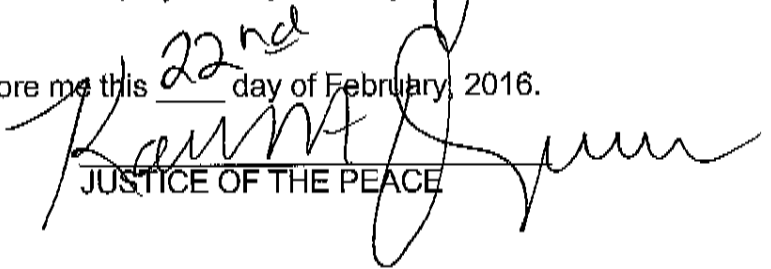
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DATED this 22nd day of February, 2016.



BRIAN LOWNEY
Deputy County Attorney

Subscribed and sworn to before me this 22nd day of February, 2016.


JUSTICE OF THE PEACE

COMPLAINT 16-419
ROSS COLYER, Missoula City Police Dept

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 DANIEL JOSEPH MITCHELL IV,
9 Defendant.

Cause No. CR-2016-190

AFFIDAVIT OF PROBABLE CAUSE

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

12 BRIAN LOWNEY, 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 DANIEL JOSEPH MITCHELL IV 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.
19

20 On February 19, 2016, Jane Doe presented to the St. Patrick's Hospital
21 Emergency Room reporting an assault at the hands of the Defendant. Doe, who is the
22 Defendant's girlfriend and currently pregnant, reported that the Defendant strangled her
23 multiple times while she was at the Defendant's house in Missoula County earlier that
24 day. Doe indicated that she and the Defendant got into an argument, during which Doe
25 was lying on the bed. Doe began to cry during the argument and rolled over onto her
26 stomach. The Defendant then grabbed Doe by the back of the neck with his hands, and
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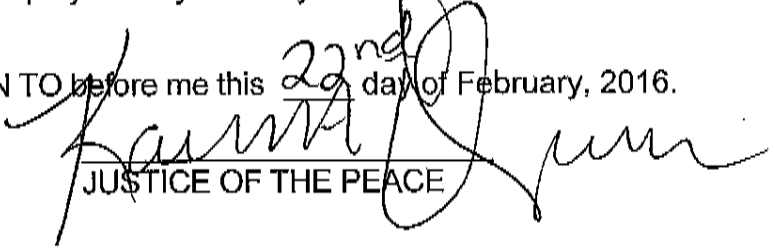
1 began to push Doe's head into the pillow. Doe indicated she had a "hard time breathing
2 and got dizzy" during this assault.

3
4 The Defendant let Doe up after 20-30 seconds, and Doe began to yell at him for
5 assaulting her. In response, the Defendant grabbed Doe and threw her back on the bed
6 and began strangling her again. Doe indicated that she began to lose consciousness
7 during the second strangling, but did not fully black out. When the Defendant released
8 her neck, Doe ran out the back door of the residence.

9
10 Doe indicated that she was feeling pain in her eyes, mouth, right temple area and
11 both sides of her neck behind her ears. Later investigation revealed that Doe suffered
12 multiple crushed tracheal rings in her esophagus from the assault. The Defendant has
13 previously been convicted of Partner-Family Member Assault in 2007.

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BRIAN LOWNEY
Deputy County Attorney

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18 SUBSCRIBED AND SWORN TO before me this 22nd day of February, 2016.

19 
20 JUSTICE OF THE PEACE

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 22nd day of February, 2016 at 9:30 a.m.

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27 
28 JUSTICE OF THE PEACE