

MAR 13 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.

Cause No. CR-2016-256

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	<u>COMPLAINT</u>
-vs-)	
)	
EVA MARIE BROWN,)	
)	
Defendant.)	

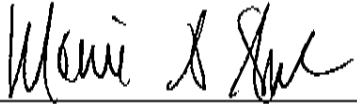
Suzy Boylan, Assistant Chief Deputy Missoula County Attorney, being duly sworn, deposes and says: that on or about April 4, 2015, at Missoula County, the above-named Defendant committed the offense(s) of COUNT I: CRIMINAL ENDANGERMENT, a FELONY, in violation of Montana law, namely, 45-5-207 MCA, punishable by ten (10) years in the Montana State Prison and/or a fine of up to \$50,000.00.

The facts constituting the offenses are:

COUNT I: On or about, the above-named Defendant knowingly engaged in conduct that created a substantial risk of death or serious bodily injury to another, Jane Doe, age 3, by failing to supervise her while pulled over on Highway 93, resulting in the child walking on the roadway.


 Suzy Boylan
 Assistant Chief Deputy County Attorney

Subscribed and sworn to before me this 13 day of March, 2016.


 JUSTICE OF THE PEACE

RECEIVED

MAR 13 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.

Cause No. CR-2016-256

STATE OF MONTANA,

Plaintiff,

-vs-

EVA MARIE BROWN,

Defendant.

**AFFIDAVIT OF
PROBABLE CAUSE**

STATE OF MONTANA)
: ss
County of Missoula)

Suzy Boylan, Deputy County Attorney of Missoula County, Montana, being first duly sworn upon oath, deposes and says:

I have read the investigative reports regarding the investigation of EVA MARIE BROWN for allegedly committing the offense(s) of COUNT I: CRIMINAL ENDANGERMENT, a FELONY; and, based upon the information contained in the reports, believe probable cause exists to charge the above-named defendant as specified in the accompanying Complaint, taken from Deputy Rebecca's Birket's report as follows:

On 03/11/2016 at approximately 2205 hours I, Deputy Rebecca Birket, responded to assistant Montana Highway Patrol Trooper Luke Burson who was conducting a DUI arrest near mile marker 5 on US Highway 93 North in Missoula County. The arrestee (ADDISON BROWN) was in the back of Trooper Burson's vehicle. Brown's wife and 3 year old child [Jane Doe] were still inside their vehicle. Trooper Burson advised me the adult female, later identified as (A) EVA BROWN, had provided a breath sample of 0.239%BAC and he had the Department of Family Services en route due to the 3 year old child being involved.

I had spoken with Eva several times through the stop trying to figure out how she was going to get home. At this time she was not aware that DFS was responding. I asked her to look for her cell phone but she was having

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a hard time following instructions. She smelled very strongly of alcoholic beverage, was slurring her words, had admitted to drinking and opened the glove box several times looking for her cell phone which was not there each time she checked. She provided a name for a family member who lived close by so I returned to my patrol vehicle to attempt to locate a phone number. I instructed Eva to stay inside the vehicle. This is a very dark stretch of highway that is heavily traveled and I was concerned for the safety of Eva and her child due to Eva's high level of intoxication.

I was able to contact her uncle, KEN WABAUNSEE, who agreed to come pick Eva up. I returned to Eva's vehicle and advised her that Ken and his wife, JILL, would be responding to get her. (During this encounter, Trooper Burson also instructed Eva to remain in the vehicle.) While speaking with Trooper Burson, Eva exited her vehicle against instructions. Trooper Burson allowed her to speak with Addison briefly then she went back to her vehicle.

Ken and Jill arrived a short time later. I made contact with them at their vehicle, which was parked behind my patrol car. I advised them of the situation and asked that they remain in their vehicle until DFS could arrive. They advised me that under the circumstances they would prefer to care for the child instead of Eva. I asked that they attempt to locate someone else who may be willing to come pick up Eva.

At approximately 2248 hours, Trooper Burson left the scene and headed to the jail with his arrestee. This left a void in between my patrol vehicle and the suspect vehicle. Because I was his backup, I did not have my headlights or front facing overheads activated. This section of Evaro Hill is incredibly dark. The roads were also wet causing it to appear even more dark. I was still speaking with Ken and Jill at this time at their vehicle.

At approximately 2250 hours I concluded my conversation with them I began walking towards my patrol vehicle and noticed something moving in front of my patrol vehicle. I could not tell what it was due to the darkness. I illuminated the object with my flashlight and realized it was a small child walking alongside the highway. I ran up to the child, later identified as [Jane Doe], picked her up and began looking for her mother. I observed Eva crouched down at the front of her vehicle with the passenger door open concealing her from full view. It appeared as if she was urinating. I secured [Jane Doe] in the back of my patrol vehicle. She told me she was looking for her dad. I then went back up towards the suspect vehicle and asked Eva where her child was. She looked around and said "over there." I asked her over where, and she said "over there" as she was pointing into the dark. I asked her again over where and she stared blankly ahead saying that she was looking for her dad. Eva was obviously confused and

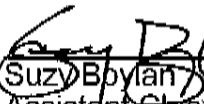
very intoxicated. I advised Eva she was under arrest, secured her in handcuffs and after moving Royce into my front passenger seat, I placed Eva in the back of my patrol vehicle. Trooper Burson returned about this time and assisted with [Jane Doe] while I was dealing with Eva.

I returned to Ken and Jill to advise them they no longer needed to find a ride for Eva as she was under arrest for allowing [Jane Doe] to walk unattended on the highway, and Jill responded something similar to 'I told my husband I thought I saw her walking out there.'

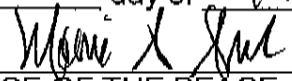
Sgt. Ryan Prather arrived around this time and remained on scene until DFS arrived. DFS caseworker, TRISHA, also arrived on scene and it was determined that Royce was going to be released to the care of Ken and Jill. After handling some paperwork I transported Eva to the Missoula County jail without incident where she was booked on charges of (F) CRIMINAL ENDANGERMENT, for knowingly engaging in conduct that creates a substantial risk of death or serious bodily injury to another.

After reviewing my in car video, one vehicle passed alongside our vehicles traveling 68 miles per hour according to my radar display on screen during between the time Trooper Burson left and when I picked [Jane Doe] up (approximately 2 minutes difference). A second vehicle passed right as I picked her up. Due to the darkness, it is unknown when [Jane Doe] actually began walking on the roadway or where she had been walking prior to my noticing her.

Investigation is continuing and may lead to additional charges.


Suzy Boylan
Assistant Chief Deputy County Attorney

SUBSCRIBED AND SWORN TO before me this 13 day of March, 2016.


JUSTICE OF THE PEACE

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 13 day of March, 2016 at 10:28 a.m./p.m.

Walter X. [Signature]
JUSTICE OF THE PEACE

MAR 13 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.

Cause No. CR2016-254

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	<u>COMPLAINT</u>
-vs-)	
)	
ADDISON MAURICE BROWN,)	
)	
Defendant.)	

Suzy Boylan, Assistant Chief Deputy Missoula County Attorney, being duly sworn, deposes and says: that on or about March 11, 2016, at Missoula County, the above-named Defendant committed the offense(s) of COUNT I: CRIMINAL CHILD ENDANGERMENT, a FELONY, in violation of Montana law, namely, 45-5-628 MCA, punishable by not less than two (2) years nor more than 20 years in the Montana State Prison and/or a fine of up to \$50,000.00; COUNT II: DRIVING WHILE LICENSE SUSPENDED OR REVOKED, a MISDEMEANOR, in violation of Montana law, namely: 61-5-212 MCA, punishable by not less than two (2) days nor more than six (6) months in the Missoula County Jail and a fine of up to \$500.00; COUNT III: FAILURE TO PROVIDE PROOF OF INSURANCE, a MISDEMEANOR, in violation of Montana law, namely 61-6-302, 304 MCA punishable by ten (10) days in the Missoula County Jail and a fine of \$250.00-\$500.00; and COUNT IV: UNLAWFUL POSSESSION OF OPEN ALCOHOLIC BEVERAGE IN MOTOR VEHICLE ON HIGHWAY, in violation of Montana law, namely 61-8-460 MCA, punishable by a fine of up to \$100.00.

The facts constituting the offenses are:

COUNT I: On or about March 11, 2016, the above-named Defendant purposely, knowingly, or negligently caused substantial risk of death or serious bodily injury to a child under 14 years of age by operating a motor vehicle under the influence of alcohol and/or drugs in violation of MCA 61-8-401 with a child in the vehicle.

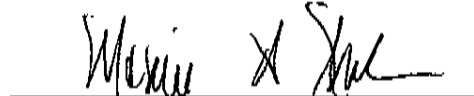
COUNT II: On or about March 11, 2016, the above named Defendant committed the offense of driving a motor vehicle, upon a way of this state open to the public, Highway 93 while his license to do so was suspended or revoked.

COUNT III: On or about March 11, 2016, the above-named Defendant failed to provide proof of liability insurance on the vehicle he was driving, which had been operated on a way of the state open to the public, Highway 93, and production of which was demanded by a peace officer, Trooper Luke Burson.

COUNT IV: On or about March 11, 2016, the above-named Defendant knowingly possessed an open alcoholic beverage container within the passenger area of a motor vehicle on a highway, specifically High Gravity beer.


Suzy Boylan
Assistant Chief Deputy County Attorney

Subscribed and sworn to before me this 13 day of March, 2016.


JUSTICE OF THE PEACE

COMPLAINT/SEB/

MAR 13 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.

Cause No. CR-2016-254

STATE OF MONTANA,

Plaintiff,

-vs-

ADDISON MAURICE BROWN,

Defendant.

AFFIDAVIT OF
PROBABLE CAUSE

STATE OF MONTANA)

: ss

County of Missoula)

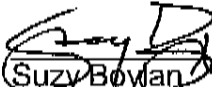
Suzy Boylan, Deputy County Attorney of Missoula County, Montana, being first duly sworn upon oath, deposes and says:

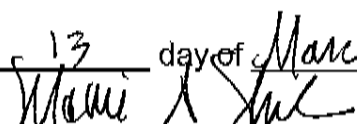
I have read the investigative reports regarding the investigation of ADDISON MAURICE BROWN for allegedly committing the offense(s) of COUNT I: CRIMINAL CHILD ENDANGERMENT, a FELONY; COUNT II: DRIVING WHILE LICENSE SUSPENDED OR REVOKED, a MISDEMEANOR; COUNT III: FAILURE TO PROVIDE PROOF OF INSURANCE, a MISDEMEANOR; and COUNT IV: UNLAWFUL POSSESSION OF OPEN ALCOHOLIC BEVERAGE IN MOTOR VEHICLE ON HIGHWAY, and, based upon the information contained in the reports, believe probable cause exists to charge the above-named defendant as specified in the accompanying Complaint.

Specifically, on or about March 11, 2016, Trooper Luke Burson responded to a report of a vehicle with its flashers on, at mile marker 5 on Highway 93. He located the vehicle. The above-named Defendant was in the front seat. His wife was in the passenger seat, and their three year-old child was also in the vehicle. Trooper Burson immediately

smelled the overwhelming odor of an alcoholic beverage coming from the vehicle. He had Defendant step from the vehicle. Defendant's pupils were massively dilated. Trooper Burson conducted the HGN maneuver and saw six out of six clues and vertical gaze nystagmus. Other maneuvers could not be safely conducted. Defendant gave a PBT sample of .188. Defendant initially admitted he was driving, but then stated his wife was driving. His wife identified him as the driver. Trooper Burson observed open High Gravity beers in the vehicle. Defendant admitted he did not have insurance. His driving privileges are suspended.

Defendant was taken to the jail, where he stated he would not give blood because he smokes marijuana and it would show up in a test. He gave an Intoxilyzer sample of .135. He scored five out of eight on the walk and turn maneuver and two out of four on the one-leg stand.


Suzy Boylan
Assistant Chief Deputy County Attorney

SUBSCRIBED AND SWORN TO before me this 13 day of March, 2016.

JUSTICE OF THE PEACE

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 13 day of March, 2016 at 10:23 a.m./p.m.

JUSTICE OF THE PEACE