

1 M. SHAUN DONOVAN  
 2 Deputy County Attorney  
 3 KIRSTEN H. PABST  
 4 Missoula County Attorney  
 5 Missoula County Courthouse  
 6 Missoula, Montana 59802  
 7 (406) 258-4737  
 8 ATTORNEYS FOR PLAINTIFF

9 IN THE JUSTICE COURT OF THE STATE OF MONTANA  
 10 IN AND FOR THE COUNTY OF MISSOULA  
 11 BEFORE, Lauder N. Holloway, JUSTICE OF THE PEACE

12 STATE OF MONTANA,  
 13 Plaintiff,  
 14 -VS-  
 15 JOHN ALBERT MULLIGAN,  
 16 Defendant,

17 Department No. 2  
 18 Cause No. CR-2016-946  
 19 **COMPLAINT**

20 M. SHAUN DONOVAN, Deputy County Attorney, deposes and says that on or  
 21 about the 21<sup>st</sup> day of September, 2016, in Missoula County, the Defendant committed the  
 22 offenses of COUNT I: ASSAULT WITH WEAPON, a Felony, in violation of Montana law,  
 23 namely: Mont. Code Ann. 45-5-213, punishable by 20 years MSP and/or \$50,000 fine;  
 24 COUNT II: ASSAULT WITH WEAPON, a Felony, in violation of Montana law, namely:  
 25 Mont. Code Ann. 45-5-213, punishable by 20 years MSP and/or \$50,000 fine; COUNT III:  
 26 CRIMINAL TRESPASS TO PROPERTY, a Misdemeanor, in violation of Montana law,  
 27 namely: Mont. Code Ann. 45-6-203, punishable by 6 months MCDF and/or \$500 fine;  
 28 COUNT IV: CRIMINAL TRESPASS TO PROPERTY, a Misdemeanor, in violation of  
 Montana law, namely: Mont. Code Ann. 45-6-203, punishable by 6 months MCDF and/or  
 \$500 fine; COUNT V: DISORDERLY CONDUCT, a Misdemeanor, in violation of Montana

1 law, namely: Mont. Code Ann. 45-8-101(2), punishable by 10 days MCDF and/or \$100 fine  
2 and COUNT VI: DISORDERLY CONDUCT, a Misdemeanor, in violation of Montana law,  
3 namely: Mont. Code Ann. 45-8-101(2), punishable by 10 days MCDF and/or \$100 fine.  
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5 The facts constituting the offenses are:

6 COUNT I: On or about September 21, 2016, the above-named Defendant  
7 purposely or knowingly caused reasonable apprehension of serious bodily injury in  
8 "T.R." an adult female, by use of a weapon, to wit, a folding knife.  
9

10 COUNT II: On or about September 21, 2016, the above-named Defendant  
11 purposely or knowingly caused reasonable apprehension of serious bodily injury in  
12 "'H.M." an adult female, by use of a weapon, to wit, a folding knife.  
13

14 COUNT III: On or about September 21, 2016, the above-named Defendant  
15 committed the offense of criminal trespass to property by knowingly entering or  
16 remaining unlawfully in or upon the premises of the Town Pump Service Station on  
17 Mullan Road.  
18

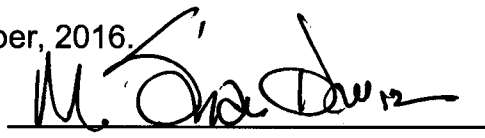
19 COUNT IV: On or about September 21, 2016, the above-named Defendant  
20 committed the offense of criminal trespass to property by knowingly entering or  
21 remaining unlawfully in or upon the premises of Perkins Restaurant on Reserve Street.  
22

23 COUNT V: On or about September 21, 2016, the above-named Defendant  
24 knowingly disturbed the peace at the Town Pump by directing threatening, profane or  
25 abusive language toward "T.R." or others.  
26

27 COUNT VI: On or about September 21, 2016, the above-named Defendant  
28 knowingly disturbed the peace at Perkins Restaurant by directing threatening, profane  
or abusive language toward "H.M." or others.

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DATED this 22nd day of September, 2016.



A handwritten signature in black ink, appearing to read "M. Shaun Donovan", is written over a horizontal line.

M. SHAUN DONOVAN  
Deputy County Attorney

Subscribed and sworn to before me this \_\_\_\_ day of September, 2016.

\_\_\_\_\_  
JUSTICE OF THE PEACE

COMPLAINT 16-2297

1 M. SHAUN DONOVAN  
 2 Deputy County Attorney  
 3 KIRSTEN H. PABST  
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IN THE JUSTICE COURT OF THE STATE OF MONTANA  
 IN AND FOR THE COUNTY OF MISSOULA  
 BEFORE, Landee N. Holloway, JUSTICE OF THE PEACE

STATE OF MONTANA,  
 Plaintiff,  
 -VS-  
 JOHN ALBERT MULLIGAN,  
 Defendant,

Department No. 2  
 Cause No. CR-2016-946  
 AFFIDAVIT OF PROBABLE CAUSE

STATE OF MONTANA )  
 : ss  
 County of Missoula )

M. SHAUN DONOVAN, Deputy County Attorney, Montana, being first duly sworn upon oath, deposes and says:

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

Just before 10 PM on September 21, 2016, officers of the Missoula Police Department were called to a disturbance at the Town Pump Service Station on Mullan

1 Road where a disorderly male was refusing to leave the property. In route Dispatch  
2 reported the male in question had pulled a knife and made threats before leaving the  
3 premises.

4 At the scene witnesses reported the involved individual was a transient male  
5 wearing a backpack and shorts. One of the witnesses said he knew the suspect by the  
6 name "Mulligan."

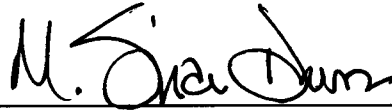
7 Minutes later a man matching the description provided by those witnesses was  
8 observed across the street near Taco Bell. He was approached, confronted, taken into  
9 custody and identified as John Mulligan. During a search of his clothing incident to  
10 arrest, a folding knife with a wooden handle and gold metallic features was located. The  
11 blade was estimated to be approximately 4 to 5 inches in length.

12 At the Town Pump officers interviewed "TR," a female employee, who reported  
13 she had confronted Mulligan and asked him to leave the premises after he became  
14 disorderly. Mulligan responded by cursing at her, knocking over a trash can and  
15 following her inside the business. When TR retreated to a position behind the sales  
16 counter, Mulligan took out a knife, opened the blade and waived the weapon at her in a  
17 threatening manner. TR recalled the knife as a "lock back" style with a wooden handle  
18 and gold blade. She reports being fearful Milligan intended to hurt her.

19 TR's account of the assault by Mulligan was confirmed by another employee,  
20 RH," as well as a customer of the business.

21 As they were concluding their interviews with witnesses at the Town Pump,  
22 officers were approached by "HM," a waitress at the Perkins Restaurant next door. She  
23 reported being confronted a short time earlier by "a crazy person with a knife."  
24 According to HM, a male matching the description of John Mulligan, was harassing  
25 customers in the restaurant by "getting up in [their] face" and talking to them in "an  
26 angry tone." When HM asked him to leave, Mulligan pulled out a knife and without  
27 opening the blade, poked it at her saying, "you're gonna' f\*\*\*ing die tonight, bitch," and  
28 using other profane and abusive epithets. HM described the weapon with which she

1 was threatened as having a wood handle with silver metal and three fasteners where  
2 the blade – which she guessed would have been about 5 inches long – was attached.  
3

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5 \_\_\_\_\_  
6 M. SHAUN DONOVAN  
7 Deputy County Attorney

8 SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of September, 2016.  
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11 JUSTICE OF THE PEACE  
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