

1 D. JAMES MCCUBBIN
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
10 IN THE JUSTICE COURT OF THE STATE OF MONTANA
11 IN AND FOR THE COUNTY OF MISSOULA
12 BEFORE, Marie A Andersen, JUSTICE OF THE PEACE

13 STATE OF MONTANA,

14 Plaintiff,

15 -VS-

16 ETHAN HENRY SWAFFORD,

17 Defendant,

Department No. 1
Cause No.

CR 2016-1024

COMPLAINT

18 D. JAMES MCCUBBIN, Deputy County Attorney, deposes and says that on or
19 about the 16th day of October, 2016, in Missoula County, the Defendant committed the
20 offenses of COUNT I: ESCAPE, a Felony, in violation of Montana law, namely: Mont.
21 Code Ann. 45-7-306(3)(a), punishable by not to exceed 20 years; COUNT II: ASSAULT
22 ON A PEACE OR JUDICIAL OFFICER, a Felony, in violation of Montana law, namely:
23 Mont. Code Ann. 45-5-210, punishable by not less than 2 years or more than 10 years
24 MSP and \$50,000 fine; COUNT III: CRIMINAL POSSESSION OF DANGEROUS DRUGS
25 - NOT OTHERWISE PROVIDED FOR, a Felony, in violation of Montana law, namely:
26 Mont. Code Ann. 45-9-102(6), punishable by 5 years MSP and/or \$50,000 fine; COUNT
27 IV: CRIMINAL POSSESSION OF DANGEROUS DRUGS - NOT OTHERWISE
28 PROVIDED FOR, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-9-
102(6), punishable by 5 years MSP and/or \$50,000 fine; COUNT V: CRIMINAL
POSSESSION OF DRUG PARAPHERNALIA, a Misdemeanor, in violation of Montana

1 law, namely: Mont. Code Ann. 45-10-103, punishable by 6 months MCDP and/or \$500
2 fine.

3 The facts constituting the offense are:

4 COUNT I: On or about the 16th day of October, 2016, the above-named
5 Defendant knowingly or purposely eluded official detention. The Defendant escaped by
6 the use or threat of force or physical violence.


7 COUNT II: On or about the 16th day of October, 2016, the above-named
8 Defendant purposely or knowingly caused bodily injury to Missoula Police Corporal
9 Kaneff, a peace officer.

10 COUNT III: On or about the 16th day of October, 2016, the above-named
11 Defendant knowingly possessed METHAMPHETAMINE, a Schedule II dangerous drug.

12 COUNT IV: On or about the 16th day of October, 2016, the above-named
13 Defendant knowingly possessed TRAMADOL, a Schedule IV dangerous drug.

14 COUNT V: On or about the 16th day of October, 2016, the above-named
15 Defendant knowingly possessed with intent to use drug paraphernalia to pack, repack,
16 store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human
17 body a dangerous drug, to wit: glass pipe with white residue, and/or small plastic
18 baggies with white residue.

19 DATED this 17th day of October, 2016.

20
21 
22 D. JAMES MCCUBBIN
23 Deputy County Attorney

24 Subscribed and sworn to before me this ____ day of October, 2016.

25
26 JUSTICE OF THE PEACE

27
28 COMPLAINT 16-2475
Det. Manraksa, Missoula City Police Dept

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13 STATE OF MONTANA,

14 Plaintiff,

15 -VS-

16 ETHAN HENRY SWAFFORD,

17 Defendant,

18 Department No. 1
Cause No. CR 2016-1024

19 AFFIDAVIT OF PROBABLE CAUSE

20 STATE OF MONTANA)
21 : ss
22 County of Missoula)

23 D. JAMES MCCUBBIN, Deputy County Attorney, Montana, being first duly sworn
24 upon oath, deposes and says:

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

On or about October 16, 2016, Pretrial Officer Jessica Heim reported to Missoula
Police that Defendant ETHAN SWAFFORD was at the Misdemeanor Probation Office,

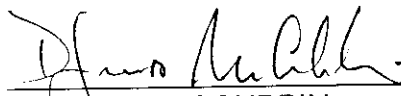
1 located at 2350 Mullan Rd, and had an outstanding arrest warrant. Missoula Police
2 Officer Bilbrey responded to the Misdemeanor Probation Office. Pretrial Officer Heim
3 provided Officer Bilbrey with a copy of the arrest warrant that had been electronically
4 signed by Honorable Judge Karen Townsend in cause number DC-15-466 on October
5 7, 2016.
6

7 Officer Bilbrey contacted ETHAN and advised him that police had a warrant for
8 his arrest. Officer Bilbrey instructed ETHAN to stand up and face away from her, at
9 which time he stood up but would not turn around. Officer Bilbrey again instructed
10 ETHAN to turn around and place his hands behind his back to which he initially
11 complied. As Officer Bilbrey began to place the handcuffs on ETHAN's right wrist, he
12 forcefully pulled away from her and began to run towards the front door. Officer Bilbrey
13 grabbed ETHAN by his right arm (near the bicep) as he exited the inner most door and
14 stopped him prior to exiting the secondary door. ETHAN continued to pull away
15 from her and attempted to push the second door open as Officer Bilbrey repeatedly
16 gave him verbal commands to put his hands behind his back. ETHAN was yelling "fuck
17 you" multiple times as Officer Bilbrey instructed him to get onto his knees and to face
18 away from her. Officer Bilbrey ultimately placed ETHAN into handcuffs which were
19 double locked and checked for fit.
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23 Officer Berger and Corporal Kaneff arrived on scene to assist with the arrest. As
24 Officers Bilbrey and Berger finished their search of his person ETHAN became verbal
25 and agitated, calling the Officers "Bitches" and telling them "[he] would kick their ass."
26 ETHAN was placed in the back of the car and the door was closed. At that point ETHAN
27 slammed his own head into the Plexiglas barrier dividing the front and back seats of the
28

1 vehicle. Corporal Kaneff attempted to place a protective helmet on ETHAN's head.
2 ETHAN immediately stated "I'm not putting that shit on" and began to pull away from
3 Corporal Kaneff. As Corporal Kaneff placed the helmet on ETHAN's head, ETHAN
4 continued to thrash about, slamming Corporal Kaneff's left hand into the door frame and
5 kicking Corporal Kaneff's left knee, causing pain and injury to both. Corporal Kaneff
6 went to place the seatbelt on Swafford so he would not be able to slam around inside
7 the car and ETHAN continued to fight Corporal Kaneff, slamming his head into Corporal
8 Kaneff's. Corporal Kaneff continued to experience pain and swelling to his left hand
9 after the incident.
10
11

12 ETHAN was transported to jail. An inventory search of ETHAN's belongings was
13 conducted at the jail. Within ETHAN's belongings were found two small baggies
14 containing a crystal like substance, a glass pipe with white residue, a small baggie with
15 three oval shape pills labeled "377", and four small plastic baggies with a white residue.
16 Officer Bilbrey field tested the crystal substance, which returned presumptively positive
17 for methamphetamine. Officer Bilbrey also looked up the pills and determined based on
18 their size, color, shape, and markings that they are Tramadol 50mg, a Schedule 4
19 controlled substance.
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21

22 
23 D. JAMES MCCUBBIN
24 Deputy County Attorney

25 SUBSCRIBED AND SWORN TO before me this ____ day of October, 2016.
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27

28 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 _____ day of _____, 2016 at _____ a.m./p.m.

JUSTICE OF THE PEACE