

1 BRITTANY SANTORNO  
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 JUSTIN MARK MOONEY,

17 Defendant,

18 Department No. 1  
19 Cause No. CR 2017-300

20 **COMPLAINT**

21 BRITTANY SANTORNO, Deputy County Attorney, deposes and says that on or  
22 about the 18th day of March, 2017, in Missoula County, the Defendant committed the  
23 offenses of COUNT I: THEFT, a Felony, in violation of Montana law, namely: Mont. Code  
24 Ann. 45-6-301(1)[8], punishable by a fine of not more than \$50,000.00 and/or not more  
25 than 10 years MSP; COUNT II: THEFT, a Felony, in violation of Montana law, namely:  
26 Mont. Code Ann. 45-6-301(1)[8], punishable by a fine of not more than \$50,000.00 and/or  
27 not more than 10 years MSP; COUNT III: THEFT, a Felony, in violation of Montana law,  
28 namely: Mont. Code Ann. 45-6-301(1)[8], punishable by a fine of not more than  
\$50,000.00 and/or not more than 10 years MSP.

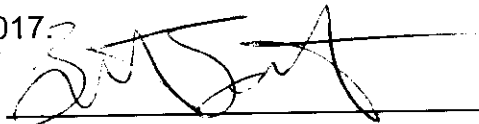
The facts constituting the offense are:

1           COUNT I: On or about the 18th day of March, 2017, the above-named  
2 Defendant purposely or knowingly obtained or exerted unauthorized control over a 2003  
3 Honda ATV, owned by Christopher Ostberg, with the purpose of depriving the owner of  
4 the property. The value of the property exceeds \$1,500.00.  
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6           COUNT II: On or about the 18th day of March, 2017, the above-named  
7 Defendant purposely or knowingly obtained or exerted unauthorized control over a 2005  
8 Yamaha Bruin ATV, owned by Diamond K Land and Trust, with the purpose of depriving  
9 the owner of the property. The value of the property exceeds \$1,500.00.  
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11           COUNT III: On or about the 18th day of March, 2017, the above-named  
12 Defendant purposely or knowingly obtained or exerted unauthorized control over a 16'  
13 JLN car hauler trailer, owned by George Pearson Farms, with the purpose of depriving  
14 the owner of the property. The value of the property exceeds \$1,500.00.  
15

16           DATED this 21st day of March, 2017.



18           BRITTANY SANTORNO  
19           Deputy County Attorney

20           Subscribed and sworn to before me this \_\_\_\_ day of March, 2017.

21           \_\_\_\_\_  
22           JUSTICE OF THE PEACE

23           COMPLAINT 17-688

24           MIKE SUNDERLAND, Missoula County Sheriff's Office  
25           TYLER ROBINSON, Missoula County Sheriff's Office  
26           HEATH HANSON, Missoula County Sheriff's Office  
27           RYAN DUNSTER, Missoula County Sheriff's Office  
28

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11 IN AND FOR THE COUNTY OF MISSOULA  
12 BEFORE, \_\_\_\_\_, JUSTICE OF THE PEACE

13 STATE OF MONTANA,  
14  
15 Plaintiff,  
16  
17 -vs-  
18  
19 JUSTIN MARK MOONEY,  
20  
21 Defendant,

22 Department No. 1  
23 Cause No. Q-2017-300

24 **AFFIDAVIT OF PROBABLE CAUSE**

25 STATE OF MONTANA )  
26 : ss  
27 County of Missoula )

28 BRITTANY SANTORNO, 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  
JUSTIN MARK MOONEY 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.

On or about the 18<sup>th</sup> day of March, 2017, Missoula County Sheriff's Deputies  
received information that a wanted fugitive, Justin Mooney, the above-named

1 Defendant, was in the Potomac area and was possibly staying at Matthew Boyd's  
2 residence at 2795 Boyd Lane. Officers responded to the residence and spoke with the  
3 owner, Matthew Boyd. Boyd stated that the Defendant had shown up at his residence  
4 unannounced and had left on the 17<sup>th</sup> on a red ATV he had previously stored on his  
5 property.  
6

7 Boyd stated the Defendant was headed to "Paul's," later identified as John Paul  
8 Clasby. Boyd went on to say that the Defendant had set up a tent and lived on his  
9 property for a few months and gave officers permission to look behind his residence,  
10 where the Defendant had camped. He further stated the tent had since collapsed due to  
11 the heavy snow. Approximately 100 yards north of Boyd's residence, officers found the  
12 Defendant's camp and could see where fresh ATV tire tracks were in the snow and  
13 mud, which was consistent with Boyd's story.  
14

15 Officers then observed a red ATV that was parked in the trees just west of the  
16 collapsed tent. The ATV was a 2003 red Honda bearing VIN 478TE244X3A3099630  
17 and it returned to Christopher Ostberg out of Fairfield, Montana. Officers then contacted  
18 Ostberg who confirmed the ATV was stolen, but could he did not know how long it had  
19 been gone, as it was stored in his Quonset hut for the winter.  
20

21 Officers also located a 16' white JJN Ent. Flatbed trailer, VIN  
22 4DSFC1625US000595, bearing MT 31-AT1, which was registered to George Pearson  
23 Farms out of Fairfield, Montana. The trailer was located just east of Boyd's residence in  
24 the driveway. Boyd went on to say that the Defendant had showed up on his property  
25 last fall with four ATV's on the trailer and had asked his permission to park the trailer on  
26  
27  
28

1 his property. Upon contacting Pearson, he stated he did not have any idea that his  
2 trailer was stolen and that it should not be in Potomac.

3           The following day, Officers responded to John Paul Clasby's home, along with  
4 adult probation to apprehend the Defendant after Clasby confirmed he was present in  
5 his home. The Defendant was arrested on a probation violation, a \$5,000 warrant out of  
6 Lewis and Clark County and a \$690 warrant from Great Falls. Officers then explained to  
7 Clasby why they were there and stated it was possible other stolen items may be  
8 present on his property, at which time Clasby gave officers permission to search his  
9 property.  
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11

12           Clasby stated that the Defendant had come to his property on the 17<sup>th</sup> and was  
13 riding a red ATV, which was parked in the driveway. The ATV was a red 2005 Yamaha  
14 "Bruin" bearing VIN 5Y4AH09Y55A020663, which was reported stolen out of Great  
15 Falls.  
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BRITTANY SANTORNO  
Deputy County Attorney

21 SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of March, 2017.  
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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 \_\_\_\_\_, 2017 at \_\_\_\_ a.m./p.m.

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JUSTICE OF THE PEACE

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