

RECEIVED
MAY 28 2017
Justice Court

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, Landee N. Holloway, JUSTICE OF THE PEACE

13 STATE OF MONTANA,

14 Plaintiff,

Department No. 2
Cause No.

CR-2017-606

15 -VS-

COMPLAINT

16 JESSE ANTONIO VALERIO,

17 Defendant,

18 BRITTANY SANTORNO, Deputy County Attorney, deposes and says that on or
19 about the 27th day of May, 2017, in Missoula County, the Defendant committed the
20 offenses of COUNT I: ASSAULT WITH WEAPON, a Felony, in violation of Montana law,
21 namely: Mont. Code Ann. 45-5-213, punishable by 20 years MSP and/or \$50,000 fine;
22 COUNT II: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely:
23 Mont. Code Ann. 45-5-207, punishable by 10 years MSP and/or \$50,000 fine; COUNT III:
24 CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont. Code
25 Ann. 45-5-207, punishable by 10 years MSP and/or \$50,000 fine; COUNT IV: CRIMINAL
26 ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-
27 207, punishable by 10 years MSP and/or \$50,000 fine.

28 The facts constituting the offense are:

1 COUNT I: On or about the 27th day of May, 2017, the above-named Defendant
2 purposely or knowingly caused reasonable apprehension of serious bodily injury in
3 Jacob Robinson, by use of a weapon or what reasonably appeared to be a weapon, to
4 wit: a knife.
5

6 COUNT II: On or about the 27th day of May, 2017, the above-named Defendant
7 knowingly engaged in conduct that created a substantial risk of death or serious bodily
8 injury to Robert Lawyer, to wit: fired a gun in Robert Lawyer's general direction.
9

10 COUNT III: On or about the 27th day of May, 2017, the above-named Defendant
11 knowingly engaged in conduct that created a substantial risk of death or serious bodily
12 injury to Jacob Robinson, to wit: fired a gun in Robert Lawyer's general direction.
13

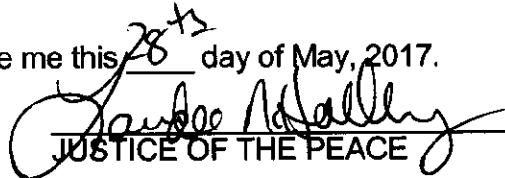
14 COUNT IV: On or about the 27th day of May, 2017, the above-named Defendant
15 knowingly engaged in conduct that created a substantial risk of death or serious bodily
16 injury to Josh Diepstraten, to wit: fired a gun in Josh Diepstraten's general direction.
17

18 DATED this 28th day of May, 2017.



19 BRITTANY SANTORNO
20 Deputy County Attorney

21 Subscribed and sworn to before me this ^{28th} day of May, 2017.



22 JUSTICE OF THE PEACE
23

24 COMPLAINT 17-1374

25 MIKE SUNDERLAND, Missoula County Sheriff's Office
26 HEATH HANSON, Missoula County Sheriff's Office
27
28

MAY 28 2017

Justice Court

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
 11 IN THE JUSTICE COURT OF THE STATE OF MONTANA
 12 IN AND FOR THE COUNTY OF MISSOULA
 13 BEFORE, Lance N. Holloway, JUSTICE OF THE PEACE

14 STATE OF MONTANA,
 15
 16 Plaintiff,
 17
 18 -vs-
 19
 20 JESSE ANTONIO VALERIO,
 21
 22 Defendant,

23 Department No. 2
 24 Cause No. CR-2017-606
 25
 26 AFFIDAVIT OF PROBABLE CAUSE

27 STATE OF MONTANA)
 28 : ss
 County of Missoula)

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 JESSE ANTONIO VALERIO 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 27th day of May, 2017, Deputy Sunderland and Deputy Hanson responded to the Clearwater Campground for a report of a disturbance involving a male

1 that had fired a gun and then fled in a gold Oldsmobile Bravada. Deputy Hanson located
2 the suspect a short time later near mile marker 30 on Highway 200, meanwhile Deputy
3 Sunderland responded to the campground.
4

5 Deputy Sunderland spoke with Jordan Lawyer, who stated the suspect was his
6 employee and he had invited him to the campground. There were approximately twenty
7 adults and children staying in various campers and tents at the campground. The
8 suspect, later identified as Jesse Antonio Valerio, the above-named Defendant, arrived
9 at the campground between 8:30 PM and 10:00 PM and began to drink heavily. During
10 this time, he became very aggressive with several males in the group and challenged
11 many to fight. At approximately midnight, the Defendant initiated a confrontation with
12 Jacob Robinson. After Robinson asked the Defendant to make him a drink and referred
13 to the Defendant as "boy" or "home boy," the Defendant flipped out and pulled a pocket
14 knife from his pants, opened the blade and challenged Robinson to a fight. The
15 Defendant began posturing with the knife in his hand, yelling "call me a boy again, go
16 ahead." In a subsequent interview, Robinson stated he was afraid he was going to be
17 stabbed by the Defendant. Eventually, the Defendant's girlfriend was able to take the
18 knife from him.
19
20
21

22 Approximately 90 minutes later, the Defendant approached Joshua Diepstraten
23 who was standing near the fire and extended his hand to shake Diepstraten's hand.
24 When Diepstraten shook the Defendant's hand, the Defendant pulled him into his chest
25 and stated "we are going to go." Diepstraten then took the Defendant to the ground to
26 keep from being assaulted. The Defendant eventually stated he was done and walked
27 to his vehicle.
28

1 After going to his vehicle, the Defendant retrieved a handgun. Diepstraten,
2 Lawyer and Jacob Robinson all heard the Defendant "rack" the slide, chambering a
3 round. Lawyer then yelled for everyone to take cover and then a shot was fired. Of
4 those taking cover, included Robert Lawyer, Jacob Robinson and Joshua Diepstraten.
5 Joseph Robinson stated he was sleeping in his tent when the altercation with
6 Diepstraten occurred, he observed the Defendant walk back to his vehicle, load his gun,
7 point it towards the fire in the direction of the camp trailers in a slightly elevated position
8 and then fire the gun. There were several people around the campsite and in the
9 general direction of the gun fire. The Defendant's girlfriend then grabbed the gun from
10 the Defendant and they left in a gold Bravada.

13 The Defendant's girlfriend, identified as Ariane Hibala, was found to be driving
14 the gold Bravada and provided Deputy Hanson with a pistol magazine from her front
15 pants pocket and a single ammo round. She also allowed law enforcement to retrieve a
16 pistol which was under the front passenger seat, where the Defendant was seated.
17 Hibala's account was very similar to other witnesses and she stated that following the
18 discharge of the gun by the Defendant, he dropped the magazine out of the gun and
19 dropped the pistol, she then recovered both and got the Defendant in the vehicle and
20 they began driving.

23 Following speaking with Hibala, law enforcement spoke with the Defendant, who
24 was clearly intoxicated and he stated several people were coming at him and he got out
25 his pistol and there was an accidental discharge. The Defendant later provided a breath
26 sample, which indicated a .219 BAC.
27
28



BRITTANY SANTORNO
Deputy County Attorney

SUBSCRIBED AND SWORN TO before me this 28th day of May, 2017.



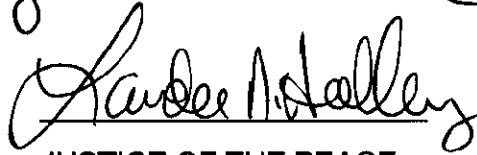
JUSTICE OF THE PEACE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

1
2
3 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to
4 believe the above-named Defendant committed the crimes charged.

5 DATED this 28th day of May, 2017 at 4:20 a.m. (p.m.)
6

7
8 

9 JUSTICE OF THE PEACE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28