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7 Missoula, Montana 59802
8 (406) 258-4737
9 ATTORNEYS FOR PLAINTIFF

10 IN THE JUSTICE COURT OF THE STATE OF MONTANA
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 Eduardo Lopez,
19 Defendant,

Department No.
Cause No.

**AFFIDAVIT OF PROBABLE
CAUSE**

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

23 BRITTANY WILLIAMS and MAC BLOOM, Deputy County Attorneys, Montana,
24 being first duly sworn upon oath, deposes and say:

25 We have read the official law enforcement reports regarding the investigation of
26 Eduardo Lopez for allegedly committing the offenses of COUNT I: NEGLIGENT
27 HOMICIDE, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-104
28 COUNT II: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely:
Mont. Code Ann. 45-5-207 COUNT III: CRIMINAL ENDANGERMENT, a Felony, in
violation of Montana law, namely: Mont. Code Ann. 45-5-207 COUNT IV: CRIMINAL
ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-

1 207 COUNT V: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law,
2 namely: Mont. Code Ann. 45-5-207 COUNT VI: CRIMINAL ENDANGERMENT, a Felony,
3 in violation of Montana law, namely: Mont. Code Ann. 45-5-207 COUNT VII: CRIMINAL
4 ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-
5 207 COUNT VIII: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law,
6 namely: Mont. Code Ann. 45-5-207 COUNT IX: CRIMINAL ENDANGERMENT, a Felony,
7 in violation of Montana law, namely: Mont. Code Ann. 45-5-207.
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10 Based upon the following facts which have been obtained from reports of the law
11 enforcement officer which, if true, constitute sufficient probable cause to justify the filing of
12 the charges. The facts from those reports are as follows:

13 On October 25, 2017, at approximately 5:51 a.m., Missoula 911 Dispatch began
14 receiving calls regarding a wrong-way driver on Interstate 90. Six different complainants
15 reported that a white truck was travelling eastbound in the westbound lanes. The driver of
16 the wrong way truck, later identified as Eduardo Lopez, reportedly entered Interstate 90
17 somewhere near the Van Buren Street exit. One complainant, Nick Gallagher, who was
18 travelling eastbound on the correct (eastbound) side of the Interstate, paced alongside
19 Lopez's truck. Gallagher reported that Lopez was travelling approximately seventy-five
20 miles per hour in the westbound passing lane and did not seem to notice that he was
21 going the wrong way. Several minutes later, Gallagher informed Dispatch that a
22 westbound vehicle had pulled into the passing lane to get around a semi-truck and was
23 struck head-on by Lopez.
24
25

26 Trooper Parks, Montana Highway Patrol, arrived on the crash scene and observed
27 a burning Toyota Highlander—the vehicle Lopez struck. The driver of the Highlander,
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1 Shawna Wootan, was deceased. Deputy Von Gontard, Missoula County Sheriff's Office,
2 also on scene, pulled Lopez out of his truck in order to protect him from the fire. Lopez
3 was transported to St. Patrick Hospital. Trooper Parks then observed a third vehicle, a
4 white sedan driven by John Babbitt, that had gone off the roadway. Babbitt's sedan had
5 been struck by Lopez's wheel assembly. He reacted by swerving to the right. As he left
6 the roadway, Babbitt struck a delineator post and coasted down an embankment.
7

8 Sergeant Finley responded to St. Patrick Hospital and read Lopez the Implied
9 Consent advisory. Lopez agreed to provide a blood sample for testing. A phlebotomist
10 withdrew Lopez's blood and the sample was submitted for toxicological analysis.
11 Trooper Palmer interviewed Lopez. Lopez stated that prior to the crash he left the Red
12 Lion Hotel was attempting to return to the La Quinta. He admitted to consuming alcohol
13 the previous evening.
14

15 Trooper Smart conducted interviews of seven additional victims who had nearly
16 been struck by Lopez. They reported having to take evasive maneuvers to avoid
17 collisions. They explained that they feared that a crash with Lopez would have cost them
18 their lives.
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21 DATED this 26th day of October, 2017.

22
23 /s/ Brittany Williams
24 BRITTANY WILLAMS
25 Deputy County Attorney

26 /s/ MAC BLOOM
27 Deputy County Attorney
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1 SUBSCRIBED AND SWORN TO before me, a Justice of the Peace, in and for the State of
2 Montana, County of Missoula.

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