

1 BRIAN LOWNEY
2 Deputy County Attorney
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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, _____, JUSTICE OF THE PEACE

13 STATE OF MONTANA,
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Plaintiff,
-vs-
Roy Ereaux,
Defendant,

Department No.
Cause No.

**AFFIDAVIT OF PROBABLE
CAUSE**

STATE OF MONTANA)
: ss
County of Missoula)

BRIAN LOWNEY, 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 Roy Ereaux for allegedly committing the offenses of COUNT I: ASSAULT WITH WEAPON, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-213 COUNT II: STRANGULATION OF PARTNER OR FAMILY MEMBER - FIRST OFFENSE, a Felony, in violation of Montana law, namely: Mont. Code Ann. 2017 Montana Legislature SB 153 COUNT III: PARTNER OR FAMILY MEMBER ASSAULT - 3RD OR SUBSEQUENT OFFENSE, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-

1 206[3rd+] COUNT IV: TAMPERING WITH WITNESSES AND INFORMANTS, a Felony, in
2 violation of Montana law, namely: Mont. Code Ann. 45-7-206.

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4 Based upon the following facts which have been obtained from reports of the law
5 enforcement officer which, if true, constitute sufficient probable cause to justify the filing of
6 the charges. The facts from those reports are as follows:

7 On October 25, 2017, at approximately 1000 hours, Missoula County Sheriff's
8 Office deputies were called to a report of a disturbance on the 6000 block of Mullan Road,
9 Missoula County, MT. Upon arrive, deputies spoke with Jane Doe. Doe reported her
10 husband, the Defendant, had assaulted her. Doe indicated that earlier that morning she
11 and the Defendant got into an argument, during which the Defendant hit her in the face
12 with his hand and shoe. Doe indicated that the Defendant shoved her head into one of the
13 kitchen cabinets, putting a hole in it. Doe indicated that the Defendant put his fingers on
14 both sides of her neck, near her windpipe. While the Defendant did this, Doe indicated
15 she began to "see stars".
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18 Doe attempted to call 911, but the Defendant grabbed the phone and hung it up
19 when she did so. The Defendant then brandished a machete at Doe. While he did this,
20 he told Doe that 911 would call back to check on her regarding the hang up, and that when
21 they did so Doe was to tell them that everything was okay. The Defendant held the
22 machete over her and made swinging motions like he was going to hit Doe. Doe
23 expressed she was afraid he was going to use the machete to hurt her. Doe indicated she
24 told 911 everything was okay while the Defendant held the machete over her.
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27 Doe was visibly crying while she talked to deputies. Deputies observed red marks
28 on Doe's neck and face and a large bruise on her left triceps area, which Doe said the

1 Defendant inflicted on her during the assault. Deputies also observed a hole in the kitchen
2 cupboard and a visible knot on the back of Doe's head.

3 Deputies contact the Defendant, who had driven away from the residence. The
4 Defendant admitted that he and Doe had been in an argument, but denied hurting Doe.
5 The Defendant denied the machete was used in the argument.
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7 DATED this 26th day of October, 2017.

8
9 /s/ Brian Lowney
10 BRIAN LOWNEY
11 Deputy County Attorney

12 SUBSCRIBED AND SWORN TO before me, a Justice of the Peace, in and for the
13 State of Montana, County of Missoula.