

1 RYAN MICKELSON
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 STATE OF MONTANA,
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14 Plaintiff,
15
16 -vs-
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18 BILLY LEE HENDERSON,
19 Defendant,

Department No.
Cause No.

COMPLAINT

20 RYAN MICKELSON, Deputy County Attorney, deposes and says that on or
21 about and between the 17th day of April, 2018, and the 22nd day of April, 2018, in
22 Missoula County, the Defendant committed the offenses of COUNT I:
23 STRANGULATION OF PARTNER OR FAMILY MEMBER - 1ST OFFENSE, a
24 Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-215[1st],
25 punishable by 5 years MSP and/or \$50,000 fine; COUNT II: ASSAULT WITH
26 WEAPON, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-
27 213, punishable by 20 years MSP and/or \$50,000 fine; COUNT III: PARTNER OR
28 FAMILY MEMBER ASSAULT - 2ND OFFENSE, a Misdemeanor, in violation of
Montana law, namely: Mont. Code Ann. 45-5-206[2nd], punishable by not less than

1 72 hours or more than one year MCDF and a fine not less than \$300 or more than
2 \$1000; COUNT IV: UNLAWFUL RESTRAINT, a Misdemeanor, in violation of
3 Montana law, namely: Mont. Code Ann. 45-5-301, punishable by 6 months MCDF
4 and/or \$500 fine; COUNT V: PARTNER OR FAMILY MEMBER ASSAULT - 3RD
5 OR SUBSEQUENT OFFENSE, a Felony, in violation of Montana law, namely:
6 Mont. Code Ann. 45-5-206[3rd+], punishable by not less than 30 days or more than
7 5 years MSP and/or a fine not less than \$500 or more than \$50,000; COUNT VI:
8 STRANGULATION OF PARTNER OR FAMILY MEMBER - 2ND OR
9 SUBSEQUENT OFFENSE, a Felony, in violation of Montana law, namely: Mont.
10 Code Ann. 45-5-215[2nd+], punishable by 2 to 20 years MSP and \$50,000 fine;
11 COUNT VII: CRIMINAL DESTRUCTION OF OR TAMPERING WITH A
12 COMMUNICATION DEVICE, a Misdemeanor, in violation of Montana law, namely:
13 Mont. Code Ann. 45-6-105, punishable by 6 months MCDF and/or \$1000 fine.

14 The facts constituting the offense are:

15 COUNT I: On or about the 17th day of April, 2018, the above-named
16 Defendant purposely or knowingly impeded the normal breathing or circulation of
17 the blood of Jane Doe, a partner or family member by applying pressure on the
18 throat or neck, when he grabbed her around the neck with both hands and threw
19 her to the ground.

20 COUNT II: On or about the 17th day of April, 2018, the above-named
21 Defendant purposely or knowingly caused bodily injury to Jane Doe with a
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1 weapon, to wit: when he shoved a BB gun into her cheek, resulting a three inch
2 scratch.

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4 COUNT III: On or about the 17th day of April, 2018, the above-named
5 Defendant purposely or knowingly caused bodily injury to Jane Doe, a partner,
6 when he slapped her several times in the face and/or when he punched her legs
7 and/or when he punched her in the mouth. Defendant has a prior conviction for
8 Partner or Family Member Assault on December 17, 2014, out of Gallatin County
9 District Court.
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12 COUNT IV: On or about and between the 17th day of April, 2018, and the
13 22nd day of April, 2018, the above-named Defendant knowingly or purposely and
14 without lawful authority restrained the victim so as to interfere substantially with
15 the victim's liberty, when he prevented Jane Doe from leaving her residence.
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18 COUNT V: On or about the 22nd day of April, 2018, the above-named
19 Defendant purposely or knowingly caused bodily injury to Jane Doe, a partner,
20 when he squeezed hand sanitizer into her eyes, causing her pain. Defendant
21 has a prior conviction for Partner or Family Member Assault on December 17,
22 2014, out of Gallatin County District Court.
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25 COUNT VI: On or about and between the 17th day of April, 2018, and
26 22nd day of April, 2018, the above-named Defendant purposely or knowingly
27 impeded the normal breathing or circulation of the blood of Jane Doe, a partner,
28 by applying pressure on her throat or neck, when several times over that period

1 he put his elbow onto the side of her neck and applied pressure, letting up just
2 before she lost consciousness.

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4 COUNT VII: On or about and between the 18th day of April, 2018, and the
5 22nd day of April, 2018, the above-named Defendant purposely or knowingly
6 destroyed or tampered with a telephone or other communication device to
7 obstruct, prevent, or interfere with the report to any law enforcement agency of
8 any actual criminal offense, to wit: when he destroyed Jane Doe's phone to
9 prevent her from contacting law enforcement to report the aforementioned
10 offenses.
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13 DATED this 24th day of April, 2018.

14 /s/Ryan Mickelson
15 RYAN MICKELSON
16 Deputy County Attorney
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19 COMPLAINT 18-1094

20 DEVIN ERICKSON, Missoula City Police Dept
21 ALEXIS BERGER, Missoula City Police Dept
22 REBECCA POTTON, Missoula City Police Dept
23 45-5-215[1st] ~ Strangulation of Partner or Family Member - 1st Offense
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ATTORNEYS FOR PLAINTIFF

IN THE JUSTICE COURT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF MISSOULA

STATE OF MONTANA,

Plaintiff,

-vs-
BILLY LEE HENDERSON,

Defendant,

Department No.
Cause No.

**AFFIDAVIT OF PROBABLE
CAUSE**

STATE OF MONTANA)
 : ss
County of Missoula)

RYAN MICKELSON, 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 BILLY
LEE HENDERSON for allegedly committing the offenses of COUNT I: STRANGULATION
OF PARTNER OR FAMILY MEMBER - 1ST OFFENSE, a Felony, in violation of Montana
law, namely: Mont. Code Ann. 45-5-215[1st] COUNT II: ASSAULT WITH WEAPON, a
Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-213 COUNT III:
PARTNER OR FAMILY MEMBER ASSAULT - 2ND OFFENSE, a Misdemeanor, in
violation of Montana law, namely: Mont. Code Ann. 45-5-206[2nd] COUNT IV:

1 UNLAWFUL RESTRAINT, a Misdemeanor, in violation of Montana law, namely: Mont.
2 Code Ann. 45-5-301 COUNT V: PARTNER OR FAMILY MEMBER ASSAULT - 3RD OR
3 SUBSEQUENT OFFENSE, a Felony, in violation of Montana law, namely: Mont. Code
4 Ann. 45-5-206[3rd+] COUNT VI: STRANGULATION OF PARTNER OR FAMILY
5 MEMBER - 2ND OR SUBSEQUENT OFFENSE, a Felony, in violation of Montana law,
6 namely: Mont. Code Ann. 45-5-215[2nd+] COUNT VII: CRIMINAL DESTRUCTION OF
7 OR TAMPERING WITH A COMMUNICATION DEVICE, a Misdemeanor, in violation of
8 Montana law, namely: Mont. Code Ann. 45-6-105.
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11 Based upon the following facts which have been obtained from reports of the law
12 enforcement officer which, if true, constitute sufficient probable cause to justify the filing of
13 the charges. The facts from those reports are as follows:

14 On or about April 22, 2018, at approximately 1:45 pm, a female went to the police
15 department to report a domestic violence situation between herself and her boyfriend, Billy
16 Henderson. Officer Alexis Berger spoke with the female who identified herself as Jane
17 Doe. At the start of their conversation Doe was crying, but she was able to regain her
18 composure to relay events to Officer Berger.
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20 Doe began by informing Officer Berger that on April 17, 2018, she went to pick Billy
21 Henderson up after he had been away on a trip. On the way back to their shared
22 residence, which is under her name, Billy started accusing Doe of cheating on him with her
23 ex-boyfriend. Doe tried defending herself against the accusations, but Billy kept insisting
24 that she was cheating and Doe said that he "got crazy."
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1 When they got back to their residence, Billy continued being verbally aggressive
2 towards her and started becoming physical with her. Doe said that Billy started slapping
3 her really hard, and noted that it was hard enough to make her ears start ringing. It also
4 left a welt on her face. Approximately one year ago, Doe had surgery on her nose and
5 Billy hit her enough with his slap that her nose started to bleed. When she was bleeding
6 everywhere, Billy was telling Doe to clean it up in case there was anyone around who saw
7 it and would be concerned. Doe said that Billy slapped her about 5 to 6 times.

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9 Later on in the same day, Doe advised that Billy continued to be physically
10 aggressive with her and he grabbed her by the neck and he started "choking" her with both
11 hands before picking her up and throwing her onto the ground. Doe said that she has a
12 bruise on her left shoulder from the assault. She noted that Billy also punched her legs
13 when she was down on the ground. Doe described Billy as a "big guy." Doe advised that
14 Billy also punched her in the mouth, which caused both of her lips to bleed and become
15 swollen. Doe noted that she still has some lacerations on the inside of her lip.

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17 Billy then went and grabbed a gun and held it up to her right cheek. Doe said that it
18 was "not a real gun" but a BB gun. Billy pushed the BB gun hard enough into her cheek
19 that it caused a 2 to 3 inch scratch near the corner of her mouth. Billy told Doe that if the
20 police came then he would make them think that he had a real gun so they would shoot
21 him instead of taking him to jail. Doe advised that Billy then brought out a can of bear
22 spray and took the plastic, safety mechanism off and threatened her to use it on. She
23 advised that he did not end up spraying her, and eventually put the bear spray away.

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25 Officer Berger than asked her to detail what happened earlier on the morning of
26 April 22, 2018. Doe advised that she woke up at around 9:30 am to use the restroom.
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1 When she got out of the bed, Billy again began accusing her of cheating on him again.
2 She went over to the couch and Billy came over and pulled her off of the couch. Billy then
3 put his elbow onto the side of her neck, near her jaw, and put pressure on her neck. Doe
4 advised this caused her breathing to be restricted. Doe estimated that she had restricted
5 breathing for approximately one minute. Doe said that Billy let up before she lost
6 consciousness. She informed Officer Berger that Billy has some history of MMA fighting
7 and knows what it looks like before someone loses consciousness. She tried to get Billy to
8 stop, but nothing that she did worked. According to Doe, Billy used his elbow that way
9 multiple times throughout the five day period he had her at the house. Earlier that
10 morning, when he let up, she was sitting on the ground. She got up and went into the
11 kitchen to get some milk. When she had the carton of milk out, Billy took it out of her
12 hands and squeezed the carton, spilling milk on the floor. He then went and grabbed the
13 hand sanitizer and squeezed some into her eyes, causing her pain.
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17 Doe continued to detail the situation. She advised that Billy broke the house phone
18 and told her it was so that she could not contact law enforcement to report his behavior.
19 She advised that earlier that morning Billy also ripped her clothes off of her.
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21 Doe advised that shortly before coming in to the police department she convinced
22 Billy to leave the house and go get food. At that time, Doe told Officer Berger that she left
23 shortly after he did to come to the department to report the assaults. Doe advised that she
24 had been too afraid of Billy to leave prior to that moment, who had been restraining her to
25 the house over that period of time.
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1 Officer Berger observed that Doe had a scratch on her right cheek near the corner
2 of her mouth and noticed a small amount of bruising near her eyes. Doe agreed to speak
3 to EMS personnel regarding her injuries. Doe advised that she thought she felt a lump on
4 the side of her neck but was not sure what it was from. Doe also said that she had
5 bruising on her left shoulder as well as bruises on her legs.
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7 Due to the location of the injuries, Officer Berger asked Officer Potton, a female
8 officer, if she would be willing to take photographs of Doe's injuries. Doe agreed for the
9 photos to be taken and she went into interview room 2 to have the injuries documented.
10 Once in the room, Doe lifted up the back of her shirt and showed Officer Potton her left
11 shoulder. Officer Potton could see an abrasion, redness and bruising on the shoulder that
12 was about 2 inches in diameter. Doe advised that Billy had pushed her and she went
13 flying backwards and fell onto the floor with her shoulder. Doe then showed Officer Potton
14 her right jaw line where there was a scratch and a greenish bruise about 1 inch in diameter
15 starting to form. Doe also had a greenish bruise starting to come out on her left calf which
16 was about 4 inches in length. Doe also showed Officer Potton the back of her right bicep
17 where she had 4 small greenish bruises that Doe said she got when Billy grabbed her. As
18 Officer Potton looked at Doe she could see that above Doe's eyes appeared to be swollen
19 and slight bruising on her eyelids. Once Officer Potton and Doe were finished with photos,
20 EMS entered and examined Doe for the injuries. After being examined and speaking with
21 EMS, Doe declined going to the hospital.
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25 Thereafter, Doe continued her report to Officer Berger. Doe said that her three
26 children also live with her and were in the house during all of the incidents. Doe advised
27 that none of the children witnessed anything because they had been in their bedrooms or
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1 sleeping. Doe said that the children were not currently at the home because they had
2 been with their father, TJ, since the day prior. Of note is the fact that Doe was pregnant
3 with Billy's child at the time that the aforementioned offenses took place.
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5 Based on Doe's report, Officer Malone, Cpl. Kaneff and Sgt. Hebert responded to
6 Billy's believed location. Upon arrival, Officer Malone went to the front of the house. Billy
7 ran from law enforcement and jumped a fence, but was ultimately apprehended. Billy
8 invoked his rights and refused to speak to law enforcement about what had occurred.
9

10 DATED this 24th day of April, 2018.

11 /s/Ryan Mickelson
12 RYAN MICKELSON
13 Deputy County Attorney

14 SUBSCRIBED AND SWORN TO before me, a Justice of the Peace, in and for the
15 State of Montana, County of Missoula.
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Electronically Signed By:
Hon. Judge Landee Holloway
Tue, Apr 24 2018 09:56:04 AM

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Department No.
Missoula County Justice Court
Missoula County Courthouse
200 W. Broadway
Missoula MT 59802
(406) 258-3474

IN THE JUSTICE COURT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF MISSOULA

STATE OF MONTANA,

Plaintiff,

-vs-

BILLY LEE HENDERSON,

Defendant,

Department No.
Cause No.

ORDER OF PROBABLE CAUSE

Upon reading the Affidavit of Probable Cause filed by the State, the Court finds that there is probable cause to believe the above-named Defendant committed the crimes charged.

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 _____, 20____ at _____ A.M./P.M.

JUSTICE OF THE PEACE

Electronically Signed By:
Hon. Judge Landee Holloway
Tue, Apr 24 2018 09:56:04 AM