

1 BRITTANY L. WILLIAMS
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,
13
14 Plaintiff,
15
16 -VS-
17 DANIEL JOSEPH GRADY,
18
19 Defendant,

20 Department No.1
21 Cause No. CR-2018-663
22 MANS No. 3201F1801902
23
24 **AFFIDAVIT OF PROBABLE
25 CAUSE**

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

BRITTANY L. WILLIAMS, 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 Daniel Joseph Grady for allegedly committing the offenses of COUNT I:
NEGLIGENT HOMICIDE, a Felony, in violation of Montana law, namely: Mont.
Code Ann. 45-5-104 COUNT II: FAIL TO REMAIN AT ACCIDENT SCENE
WHERE PERSON KILLED OR SERIOUSLY INJURED, a Felony, in violation of
Montana law, namely: Mont. Code Ann. 61-7-103(1)[4].

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

5 On or about the 17th day of June, 2018, Missoula City Police Officers and
6 Detectives were dispatched to a report of a hit-and-run fatal crash that occurred
7 near the intersection of Shakespeare Street and Phillips Street. Officer Potter
8 arrived and spoke with the caller, identified as Christopher Brown. Officer Potter
9 then observed a female, later identified as Rebecca Romero, on the south side
10 of Phillips Street and it was apparent that Romero was deceased.
11

12 Romero was found to have displaced clothing, torn pants and was
13 missing one shoe, which was later found in the roadway. Romero had a large
14 contusion on the top other the right side of her forehead and a large bruise that
15 covered her stomach. Soon after other officers arrived, they began reviewing
16 the crash scene. Multiple pieces of vehicle debris were noted in the roadway
17 and were found scattered primarily in the eastbound lane of Phillips, west of the
18 Shakespeare intersection. The trail of debris continued west of the intersection
19 and ended approximately in the area where Romero had come to rest. It
20 appeared, by the debris in the road, that Romero had been struck by a vehicle.
21

22 In continuing to investigate the crash scene, Missoula City Crash
23 Investigator Fullerton noted a single skid mark which was found in the
24 eastbound travel lane of Phillips Street. The skid mark began just prior to the
25
26
27
28

1 implied crosswalk and continued for approximately 60 feet. The mark appeared
2 to have been caused by a westbound traveling vehicle, which was traveling in
3 the incorrect eastbound lane; as the mark began faint and continued to darken
4 as it lengthened. Officer Fullerton, along with Montana Highway Patrol Trooper
5 Smart also believed, based on the line of debris, that the vehicle was westbound
6 traveling in the eastbound lane.
7

8
9 Amongst that debris, Officer Hoffman was able to locate a small, clear
10 piece of plastic that appeared to have come from the corner of a headlight lens.
11 Officer Erbacher was able to take the number stamped on the lens and found
12 that it was associated with a left headlight for a 2003-2007 Chevy Silverado.
13 With this information, Officers began looking for this model of vehicle with front
14 end damage. Officers responded to the Cedar Villa Apartment complex,
15 approximately 8-10 blocks from the scene. Within the parking lot, they observed
16 a 2003 Chevy Silverado with extensive front end damage. Officer Hoffman had
17 taken several pieces of vehicle debris from the scene and she was able to
18 match those broken pieces with the pickup's trim. Officer Hoffman noted the
19 Chevy Silverado had been damaged on the left front corner, near the headlight
20 area and displayed a Montana license plate, 5-94842A, which was registered to
21 Brayden Babb of Helena, MT and Dylan McClain of Billings, MT.
22

23
24
25
26
27 After finding the debris to be a match, officers called Detectives Slater and
28 Erickson to the apartment complex. Detective Slater noted that the vehicle was

1 covered in dirt or grime, with the exception of the front bumper cover and hood,
2 he noted this was an isolated area of the vehicle and was in close proximity to
3 the broken driver's side headlight. In looking through the vehicle's windows,
4 Detective Slater noted the presence of the alcoholic beverage "White Claw."
5 There was an open and spilled can of White Claw on the driver's side floorboard
6 and another open and leaking can outside the vehicle and under the driver's
7 side door. Detective Slater also observed a case of White Claw within the cab of
8 the truck.
9
10
11

12 Officers spoke with the on-site manager of the apartments, Seth Lindgren,
13 who stated he had seen the pickup at the complex in the days prior and advised
14 that Daniel Grady, the above-named Defendant, was the owner of the red and
15 white GMC, which was parked next to the Silverado and stated Grady lived in
16 apartment #57. Officer Harris was able to confirm, via Facebook, that Grady
17 was Facebook friends with both of the registered owners of the Silverado.
18

19
20 Officers were able to make contact with the occupants of apartment #57 and
21 found the Defendant, along with Kyle Carlee, Matthew Miller and Braden Babb
22 inside the apartment.
23

24 Each of the individuals were advised of their Miranda rights and asked to
25 provide a statement. Kyle Carlee acknowledged that law enforcement had made
26 contact with them because he was in the vehicle that struck a pedestrian and
27 the driver did not stop. Carlee stated the he was in the rear seat, behind the
28

1 driver, who he identified as Grady. Carlee stated Grady began to speed up
2 beginning at the stop sign and he heard the vehicle hit something and then he
3 saw long hair out of the corner of his eye. Carlee explained the positioning of the
4 passengers, stating Braden Babb was in the front passenger seat and Matthew
5 Miller was in the rear seat, behind Babb. Carlee stated Grady never stopped the
6 vehicle after hitting the female and did not stop until they reached the apartment.
7 Once inside the apartment, Carlee stated a discussion of the accident occurred
8 and he wanted to exit the apartment, but was physically restrained by the
9 others. Carlee also admitted to drinking at various bars throughout the evening.
10
11
12

13 Detectives Slater and Lear interviewed Matthew Miller. Miller stated he
14 was in the rear seat of the pickup and was looking at his phone, when he heard
15 a “thud” and assumed Grady had ran into the curb, Grady did not slow down or
16 stop. Miller stated once the group returned to the apartment, everyone broke
17 down and were crying. Miller stated that Carlee attempted to convince them to
18 do the right thing, but Grady kept telling everyone to “chill.” Miller stated he did
19 not initially believe what had occurred until Carlee stated it was “like off the
20 movies” and the woman had “went flying.” Miller also admitted to drinking
21 heavily that evening and stated he was asked by Grady not to call the police.
22
23
24
25

26 Braden Babb was interviewed by Detective Lear beginning at 11 AM, the
27 following morning. Babb stated he was “blackout drunk” and could not
28 remember exact details of the evening. Babb did stated he was messing with

1 the music station, looked up, and saw a female in the crosswalk. Babb said
2 “music, female, thunk: was what he most remembered. The music then went off
3 and he heard someone say “oh, fuck.” The group then contemplated calling the
4 cops, but ultimately did not.
5

6 Detective Slater attempted to interview Grady, after acknowledging his
7 rights, he refused to give a statement.
8

9
10 DATED this 19th day of June, 2018.
11

12
13 /s/ Brittany Williams
14 BRITTANY L. WILLIAMS
15 Deputy County Attorney

16 /s/ Jordan Kilby
17 JORDAN KILBY
18 Deputy County Attorney

19 SUBSCRIBED AND SWORN TO before me, a Justice of the Peace, in
20 and for the State of Montana, County of Missoula.
21
22
23
24
25
26
27
28