

1 COUNT III: PRIVACY IN COMMUNICATIONS - 1ST OFFENSE, a Misdemeanor, in
2 violation of Montana law, namely: Mont. Code Ann. 45-8-213(1)(a).

3 The Motion is based upon the following facts which have been obtained from
4 reports of the law enforcement officers which, if true, I believe, constitute sufficient
5 probable cause to justify the filing of the charges. The facts from those reports are as
6 follows:

7 On January 1, 2020, at approximately 11:29 p.m., Officers from the Missoula City
8 Police Department responded to the Dillard's parking lot at the Southgate Mall regarding a
9 reported stabbing. Upon arrival, they located three males, Benjamin Mousso, Bridger
10 Christensen, and S.R. (a youth under the age of 18). Mousso had sustained several stab
11 wounds. Officers attempted lifesaving measures prior to medical personnel arriving on
12 scene. Mousso was transported to St. Patrick Hospital where he was pronounced
13 deceased.

14 Officers took Christensen and S.R. to the police station for questioning. Officer
15 Nissley observed that both males smelled of marijuana. S.R. admitted to carrying a small
16 bag of marijuana, which he turned over to police. The marijuana weighed 5.25 grams.

17 At approximately 2:15 a.m., Detective Baker and Detective Griesse interviewed
18 Christensen. Christensen stated that after he finished work earlier that night, he met up with
19 a friend at the University of Montana. While there, Mousso dropped by, and Christensen
20 and Mousso left the University in Christensen's vehicle. They drove to another residence
21 and picked up S.R. They decided that they wanted to obtain marijuana, so they decided to
22 contact Joshua Paniagua. Christensen previously attended school with Paniagua, and the

1 others had some familiarity with him as well.

2 Moussa and S.R. devised a plan to tell Paniagua that they would trade him
3 methamphetamine in exchange for marijuana, even though they did not actually possess
4 any methamphetamine. Christensen later admitted that the plan also involved “knocking
5 [Paniagua] out” and stealing his marijuana.

6 S.R. contacted Paniagua using Christensen’s cell phone. Paniagua agreed to meet
7 them at Montana Jacks Casino. It was decided that Mousso would “rip off” Paniagua in the
8 Casino bathroom. Mousso was chosen because he was the largest in the group.
9 Christensen explained he was apprehensive about the transaction taking place inside his
10 vehicle, so he told them to do it inside the Casino.

11 When Paniagua arrived at the Casino, he got into Christensen’s vehicle with
12 everyone still inside. After approximately five minutes, Mousso exited the vehicle and went
13 inside the Casino. At that point, Paniagua gave S.R. a small bag of marijuana. Paniagua
14 then exited the vehicle and went inside the Casino. Christensen stated that he assumed
15 Mousso was going to “disable” Paniagua inside.

16 Approximately five minutes later, Mousso and Paniagua exited the Casino. Mousso
17 got into the vehicle and Paniagua ran off through the parking lot. When Mousso entered the
18 vehicle, he said, “I’ve been stabbed.”

19 Christensen drove eastbound on South Avenue while Mousso laid down in the rear
20 seat. Mousso made no additional comments and began “snoring.” After approximately one
21 minute, Christensen pulled into the Southgate Mall parking lot and called 911 due to
22 Mousso’s worsening condition.

1 Christensen confirmed that he knew Mousso and S.R. planned to rob Paniagua but
2 stated he (Christensen) didn't want to be a part of it. He explained that he felt
3 uncomfortable with the plan and was "sketched out." He also clarified the Mousso would
4 not have known Paniagua gave S.R. the marijuana after Mousso entered the casino, and
5 Mousso likely believed Paniagua still possessed it when Paniagua went inside.

6 Detective McCarthy and Detective Petersen interviewed S.R. S.R. told a very similar
7 story to Christensen, but omitted details about the plan to rob Paniagua. S.R. said that
8 Paniagua traded them the marijuana for a \$50 Walmart gift card. When confronted by
9 detectives with Christensen's differing story, S.R. admitted that they planned to do a "lick"
10 on Paniagua to get his marijuana. Detective Baker noted that "lick" is a common street term
11 for a drug-related robbery.

12 Meanwhile, officers searched for Paniagua using K-9s, but were unable to locate
13 him. Officer Berger went to Montana Jacks Casino and spoke with employee Chloe
14 Sargent. Sargent stated that she was outside the Casino smoking when she observed a
15 white passenger car pull into the parking lot. She then went inside, and after a minute or
16 two, a male wearing a white shirt entered the Casino and asked to use the bathroom.
17 Sargent pointed out where it was, and the male went inside. After another minute or two, a
18 second male came inside wearing a camo jacket and black hat and also asked to use the
19 bathroom. Sargent pointed it out to him and told him that there was another male using it
20 and that he would have to wait.

21 The second male continued past Sargent and went into the men's bathroom.
22 Sargent immediately heard thumping and yelling noises coming from within the bathroom.

1 She told the males to stop, otherwise she was going to call the cops. The two males then
2 quickly exited the bathroom and left the casino. Surveillance video from inside the casino
3 corroborated her statement.

4 On January 2, 2019, at approximately 10:40 a.m., Paniagua came into the police
5 station with his mother and provided a statement. Although Paniagua's statement was
6 disjointed and changed several times as he apparently recalled additional or different
7 details, Paniagua ultimately confirmed that he agreed to meet up with the group at Montana
8 Jacks Casino to facilitate the trade of marijuana for methamphetamine. When Paniagua
9 entered the bathroom inside the Casino, he said that Mousso began assaulting him.

10 Paniagua gave conflicting statements regarding his and Mousso's relative positions inside
11 the bathroom. Paniagua explained that Mousso punched him three or four times, but later
12 said it was probably seven or eight times with a closed fist to the head and face. Paniagua
13 stated he tried to fight back, but Mousso was dominating him, so Paniagua pulled his knife
14 to protect himself. He stated that he stabbed Mousso four times in self-defense. After the
15 fourth stab, Mousso stopped assaulting Paniagua and exited the restroom.

16 In response to more specific questioning by detectives, Paniagua made several
17 conflicting statements that called into question the appropriateness of his actions and the
18 level of force he used in response to Mousso's attack. However, Paniagua maintained that
19 he "had no choice" in the stabbing and that he was acting in self-defense. The Coroner's
20 Report confirmed that Mousso had abrasions on the middle-finger knuckle of his left hand
21 and the middle and ring finger knuckles of his right hand. Detective Baker also observed a
22 small abrasion on Paniagua's temple.

1 After leaving the bathroom, Paniagua stated that he fled the scene and hid under a
2 truck. He also admitted to breaking his phone in half because he thought police might be
3 looking for him. Paniagua acknowledged that he knew his cell phone would be considered
4 evidence to the incident. Detectives later located Paniagua's broken phone inside a trailer
5 after executing a warrant.

6 On January 2, 2019 at approximately 5:18 p.m., Officer Woods (MPD) responded to
7 a residence regarding recent threats that had been made by Paniagua via telephone. Upon
8 arrival, Officer Woods learned that Paniagua made threatening phone calls to L.M. and S.R.
9 L.M. stated that Paniagua called her cell phone at approximately 2:40 p.m. and asked to
10 speak with S.R. When L.M. informed Paniagua that S.R. was in the shower, Paniagua
11 stated that he believed S.R. was responsible for threats made to Paniagua's family.
12 Paniagua said that if anything happened to his family, he would personally kill S.R. He also
13 stated the S.R. would pay for throwing him (Paniagua) under the bus. He called S.R. a
14 snitch and said S.R. was ruining his life and trying to frame him. The conversation lasted
15 approximately 24 minutes.

16 At 3:20 p.m., Paniagua called again and spoke with S.R. S.R. stated that Paniagua
17 began the conversation by telling S.R. that he acted in self-defense during the altercation on
18 January 1. As the conversation progressed, Paniagua began calling S.R. a snitch and told
19 him to look over his shoulder. He also told S.R. that if another similar situation arose, "he
20 would take care of it." S.R. stated that Paniagua appeared to be unstable during the
21 conversation as his tone would change from aggressive to laughing at random. S.R. though
22 Paniagua may have been using methamphetamine. This second conversation lasted 29

1 minutes. L.M. and S.R. stated they feared for their safety following their conversations with
2 Paniagua. LR. and S.R. confirmed these statements during a follow-up interview with
3 detectives.

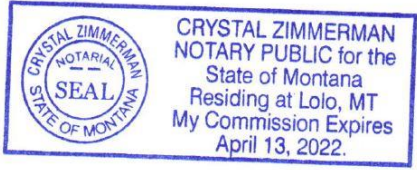
4 This case is being filed directly into District Court. The State respectfully requests
5 that bail be set in the amount of \$25,000 and that a warrant be issued for the Defendant's
6 arrest.

7 DATED this 6th day of January, 2020.

8
9 /s/ Mac Bloom
10 MAC BLOOM
11 Deputy County Attorney

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

15 SUBSCRIBED AND SWORN TO before me this 6th day of January, 2020.



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NOTARY PUBLIC FOR STATE OF MONTANA