

D. JAMES MCCUBBIN
Deputy County Attorney
KIRSTEN H. PABST
Missoula County Attorney
Missoula County Courthouse
Missoula, Montana 59802
(406) 258-4737
ATTORNEYS FOR PLAINTIFF

IN THE JUSTICE COURT OF RECORD OF MISSOULA COUNTY,
STATE OF MONTANA

STATE OF MONTANA, Plaintiff, -vs- JUSTIN DAVID ARNEY, Defendant.	Dept. Cause No. AFFIDAVIT OF PROBABLE CAUSE
--	--

STATE OF MONTANA)
 : ss
County of Missoula)

D. JAMES MCCUBBIN, Deputy County Attorney, Montana, being first
duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of
JUSTIN DAVID ARNEY for allegedly committing the offenses of:

COUNT I: ASSAULT WITH WEAPON, a felony, in violation of § 45-5-
213, MCA;

COUNT II: INTIMIDATION - PHYSICAL HARM OR CONFINEMENT, a felony, in violation of § 45-5-203, MCA;

COUNT III: STALKING - VICTIM UNDER PROTECTION OF RESTRAINING ORDER, a felony, in violation of § 45-5-220(1) and 4(b), MCA;

COUNT IV: PARTNER OR FAMILY MEMBER ASSAULT - 2ND OFFENSE, a misdemeanor, in violation of § 45-5-206[2nd], MCA;

COUNT V: VIOLATION OF NO CONTACT ORDER BY A PERSON CHARGED WITH OR CONVICTED OF PARTNER OR FAMILY MEMBER ASSAULT, a misdemeanor, in violation of § 45-5-209, MCA.

I believe that the facts as set forth in the law enforcement reports, if true, constitute sufficient probable cause to justify the filing of the charges.

Those facts are as follows:

On July 4, 2020, M.S. was encountered by her ex-boyfriend JUSTIN DAVID ARNEY in the parking lot of Southgate Mall in Missoula, Montana. M.S. is a protected party from ARNEY under Order number CV6202020190P. M.S. advised police that Justin has been calling her from blocked numbers and leaving her messages on her Facebook page, after she repeatedly advised him to stop calling and messaging her. M.S. stated that on 7/4/2020 Justin called her and asked her if she would hang out with

him for the 4th of July and when she advised him that she did not want to see him, he stated that he would show up at her work.

M.S. advised that she and Justin's romantic relationship lasted 9 years before they split. M.S. stated that Justin is aware of all of her parents' vehicles, which she will use to get to work. M.S. stated that she works inside of the Southgate Mall and as she was leaving to go on her lunch break, she noticed that Justin had parked his mom's red truck in the parking space right by her dad's vehicle. M.S. advised that as she was walking to her truck, Justin started to call her a "bitch" and that he just wanted to work on their relationship.

M.S. stated that she told Justin to leave her alone and if he did not respect her wishes then she was going to call the police. M.S. advised that Justin's response to her telling him that she was going to call law enforcement was, "if you call the cops I will kill you." M.S. advised that she entered her vehicle and left the parking lot to go get lunch.

M.S. stated that she returned back to her place of employment and observed that Justin was still in the red truck. M.S. advised that as she was walking back into her place of employment, Justin started to drive his truck while screaming "I am serious [M.S.] if you call the cops I am going to kill you!" M.S. advised that as Justin was screaming at her he pointed a silver

object at her through his window, which she believed was a handgun. M.S. advised that she believed that the object in his hand was a weapon due to him showing her multiple firearms in the past. M.S. advised that she believed that Justin could have shot her in the parking lot, which caused her fear. M.S. stated that she was so scared that Justin was going to harm her that she was attempting not to vomit while she was speaking to her boss. M.S. advised that she was shaking and crying due to the fear of serious bodily injury or death. M.S. stated that she is "scared that he is going to kill me in the future" and later she advised that she is "literally waiting for him to kill me."

M.S. advised that Justin was driving his mom's red two door truck and that he would probably go to his mother's house, 2316 South 3rd street, Missoula, Montana. Officers located the described truck at the described address approximately 10 minutes after the time that M.S. reported Justin had departed from Southgate Mall. Officers were advised by dispatch that Justin had an outstanding \$30,000.00 arrest warrant. Officers secured the residence. Approximately two hours later, Justin finally agreed to exit his mother's residence, and was placed under arrest.

Justin's mother Bette Arney advised officers that she is the sole resident of 2316 South 3rd street. After Justin had exited the residence and

been placed in custody, Bette granted consent for officers to enter the residence to search for the gun Justin had had in his possession. Officer Harrington located a silver handgun in the living room area of the residence.

Defendant has a prior conviction for Partner Or Family Member Assault, from Missoula Municipal Court, on or about 3-29-2018, Docket Number: TK-620-2017-001153.

DATED this 5th day of July, 2020.

/s/ D. James McCubbin

D. JAMES MCCUBBIN
Deputy County Attorney

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

Judith Walker
7/6/2020