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ATTORNEYS FOR PLAINTIFF

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

<p>STATE OF MONTANA, Plaintiff,  -vs- ZECHARIAH JUSTIN DANIEL SMITH, Defendant.</p>	<p>Dept. Cause No. MANS No. 3201H2000240 <b>AFFIDAVIT OF PROBABLE CAUSE</b></p>
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STATE OF MONTANA        )  
  : ss  
County of Missoula        )

MEGHANN PADDOCK, Deputy County Attorney, Montana, being first  
duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of  
Zechariah Justin Daniel Smith for allegedly committing the offenses of:

COUNT I: STRANGULATION OF PARTNER OR FAMILY MEMBER -  
1ST OFFENSE, a felony, in violation of § 45-5-215[1st], MCA;

COUNT II: BURGLARY, a felony, in violation of § 45-6-204(1), MCA;

COUNT III: ASSAULT - BODILY INJURY, a misdemeanor, in violation of § 45-5-201, 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 August 30, 2020 just after 10:00 p.m., Tim Hoppe called 911 to report a disturbance at the Wildflower Apartment complex in the 1200 block of 34<sup>th</sup> street, and that someone was injured with a “split-open head.”

Missoula Police Officers Harrington, Hollis, Griffith, Burton, Bilbrey, and Graupmann responded. Officer Bilbrey was directed to a male stumbling in the parking lot with blood on his head, face and clothes. The male identified himself as Defendant, Zechariah Justin Daniel Smith. Defendant said he had been “sprayed in the face.” Defendant had a 1-1.5 inch gash on his head which medical advised would need stitches.

Defendant told Officer Bilbrey that his girlfriend (17 year old Jane Doe) had been “talking shit about this and that while playing with a knife” and that she “will freaking kill me if I leave.” Defendant said she hit him in the back of the head, but when asked to describe how she did that, Defendant said “I redact my last statement, she didn’t hit me.” Defendant then said that sometime during their argument, Tim Hoppe “shot [him] in the face with a

pepper ball,” and that he was hit in the head with a fire extinguisher by Ronni Crawford. Defendant admitted that he was thrown out of the apartment, then called out to Doe to “make sure she was ok” and heard Ronni tell Doe if she looked out the window she would “beat her ass.” Defendant admitted he ran back up to the apartment and “kicked or pushed into the door, because they weren’t going to hurt her.” Defendant said Hoppe then began hitting him with a stick.

Defendant told Officer Harrington that Hoppe had shot him with a pepper ball and hit him in the head with a fire extinguisher. Defendant told Officer Harrington that Doe was “not being nice” to him, and that Hoppe threw him out of the apartment. Defendant told Officer Graupmann that he and Doe had been in an argument and Doe was “flicking a knife around,” and lunged at him when he attempted to leave, so he shoved her on the bed and left the room. Defendant told Officer Graupmann that after he left the room Hoppe shot him in the face with a pepper spray gun, and Hoppe and Ronni began beating him, then threw him down the stairs onto the sidewalk.

Defendant also admitted to Officer Graupmann that he ran back up the stairs and ran through the door, claiming he “wasn’t going to let them hurt her.”

Defendant claimed that the door was “mostly closed but not latched,” and that once inside, Hoppe was waiting for him with “metal or wood in his

hands.” Defendant said he did not think he damaged the door. Defendant adamantly denied strangling Doe with a bed sheet.

Officers Hollis and Burton followed blood on the pavement and up the stairs to the apartment where the door frame and trim were damaged. They observed part of the door frame and molding broken into pieces, lying on the living room floor. There was also damage to the lock and trim on the wall. Officers Hollis and Burton spoke with Tim Hoppe who reported that it was Ronni’s apartment, and they’d let Defendant and Doe stay with them, as Hoppe knew Defendant “from prison” and Defendant and Doe had needed a place to stay. Hoppe told Officer Hollis that Doe and Defendant were in the back room, and he heard something about a knife being involved. Hoppe said he grabbed a small pepper spray gun and stepped in between Defendant and Doe, and told Defendant it was time to leave. Hoppe said instead of leaving, Defendant punched him, so he pepper sprayed Defendant.

Officer Hollis observed pepper spray on the door frame and adjacent bedroom door. Hoppe reported that he tried to escort Defendant down the hall and out the front door but they fought in the hallway. Hoppe admitted grabbing a small fire extinguisher and hitting Defendant with it then pushing him out the front door. Hoppe said he had started calling 911 when the

Defendant kicked the front door open and used part of the broken door frame to hit him. Hoppe reported that when the broken door frame piece splintered, Defendant started trying to “spear him” and he threw Defendant out again. Hoppe said Defendant tried to provoke him to come down and fight, but he did not want to fight. Hoppe had a large softball-sized bruise on his back and redness around his neck. Hoppe reported that Defendant had had his hands around Hoppe’s throat. Hoppe also reported pain in his knee and was limping, and had a scratch across his forehead. Hoppe told Officer Burton that he had seen Defendant “putting his hands on” Doe.

Officer Burton located Doe in the bedroom. Doe disclosed that she had ended her relationship with Defendant the day before due to his constant physical and verbal abuse. Doe disclosed that they had been in an argument about their relationship and that Defendant got upset with her. Doe disclosed that she had been sitting down, and Defendant picked up a purple bed sheet, twirled it around his hands and went after her. Doe disclosed that Defendant held the sheet between his hands and wrapped it around her neck, pulling in opposite directions. Doe disclosed that she managed to stand up and kick the walls, which loosened the sheet enough that she could yell out for help, and that when she did Hoppe came running. Officer Burton observed a slight reddening underneath Doe’s chin near her throat. Doe disclosed that

Defendant had strangled her with bedsheets before, and had tried suffocating her with pillows. Doe disclosed that she had taken a photo of her neck just after the attack, and showed the photo to Officer Burton. Officer Burton observed a clear color differentiation in the photo under Doe's chin along her jaw line and up to the base of her ear. Doe also told Officer Harrington that Defendant had strangled her with a sheet. Officer Harrington also observed slight redness on Doe's neck.

Officer Graupmann interviewed Ronni Crawford, who reported that she and Hoppe had been in the living room and heard screaming coming from the back room. Ronni reported that Hoppe had run back there and Defendant began fighting with Hoppe when Hoppe told him to leave. Ronni reported that Hoppe forced Defendant out of the apartment, and that about ten minutes later Defendant broke the door and started fighting with Hoppe again. Ronni confirmed that Hoppe was again able to force Defendant out of the apartment. A neighbor reported that she'd heard "an explosion" then came outside and saw Defendant at the bottom of the stairs bleeding and saw him and Hoppe yelling at each other.

Officer Burton later re-contacted Doe, who estimated that she had been strangled for between 30-60 seconds. Doe disclosed that she had difficulty breathing during that time, and was very close to passing out before

she was able to kick enough to loosen the sheet around her neck. Doe disclosed that moments before Defendant attacked her, he said “fine, if you’re going to break your promise, I’ll break mine.” Doe believed he was referencing a promise he had made several weeks before to never hurt her again.

DATED this 1st day of September, 2020.

/s/ Meghann Paddock  
MEGHANN PADDOCK  
Deputy County Attorney

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