

BRIAN LOWNEY
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ATTORNEYS FOR PLAINTIFF

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

STATE OF MONTANA, Plaintiff, -vs- ERIC ANTHONY NAVARRO, Defendant.	Dept. Cause No. MANS No. 320112000334 AFFIDAVIT OF PROBABLE CAUSE
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STATE OF MONTANA)
 : ss
County of Missoula)

BRIAN LOWNEY, Deputy County Attorney, Montana, being first duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of Eric Anthony Navarro for allegedly committing the offenses of:

COUNT I: AGGRAVATED ASSAULT - REASONABLE APPREHENSION, a felony, in violation of Mont. Code Ann. § 45-5-202;

COUNT II: STRANGULATION OF PARTNER OR FAMILY MEMBER - 1ST OFFENSE, a felony, in violation of Mont. Code Ann. § 45-5-215;

COUNT III: PARTNER OR FAMILY MEMBER ASSAULT - 2ND OFFENSE, a misdemeanor, in violation of Mont. Code Ann. § 45-5-206;

COUNT IV: AGGRAVATED ASSAULT - REASONABLE APPREHENSION, a felony, in violation of Mont. Code Ann. § 45-5-202;

COUNT V: STRANGULATION OF PARTNER OR FAMILY MEMBER - 2ND OR SUBSEQUENT OFFENSE, a felony, in violation of Mont. Code Ann. § 45-5-215;

COUNT VI: PARTNER OR FAMILY MEMBER ASSAULT - 3RD OR SUBSEQUENT OFFENSE, a felony, in violation of Mont. Code Ann. § 45-5-206

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 September 16, 2020, at approximately 1:00am, Missoula Police Department officers were called to a report of a disturbance on the 1100 block of 34th Street, Missoula County, MT. Upon arrival, they contacted Jane Doe, the Defendant's ex-girlfriend. Doe indicated that the Defendant had come to her home that night, after calling Doe and expressing his anger that she was out with friends. The Defendant does not live at Doe's home. When the Defendant arrived, he began pounding on Doe's door and yelled for her to answer. Doe

reported she let the Defendant inside in an effort to prevent him from causing a further disturbance. When the Defendant came into the home, the Defendant continued to yell at Doe, then grabbed Doe and threw her on the couch. At that point, the Defendant put both hands around Doe's neck and began to strangle her. Doe reported seeing "stars", which she also described as white spots of light. Doe indicated she could not breathe or speak and began to feel disoriented. Doe reported that the Defendant was very angry with her prior to this strangulation beginning, but that during this strangulation, the Defendant's expression went blank and he appeared "not there" to Doe. Doe indicated the Defendant told her he was "going to break my jaw". Doe remembered being in fear for her life during the strangulation and remembered thinking the Defendant could kill her. Doe believes that she lost consciousness during this strangulation event, because she does not recall the Defendant releasing her neck.

Doe next recalled trying to run out of the home, but reported that the Defendant grabbed her when she got to the kitchen and began to strangle her again. Doe was able to break free and move towards the front door of the home, but the Defendant "clotheslined" Doe to the ground near the door and began to strangle her on the ground. Doe was able to get up and run out the door, though the Defendant grabbed Doe's hair and pulled some of it out of Doe's head, causing injury. Doe reported she hid from the Defendant outside.

Doe's neighbors called police after hearing the disturbance. When police arrived on scene, the Defendant was not present.

Officers observed injuries to Doe's neck, including that it was red and swollen. Doe's voice was raspy, and she was coughing more and more frequently as she spoke with police. Doe indicated she felt pain when speaking and pain when swallowing. Officers observed that there were large sections of Doe's hair missing from her scalp and officers could feel a large bump on the back of Doe's head. Doe noted that the back of her head was also in pain. Officers located Doe's hair strewn about the apartment.

Officers also noticed scratches on the back-right side of Doe's neck that appeared to be older injuries. Doe indicated that several days prior, on September 13, 2020, the Defendant had strangled her into unconsciousness as well. Doe reported that the Defendant had strangled her multiple times over the course of their two-year relationship, but that the strangulation on September 13, 2020 "had to be one of the worst". Doe reported to police that on September 13, 2020, she and the Defendant had returned to her home in Missoula County around midnight after watching football. The Defendant became upset with Doe, accusing her of being unfaithful to him. The Defendant then strangled Doe while she was on her bed. Doe reported that she saw "spots" and that her airway was completely closed such that she could not breathe or speak. Doe lost consciousness while the Defendant was strangling

her and realized she had urinated on herself after she regained consciousness. Doe reported that she believed she was going to die during this strangulation. Officers also noted that Doe's left eye had a bruising above it that was still visible that occurred as a result of this assault.

Officers located the Defendant at a nearby residence. The Defendant was located crouched down in a closet of the residence in an apparent attempt to evade officers. When located, the Defendant was verbally aggressive with them, saying "fuck you guys" and "I'm not coming out". Officers were ultimately able to place the Defendant into custody.

Officers spoke with Doe's friend, who reported being on the phone with Doe when the Defendant arrived at Doe's home on September 16, 2020. Doe's friend noted that he heard the Defendant banging on Doe's front door very loudly, then heard Doe gasp and say "ah shit", at which point the phone disconnected. Doe's friend indicated Doe sounded scared when talking on the phone.

DATED this 17th day of September, 2020.

/s/ Brian Lowney
BRIAN LOWNEY
Deputy County Attorney

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

Electronically Signed By:
Hon. Judge Landee Holloway
Thu, Sep 17 2020 12:56:21 PM