

MEGHANN PADDOCK
 Deputy County Attorney
 KIRSTEN H. PABST
 Missoula County Attorney
 Missoula County Courthouse
 Missoula, Montana 59802
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 ATTORNEYS FOR PLAINTIFF

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

STATE OF MONTANA, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-vs-</p> JASON LANDON TOLLEY, <p style="text-align: center;">Defendant.</p>	Dept. Cause No. <p style="text-align: center;">AFFIDAVIT OF PROBABLE CAUSE</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
 JASON LANDON TOLLEY for allegedly committing the offense of:

COUNT I: PARTNER OR FAMILY MEMBER ASSAULT - 3RD OR
 SUBSEQUENT OFFENSE, a felony, in violation of § 45-5-206[3rd+], 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 October 6, 2020 just before 1:00 p.m., Missoula Police Officers were dispatched to a disturbance in a vehicle in the 600 block of S. Higgins Ave. The vehicle left the area before Police Officers arrived and was not located. A second report of a disturbance involving a vehicle matching the description provided in the first call came in at 1:30, with the disturbance reported at Boyd Park, 1600 Ernest Ave. Officer Haderlie located Defendant Jason Tolley sitting in the front passenger seat of a black Honda near the park. Tolley claimed he and his girlfriend Jane Doe had a verbal argument, that nothing physical happened, and that there was no need for investigation. Officer Haderlie observed two scratch marks on Tolley's face that appeared fresh, as well as multiple fresh scratch marks on his right forearm. Tolley claimed they were from moving trash the day before. The Honda returned as registered to Jane Doe.

Officer Williams located Doe sitting down a block away. Doe disclosed that she and her boyfriend, Tolley, had gotten into an argument. Doe disclosed that she had purchased marijuana at a dispensary near Higgins and 6th street and Tolley was acting irrationally and aggressively. Once they

got into her car Tolley started yelling at her to give him her marijuana pipe and her marijuana. Doe refused to do so. Doe was in the driver's seat and Tolley was in the passenger seat. Tolley began yelling, cursing and slamming his hands on the steering wheel, then reached across her upper chest and neck with his left arm, pinning her back against the headrest by the neck with his upper forearm, elbow and tricep, and continued reaching to take what he wanted out of her pocket.

Doe disclosed that Tolley knows she has PTSD from having been strangled in the past and continually uses that against her. Doe said she could not breathe when Tolley used his left arm to pin her neck back. Doe believed Defendant intentionally triggered her PTSD to get what he wanted. Doe said she was unable to breathe, was scared for her life, and was unable to speak or yell so she bit Tolley on his arm and hit her car horn as hard as she could. Tolley continued to apply pressure to her neck, and finally released the pressure after he succeeded in taking the pipe out of her left pocket. Doe disclosed that it most likely lasted for just under 5 seconds. Doe said she bit Tolley's left arm just above the elbow in the lower tricep area. Doe also said she had swiped at Tolley's hand towards his face after realizing he'd been successful in getting her pipe from her pocket. Doe said she yelled for help and a man had approached her car to see if everything

was ok. Doe said she told him she had just been strangled. Doe said Tolley got back in the car and they drove away, continuing to argue. Doe said she parked near the park on the 1600 block of Ernest, and the verbal argument continued and another person approached to check on her. Doe said she walked away to get away from Tolley who had been yelling, cursing, and berating her.

Officer Haderlie confronted Defendant about Doe's disclosure and he admitted trying to take the marijuana but said he only touched her after she bit him on his right forearm. Defendant did have an injury on his left tricep consistent with having been bit as Doe described. Defendant claimed he had no idea where that bite mark had come from, and questioned whether it was a bite mark. Defendant denied yelling at Doe and showed a mark on his right forearm he claimed was from Doe biting him. Officer Haderlie observed the mark to appear less recent and inconsistent with a bite mark. Tolley admitted that he had gone "too far" and "putting his arm on [Doe's] chest."

Leroy Sanchez reported having witnessed a disturbance inside a black passenger car near Higgins and 6th Street. Sanchez reported that he approached the car and heard the horn go off, then heard a female yell for help. Sanchez remembered the female saying something about having been

strangled. The male said he had been bit and pointed to his right forearm. Sanchez reported that before he could ask any questions the two drove off.

Shawn Gray also reported that she had heard Tolley screaming, and saw him standing over Doe and yelling in her face while Doe sat on a bench at Boyd Park. Gray reported that she could hear a male yelling from a block away as she drove near the park. Gray described Doe as “cowering” and said she was not yelling back or responding to Tolley. Gray heard Defendant using profanity such as “f*****g bitch” and yelling about a “pipe.” Gray reported that she interjected herself out of concern for Doe’s welfare. Gray did not know Tolley or Doe, but she was concerned about the domestic violence potential. Gray asked Doe if she was ok. Doe said something to the effect of “no, he keeps pushing me around my throat so I can’t leave.” Tolley told Gray to “mind her own f*****g business.”

DATED this 8th day of October, 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.

Electronically Signed By:
Hon. Judge Landee Holloway
Thu, Oct 08 2020 12:26:26 PM