

LETA WOMACK
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- FRANK MATTHEW RODRIGUEZ, Defendant.	Dept. Cause No. MANS No. 3201K2000615 AFFIDAVIT OF PROBABLE CAUSE
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STATE OF MONTANA)
 : ss
County of Missoula)

LETA WOMACK, Deputy County Attorney, Montana, being first duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of Frank Matthew Rodriguez for allegedly committing the offense of:

COUNT I: AGGRAVATED ANIMAL CRUELTY, a felony, in violation of § 45-8-217, MCA;

COUNT II: AGGRAVATED ANIMAL CRUELTY, a felony, in violation of § 45-8-217, 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 11/09/2020 Officer Canyon McKinstry, responded to a call after K9-7 Officer SYRJALA advised emergency dispatchers that she and her partner, Officer K9-8 RUSSELL were investigating an animal cruelty case in a trailer there. Officer SYRJALA advised dispatch that a female Jane Doe informed them that her kids had received pictures of their injured/dismembered kittens from their dad, FRANK RODRIGUEZ and that the kittens were supposed to be in a garbage bag at the residence. Officer SYRJALA stated that she had pictures of the dead cats from the kids' cell phone and that she would show them to Officer McKinstry when he arrived on scene. Officer SYRJALA produced photos of two dead kittens inside of a white trash can and white trash bag. The one cat appeared to have been torn in half.

MPD Officer Nathan Champa and Officer McKinstry knocked on the trailer door and it was answered by FRANK. Officer McKinstry informed FRANK that they would like to have a conversation with him. Officer

McKinstry advised FRANK of his MIRANDA rights and he stated that he understood his rights and that he would answer questions. Officer McKinstry advised FRANK that they were at his house because he sent pictures of his two dead baby cats to his daughters. FRANK stated that he did have two dead baby cats in his home. FRANK advised that he noticed one kitten had died over night and that one was in the process of dying, which eventually died at a later time. FRANK stated that his third little kitten started to eat the other kitten's head. FRANK advised that he told his daughters about the cats dying and that he wanted to throw them away before they started stinking in the house. Officer McKinstry asked FRANK why he would send pictures of dead kittens to his daughters and he advised that he sent them photos because they did not believe him that they were dead.

FRANK led Officer Champa into the living room of the trailer, where he pointed out a white trash can. The trash can was in the living room, which was filled with trash, feces, rotten food, and numerous beer cans. The trash can was white in color and did not have a lid on it, making the contents visible to those who walked past the trash can. Officer Champa thought that was an odd place to leave a can with dead kittens in it, especially since his children were in the house and were attached to the

kittens. Inside the trash can, Officer Champa could see the fur of what appeared to be a kitten. FRANK handed Officer Champa the trash can and he removed it from the house; he gave the trash can to Officers SYRJALA and RUSSELL and watched them remove the contents of the trash can and photograph the kittens. One kitten looked as if it had been torn apart with its insides no longer intact. The other kitten had its head cut clean off, among other injuries. The neck of the cat had an extremely smooth cut all the way through, which was most likely done by a sharp cutting instrument. A small kitten would not be able to rip the head off of a cat or tear the body of the other cat apart like FRANK had suggested. Officer McKinstry asked the Animal Control Officers if the wounds could have been done by another cat and they responded with a definite "no way" the injuries were from a kitten. They advised that the injuries were most likely from a knife.

Officer McKinstry advised FRANK that he was under arrest for Aggravated Cruelty to Animals. FRANK advised that he "told" Officer McKinstry that the one cat that was still alive was eating the head of one of the dead kittens. Officer McKinstry advised FRANK that the injuries sustained by the kittens were not done by another small kitten but were consistent with a manmade cutting instrument. Officer McKinstry placed

FRANK into handcuffs, which were checked for tightness and double locked.

At the Missoula County Jail, Officer McKinstry seized FRANK's phone due to him stating that he only sent the photos to prove that kittens had died; however, law enforcement was informed that he sent the photos to show the girls that he had been the one to kill them.

Officer McKinstry spoke to Jane Doe, who informed him that she was advised to call Animal Control about the photos, who in turn advised her to call 911. Jane Doe stated that "FRANKIE" had stated that he was going to kill the cats and then sent the photos to his daughter while advising, "Their cats are dead."

Officer Champa spoke with the two children who had reported the crime to their mom. They started crying and screaming when they found out FRANK was in handcuffs. They both started stating that their dad did not kill the kittens. They were hysterical and screaming. Officer Champa was able to finally calm them down and speak with them and determined that one daughter had text messages on her phone from FRANK about the incident with the kittens.

Officer Champa spoke with Jane Doe, who stated that the two girls Jill Doe 1 and Jill Doe 2 were her children. Jane Doe agreed to me asking

questions of the daughters about the incident. Officer Champa asked Jill Doe 1 about the text messages and she showed him the messages. Officer Champa was able to see that FRANK had messaged Jill Doe 1 and had stated that the kittens were dead. He then sent Jill Doe 1 pictures of the dead kitten. Officer Champa photographed the text messages from FRANK to Jill Joe 1, and was able to see that the incident had taken place on 11/4/2020. That was when FRANK told Jill Doe 1 that "cat is dead." FRANK also sent texts stating "LOL" and other ones making light of the situation.

Animal Control removed two more adult cats, one other kitten, a dog, and a ball python. The remaining live kitten was extremely skinny and appeared malnourished; the dog appeared to be fed, but had toenails that appeared to have not been trimmed in a long time. The animals were going to be taken for a vet checkup and then housed, pending the outcome of the investigation. Officer SARJALA advised that she would be taking the two deceased kittens to a Vet to have an autopsy performed on them to see if a cause of death could be determined.

DATED this 10th day of November, 2020.

/s/ *Leta J. Womack*

LETA WOMACK
Deputy County Attorney

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