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ATTORNEYS FOR PLAINTIFF

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

STATE OF MONTANA, Plaintiff,  -vs- ASHLEY KATHERINE NERBOVIG, Defendant.	Dept. Cause No.  <b>AFFIDAVIT OF PROBABLE CAUSE</b>
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STATE OF MONTANA        )  
                                      : ss  
County of Missoula        )

BRANDON ZEAK, Deputy County Attorney, Montana, being first duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of Ashley Katherine Nerbovig for allegedly committing the offense of:

COUNT I: BURGLARY, a felony, in violation of § 45-6-204(1), 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 November 3, 2022, at approximately 2103 hours, Missoula Police Department Officer Harvey was dispatched to 1616 Maurice Ave in Missoula, Montana for a report of a disturbance. Dispatch notes indicated to Officer Harvey that there were three individuals involved, two females and one male. Notes further indicated that one of the females was reported to have come from Helena, Montana to the incident location, and that an argument possibly started over a breakup. While responding, one of the reporting parties made a statement to dispatch that “she’s breaking in!”

Upon arrival, Officer Harvey contacted John Doe outside of the residence. Officer Harvey spoke with John Doe about the incident, where he reported that he and the Defendant were previously in a long-term dating relationship for approximately six and a half years. Approximately six months prior to the incident, John Doe and the Defendant’s relationship ended. John Doe stated that since he and the Defendant separated, he began dating Jane Doe starting approximately two months prior. John Doe stated that since that relationship started, the Defendant had been harassing him.

John Doe stated that on or around October 30, 2022, the Defendant began to text him, stating that he had 15 minutes to call her, or she would tell Jane Doe "what happened" or call his mother and "tell her what he had done." The Defendant reportedly further demanded that he needed to break up with Jane Doe. John Doe stated that he did not break up with Jane Doe. On that day, John Doe reported that he stayed at Jane Doe's residence and was suddenly woken up by the doorbell. John Doe went to the door and discovered it was the Defendant who had arrived uninvited and unannounced. John Doe suspected that since Jane Doe owns her residence, that the Defendant was able to find her address online through public records. John Doe engaged with the Defendant and after some conversation, he left Jane Doe's residence.

After leaving the residence, John Doe noted that the Defendant followed him back to his residence, where the Defendant was previously on the lease, and had been removed from it approximately three weeks prior. John Doe asked the Defendant to leave his residence, but she refused. John Doe further stated that he wanted the Defendant out of his life. The two reportedly began to argue and during the argument, the Defendant tried to take John Doe's Black Lab, causing him to block the door in order to physically stop the Defendant from leaving the residence with his dog. John

Doe stated that the Defendant attempted to steal his dog for approximately three hours before she finally left his residence. John Doe stated he made threats to call the police during the incident, but the Defendant took his phone, turned it off, and hid it in the residence.

Since that day, John Doe stated that he has suspected that the Defendant had surveilled his residence. This suspicion arose as he claimed that the Defendant sent him messages stating that Jane Doe was at his residence, which she would have only known if she drove by and saw Jane Doe's vehicle.

On November 3, 2022, John Doe arrived at Jane Doe's residence at approximately 1830. John Doe stated that soon after arriving to Jane Doe's, the Defendant began to call him excessively from a restricted number. John Doe speculated that the Defendant discovered that he had blocked her from Instagram and that triggered the phone calls. John Doe explained that he blocked the Defendant's phone number as well, so she used \*69 to bypass being blocked, which is why the numbers were restricted. Officer Harvey observed John Doe's phone and discovered approximately 63 missed phone calls from "unknown caller" or "no caller ID" between 1841 and 2113 on November 3, 2022.

John Doe stated that the Defendant also sent him messages through Venmo since he had blocked all other ways of communication. John Doe showed Officer Harvey his Venmo account, six messages were observed all sent between 1900 and 2000. The messages were sent from the Venmo account with the name "Ashley Nerbovig". The messages stated: "What", "what is going on why are you doing this", "I'm coming to the house", "I'll call her are you with her", "I'm going to her house", "I'll call your mom". Officer Harvey observed that every time the Defendant sent John Doe a message, she had to also send a one-dollar transaction so she would be able to send a message.

In addition to these messages, John Doe showed Officer Harvey that he received four emails from the Defendant between 1840 and 1847. The emails were from "Ashley Nerbovig" from her email account, each of them stating things such as, "please don't do this again", and "what did I do?". Eventually the final email stated that "I'm driving down".

With this message, John Doe stated he became concerned that the Defendant would go to his house and attempt to steal his dog, based on the Defendant attempting to steal his dog a few days prior. John and Jane Doe then left Jane's residence and went to John's. Upon arrival, John Doe observed the Defendant standing in his driveway. John Doe reportedly began

to yell at the Defendant, asking what she was doing there, while the Defendant was yelling because John Doe was observably with Jane Doe. The Defendant told John Doe that she did not want to argue in front of Jane Doe and then went and pushed open the back gate. The Defendant and John continued to argue in the backyard, and during the argument John Doe advised that he was going to get his dog and leave. The Defendant stated that she would follow him Jane Doe to her residence.

John Doe then attempted to leave, but when he went to unlock the door, the Defendant attempted to get into the truck where Jane Doe was seated. John Doe intervened, and told the Defendant to leave repeatedly, but she refused. John Doe stated that he told the Defendant that he was going to call police if she did not leave. The Defendant continued to refuse, so 911 was called.

John Doe got into the truck and truck and got on the phone with dispatch. Immediately following, the Defendant went into the backyard, and broke the back door to John Doe's residence open. The Defendant then came out the front door with John Doe's Black Lab and put the dog into her car. John Doe quickly went to the Defendant's vehicle in attempt to stop her from taking his dog. While John Doe was trying to get his dog, the Defendant rolled down her window. John Doe stated that while the window was down,

he reached into the car, unlocked the vehicle doors, and opened the door to let his dog out. John Doe attempted to get grab his dog out of the vehicle, but the Defendant grabbed the dog and stopped him. Shortly after, law enforcement arrived on scene.

Officer Harvey went to John Doe's back door and observed the door handle had a large dent in to top and the deadbolt had damage to it. It also appeared that the lock to the deadbolt was tampered with. In addition, Officer Harvey observed dents in the door above the dead bolt. All the damage was consistent with what appeared to be a door being hit with a heavy object. Officer Harvey pushed open the door and observed the door frame had been cracked down the middle from the top of the door to the floor. Officer Harvey observed that where the door frame was cracked, it split the deadbolt and door handle, allowing access into the residence. Officer Harvey then observed a large rock outside of the back door to John Doe's residence. Officer Harvey observed one side of the rock had paint transfer attached that matched the paint to John Doe's door, confirming a suspicion that this was the object the Defendant used to force entry into John Doe's residence.

The Defendant was taken into custody and remanded to the custody of the Missoula County Detention Facility.

Each of the above events is alleged to have occurred in Missoula  
County.

DATED this 4th day of November, 2022.

/s/Brandon Zeak  
BRANDON ZEAK  
Deputy County Attorney

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