

MEGHANN PADDOCK
Deputy County Attorney
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Missoula County Courthouse
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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- ZABIHULLAH MOHMAND, Defendant.</p>	<p>Dept. Cause No. 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
Zabihullah Mohmand for allegedly committing the offense of:

COUNT I: SEXUAL INTERCOURSE WITHOUT CONSENT, a felony,
in violation of § 45-5-503(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:

At about 4:15 am staff at the Residence Inn by Marriott downtown (125 N. Pattee St.) saw a young blonde female walk through the lobby visibly upset and crying, and go outside. Staff member LH asked the female if she needed help. The female kept walking. Shortly after the female exited the lobby a male wearing a jean jacket, later identified as Defendant Zabihullah Mohmand, followed the female outside and engaged in what LH thought was a verbal disturbance. LH called hotel security, AW, who appeared and went outside. The male came back into the hotel lobby and another male joined him.

At about 4:30am, Jane Doe called 911 and reported that she had just been raped. Doe disclosed that it happened in a fancy new hotel downtown, and that she met the man at the Badlander. Doe disclosed that the Defendant is from Afghanistan, and that he was continuing to try to call her. Doe disclosed that she had been drinking, and that she had left the hotel when the Defendant was not looking but he tried to follow her to stop her from leaving. Missoula Police Officers contacted Doe, who is eighteen (18) years old. Doe disclosed that she had gone to the Badlander with a group of

friends and had met Defendant while at the Badlander. Defendant is believed to be nineteen (19) years of age. Doe disclosed that she, a female friend, Defendant and two other males she does not know left the bar looking for a house party. After learning that there was no party, Doe decided to return home. Doe disclosed that Defendant asked her to go back to his hotel room, and she agreed. Doe told Defendant that she did not want anything to happen. Doe again told Defendant that she did not want anything when they arrived at the hotel room and that she went to sleep.

Doe began to cry and said "I just couldn't get him off me," and "I had sex with one of them, what was I suppose to do?" Doe disclosed that Defendant had not use a condom and had ejaculated but she was not sure where he ejaculated. Doe felt that he "wasn't going to let me leave." Doe disclosed that another male was in the room during the assault. Doe put her clothes on and left the room then went outside to wait for her Uber. Doe disclosed that Defendant followed her out and tried to stop her from going.

Doe's friend "M" reported that she got a text message from Doe indicating that she was on her way back to the dorms. Doe then texted M "he tried to rape me" and "[M] I'm not okay." M called Doe several times before Doe called her back and said "they raped me." M found Doe outside the dorms and they called 911. Doe told M that she went back to the hotel with

Defendant and that she had called an Uber when Defendant was not looking, got dressed and left, leaving her bra and socks behind in the room. Doe's neck had significant bruising and red marks on the sides of her neck. Doe disclosed that Defendant had been kissing her neck but that she does not usually get "hickies." Doe disclosed that Defendant had also held her to the bed by placing his hand around her neck and using force to do so.

Defendant reported that he was visiting Missoula on a world-wide trip. Defendant confirmed that he had gone out downtown and met Doe and her friends. Defendant claimed that Doe liked him and wanted to spend more time with him and had invited him home with her. Defendant reported that before they got to Doe's home she remembered her "sister" was home, and Doe asked him if she could come home with him. Defendant said he agreed and that when they got to his hotel room they began to kiss. Defendant reported that Doe performed oral sex on him, and he performed oral sex on her, then they had vaginal sex. Defendant reported that this was consensual and that Doe liked what he was doing and asked him to do it. Defendant said he did not use a condom but had "pulled out" and did not ejaculate inside Doe. Defendant reported that after he ejaculated, his roommate, J.S., told Doe to leave and she did. Defendant claimed that he stayed in his room and went to sleep, and Doe left. Defendant described Doe as "very" drunk, to

such an extent she could not walk properly. Defendant admitted that there were marks on Doe's neck from him kissing her. Defendant claimed Doe wanted him very badly and was coming on to him.

Defendant denied that Doe had left anything in his hotel room. Defendant's hotel room was searched and Doe's bra and socks were recovered.

Defendant's roommate at the hotel, J.S., was interviewed. J.S. confirmed that Defendant went out that night while J.S. stayed in their shared hotel room. Defendant returned with a female and Defendant and the female went into the bedroom. J.S. remained in the living room with his headphones on working on his laptop. J.S. reported that after about 20 minutes he felt uncomfortable with Doe being in their room and told Defendant, and then Doe that Doe should leave. J.S. reported that Doe got angry because he told her to "get out," and that Doe left the room with Defendant.

DATED this 18th day of October, 2021.

/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
Mon, Oct 18 2021 05:45:35 PM