

MEGAN E. HANSEN
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

<p>STATE OF MONTANA, Plaintiff, -vs- TRISTIAN SHEA MCVEY, Defendant.</p>	<p>Department No. Cause No. COMPLAINT</p>
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MEGAN E. HANSEN, Deputy County Attorney, deposes and says that on or about April 11th, 2020, in Missoula County, the Defendant committed the offenses of:

COUNT I: ASSAULT WITH WEAPON, a Felony, in violation of § 45-5-213, MCA, punishable by 20 years MSP and/or \$50,000 fine; COUNT II: CRIMINAL MISCHIEF, a Misdemeanor, in violation of § 45-6-101(1)[1], MCA, punishable by 6 months MCDF and/or \$1,500 fine.

The facts constituting the offense are:

COUNT I: On or about April 11th, 2020, Defendant purposely or knowingly caused reasonable apprehension of serious bodily injury in John Does by use of a weapon or what reasonably appeared to be a weapon, to wit: a baton.

COUNT II: On or about April 11th, 2020, Defendant committed the offense of criminal mischief by knowingly or purposely injuring, damaging, or destroying a vehicle window, the property of Yellow Cab Inc. of Missoula, without consent.

DATED this 12th day of April, 2020.

/s/ Megan E. Hansen
MEGAN E. HANSEN
Deputy County Attorney

COMPLAINT 20-990

BRANDON J. GEHER, Missoula City Police Dept
45-5-213 ~ Assault with Weapon

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

STATE OF MONTANA, Plaintiff, -vs- TRISTIAN SHEA MCVEY, Defendant.	Dept. Cause No. AFFIDAVIT OF PROBABLE CAUSE
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STATE OF MONTANA)
 : ss
County of Missoula)

MEGAN E. HANSEN, Deputy County Attorney, Montana, being first
duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of
Tristian Shea Mcvey for allegedly committing the offenses of:

COUNT I: ASSAULT WITH WEAPON, a felony, in violation of § 45-5-
213, MCA;

COUNT II: CRIMINAL MISCHIEF, a misdemeanor, in violation of § 45-6-101(1)[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 or about the 11th of April, 2020, Missoula Police Department Officer Brandon Geher was dispatched to a report of an unidentified male who smashed in John Doe's driver's side window with an expanding baton-style weapon. Dispatch informed Officer Geher that the suspect fled on foot and was no longer on scene. Officer's Rouse and Burton also responded to the scene to assist.

Officer Geher made contact with Doe at 1151 West Broadway Street, Missoula County, Montana. Doe informed him that he was working his normal shift for Yellow Cab when he stopped for a male standing in the middle of the road. The male refused to move and began threatening Doe. While Doe was on the phone with 911 Dispatch, the male, later identified as Defendant, Tristian McVey, smashed out the front driver's side window with an expandable baton-style weapon. Doe explained and Officer Geher observed that the entire window broke, sending shards of glass into Doe's face, causing a few minor cuts. Doe reported that he did not know what

provoked the attack, but recalled wanting to drive away as quickly as possible because he was worried the Defendant would continue to attack him with the weapon. Doe provided a description of the Defendant to Officer Geher. Officer Burton received information from individuals who claimed to have witnessed the Defendant, who matched the description provided by Doe, running in the area. Officers were not able to immediately locate the Defendant.

Later that day, Officer's received a call from the Poverello Center with a report that Defendant was there and causing problems. Officers Erbacher and Webe, among others, responded and assisted with the apprehension of the Defendant. Officer Weber took Defendant into custody and informed him that he was under arrest. As Officer Weber walked Defendant back to his patrol vehicle Defendant made unsolicited statements indicating that he struck a taxi-driver's window with a baton. Defendant also claimed that he was nearly run over and that his actions were in self-defense. Officer Weber observed that Defendant appeared to be under the influence of some type of intoxicant, noting that he spoke quickly with exaggerated mannerisms and was exhibiting mood swings.

Shortly thereafter, Officer Geher arrived to interview the Defendant. Officer Geher observed that Defendant appeared intoxicated and noted that

multiple times during the conversation, Defendant expressed that he was “drunk.” Officer Geher also noted that Defendant was exhibiting mood swings, going from moments of calm to being upset and shouting. Prior to being able to advise the Defendant of his Miranda Warning, Defendant made several unsolicited statements related to Officer Geher’s investigation.

Defendant informed Officer Geher that he had a bad night and the worst part about it was dealing with the taxi. Defendant admitted to smashing the window with an expandable baton. Officer Geher noted that due to Defendant’s behavior, it was very difficult to communicate with him. Corporal Jones was able to assist Officer Geher in advising Defendant of his Miranda rights.

Once Defendant had been issued his Miranda Warning, Officer Geher asked if he would like to speak with him further about the incident with the taxi and Defendant agreed. Defendant informed Officer Geher that the incident had occurred at the Citi Lodge Motel across the street and that he had acted in self-defense. Defendant reported that he had felt that Doe had intentionally driven towards him in an aggressive manner, *possibly striking him*. Defendant was not sure if the taxi hit him, but also stated that he had been knocked over. Defendant explained that he broke the window in self-

defense and afterward he and Doe exchanged words. Defendant said that Doe threatened to call 911 at that time.

Officer Geher noted that this explanation did not match up with the information gleaned from the recorded 911 call made by Doe during the incident. Doe had been on the phone with 911 at the time that Defendant smashed the window. The estimated cost to repair the broken window is \$400.00.

DATED this 12th day of April, 2020.

/s/ Megan E. Hansen
MEGAN E. HANSEN
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, Apr 13 2020 11:42:40 AM

Landee Holloway
Department No. 2
Missoula County Justice Court
Missoula County Courthouse
200 W. Broadway
Missoula MT 59802
(406) 258-3474

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

STATE OF MONTANA, Plaintiff, -vs- TRISTIAN SHEA MCVEY, Defendant.	Dept. Cause No. ORDER OF PROBABLE CAUSE
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The Court has reviewed the Affidavit of Probable Cause filed by the State and finds that there is probable cause to believe the Defendant committed charged offense(s).

Electronically Signed and Dated Below.

April 12, 2020 at 7:25 pm.

Electronically Signed By:
Hon. Judge Landee Holloway
Mon, Apr 13 2020 11:42:40 AM