

JORDAN KILBY
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

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| STATE OF MONTANA, Plaintiff, -vs- TYLER CLARK CLAWSON, Defendant. | Department No. Cause No. COMPLAINT |
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JORDAN KILBY, Deputy County Attorney, deposes and says that on or about April 6th, 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: ASSAULT WITH WEAPON, a Felony, in violation of § 45-5-213, MCA, , punishable by 20 years MSP and/or \$50,000 fine; COUNT III: CRIMINAL POSSESSION OF DRUG PARAPHERNALIA, a Misdemeanor, in violation of § 45-10-103, MCA, , punishable by 6 months MCDF and/or \$500 fine.

The facts constituting the offense are:

COUNT I: On or about April 6th, 2020, Defendant purposely or knowingly caused reasonable apprehension of serious bodily injury to Martin Jochens with a weapon, to wit: by pulling out a firearm and pointing it in his direction.

COUNT II: On or about April 6th, 2020, Defendant purposely or knowingly caused reasonable apprehension of serious bodily injury to Rachael Jochens with a weapon, to wit: by pulling out a firearm and pointing it in her direction.

COUNT III: On or about April 6th, 2020, Defendant knowingly (used or) possessed with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a dangerous drug, to wit: a pipe commonly used to smoke methamphetamine and marijuana bongs.

DATED this 8th day of April, 2020.

/s/ Jordan Kilby
JORDAN KILBY
Deputy County Attorney

COMPLAINT 20-961

KATIE R. PETERSEN, Missoula City Police Dept
NATHAN MATTIX, Missoula City Police Dept
SCOTT ROUSE, Missoula City Police Dept
JENNA VOLINKATY, Missoula City Police Dept
Joshua Geissel, 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

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| STATE OF MONTANA, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-vs-</p> TYLER CLARK CLAWSON, <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)

JORDAN KILBY, Deputy County Attorney, Montana, being first duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of TYLER CLARK CLAWSON for allegedly committing the offenses of:

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

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

COUNT III: CRIMINAL POSSESSION OF DRUG PARAPHERNALIA, a misdemeanor, in violation of § 45-10-103, 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 April 6, 2020 around 10:18 pm, Missoula City Police Officers responded to the report of shots fired at AMC theater off of Mullan Road in Missoula County. At 10:19 pm, a second caller called 911 to report a male pulled a knife on him. The caller, Tyler Clawson, told 911 he was headed to WalMart. Tyler told 911 he had a gun, but it was not loaded.

When Officers arrived at the parking lot, they spoke with Angel Garner who stated she was at her RV in the parking lot with Martin and Rachael Jochens when the incident occurred. She did not know the Defendant's name, but stated he was parked next to her. He had advised her he had been kicked out of the Walmart parking lot. He was later identified as the above-named Defendant and second 911 caller, Tyler Clawson.

Angel stated Defendant approached Martin and asked him if he had any weed. An argument started between Martin and Defendant. Martin told

Defendant that you don't go up to someone like that. Angel then observed Defendant "was beating on" Martin. She saw Defendant hitting Martin with a large stick. Officer Volinkaty observed a stick near the RV. Martin then grabbed Rachael and they started running toward their vehicle. Angel observed Defendant go to his vehicle, open the door and grab a gun. She described the gun as long and black. She heard Defendant rack the gun and then saw him point it in the direction of Martin and Rachael. She then heard what she believed were three shots. She was later asked to describe the sound of the shots. She said they were not loud, but were not quiet either. She said it sounded like "air" when she heard the shots, like he was pumping up the gun.

Angel came out of her RV to see if Rachael and Martin were okay. Defendant approached her and stated she did not need to call 911. Defendant told her he would put the gun away and go to Walmart. When Angel told Defendant she was on the phone with 911, Defendant told Angel that he did not have a gun. Then, Defendant stated to her that he pulled out the gun because Martin had a knife. Angel said she did not see Martin with a knife and she was able to see the altercation. Defendant then said "oh."

Martin was interviewed. Martin stated he thought Defendant was drunk because he was being loud. Defendant asked Martin if he had any medical

marijuana. Martin then "got loud back" with Defendant. The next thing Martin knew, Defendant "clobbered" him. He said he took a few "shots" to the head, indicating one behind his ear hurt. He then said Defendant kicked him in the "nuts." Martin retreated and pulled a wrench out of his coat. He threatened to call 911 and flatten Defendant's tire if he did not back off. Defendant then ran to the back of his truck. Martin heard Rachael yell "gun." Martin saw something in Defendant's hands although Martin did not have a clear view. He described a long cylinder. Martin said he and his wife were trying to run. He did not hear any shots. Martin denied having a knife. Martin stated that he thought if he had stayed he probably would have been shot.

Rachael was interviewed. Rachael said she saw Defendant hitting Martin. She said Martin can handle himself. She saw Defendant punching Martin in the head and kick him in the "nuts." Rachael said they both ran after the gun came out and they could hear Defendant "pumping the shell." She clarified that this sounded like when a shell hits the chamber in a shotgun. She did not hear the gun being fired. Rachael stated she feared for her life.

Defendant was apprehended at Walmart. Detectives applied for and received a search warrant to search Defendant's vehicle. In his vehicle they

located two long guns. One was a Bushmaster AR. The other was a Century ARMS AK style folding stock rifle. Officers also found bongos used for smoking marijuana and a pipe commonly used to smoke methamphetamine. Officers did not locate any ammunition or spent shell casings in the vehicle. Officers did not find any shell casings at or around the scene.

DATED this 8th day of April, 2020.

/s/ Jordan Kilby
JORDAN KILBY
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 Alex Beal
Wed, Apr 08 2020 12:15:28 PM

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Department No.
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-

TYLER CLARK CLAWSON,

Defendant,

Department No.
Cause No.

ORDER OF PROBABLE CAUSE

Upon reading the Affidavit of Probable Cause filed by the State, the Court finds that there is probable cause to believe the above-named Defendant committed the crimes charged.

DATED this _____ day of _____, 20____ at _____ A.M./P.M.

JUSTICE OF THE PEACE