

BRIAN LOWNEY
 Deputy County Attorney
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 Missoula County Courthouse
 Missoula, Montana 59802
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 ATTORNEYS FOR PLAINTIFF

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

STATE OF MONTANA, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-vs-</p> CLIFTON LEROY PHILLIPS, <p style="text-align: center;">Defendant.</p>	Dept. Cause No. MANS No. 3201F2001337 AFFIDAVIT OF PROBABLE CAUSE
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STATE OF MONTANA)
 : ss
 County of Missoula)

BRIAN LOWNEY, Deputy County Attorney, Montana, being first duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of CLIFTON LEROY PHILLIPS for allegedly committing the offenses of:

COUNT I: STRANGULATION OF PARTNER OR FAMILY MEMBER - 1ST OFFENSE, a felony, in violation of Mont. Code Ann. § 45-5-215;

COUNT II: PARTNER OR FAMILY MEMBER ASSAULT - 3RD OR
SUBSEQUENT OFFENSE, a felony, in violation of Mont. Code Ann. § 45-5-
206.

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 June 28, 2020, Missoula Police Department officers were called to a report of an assault that occurred outside the Target store on the 2400 block of Reserve Street, Missoula County, MT. Officers contacted a witness named Evan Lundberg. Lundberg indicated he was in the Target parking lot when he heard yelling. Lundberg turned toward the yelling and observed the Defendant on top of the victim, Jane Doe. Both were on the ground. Lundberg said the Defendant was punching Doe. Lundberg indicated Doe attempted to roll away from the Defendant, but the Defendant placed his knee into the back of Doe's neck and continued to punch her. The Defendant then placed both his hands around Doe's neck and began to strangle Doe. Lundberg yelled at the Defendant when he observed this, causing the Defendant to stop and flee. Lundberg expressed his belief that the Defendant would have killed Doe if not for the intervention of the witnesses on scene, to include the Target security employees.

Officers also contacted the complaining witness, David Whitman. Whitman is a Target employee. Whitman indicated he was informed there was a physical disturbance occurring outside and responded to the area. Whitman reported he observed the Defendant pinning Doe to the ground. Whitman indicated he saw the Defendant repeatedly kick and knee Doe in the torso. Whitman said that he then observed the Defendant place both hands around Doe's neck and begin to strangle her. Whitman reported it appeared that the Defendant was applying pressure to Doe's neck.

Officers also spoke with Jefferson Hargrove, an associate of the Defendant and Doe. Hargrove indicated that he observed Doe and the Defendant begin arguing, at which point Doe kicked the Defendant in the head. Hargrove indicated the Defendant responded by "beating [Doe] real good". Hargrove indicated that the Defendant held Doe on the ground and repeatedly hit her in the face and head. Hargrove said the Defendant also stood over Doe and kicked her.

Officers spoke with Doe, who was in visible pain. Doe is the Defendant's wife. Officers noted it appeared Doe had been in a physical altercation, as her hair had grass and a pinecone in it, her face was swollen, and she had scratches all over her body. Doe also had sunglasses on which appeared to be hiding a black eye. Officers observed petechiae around

Doe's neck as well. Doe initially told officers that she was fine and that nothing had happened. Doe then said she had attempted to fight with another female on the Target lawn, at which point her husband (the Defendant) intervened and held her back. Doe said the injuries that officers observed were old injuries. However, Doe also told officers that she was in pain. Doe eventually told officers that the Defendant had thrown her to the ground and held her there. Doe indicated she remembered being face down and the Defendant placing his knee on her back directly beneath her neck on her shoulder blades. When officers inquired further, Doe started at the ground and appeared to be holding back tears.

Officers spoke with the Defendant, who was heavily intoxicated. The Defendant indicated that Doe had slapped him after they began to argue, then kicked him in the ribs. The Defendant said in order to defend himself, he pushed Doe down and kneeled on her to prevent any further attack. The Defendant denied strangling Doe.

The Defendant has been convicted of Partner or Family Member Assault, in violation of Mont. Code Ann. § 45-5-206, on at least two prior occasions.

DATED this 29th day of June, 2020.

/s/ Brian Lowney
BRIAN LOWNEY
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
Mon, Jun 29 2020 10:54:04 AM