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2 Deputy County Attorney
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4 Missoula County Attorney
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6 Missoula, Montana 59802
7 (406) 258-4737
8 ATTORNEYS FOR PLAINTIFF

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IN THE JUSTICE COURT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF MISSOULA
BEFORE, Marie A Andersen, JUSTICE OF THE PEACE

STATE OF MONTANA,
Plaintiff,

-VS-
FOREST RAY BERRY,
Defendant,

Department No. 1
Cause No. CR. 2017-426

COMPLAINT

BRITTANY SANTORNO, Deputy County Attorney, deposes and says that on or about the 18th day of April, 2017, in Missoula County, the Defendant committed the offenses of COUNT I: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-207, punishable by 10 years MSP and/or \$50,000 fine; COUNT II: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-207, punishable by 10 years MSP and/or \$50,000 fine; COUNT III: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-207, punishable by 10 years MSP and/or \$50,000 fine; COUNT IV: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-207, punishable by 10 years MSP and/or \$50,000 fine; COUNT V: CRIMINAL MISCHIEF, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-6-

1 101(1)[2], punishable by 10 years MSP and/or \$50,000 fine; COUNT VI: CRIMINAL
2 MISCHIEF, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-6-
3 101(1)[2], punishable by 10 years MSP and/or \$50,000 fine; COUNT VII: DRIVING WHILE
4 LICENSE SUSPENDED OR REVOKED, a Misdemeanor, in violation of Montana law,
5 namely: Mont. Code Ann. 61-5-212(1)(i), punishable by not less than 2 days or more than
6 6 months MCDF and a \$500 fine; COUNT VIII: FLEEING FROM OR ELUDING A PEACE
7 OFFICER, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 61-8-
8 316(1) and (2)(a), punishable by 1 year MCDF and/or \$2,000 fine; COUNT IX:
9 OBSTRUCTING PEACE OFFICER OR OTHER PUBLIC SERVANT, a Misdemeanor, in
10 violation of Montana law, namely: Mont. Code Ann. 45-7-302(1), punishable by 6 months
11 MCDF and/or \$500 fine; COUNT X: FAILURE TO GIVE NOTICE BY QUICKEST MEANS
12 OF AN ACCIDENT, a Misdemeanor, in violation of Montana law, namely: Mont. Code
13 Ann. 61-7-108, punishable by 20 days MCDF or \$200-\$300 fine.

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17 The facts constituting the offense are:

18 COUNT I: On or about the 18th day of April, 2017, the above-named Defendant
19 knowingly engaged in conduct that created a substantial risk of death or serious bodily
20 injury to Tyler Padilla, to wit: nearly colliding with his vehicle while traveling at a high
21 rate of speed after failing to stop at a stop sign.
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23 COUNT II: On or about the 18th day of April, 2017, the above-named Defendant
24 knowingly engaged in conduct that created a substantial risk of death or serious bodily
25 injury to Officer Shaun Loya, to wit: nearly colliding with his vehicle while traveling at a
26 high rate of speed after failing to stop at a stop sign.
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1 COUNT III: On or about the 18th day of April, 2017, the above-named Defendant
2 knowingly engaged in conduct that created a substantial risk of death or serious bodily
3 injury to Sergeant Denton, to wit: nearly colliding head on with Sergeant Denton's
4 vehicle.
5

6 COUNT IV: On or about the 18th day of April, 2017, the above-named Defendant
7 knowingly engaged in conduct that created a substantial risk of death or serious bodily
8 injury to Debrah Daughenbaugh, to wit: driving at a high rate of speed with Debrah as
9 his passenger and nearly getting into two separate crashes.
10

11 COUNT V: On or about the 18th day of April, 2017, the above-named Defendant
12 committed the offense of criminal mischief by knowingly or purposely injuring,
13 damaging, or destroying a utility box, the property of Northwest Energy, without
14 consent.
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16 COUNT VI: On or about the 18th day of April, 2017, the above-named Defendant
17 committed the offense of criminal mischief by knowingly or purposely injuring,
18 damaging, or destroying a rental car, the property of Enterprise Rental Car, without
19 consent.
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21 COUNT VII: On or about the 18th day of April, 2017, the above-named
22 Defendant drove a motor vehicle on Garfield Street, at a time when his privilege to do
23 so was suspended or revoked.

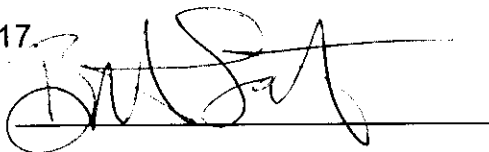
24 COUNT VIII: On or about the 18th day of April, 2017, the above-named
25 Defendant, while operating a motor vehicle, a Hyundai Accent, fled from or eluded a
26 uniformed peace officer, Officer Craigen, operating a police vehicle in the lawful
27 performance of such officer's duties who gave the Defendant a visual or audible signal
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1 by hand, voice, emergency light or siren directing the Defendant to stop the motor
2 vehicle and such Defendant knowingly failed to obey such signal by increasing the
3 speed of the motor vehicle, continuing at a speed that was 10 or more mph above the
4 applicable speed limit, extinguishing the vehicle's lights, or otherwise fleeing from,
5 eluding or attempting to flee from or elude the peace officer.
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7 COUNT IX: On or about the 18th day of April, 2017, the above-named Defendant
8 knowingly obstructed, impaired, or hindered the enforcement of the criminal law, the
9 preservation of the peace, or the performance of a governmental function, including
10 service of process by refusing to obey the lawful commands of a law enforcement
11 officer by engaging in a foot pursuit.
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13 COUNT X: On or about the 18th day of April, 2017, the above-named Defendant
14 drove a motor vehicle and knew or should have reasonably known he was in an
15 accident resulting in property damage to an apparent extent of \$1,000 or more and did
16 not, by quickest means of communication, give notice of the accident to law
17 enforcement.
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19 DATED this 19th day of April, 2017.

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22 BRITTANY SANTORNO
23 Deputy County Attorney

24 Subscribed and sworn to before me this ____ day of April, 2017.

25 _____
26 JUSTICE OF THE PEACE

27 COMPLAINT 17-988

28 J.C. DENTON, Missoula City Police Dept
GARTH CRAIGEN, Missoula City Police Dept
GARTH CRAIGEN, Missoula City Police Dept
RANDY LONG, Missoula City Police Dept

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11 IN AND FOR THE COUNTY OF MISSOULA
12 BEFORE, Marie A Andersen, JUSTICE OF THE PEACE

13 STATE OF MONTANA,
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15 Plaintiff,
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17 -vs-
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19 FOREST RAY BERRY,
20
21 Defendant,

22 Department No. 1
23 Cause No. CR-2017-426

24 **AFFIDAVIT OF PROBABLE CAUSE**

25 STATE OF MONTANA)
26 : SS
27 County of Missoula)

28 BRITTANY SANTORNO, Deputy County Attorney, Montana, being first duly sworn
upon oath, deposes and says:

I have read the official law enforcement reports regarding the investigation of
FOREST RAY BERRY for allegedly committing the offense(s) set forth in the complaint
and based upon the information contained in the reports, if true, believe probable cause
exists to justify charging the above-named defendant as specified in the accompanying
complaint.

On or about the 18th day of April, around 10 PM, Missoula City Officers Craigen
and Long received information from Lt. Rosling regarding Forest Berry, the above-

1 named Defendant had been observed driving a white passenger car with North Dakota
2 license plates while having a suspended driver's license. He was also observed in an
3 area of town suspected in the distribution of drugs and the Defendant was currently on
4 felony probation and parole and was a self-admitted methamphetamine addict. A short
5 time later, the officers responded to the reported area and observed a white Hyundai
6 Accent with North Dakota plates. The officers found that the car belonged to Enterprise
7 Rental and the vehicle was rented to Christina Beattie and the Defendant was not listed
8 on the rental agreement.
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11 While conducting surveillance of the area, officers observed a male enter the
12 vehicle and remain for an extended time. Another officer was able to visually confirm the
13 male as the Defendant. Eventually, officers observed the Defendant leave the area in
14 the vehicle with a female passenger, later identified as Debrah Daughenbaugh.
15 Officers followed the Defendant for a short time before he realized he was being
16 followed and pulled his vehicle over and turned out the headlights, it was at this time
17 that Officer Craigen could clearly see the driver was the Defendant and he initiated a
18 traffic stop. After turning on his emergency lights, Officer Craigen observed the
19 Defendant put his vehicle in reverse and back up onto the sidewalk before accelerating
20 forward. At this time, the Defendant still had his headlights turned off and he continued
21 to refuse to obey Officer Craigen's lights and siren.
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24 The Defendant continued to drive in an attempt to flee from law enforcement,
25 reaching speeds between 45-65 MPH. When the Defendant reached Ernest, he turned
26 eastbound and was driving directly towards Sgt. Denton. Sgt. Denton was traveling west
27 on Ernest towards Garfield when he observed the Defendant traveling at a high rate of
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1 speed towards him. The vehicle had no lights on and there were vehicles parked on
2 both sides of the road, leaving no room for Sgt. Denton to pull his vehicle to the side.
3 The Defendant drove straight at Sgt. Denton and Sgt. Denton reported he was in fear
4 for his life as he thought the Defendant was going to strike his vehicle head on at a high
5 rate of speed. The Defendant was able to turn past Sgt. Denton and continue on to
6 Russell Street.
7

8 The Defendant continued his high speed chase, without turning his headlights on
9 and constantly changing his direction of travel. The Defendant then approached the
10 intersection of Benton and Washburn and failed to stop at a stop sign. He sped through
11 the stop sign at an estimated speed of 60 MPH and nearly collided with Officer Loya,
12 who had a citizen rider with him, Tyler Padilla. Officer Loya was southbound on
13 Washburn and did not have a stop sign at the intersection, giving him the right of way,
14 however, he observed the Defendant and noticed he did not appear to be slowing down
15 at all. Officer Loya had to rapidly apply his brakes to avoid a collision where both himself
16 and his passenger could have been seriously injured by the Defendant's driving.
17

18 A short time later, the Defendant drove over a curb and grass covered alley
19 between Opportunity Resources and the 3000 block of Washburn. The Defendant then
20 struck a utility box belonging to Northwest Energy. A representative of the company
21 estimated the damage to be in excess of \$5,000 and there was also extensive damage
22 to the rental car the Defendant was driving, exceeding \$1,500 if not completely totaling
23 the car. The Defendant did not report this accident to law enforcement. After hitting the
24 utility box, the Defendant, as well as his passenger exited the vehicle, while it was still in
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motion and fled on foot. The Defendant's vehicle however, was still in Motion and rolled into the Opportunity Resources building, causing some damage.

The Defendant refused to stop despite hearing the lawful commands of law enforcement. Eventually the Defendant raised his arms and laid face down and officers were able to place him under arrest.



BRITTANY SANTORNO
Deputy County Attorney

SUBSCRIBED AND SWORN TO before me this ____ day of April, 2017.

JUSTICE OF THE PEACE

ORDER

Upon reading the foregoing Affidavit, the Court finds that there is probable cause to believe the above-named Defendant committed the crimes charged.

DATED this ____ day of _____, 2017 at ____ a.m./p.m.

JUSTICE OF THE PEACE

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