

IN THE JUSTICE COURT OF THE COUNTY OF GALLATIN,
IN AND FOR THE STATE OF MONTANA

THE STATE OF MONTANA

Plaintiff,

Cause No. _____

v.

AFFIDAVIT OF PROBABLE CAUSE

Jonathan David Schlender

STATE OF MONTANA)

:ss

County of Gallatin)

COMES NOW Officer Musson and being first duly sworn upon oath, deposes and says:

1. Your affiant is an Officer with the Bozeman Police Department, Gallatin County, Montana.

2. On December 24, 2013, your affiant arrested the above-named defendant and charged the defendant with the crimes of:

- | | |
|--|----------------------|
| Careless Driving. | MCA: 61-8-302 |
| No Insurance. | MCA: 61-6-301 |
| Driving Under Influence of Alcohol (M). | MCA: 61-8-401 |
| Criminal Child Endangerment (F). | MCA: 45-5-628 |

3. The crime occurred on December 24, 2013

4. The place of the crime was the 300 block of Michael Grove. The location is within the city limits of Bozeman, Gallatin County Montana.

5. The facts relied upon to make the arrest and charges are as follows:

On December 24, 2013 I was assigned traffic patrol duties in a marked police vehicle. Officer Franscioni and I were parked in a parking lot in the 300 block of Michael Grove finishing up another motor vehicle crash. At approximately 1607 hours, I observed a Ford

Expedition driving north on Michael Grove. The driver was driving too fast for the icy road conditions and lost control of his vehicle. The driver crossed over to the other side of the road and struck a parked and unattended vehicle on the opposite side of the road. The collision pushed that vehicle into another parked and unattended vehicle.

Officer Franscioni and I immediately checked on the driver and found that there were two small children in the second seat. Three year old A.S. and 1 year old G.S. were both sitting in their car seats, but not buckled. The collision caused the two children to be thrown forward out of their car seats. Both children were crying, but not injured.

The driver was identified as Jonathan David Schlender by his Washington Drivers License. Schlender provided his vehicle registration, but was unable to provide current insurance for his vehicle.

I could smell a strong odor of an alcoholic beverage coming from Schlender as we talked. Schlender's eyes were glassy and his speech was slightly slow and slurred. Schlender admitted to drinking a 24 ounce Bud Lime and a couple other Coors beers while at his parent's house a few blocks away. I asked Schlender to perform Standardized Field Sobriety Tests. Schlender's performance on the SFSTs indicated that his ability to safely operate a motor vehicle had been diminished by his alcohol consumption. I read Schlender the Preliminary Alcohol Screening Test Advisory for the PBT. Schlender agreed to provide a breath sample which indicated a .150 BAC.

I placed Schlender under arrest for Driving Under Influence of Alcohol and transported him to the Gallatin County Detention Center (GCDC). While at the GCDC, I read Schlender the Montana Implied Consent Advisory for the Intoxilizer 8000. Schlender agreed to provide a sample which indicated a .137 BAC.

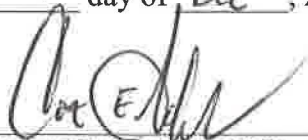
I cited Schlender for Careless Driving, No Insurance, Driving Under Influence of Alcohol, and Criminal Child Endangerment. Schlender was held at the GCDC on no bond.

Dated this 24th day of December, 2013.

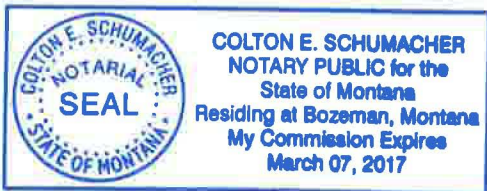


Signature of Officer Musson

SUBSCRIBED AND SWORN to before me this 24 day of Dec, 2013.



NOTARY PUBLIC FOR MONTANA



ORDER

Upon reading the foregoing Affidavit, the Court finds that there is probable cause to believe that the above-named defendant committed the crime(s) charged.

DATED this ____ day of _____, 200__ at _____ a.m./p.m.

JUSTICE OF THE PEACE/CITY JUDGE

ORDER

Upon reading the foregoing Affidavit:

_____ IT IS HEREBY ORDERED THAT probable cause **is found** to charge the above-named defendant with the following charge(s):

_____ IT IS HEREBY ORDERED THAT probable cause **is not found** to charge the above-named defendant with the following charge(s):

DATED this ____ day of _____, 20__ at _____ a.m./p.m.

JUSTICE OF THE PEACE