

KATRINA THORNESS
WILLIAM HANEY
Deputy County Attorneys
MATT JENNINGS
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

STATE OF MONTANA, Plaintiff, -vs- JAMES EDWARD BROWN, Defendant.	Dept. Cause No. AFFIDAVIT OF PROBABLE CAUSE
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STATE OF MONTANA)
 : ss
County of Missoula)

KATRINA THORNESS and WILLIAM HANEY, Deputy County Attorneys,
Missoula County, Montana, being first duly sworn upon oath, depose and say:

I have read the law enforcement reports regarding the investigation of JAMES
EDWARD BROWN for allegedly committing the offenses of:

COUNT I: DELIBERATE HOMICIDE, a Felony, in violation of § 45-5-
102(1)(a), MCA;

Or, in the alternative, COUNT I: DELIBERATE HOMICIDE, a Felony, in violation of § 45-5-102(1)(b), MCA;

COUNT II: PARTNER OR FAMILY MEMBER ASSAULT – THIRD OFFENSE, a Felony, in violation of § 45-5-206(1)(a), MCA;

COUNT III: UNLAWFUL RESTRAINT, a Misdemeanor, in violation of § 45-5-301, 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 November 24th, 2024, Missoula Police Department (MPD) Officer Bennett was dispatched to the Noon's Sinclair gas station located at 540 E. Broadway Street (Missoula County) for a report of a possible female passed out in the front passenger seat of a gold sedan. A Noon's Sinclair patron (J.N.) had parked next to the sedan and observed a female in the front passenger seat who appeared unwell. J.N. shared his observations with M.C. (a Noon's Sinclair employee). C.S. – another Noon's Sinclair employee – notified his colleague (R.V.S.) of the situation. R.V.S. checked on the female and called 911, advising that she had blood on her face and was non-responsive.

Upon arrival, Officer Bennett located a gold Toyota Corolla parked at the west end of the Noon's Sinclair parking lot. Several bystanders, including R.V.S., were

nearby. Officer Bennett looked inside the vehicle and observed a female (later identified as Audrey Bird) fully reclined in the front passenger seat, and mostly covered by a black coat. Audrey's face appeared to have severe bruising and dried blood. She did not appear to be breathing and was unresponsive.

Officer Bennett opened the passenger door and removed the black coat, revealing that Audrey had been severely beaten. Officer Bennett observed blood and dried blood all over her face, which was extremely swollen. Both of Audrey's eyes were swollen, black and blue. Her throat, neck, and right arm were bruised everywhere. She also had bruising behind her right ear. Audrey was wearing a neon yellow shirt with blood on it that had been pulled up to her breasts.

Officer Bennett grabbed Audrey by her right leg to pull her out of the vehicle and begin CPR. Her leg was cold and stiff. When Officer Bennett pulled, Audrey's hip popped. Based on his training and experience, Officer Bennett determined that Audrey had been deceased for quite some time. Officer Bennett requested additional responding units.

A male—later identified as James Edward Brown (the above-captioned Defendant)—approached Officer Bennett from inside the store. R.V.S. pointed out that this was the individual associated with the gold Toyota Corolla. As Brown approached Officer Bennett, he asked, "Is she dead?" Officer Bennett responded, asking Brown

whether the Corolla was his vehicle. Brown confirmed it was his vehicle and asked, “Is she alive?” Officer Bennett placed Brown’s hands into restraints, detaining him.

Brown consented to Officer Bennett retrieving his wallet out of his back pocket to get his I.D. He consented to having his pockets emptied before being placed in the back of the patrol vehicle. Brown had two cellphones in his pocket, which were later placed into faraday bags by Officer Wagman and given to detectives. Officer Bennett did not question Brown. Sgt. Weber and Officer Wagman secured paper bags over Brown’s hands to preserve and protect any potential evidence. Officer Wagman transported Brown to the police station, where he was escorted to an interview room.

Upon further inspection of the Corolla, Officer Bennett observed a credit card in Audrey’s left pocket. The cardholder’s name was Audrey Bird. Officers Bloomdahl and LaRocque further independently verified her identity. Officer LaRocque called Probation and Parole Officer (PO) Abby Gruber. PO Gruber advised that Audrey checks in with her every Tuesday, and that they last spoke on November 19. She said that Audrey had been staying at the Poverello Center and had been trying to move in with a male (D.N.) in the area of Stoddard Street.

Officer Bennett observed several specks of blood on the rear passenger window and inside of the rear passenger door. The rear floorboard also had black hair and pooled blood. The hair appeared to match Audrey’s. It appeared there had been a struggle inside the vehicle. Officer Haderlie observed several markings on Audrey’s

neck – and significant bruising up and down both of her arms. He observed blood all over her face and head. Officer LaRocque further observed a discolored area under her chin and near her neck, which appeared to be bruising and blood. In the middle of the bruised area was a void. There was not any bruising or blood pooling in the voided area. Officer LaRocque observed a dark colored bag with visible blood on it located on the driver-side front seat.

Audrey was wearing black and white Nike shoes with a distinct tread pattern. The Corolla's dashboard had windshield had shoe prints which matched Audrey's shoe pattern. The Corolla appeared to be from *Deals on Wheels*. Officer LaRocque called and spoke to J.R. with *Deals on Wheels*. J.R. explained that the Corolla was equipped with GPS per the contract with Brown, and it was attached with a time stamp twice daily—not a live stream. The most recent GPS location was at approximately 4:23 a.m. in the area of Rimel Road, which is a dirt road. This detail was consistent with apparently fresh dirt on the Corolla. Officer Haderlie photographed the Corolla's tires and sent them images to Corporal Brown, who had been dispatched to Rimel Road. Corporal Brown and Officer Bottenberg responded to the *Deals on Wheels*' GPS location (latitude and longitude) for Rimel Road. The tire marks on Rimel Road matched the Corolla's tire tread.

Officer Bennett asked R.V.S. whether the store had video surveillance, which she confirmed. Officer Bloomdahl reviewed the Noon's Sinclair surveillance footage,

showing no signs of life from Audrey while at the gas station. The footage showed Brown walking around the store and entering the men's restroom for several minutes. Officer Haderlie inspected the men's restroom, finding what appeared to be smeared and dried blood on the toilet seat. Officer Haderlie secured the entire store and parking lot as part of the crime scene.

Detectives and Deputy Coroner Jessop arrived on scene and continued the investigation. Detective Gore applied for and was granted a search warrant for the Corolla. Upon searching the vehicle, Detectives collected two cell phones, a box cutter, a purse with what appeared to be dried blood stains, the jacket which Audrey had been covered with, and a green Visa bank card. Fire personnel arrived on scene and confirmed that Audrey was deceased. Audrey was wearing jeans, a shirt pulled up over her midriff, socks, shoes, and no underwear. Audrey was transported by the funeral home and Pro Towing towed the Corolla to storage.

Corporal Brown went to Brown's residential address and interviewed his housemate (C.G.), who advised that Brown has been distant and gone more than usual. C.G. did not know of anyone named Audrey. The house showed no signs of a recent disturbance or physical violence. Corporal Brown next went to Brown's place of employment (the Love's Truck Stop at the Wye), and spoke with manager (R.O.), who advised that Brown had last worked on November 23rd—clocking in at 2:15 p.m. and out at 7:09 p.m.

Corporal Brown interviewed Audrey's housemate, D.N., who advised that he had last seen Audrey on November 23rd at approximately 9:00 p.m. Audrey had told him that she was going to the convenience store and would be back soon. D.N. said she normally goes to the Zip Trip on Toole Avenue. Audrey never returned. D.N. believed that perhaps she met up with her brother. Officer Bottenberg spoke with a neighbor who had a ring doorbell camera. That footage showed Audrey entering the apartment at 6:00 p.m. There was no footage of her exiting the apartment due to the camera charging.

Detectives McLean and Horton Mirandized and interviewed Brown. Brown stated that his car battery had died and his friend, A.B., jumped his car. Brown said A.B. lived at the Motel 6. A.B. told Brown that he needed to take Audrey to the hospital. Detectives asked Officer Wagman to locate A.B. and request an interview.

Officer Wagman located A.B. at the Motel 6. A.B. advised that he and Brown had met a little over a month ago at the Love's truck stop at the Wye, and that Brown asks for jump starts sometimes. He said Brown called him around 10:00 a.m. that morning, asking for a jump. A.B. went to the area of the South Hills and saw Brown sleeping in his car. A.B. woke Brown up and gave him a jump. A.B. said he saw a passenger in the vehicle, but that they were sleeping. A.B. said that their face was covered by what appeared to be a coat. After the jump, A.B. returned to the Motel 6. A.B. advised that Brown briefly stayed at the Motel 6 before parking his vehicle at the

Noon's gas station across the street. A.B. never saw Brown's passenger move. A.B. showed Officer Wagman that his phone's call and text log had been deleted. A.B. initially stated that his phone acts up, then said that he deletes calls and messages – because it is “just something that he does.”

While Detectives McLean and Horton were interviewing Brown, he further stated that he had known Audrey for approximately eight (8) to nine (9) months, five (5) of which had been a “friends with benefits” relationship. Brown confirmed that he owned the Corolla and currently works at Love's Truck Stop. He stated that he picked Audrey up from the Poverello Center on the evening of November 23rd after he had got off work. He also picked up “Q” (also known as “Lamar”), before going to the MoTown Casino. Afterward, Brown and Audrey dropped Q off at his residence. Brown and Audrey returned to the MoTown Casino to retrieve Brown's cell phone, which he had left there. Brown stated that he and Audrey drove up to Rimel Road to engage in sexual intercourse. Detective McLean observed that this information aligned with the GPS location data earlier obtained from *Deals on Wheels*.

Brown said that after having sexual intercourse, he and Audrey got into a physical fight over Brown being unable to locate his wallet. Brown believed that Audrey had stolen it. Brown found his I.D. in Audrey's purse, then physically restrained her in the vehicle, not allowing her to leave.

Initially, Brown said he slapped Audrey as she struggled, kicking both him and his vehicle. James statement later changed to admitting he has struck her with a hammer fist approximately ten (10) times, all while physically restraining her and preventing her from fleeing his vehicle. Brown estimated that the fight lasted ten (10) minutes. Audrey went from yelling and fighting him, to mumbling.

Brown then turned the Corolla around before parking on the opposite side of the roadway on Rimel Road. Brown said they again had “consensual” sex. Brown said Audrey had been “laid back” in the passenger seat and was largely unresponsive to him. He made statements about her being “drunk.”

Brown could not start the Corolla due to a dead battery. So, he called a friend (“A.C.”) to come jump the vehicle. (Following this statement, “A.C.” was later located and identified as *A.B.* by other law enforcement.) *A.B.* arrived and jumped the Corolla. Brown followed *A.B.* to the Motel 6 on Broadway Street. While there, *A.B.* reportedly told Brown to take Audrey to the hospital. Brown stated he was at *A.B.*’s room for approximately 10 minutes prior to driving across the street to the Noon’s Sinclair gas station, where he was located by law enforcement.

Brown could not account for the underwear believed to belong to Audrey were located on the side of Rimel Road. He said that they had exited the vehicle at different points for various reasons (such as bathroom breaks, smoke breaks, and to get more alcohol from the trunk).

Brown said he did not call emergency services—although he could have if he wished—because he was scared. He did not call police upon believing that Audrey had stolen from him due to not wanting to get caught violating his probation by going to a casino and having consumed alcohol. He said that he did not call an ambulance after the physical altercation due to the severity of the situation and that he could be held accountable for Audrey's condition.

Brown denied ever placing his hands or a ligature device, such as the car's seatbelt, around Audrey's neck. He said that he may have forced Audrey's own forearm across her neck, but that was the only time he could recall pressure being applied to her neck and throat. Brown denied the use of any weapons during the struggle. Brown said that Audrey had some bruising on her arms prior to the assault.

During the interview, Brown admitted the following:

- He was with Audrey while she was alive and alert the previous evening.
- He was the only person with Audrey at the time of the physical altercation on Rimel Road.
- He had physically fought with Audrey for ten (10) minutes, during which time he had struck her with a hammer fist ten (10) times.
- That Audrey had been alert, yelling and actively fighting with him, but had begun "mumbling" and was largely unresponsive after he had struck her.

- He had been told by his friend that Audrey needed to go to the hospital, but he had instead gone to Noon's Sinclair to "piss."
- He did not contact emergency services due to fearing what might happen to him legally based on the situation.

Detectives McLean and Horton advised Brown that he was under arrest for Deliberate Homicide. Officer Liebert placed Brown in handcuffs and transported him to the Missoula County Detention Facility, where he was remanded into custody. Investigation is ongoing.

DATED this 26th day of November, 2024.

/s/ Katrina Thorness
KATRINA THORNESS
Deputy County Attorney

/s/ William Haney
WILLIAM HANEY
Deputy County Attorney

SUBSCRIBED AND SWORN TO before me, a Justice of the Peace, in and for the State of Montana, County of Missoula.