

1 KARLA PAINTER
Deputy County Attorney
2 KIRSTEN H. PABST
Missoula County Attorney
3 Missoula County Courthouse
Missoula, Montana 59802
4 (406) 258-4737
Attorneys for Plaintiff

FILED JUN 12 2015

SHIRLEY E. FAUST, CLERK
By [Signature] Deputy

7 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

8 STATE OF MONTANA,
Plaintiff,

9 -vs-

10 ANDREA MARIE MCCLELLAN,
Defendant,

Dept. No. 1 Leslie Halligan
Cause No. DC-15-300

AFFIDAVIT AND MOTION FOR
LEAVE TO FILE INFORMATION

12 STATE OF MONTANA)
:ss
13 County of Missoula)

14 KARLA PAINTER, Deputy County Attorney of Missoula County, Montana, being
15 first duly sworn, moves the Court for leave to file an Information charging the above-
16 named Defendant with allegedly committing the offense(s) in Missoula County of COUNT
17 I: CRUELTY TO ANIMALS, a Misdemeanor, in violation of Montana law, namely: Mont.
18 Code Ann. 45-8-211(1)(b)[1st]; COUNT II: CRUELTY TO ANIMALS, a Felony, in violation
19 of Montana law, namely: Mont. Code Ann. 45-8-211(1)(b)[2nd]; COUNT III: CRUELTY TO
20 ANIMALS, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-8-
21 211(1)(c)(i)[2nd]; and COUNT IV: CRUELTY TO ANIMALS, a Felony, in violation of
22 Montana law, namely: Mont. Code Ann. 45-8-211(1)(c)(i)[2nd].

AFFIDAVIT AND MOTION FOR LEAVE TO FILE INFORMATION

1 The Motion is based upon the following facts which have been obtained from
2 reports of the law enforcement officers which, if true, I believe, constitute sufficient
3 probable cause to justify the filing of the charges. The facts from those reports are as
4 follows:

5 On or about April 5, 2014, Mike Garrison contacted Mary Johnson of the Missoula
6 Animal Control and said he had been caring for two dogs located at 2140 Hummingbird
7 Lane for Andrea McClellan, the registered owner of the dogs. Garrison had informed
8 McClellan two weeks prior that he was unable to continue looking after the dogs.
9 Garrison advised that the house was so full of dog feces that it made him sick to go
10 inside. McClellan had previously represented to Missoula Animal Control officers that
11 she was moving and had to get a fence up for the dogs but was in and out of the house
12 on Hummingbird on a daily basis.

13 Officer Johnson attempted called McClellan but she did not answer and her
14 voicemail box was full. Officer Johnson then went to the house on Hummingbird but
15 nobody was home. She left a Notice of Violation at the house instructing McClellan to
16 call animal control.

17 On April 6, 2014, Amy Zanzig of Missoula County Animal Control also went to the
18 house and nobody was home. She observed the Notice of Violation was still on the
19 door. Officer Zanzig left a second Notice of Violation on the door and directing the
20 owners to call animal control by 10 a.m. the following morning. Officer Zanzig observed
21 the dogs in the window and photographed them along with the house and the notices left
22 on the door.

1 When Officer Zanzig returned on April 7th there was still no one at the residence
2 and the two dogs in the window, a blonde husky mix and a brown and blonde husky mix,
3 were barking. The two Notices of Violation were still on the door. Officer Zanzig then
4 spoke with Garrison's mother, Kim Walter. Walter stated nobody has lived in the house
5 for at least 7 months and that a bank had repossessed it. Walter explained Garrison had
6 tried to notify McClellan that he could no longer look after the dogs but she would not
7 return his calls. Walter said McClellan never paid Garrison for taking care of the animals
8 and Garrison had not gone into the house for 5 days.

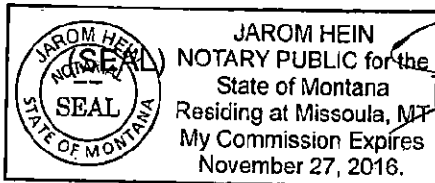
9 On April 8th, animal control officers entered the house on Hummingbird Lane with
10 Missoula Sheriff's Deputy Kenneth White and a search warrant to seize the dogs. When
11 Officer Zanzig opened the door to the home, she was overwhelmed by a "horrible odor
12 coming out of the house." The smell was so overpowering that all of the animal control
13 officers had to put on respirator masks to enter the home. Animal Control Officer Cindy
14 Syrjala stated the stench burned her nose and throat. Once inside, the officers observed
15 dog feces everywhere. Officer Zanzig noted she could not take a step without hitting the
16 fecal matter. The officers also observed the home was trashed with garbage and
17 personal belongings strewn about the floors and counters of the rooms. None of the
18 officers were able to locate available dog food and the only water accessible to them was
19 from an open toilet.

20 Defendant was ordered to complete a Book and Release at Missoula County
21 Detention Facility.
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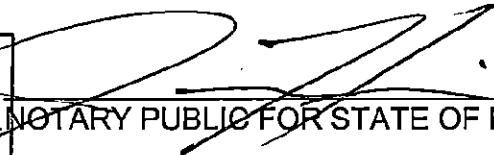
1 DATED this 12th day of June, 2015.

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4 KARLA PAINTER
Deputy County Attorney

5 SUBSCRIBED AND SWORN TO before me this 12th day of June, 2015.



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NOTARY PUBLIC FOR STATE OF MONTANA