

RECEIVED
MAR 20 2017
JUSTICE COURT

1 RYAN MICKELSON
2 Deputy County Attorney
3 KIRSTEN H. PABST
4 Missoula County Attorney
5 Missoula County Courthouse
6 Missoula, Montana 59802
7 (406) 258-4737
8 ATTORNEYS FOR PLAINTIFF

9 IN THE JUSTICE COURT OF THE STATE OF MONTANA
10 IN AND FOR THE COUNTY OF MISSOULA
11 BEFORE, Landee N. Holloway, JUSTICE OF THE PEACE

12 STATE OF MONTANA,
13
14 Plaintiff,
15
16 -vs-
17 PATRICK MELVIN MCGRATH,
18
19 Defendant,

20 Department No. 2
21 Cause No. CL-2017-291

22 **COMPLAINT**

23 RYAN MICKELSON, Deputy County Attorney, deposes and says that on or about
24 the 19th day of March, 2017, in Missoula County, the Defendant committed the offenses
25 of COUNT I: ASSAULT WITH WEAPON, a Felony, in violation of Montana law, namely:
26 Mont. Code Ann. 45-5-213, punishable by 20 years MSP and/or \$50,000 fine; COUNT II:
27 ASSAULT WITH WEAPON, a Felony, in violation of Montana law, namely: Mont. Code
28 Ann. 45-5-213, punishable by 20 years MSP and/or \$50,000 fine; COUNT III: ASSAULT
WITH WEAPON, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-
213, punishable by 20 years MSP and/or \$50,000 fine.

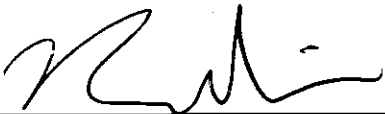
The facts constituting the offense are:

1 COUNT I: On or about the 19th day of March, 2017, the above-named
2 Defendant purposely or knowingly caused bodily injury to A.B. with a weapon, when he
3 cut him with a knife.
4

5 COUNT II: On or about the 19th day of March, 2017, the above-named
6 Defendant purposely or knowingly caused reasonable apprehension of serious bodily
7 injury in G.S. by use of a weapon or what reasonably appeared to be a weapon, when
8 he charged at her while brandishing a knife.
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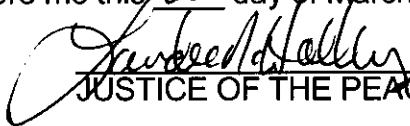
10 COUNT III: On or about the 19th day of March, 2017, the above-named
11 Defendant purposely or knowingly caused bodily injury to K.D. with a weapon, when he
12 cut him with a knife.
13

14 DATED this 20th day of March, 2017.

15 
16 _____

17 RYAN MICKELSON
18 Deputy County Attorney

19 Subscribed and sworn to before me this 20th day of March, 2017.

20 
21 _____
22 JUSTICE OF THE PEACE

23 COMPLAINT 17-679
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15 Plaintiff,
16
17 -vs-
18 PATRICK MELVIN MCGRATH,
19 Defendant,

20 Department No. 2
21 Cause No. CR-2017-291
22 AFFIDAVIT OF PROBABLE CAUSE

23 STATE OF MONTANA)
24 : ss
25 County of Missoula)

26 RYAN MICKELSON, Deputy County Attorney, Montana, being first duly sworn
27 upon oath, deposes and says:

28 I have read the official law enforcement reports regarding the investigation of
PATRICK MELVIN MCGRATH 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.

1 On or about March 19, 2017, at approximately 7:23 p.m., Deputies Rexin and
2 DeVault exited the west side of the courthouse and heard people yelling from the 200
3 block of Broadway. They started walking towards the yelling and observed a male
4 holding another male down on the ground with a stick. A female yelled that the male on
5 the ground had a knife. Deputy Rexin observed that the male on the ground had a knife
6 in his right hand. It appeared that his right arm was being pinned down by the male with
7 the stick. The stick was across the male's upper chest. The male holding the stick was
8 later identified as K.D. Deputy Rexin advised the male with the knife, later identified as
9 Patrick McGrath, to drop the knife and stay on the ground. He also requested K.D. to
10 step away. They both complied. Deputy Rexin then grabbed the knife and placed it on
11 top of a van away from everyone. The knife was a fixed blade and the blade portion of
12 the knife was approximately four inches in length. The handle had black tape around it.
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16 After the two were apart Deputy Rexin told McGrath to stand up. McGrath had a
17 sheath on his belt on his right side. McGrath started yelling towards his girlfriend A.M.
18 At around this time Deputies Wafstet and Uriate responded to the scene. McGrath
19 would not stop yelling so Deputy Rexin placed him in the back of Deputy Wafstet's
20 patrol car. He also gave Deputy Wafstet the knife he had retrieved.
21

22 Deputy Rexin then spoke with A.M. She advised him that she and McGrath had
23 been drinking and gambling. McGrath was upset with her for gambling and was causing
24 a scene so she left. She said she was walking in front of McGrath as they were arguing.
25 A van pulled up and asked her if she was ok and if she needed a ride. A.M. told the
26 female driver she was fine and said she did not need a ride. McGrath and the female
27 driver then had some words. A.M. stated she was trying to get McGrath to walk away
28

1 with her but he would not come so she just started walking. When she looked back
2 McGrath was on the ground being held down. A.M. advised that she and McGrath only
3 had a verbal argument.
4

5 Deputy Rexin then went back to McGrath and advised him of his Miranda rights.
6 McGrath spoke to Deputy Rexin and advised that he and A.M. were having an
7 argument, and a couple in a van stopped to check on A.M. He said that made him
8 upset because he did not think they should be getting involved in his business. McGrath
9 advised he pulled the knife in self-defense. McGrath was being very vague and he was
10 also very intoxicated so Deputy Rexin had difficulty following his story.
11

12 While the above was taking place, Deputy Uriate spoke with some of the people
13 standing nearby about what had happened. The subjects he spoke with were later
14 identified as A.B. and G.S. They indicated that they witnessed McGrath push and yell
15 at a female identified as A.M. at the intersection of Broadway and Ryman. G.S. said that
16 she drove by the couple and asked A.M. if she was okay and offered her a ride.
17 McGrath continued pushing and yelling at A.M.
18

19 McGrath then began redirecting his yelling towards G.S. and A.B. who were
20 seated in the vehicle. McGrath rushed to the open door of the vehicle and had a knife
21 in his hand. A.B. said he kicked at McGrath as McGrath lunged into the vehicle. Once
22 McGrath was inside the vehicle, A.B. grabbed a hold of McGrath's hand holding the
23 knife. G.S. exited the vehicle, ran to the passenger side of the car and began pulling
24 MCGrath out of the vehicle by his shoulders.
25


26 Ultimately, they were able to get him out of the car but the struggle continued.
27 A.B. held onto McGrath's arm in an attempt to keep control over the knife hand. During
28

1 the altercation G.S. said McGrath was pulling her by the hair with his free hand. The
2 couple was able to get McGrath to the ground with the help of people nearby and
3 restrained him until law enforcement arrived.
4

5 Later, A.B. noticed he had a cut on his forearm from the altercation. Both A.B.
6 and G.S. said they were fearful during the attack. Follow up with G.S. revealed that she
7 was fearful of serious bodily injury. Medical was called and Adam received first aid at
8 that time for the cut.
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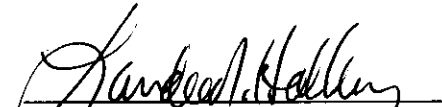
10 While Deputy Uriate was speaking with A.B. and G.S., Deputy Wafstet spoke
11 with a male identified as K.D. who was bleeding from his right hand. K.D. told Deputy
12 Wafstet that he and his girlfriend, A.J., had been walking on the sidewalk in front of the
13 courthouse when they observed McGrath involved in a disturbance with several people
14 inside a silver van that had stopped in front of Bagels on Broadway. K.D. and A.J.
15 crossed the street to help. The male in the van yelled "he's got a knife" as K.D.
16 approached the van. K.D. said he took a walking stick to defend himself from McGrath,
17 who had a knife in his hand. K.D. and McGrath eventually ended up on the sidewalk
18 with K.D. on top of McGrath. During the scuffle McGrath cut K.D. with the knife. He
19 advised that deputies arrived shortly thereafter and separated them.
20
21

22 After K.D. spoke with Deputy Uriate he was assessed by medical. He declined to
23 be transported to the hospital, but he received medical attention from the paramedic's
24 on scene to clean and bandage his hand.
25

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27 

28 RYAN MICKELSON
Deputy County Attorney

SUBSCRIBED AND SWORN TO before me this 20th day of March, 2017.

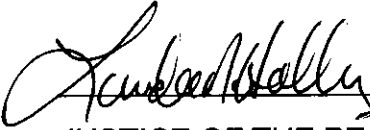

JUSTICE OF THE PEACE

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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 20th day of March, 2017 at 12:25 a.m./p.m.


JUSTICE OF THE PEACE

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