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Attorney for the State

**IN THE JUSTICE COURT, IN AND FOR THE COUNTY OF CASCADE
CITY OF GREAT FALLS, STATE OF MONTANA
BEFORE THE HONORABLE JUSTICE OF THE PEACE**

STATE OF MONTANA,

Plaintiff,

vs.

ADAM MICHAEL MCCURDY,

Defendant.

No. _____

**INITIAL COMPLAINT,
AFFIDAVIT IN SUPPORT, AND
MOTION TO DETERMINE
PROBABLE CAUSE AND SET
BOND**

Citation No. 052C1270-21, 052C1270-
21, 052C1270-21

The State of Montana, by and through the Cascade County Attorney, pursuant to M.C.A. §§ 46-11-101(1), 46-11-401(1), 46-1-202(6), and 46-11-401(3), hereby files this complaint against the above-named Defendant in the above-captioned Justice Court for purposes of M.C.A. § 46-10-105(1), pending filing of an Information and Affidavit in District Court pursuant to M.C.A. §§ 46-11-101(3), 46-11-201, and 46-11-203. This complaint consists of this pleading and the attached law enforcement citation form(s) and probable cause affidavit(s) which by this reference are hereby incorporated herein as if set forth in their entirety.

The State further moves the Court for a finding of probable cause and to set bail in this matter pursuant to M.C.A. §§ 46-9-109 and 46-9-301. This Defendant has been charged with the following offenses:

COUNT I: SEXUAL INTERCOURSE WITHOUT CONSENT, a Felony, in violation of M.C.A. § 45-5-503(1). A person convicted of sexual intercourse without consent shall be punished by life imprisonment or by imprisonment in the state prison for a term of not more than 20 years and may be fined not more than \$50,000.

COUNT II: TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE, a Felony, in violation of M.C.A. § 45-7-207(1)(a). A person convicted of this offense shall be punished by imprisonment for not more than ten (10) years or by a fine of not more than \$50,000.00, or both.

COUNT III: OBSTRUCTING A PEACE OFFICER OR OTHER PUBLIC SERVANT, a Misdemeanor, in violation of M.C.A. § 45-7-302. A person convicted of this offense shall be fined an amount not to exceed \$500 or be imprisoned in the County jail for a term not to exceed 6 months, or both.

STATE OF MONTANA)

: ss.

County of Cascade)

AFFIDAVIT IN SUPPORT

As outlined in the attached probable cause affidavit, on August 26, 2021 at 0205 hours, GFPD Officer Supalla was dispatched to 2309 11th Street SW. Sgt. Halloran (283) had contacted him and requested he speak with someone regarding a

sex offense investigation. Officer Supalla made contact with CF. CF said she has been in a physically abusive relationship with her boyfriend, Adam McCurdy, for over a year. According to CF, McCurdy has pulled her by the hair before as well as picked her up by the shoulders on different occasions.

CF advised that several times during the day she accidentally called McCurdy her ex-husband's name. CF stated one of these instances occurred while they were lying in bed together. This upset McCurdy and he asked CF how she would like it if he called her his ex's name.

McCurdy then forced CF from her back onto her stomach and side. According to CF, McCurdy then began "ramming" his hand inside of her vagina, repeatedly moving it in and out while still calling her the ex's name. CF stated that she advised McCurdy that he was hurting her and asked him to stop several times. According to CF, this happened around 0115 hours. After this, McCurdy left the residence and went back to his residence.

While speaking with CF, Officer Supalla observed that she received a text message from McCurdy. CF allowed Officer Supalla to view the text messages from McCurdy. In one message, CF asks McCurdy, "Are you going to admit what you did". McCurdy responds by saying, "Yup" and "I'm done." In another message, CF tells McCurdy, "You penetrated me forcefully". McCurdy responds by saying, "Yeah. So, I'm not taking the fall for that, if you think I raped you, and you're going to try and make me feel bad, screw that".

CF went to the emergency room at Benefis Hospital (1101 26th Street South) to undergo a SANE exam.

Officer Supalla then went to McCurdy's residence at 4301 13th Ave South to speak with him. Upon approaching the front door to the residence, Officer Supalla observed someone watching a pornographic show in the living room. Officer Supalla then observed McCurdy exit the living room and approach the front door. McCurdy agreed to go to the GFPD station for a recorded interview.

While Officer Supalla was preparing paperwork for the interview, McCurdy made a telephone call to CF on speaker phone. McCurdy asked CF where she was at; she informed McCurdy she was at the hospital. At one point, McCurdy turned his cellular phone off speaker phone so Officer Supalla was not able to hear CF's side of the conversation. However, Officer Supalla did hear McCurdy tell CF that this situation was going to make him register as a sex offender.

After reading McCurdy his Miranda Warning, he signed a Statement of Rights form and agreed to speak with Officer Supalla. During the interview, McCurdy did not go into detail about the time of the assault. McCurdy said he and CF were in bed preparing to be intimate together. However, McCurdy said that they were both being mean to each other, so he left.

Each time Officer Supalla asked McCurdy to go into detail about what happened while in bed with CF, he moved further down his timeline and would not talk about that time period. At times, McCurdy called CF a bitch and stated that Officer Supalla's investigation was a waste of time.

Officer Supalla ended the interview after McCurdy requested an attorney. However, it seemed as though McCurdy was preparing to exit the interview room even though he was not free to leave at that time. Officer Supalla advised McCurdy he was being placed into handcuffs, but he tensed his muscles making it not possible to apply the handcuffs. Another officer and I were then required to use physical force against McCurdy to restrain him. This hindered their ability to perform their duties and enforce the law.

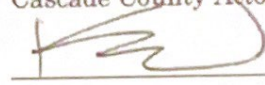
While waiting for a body search warrant on McCurdy to be sent to a judge, Officer Supalla went back into the interview room and secured evidence bags over McCurdy's hands (based on the statements, Officer Supalla believed there was evidence located there). After several minutes, McCurdy ripped holes in the bags on both of his hands. Officer Supalla applied a new set of evidence bags to McCurdy's hands. McCurdy ripped holes in the new bags as well. Officer Supalla believed McCurdy purposely removed his hand coverings and it appeared as though he was taunting officers with the removal. McCurdy knew an investigation was ongoing and altered or destroyed the evidence bags with purpose to impair the collection of evidence from his hands.

McCurdy has no known criminal history.

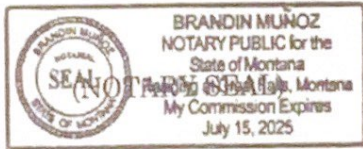
For the foregoing reasons, the State respectfully requests bond in the amount of \$50,000.

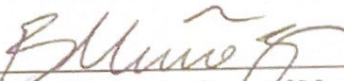
DATED this 27th day of August, 2021.

JOSHUA A. RACKI
Cascade County Attorney



SUBSCRIBED AND SWORN TO before me on the 27th day of August, 2021.





Notary Public for the State of Montana,
Residing at Great Falls, Cascade County,
Montana.

My commission expires Jul 15, 2025

cc: CA/Racki

ORDER

Upon examining the foregoing Motion and Affidavit,

IT IS THE FINDING OF THIS COURT:

_____ that probable cause exists to charge the Defendant as stated above;

OR,

_____ that probable cause does not exist to charge the Defendant as stated above.

DATED this _____ 27th day of _____ in Cascade County,
Montana.

DISTRICT COURT JUDGE

PROBABLE CAUSE AFFIDAVIT



DISTRICT COURT GREAT FALLS, CASCADE COUNTY, MONTANA

STATE OF MONTANA

PROBABLE CAUSE AFFIDAVIT/ HEARING

Plaintiff

vs.

CASE NUMBER: PD21-10364

MCCURDY, ADAM MICHAEL

INCIDENT DATE: 08/26/21

Defendant

OFFICER AFFIDAVIT:

The undersigned Officer of the Great Falls Police Department, being first duly sworn, states the following:

1. The offense(s) charged in this complaint occurred within the city limits of Great Falls, Montana.
2. I base the probable cause to charge or issue a warrant in this case on the following:

On August 26, 2021 at 0205 hours, I was dispatched to 2309 11th Street SW. Sgt. Halloran (283) had contacted me requesting that I speak with someone regarding a sex offense investigation.

When I arrived on scene, I made contact with CF. CF told me that she has been in a physically abusive relationship with her boyfriend, Adam McCurdy (10-19-1975), for over a year. According to CF, McCurdy has pulled her by the hair before as well as picked her up by the shoulders on different occasions.

CF advised that several times during the day she accidentally called McCurdy her ex-husband's name. CF stated one of these instances occurred while they were lying in bed together. This reportedly upset McCurdy and he asked CF how she would like it if he called her his ex's name.

McCurdy then reportedly forced CF from her back onto her stomach and side. According to CF, McCurdy then began "ramming" his hand inside of her vagina, repeatedly moving it in and out while still calling her the ex's name. CF stated that she advised McCurdy that he was hurting her and asked him to stop several times. According to CF, this reportedly happened at 0115 hours. After this, McCurdy left the residence and went back to his residence.

While speaking with CF, I observed that she received a text message from McCurdy. CF allowed me to view the text messages between her and McCurdy. In one message, CF asks McCurdy, "Are you going to admit what you did". McCurdy responds by saying, "Yup" and "I'm done." In another message, CF tells McCurdy, "You penetrated me forcefully". McCurdy responds by saying, "Yeah. So, I'm not taking the fall for that, if you think I raped you, and you're going to try and make me feel bad, screw that".

CF went to the emergency room at Benefis Hospital (1101 26th Street South) to undergo a SANE exam. I then went to McCurdy's residence at 4301 13th Ave South to speak with him. Upon approaching the front door to the residence, I observed someone watch a pornographic show in the

living room. I then observed McCurdy exit the living room and approach the front door. McCurdy agreed to go to the GFPD station for a recorded interview.

While I was preparing paperwork for the interview, McCurdy made a telephone call to CF. McCurdy asked CF where she was at; she informed McCurdy she was at the hospital. At one point, McCurdy turned his cellular phone off speaker phone so I was not able to hear CF's side of the conversation. However, I did hear McCurdy tell CF that this situation was going to make him register as a sex offender.

After reading McCurdy his Miranda Warning, he signed a Statement of Rights form and agreed to speak with me. During the interview, McCurdy did not go into detail about the time of the assault. McCurdy told me that he and CF were in bed preparing to be intimate together. However, McCurdy said that they were both being mean to each other, so he left.

Each time I asked McCurdy to go into detail about what happened while in bed with CF, he moved further down his timeline and would not tell me what had happened. At times, McCurdy called CF a bitch and stated that my investigation was a waste of time.

I ended the interview after McCurdy requested an attorney. However, it seemed as though McCurdy was preparing to exit the interview room even though he was not free to leave. I advised McCurdy he was being placed into handcuffs, but he tensed his muscles making it not possible to apply the handcuffs. Another officer and I were then required to use physical force against McCurdy to restrain him.

While waiting for a body search warrant on McCurdy to be sent to a judge, I went back into the interview room and secured evidence bags over McCurdy's hands (as I believed there was evidence located there). After several minutes, McCurdy had ripped holes in the bags on both of his hands. I applied a new set of evidence bags to McCurdy's hands. McCurdy once again ripped holes in these bags as well. I believe McCurdy purposely removed his hand coverings and it appeared as though he was taunting officers with the removal.

3. I know the purpose of this statement is part of the probable cause hearing for the issuance of the below listed charges, and/ or requesting a warrant for the arrest of the defendant named in the complaint.

CHARGES:

45-5-503 - Sexual Intercourse Without Consent
45-7-302(1) - Obstructing A Peace Officer Or Other Public Servant
45-7-207 - Tampering with or Fabricating Physical Evidence-Felony

Dated this Thursday, August 26, 2021

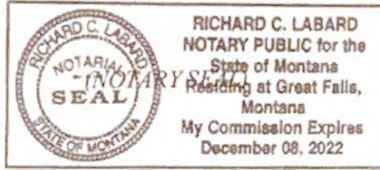
OFFICER SIGNATURE:
BADGE NUMBER/OFFICER NAME:



303 - Supalla, Kevin

NOTARY SIGNATURE:

SUBSCRIBED AND SWORN to before me this 26 day of AUGUST, 2021.



[Signature]
Notary Public for the State of Montana,
Residing at Great Falls, Cascade County, Montana

My commission expires: _____

JUDGE ORDER:

The Court/ undersigned Judge hereby finds: *THERE IS* *THERE IS NOT*
SUFFICIENT PROBABLE CAUSE to file the above listed charges, and/ or hold the defendant pending trial or
hearing, based on the facts outlined herein.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2021.

JUDGE SIGNATURE:

DISTRICT COURT JUDGE

CITY ATTORNEY <input type="checkbox"/>	COUNTY ATTORNEY <input type="checkbox"/>	COUNTY JAIL <input type="checkbox"/>	SHERIFF'S OFFICE <input type="checkbox"/>	PUB DEF PARALEGAL <input type="checkbox"/>	DEFENDANT <input type="checkbox"/>	DEFENSE COUNSEL <input type="checkbox"/>
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