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Attorneys 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**

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STATE OF MONTANA,  
Plaintiff,

-vs-

TONY RAY DEMONTIGNY,  
Defendant.

)  
)  
) No.  
)  
)

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

)  
) Citation No.  
)  
)  
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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: CUSTODIAL INTERFERENCE, a Felony, in violation of M.C.A. § 45-5-304. A person convicted of the offense of custodial interference shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.

COUNT II: CUSTODIAL INTERFERENCE, a Felony, in violation of M.C.A. § 45-5-304. A person convicted of the offense of custodial interference shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.

COUNT III: CUSTODIAL INTERFERENCE, a Felony, in violation of M.C.A. § 45-5-304. A person convicted of the offense of custodial interference shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.

STATE OF MONTANA )

: ss.

County of Cascade )

### AFFIDAVIT IN SUPPORT

As outlined in the attached probable cause affidavit, On 14 November 2019, Cascade County Emergency Dispatch received a report that three children, E.D., L.D., and R.D. had been "taken" from their kinship foster placement overnight. Their grandfather, Tony DeMontigny, had been the placement for the children since 4 November, as DPHHS has temporary legal custody over the children.

That day, at approximately 0813 am, DeMontigny called CPS and notified the social worker that the children were missing and not at his home, and the car seats had been taken. He stated that he had put them to bed last night, woke up

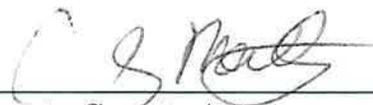
this morning and they were gone. He stated that the children's mother, Ellaura Wright, had taken them.

Law enforcement responded and an Amber Alert was issued. During a field interview, DeMontigny provided conflicting statements and was verbally aggressive and uncooperative with law enforcement. In a formal interview, he denied any knowledge of the family's whereabouts, but he indicated he could contact them and "help" law enforcement, but it would take three weeks. Through records, law enforcement were able to determine that DeMontigny was supplying money to his son Tony DeMontigny Jr. (the children's father). Records indicate that DeMontigny Jr. was travelling through Montana and needed additional gas funds for the family's travel. Idaho State Patrol located the family (mother, father, and children) traveling through Idaho. At that time, both parents were taken into custody.

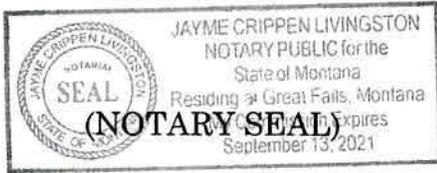
For the foregoing reasons, the State respectfully requests bond in the amount of \$25,000 due to the risk to the children.

DATED this 15th Day of November, 2019.

JOSHUA A. RACKI  
Cascade County Attorney

  
\_\_\_\_\_  
Deputy County Attorney

SUBSCRIBED AND SWORN TO before me on the 15th day of November, 2019.



*Jayme Crippen Livingston*  
Notary Public for the State of Montana,  
Residing at Great Falls, Cascade County,  
Montana.  
My commission expires 9-13-21

cc: County Attorney/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 \_\_\_\_\_ day of November, 2019.

\_\_\_\_\_  
DISTRICT COURT JUDGE



During a formal interview with Tony he denied having knowledge of where the family was but indicated he could have contact with them and "help" law enforcement find them but it would take three weeks.

Through records law enforcement was able to determine that Tony was supplying money to his son, Tony DeMontigny Jr (father to the children). Records indicated that Tony DeMontigny Jr was traveling through Montana and needed additional funds for gas for their travels.

Idaho State Patrol found the family (mother, father, and children) traveling through the state of Idaho. At that time, both parents were taken into custody.

Tony DeMontigny was placed under arrested for three (3) counts of accountability to custodial interference.

Due to the circumstances surrounding this incident and Mr. Tony DeMontigny's involvement, Mr. Tony DeMontigny, was remanded into custody at the Cascade County Detention Center.

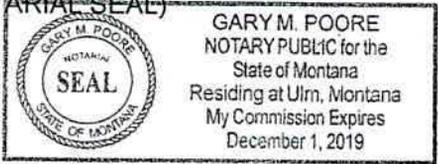
DATED this 14th, day of November, 2019.

*Shaun Zoller #18*  
\_\_\_\_\_  
Deputy Sheriff

SUBSCRIBED AND SWORN to before me this *14* th, day of *NOVEMBER, 2019*

*Gary M. Poore*  
\_\_\_\_\_  
Notary Public for the State of Montana  
Residing at Great Falls, MT  
My Commission expires: *12/01/2019*

(NOTARIAL SEAL)



**ORDER**

The undersigned, having reviewed the foregoing Affidavit, and for good cause shown:

**IT IS HEREBY ORDERED** that probable cause **IS** found to charge the above named defendant with the following charges:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IT IS HEREBY ORDERED** that probable cause is **NOT** found to charge the above named defendant with the following charges:

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DATED this        th, day of        .

\_\_\_\_\_  
REVIEWING JUDGE

Cc: Defendant  
CCSO