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10 *Attorneys for the State of Montana*

11 **MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY**

12 STATE OF MONTANA,
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14 Plaintiff,

15 vs.

16 WILLIAM JAMES RUPNOW, JR.,
17

18 Defendant.

BDC - 16 - 094
No. _____

**AFFIDAVIT, MOTION, AND ORDER
FOR LEAVE TO FILE INFORMATION
DIRECTLY IN DISTRICT COURT**

19 STATE OF MONTANA)
20 :ss.
21 County of Lewis and Clark)

22 MIKE WINSOR, being first duly sworn, upon oath, deposes and states:

23 1. I am a Special Assistant Attorney General by virtue of my employment with the office of
24 Montana State Auditor, Commissioner of Securities and Insurance. I am also a duly appointed,
25 qualified, and acting Special Deputy County Attorney in and for the county of Cascade for the
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1 purpose of prosecuting this case. Acting in this capacity, I am familiar with the investigation
2 relating to WILLIAM JAMES RUPNOW, JR. (Defendant).

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4 2. I request and hereby move that the Court determine probable cause exists to allow the
5 State to file an information directly in District Court, pursuant to Mont. Code Ann. § 46-11-201,
6 alleging the Defendant committed offenses in Cascade County, based upon information set forth
7 herein that was developed through an investigation conducted by a criminal justice investigator.
8 More specifically, the Information alleges the Defendant committed the following offenses:

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10 Count I – ASSAULT WITH A WEAPON, a FELONY, in violation of Mont. Code Ann.
11 § 45-5-213(1)(a).

12 Count II – AGGRAVATED ASSAULT, a FELONY, in violation of § 45-5-202(1).

13 Count III – DISORDERLY CONDUCT, a MISDEMEANOR, in violation of § 45-8-
14 101(1)(c).

15 Count IV – UNLAWFUL RESTRAINT, a MISDEMEANOR, in violation of § 45-5-
16 301(1).

17 3. A criminal justice investigator has made a full and careful investigation of all the facts
18 and circumstances surrounding the commission of said offenses, so far as they are known or
19 ascertainable, and Affiant believes it a proper case for the filing of the Information that
20 accompanies this affidavit.

21 4. The Defendant is a commercial surety bail insurance producer, license number 11780.
22 Defendant is licensed through the office of the Montana State Auditor, Commissioner of
23 Securities and Insurance, which is the State agency charged with regulating the commercial
24 surety bail insurance industry. The crimes alleged to have been committed by the Defendant
25 were committed under the authority of this license.
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1 5. The facts establishing probable cause for Counts I-III are as follows:

2 On or about January 6, 2014, the victim, V.R.D., was arrested for drinking and driving,
3 *inter alia*. Subsequently, V.R.D. was incarcerated in the Cascade County Detention Center for
4 the alleged offenses.

5 On or about February 12, 2014, V.R.D. applied for and was issued a commercial surety
6 bail bond by the Defendant, William James Rupnow, Jr. (Defendant) who is one of the owners of
7 EZ Bail Bonds. V.R.D. was released by the court on conditions. V.R.D. entered into a contract
8 with the Defendant whereby the Defendant would administer an alcohol monitoring program for
9 V.R.D.
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11 V.R.D. fell behind on a monthly payment to the Defendant for the alcohol monitoring
12 program, however, V.R.D. did not violate any of her conditions of release or fail to make court
13 appearances, and thus no order of forfeiture was issued. The Defendant was, therefore, not
14 legally authorized to arrest and surrender V.R.D. pursuant to Mont. Code Ann. § 46-9-510.
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16 On or about October 20, 2014, after contacting V.R.D. by phone, Defendant and his wife
17 went to V.R.D.'s residence. Defendant put V.R.D. in a headlock and choked her causing her to
18 be unable to breathe. He also pushed her into a fence.
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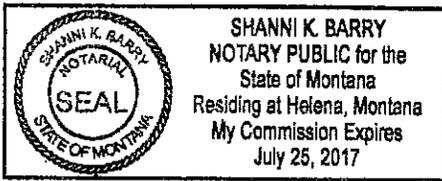
20 The Defendant handcuffed V.R.D. and then pepper sprayed her in the face while bending
21 her over forward on the backseat of his truck. The pepper spray caused burning pain to her skin
22 and eyes. In the process of committing these acts, Defendant yelled hateful profanities at V.R.D.
23 and her girlfriend relating to their sexual preferences.
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1 6. The facts establishing probable cause for Count IV are as follows:

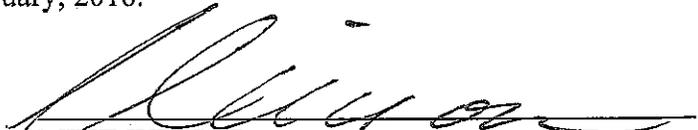
2 That at the time and place above-mentioned, and subsequent to the acts above mentioned,
3 Defendant transported V.R.D to the Cascade County Detention Center and returned her to jail.
4 V.R.D. was released six days later after obtaining a bond from another bail bond agency. V.R.D.
5 made all of her appearances and did not violate any of her conditions on release. Ultimately,
6 V.R.D. pled guilty to criminal endangerment, a misdemeanor.
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8 WHEREFORE, the undersigned moves this Court for an Order granting leave to file an
9 Information directly in District Court.

10 DATED this 9th day of February, 2016.



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MIKE WINSOR
Special Assistant Attorney General
Special Deputy Yellowstone County Attorney

SUBSCRIBED and SWORN to before me by Mike Winsor this 9th day of
February, 2016.



ORDER

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2 Upon examining the foregoing Motion and Affidavit for Leave to File Information, and it
3 appearing that there is probable cause to charge the above-named Defendant as stated in the
4 Information,

5 IT IS HEREBY ORDERED that the State of Montana is granted leave to file the
6 Information as requested by the State's motion.
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8 DATED this 12th day of FEBRUARY, 2016, at Great Falls, Montana.
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11 JOHN A. KUTZMAN
12 DISTRICT COURT JUDGE
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