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8

9 IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE
10 STATE OF MONTANA, IN AND FOR THE COUNTY OF FLATHEAD

11 **STATE OF MONTANA,**) Case No.:
12)
13 Plaintiff,)
14 vs.) **MOTION FOR LEAVE TO**
15) **FILE AN INFORMATION**
16)
17 **PATRICIA ANN BERLINER,**)
18)
19 Defendant)
20)
21)
22)
23)
24)

25 Pursuant to Section 46-11-201, MCA the State hereby moves for
26 leave to file an Information charging the Defendant with the offense
27 of **CRIMINAL ENDANGERMENT, a Felony**. In support of this motion, the
28 State has attached for this Court's review an affidavit setting forth
the facts which establish probable cause to believe that the
Defendant has committed the offense as alleged.

Dated this 6th day of April, 2020.

Office of the County Attorney
Flathead County Attorney

By: /s/ Amy Kenison
Deputy

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7 IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE
8 STATE OF MONTANA, IN AND FOR THE COUNTY OF FLATHEAD

9 **STATE OF MONTANA,**) Case No.:
10 Plaintiff,)
11 vs.) **AFFIDAVIT IN SUPPORT OF**
12 **PATRICIA ANN BERLINER,**) **MOTION FOR LEAVE TO**
13 Defendant) **FILE AN INFORMATION**
14)

15 Amy Kenison is a Deputy County Attorney for Flathead County
16 Montana. As such, she is empowered to initiate and prosecute persons
17 charged with crimes committed in the State of Montana and to initiate
18 such prosecutions by Information filed in District Court.
19

20 Pursuant to Section 46-11-201, MCA, Amy Kenison seeks leave to
21 file an information charging the Defendant with the offense of
22 **CRIMINAL ENDANGERMENT, a Felony.** More specifically, these charges
23 would allege the following:
24

25 The Defendant, Patricia Ann Berliner, on or about November
26 12, 2019, on in Flathead County, Montana, knowingly engaged
27 in conduct that creates a substantial risk of death or
28 serious bodily injury to others, namely JH, contrary to the
provisions of § 45-5-207(1), MCA, and punishable under the
provisions of § 45-5-207(3), MCA, by a maximum term in the
State Prison of ten years and/or by a maximum fine of
\$50,000.

1
2 As reported by Trooper Jon Raymond in MHP report number
3 50135179, and by Corporal Cook in Flathead County Sheriff
4 Office report number 2019-00035618, the facts establishing
5 probable cause to believe that the Defendant has committed
6 the foregoing offense are as follows:

7
8 1. On November 12, 2019, law enforcement officers responded to
9 a report of a juvenile being struck by a vehicle after
10 exiting a school bus on Highway 93, in Flathead County.

11
12 2. The school bus was making its last stop of the day,
13 where three elementary students cross the road to their
14 driveway.

15
16 3. The bus driver reported that orange overhead lights
17 activate at least 200 feet prior to stopping, to warn
18 traffic of the intention to stop, followed by red overhead
19 lights and a stop sign on the left side of the bus that
20 activates when the bus is stopped and the door is opened.

21
22 4. The bus driver stopped, noted an on-coming car that
23 appeared to be slowing to a stop, and opened the bus door.

24
25 5. The car failed to stop for the red flashing lights and
26 stop sign on the side of the bus, and hit six-year old JH.

27
28 6. The driver of the car that hit JH was identified as
Patricia Ann Berliner.

7. JH was reportedly thrown approximately 60 feet from the
point of impact to where she came to rest in the ditch.

8. JH was transported to the hospital by ambulance, and the
dispatch report listed the status of JH as serious and life
threatening.

9. According to witness statements, Berliner stated she did
not think she had to stop since the bus was in the other
lane.

I declare under penalty of perjury that the foregoing is true
and correct to the best of my knowledge and belief.

1 Dated this 6th day of April, 2020.

2 Office of the County Attorney
3 Flathead County Attorney

4 By: /s/ Amy Kenison
5 Deputy

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