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MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

STATE OF MONTANA,

Plaintiff,

vs.

RANDALL SCOTT PINOCCI,

Defendant.

No. _____

**MOTION FOR LEAVE TO
FILE INFORMATION DIRECT
AND AFFIDAVIT IN SUPPORT**

STATE OF MONTANA)

: ss.

County of Cascade)

The undersigned Deputy County Attorney of Cascade County, Montana, being first duly sworn, moves the Court for leave to File an Information charging the above-named defendant with:

COUNT 1: TAMPERING WITH WITNESSES OR INFORMANTS, a Felony,
in violation of M.C.A. § 45-7-206(1)(a).

COUNT 2: TAMPERING WITH WITNESSES OR INFORMANTS, a Felony,
in violation of M.C.A. § 45-7-206(1)(a).

COUNT 3: DISORDERLY CONDUCT, a Misdemeanor, in violation of M.C.A. § 45-8-101(1)(a)(i).

Affiant has reviewed reports submitted by the Cascade County Sheriff's Office. These reports pertain to the events hereinafter described, and on the basis of the same, Affiant makes the allegations hereinafter set forth:

On July 5, 2023, Randall Pinocci ("the Defendant") was conducting a walkthrough with one of his tenants, P.W. P.W. was accompanied by a friend, L.J. During the walkthrough, L.J. became angry that the Defendant was taking advantage of P.W. regarding damages and the return of P.W.'s deposit. At some point, an altercation broke out between the Defendant and L.J.

The next-door neighbor, K.P., is also one of the Defendant's tenants. She witnessed the altercation and provided law enforcement a statement. She told Cascade County deputies that the Defendant and L.J. began yelling at one another in the back yard and bumping chests. The argument continued until the Defendant threatened to call law enforcement.

Cascade County deputies responded and conducted interviews with the Defendant and the witnesses. Eventually, deputies cited both the Defendant and L.J. with Disorderly Conduct, a misdemeanor, in violation of Montana Code Annotated § 45-8-101. Cascade County Justice Court set the Defendant's Initial Appearance for July 6, 2023. The Defendant requested two continuances to appear on his citation. The Justice of the Peace denied the Defendant's second request, and, when the Defendant failed to appear, the Justice of the Peace issued an arrest warrant.

Shortly after the July 5, 2023 altercation, K.P. provided the Defendant with her 30-day notice that she intended to vacate the Defendant's rental unit. On July 18, K.P. was mowing her lawn. She texted the Defendant if he would like her to mow the lawn of the Defendant's now-vacant neighboring property. The Defendant responded:

For us to continue a relationship [K.P.], you're going to have to recant your testimony with the sheriff's department. [L.J.] shoved me and pushed me around, I did not touch him at all and I called the sheriff because I don't need to be pushed around. We did not bump chests at all, you get your testimony corrected and will [sic] talk about working together in the future. You're not allowed on my property until that problem is corrected.

On August 5, 2023, the Defendant and K.P. conducted a final walkthrough of the rental property. The Defendant informed K.P. that he would not be returning any of the \$5,400 deposit, citing damages to the property. On September 6, 2023, K.P. and L.S. called the Defendant and spoke about returning the deposit. L.S. offered to let the Defendant keep \$1,000 of the deposit if he would return the remaining \$4,400 that K.P. and L.S. had provided. The Defendant told them that he would not discuss their deposit until K.P. recanted her testimony to the Sheriff's Office. He stated that he would not talk to "people like them" until the dispute was straightened out.

Detective Allison interviewed K.P. and L.S. separately. K.P. and L.S. both informed Detective Allison that they had each provided the Defendant \$2,700 for a deposit totaling \$5,400. K.P. and L.S. both informed Detective Allison that the Defendant said he would not return their deposit money until K.P. recanted her statement to the Sheriff's Office. Deputies executed a search warrant on L.S.'s cell

phone records and confirmed that the Defendant and L.S. had spoken several times over the phone during the date range.

Given the foregoing, the undersigned has probable cause to believe that the Defendant has engaged in activity constituting the offenses of:

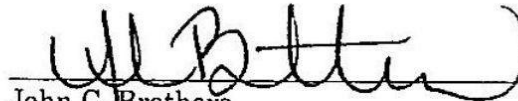
COUNT 1: TAMPERING WITH WITNESSES OR INFORMANTS, a Felony, in violation of M.C.A. § 45-7-206(1)(a).

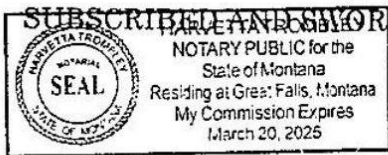
COUNT 2: TAMPERING WITH WITNESSES OR INFORMANTS, a Felony, in violation of M.C.A. § 45-7-206(1)(a).

COUNT 3: DISORDERLY CONDUCT, a Misdemeanor, in violation of M.C.A. § 45-8-101(1)(a)(i).

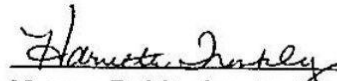
DATED this 12th day of October, 2023.

JOSHUA A. RACKI
Cascade County Attorney


John C. Brothers
Deputy County Attorney



(NOTARY SEAL)


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