

1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,  
2 IN AND FOR THE COUNTY OF MISSOULA  
3 BEFORE JOHN E. ODLIN, JUSTICE OF THE PEACE

4 Cause No. CR-2012-10409-cl-C1

5  
6 STATE OF MONTANA  
7 Plaintiff,

8 -vs-  
9 WARREN SOSS

Defendant.

**COMPLAINT**

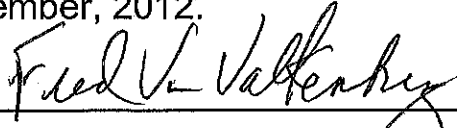
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DEC 21 2012

10 FRED VAN VALKENBURG, Missoula County Attorney, deposes and Justice Court  
11 says that on or about the 13th day of November, 2012, the Defendant  
12 committed the offense of ASSAULT, a Misdemeanor, in violation of Montana  
13 law, namely: Mont. Code Ann. 45-5-201(1)(a), punishable by 6 months  
14 MCDF and/or \$500 fine.  
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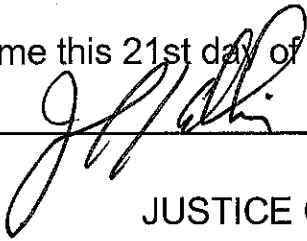
17 On or about the 13th day of November, 2012, the above-named  
18 Defendant purposely or knowingly caused bodily injury to Jade  
19 Gunhammer by hitting him in the face and body with his fists.  
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21

22 DATED this 21st day of December, 2012.

23   
24 FRED VAN VALKENBURG  
25 Missoula County Attorney

26 ///

1 Subscribed and sworn to before me this 21st day of December, 2012.

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JUSTICE OF THE PEACE

5 COMPLAINT  
6 MCSO Deputy David Conway  
7 12-2804  
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Justice Court

4 Cause No. CR-2012-\_\_\_\_\_-C1

5 STATE OF MONTANA,  
6 Plaintiff,

7 -vs-

AFFIDAVIT OF PROBABLE  
CAUSE

9 WARREN SOSS,  
10 Defendant.

11 STATE OF MONTANA )  
12 : ss  
13 County of Missoula )

14 FRED VAN VALKENBURG, County Attorney of Missoula County,  
15 Montana, being first duly sworn upon oath, deposes and says:

17 I have read the official law enforcement reports regarding the  
18 investigation of WARREN SOSS for allegedly committing the offense set  
19 forth in the complaint and based upon the information contained in the  
20 reports, if true, believe probable cause exists to justify charging the above-  
21 named defendant as specified in the accompanying complaint.  
22

24 On or about the 13th day of November, 2012 Missoula County  
25 Detention Officer Warren Soss informed Detention Officer Michelle van  
26 Halen (a control room officer) that he was going to enter inmate Jade  
27 Gunhammer's cell in order to remove garbage from the cell. Detention  
28 Officer Andrew Gaylord advised that he would assist Soss.

1 At approximately 9:30 AM, Officers Soss and Gaylord entered  
2 Gunhammer's cell. Officer Soss began picking up garbage from the cell. At  
3 some point, Gunhammer attempted to leave the cell and Officer Gaylord  
4 prevented Gunhammer from leaving in his cell by placing his hand on  
5 Gunhammer's arm. Officer van Halen also observed Officer Soss assist  
6 Gunhammer in getting back into his cell. Officer van Halen reported that it  
7 appeared that Officer Soss physically moved Gunhammer by placing a  
8 hand on each of Gunhammer's arms and guiding him back into his cell. It  
9 appeared that Officer Gaylord assisted Officer Soss by holding onto one of  
10 Gunhammer's arms. Officer van Halen reported seeing a slight scuffle but  
11 that she could not tell what exactly was happening because her view was  
12 blocked by the officers' bodies. Officer van Halen reported that after  
13 Gunhammer stopped making attempts to exit his cell, the officers cleared  
14 the cell and returned to the control room at approximately 9:33 AM.

15 Subsequently, Deputy Sheriff Detective David Conway was assigned  
16 to investigate the incident. His investigation included obtaining a video  
17 recording made of Gunhammer's cell and the dayroom area immediately  
18 outside the cell during the approximate time of the incident. The video  
19 showed the following events:

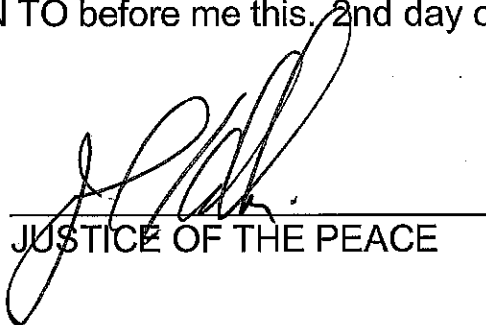
20 Officers Gaylord and Soss entered Gunhammer's cell to retrieve  
21 garbage items. Gunhammer was agitated and did not want officers in the  
22 cell and tried to prevent Officer Soss from taking his garbage. While Officer  
23 Soss was picking up garbage, Gunhammer tried to push past Officer  
24 Gaylord and they struggled at the door. Officer Soss came up behind  
25 Gunhammer and threw him back into the cell, over the toilet and towards  
26 the wall. Gunhammer immediately got up and came at the officers at the  
27 door. Gunhammer and the officers then struggled and the officers pushed  
28 Gunhammer towards the wall and toilet area, so that Gunhammer ended

1 up straddling the toilet. Officer Gaylord controlled Gunhammer's left arm.  
2 Officer Soss then punched Gunhammer with his right fist eight (8) times on  
3 the left side of his face/head area. When Gunhammer covered up his  
4 face/head area with his free right hand, Officer Soss then punched  
5 Gunhammer four (4) times in the torso area with his left fist. Gunhammer  
6 again moved his right hand and Officer Soss punched Gunhammer again  
7 on the left side of the face/head area two (2) more times. Then Officer  
8 Gaylord said "Soss, Soss!" and Officer Soss reacted to this and stopped  
9 punching Gunhammer. Officers Soss and Gaylord then let go of  
10 Gunhammer and then the officers backed out of the cell.

11 Based on their experience in law enforcement, Deputy Conway and  
12 others in the Sheriff's Office, do not believe that the amount of force used  
13 by Soss was justified in order for Soss to control Gunhammer under  
14 the circumstances.

15   
16 FRED VAN VALKENBURG  
17 Missoula County Attorney  
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19 SUBSCRIBED AND SWORN TO before me this, 2nd day of  
20 December, 2012.

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22 JUSTICE OF THE PEACE  
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ORDER

Upon reading the foregoing Affidavit, the Court finds that there is probable cause to believe the above-named Defendant committed the crime charged.

DATED this 21 day of December, 2012 at 2:57 a.m./p.m.

  
JUSTICE OF THE PEACE