

1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE _____ JUSTICE OF THE PEACE

4 Cause No. CR-2012-10440-C1

RECEIVED

DEC 27 2012

Justice Court

6 STATE OF MONTANA

7 Plaintiff,

8 -vs-

9 LEROY ALLEN HOLDEN, III

Defendant.

COMPLAINT

10 M. SHAUN DONOVAN, Deputy Missoula County Attorney, deposes
11 and says that on or about the 27th day of December, 2012, in Missoula
12 County, Montana, the Defendant committed the offense(s) of COUNT I:
13 CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law,
14 namely: Mont. Code Ann. 45-5-207, punishable by 10 years MSP and/or
15 \$50,000 fine; COUNT II: PARTNER OR FAMILY MEMBER ASSAULT - 1ST
16 OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont. Code
17 Ann. 45-5-206[1st], punishable by not less than 24 hours or more than 1 year
18 MCDF and/or \$100-\$1000 fine; COUNT III: DRIVING A MOTOR VEHICLE
19 WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS - 2ND
20 OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont. Code
21 Ann. 61-8-401(1)(a)[2nd], punishable by not less than 7 days or more than 6
22 months MCDF and \$600-\$1,000 fine and COUNT IV: CRIMINAL MISCHIEF,
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1 a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-6-
2 101(1)[1], punishable by 6 months MCDF and/or \$1,000 fine, all as specified
3 below.
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5 Count I: Criminal Endangerment
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7 On or about the 27th day of December, 2012 the above named
8 Defendant knowingly engaged in conduct that created a substantial risk of
9 death or serious bodily injury to the occupants of a residence at 2819 South
10 3rd Street in Missoula by crashing into that residence with a 1992 Ford
11 F150 pickup truck.
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14 Count II: Partner or Family Member Assault

15 On or about the 27th day of December, 2012 the above named Defendant
16 purposely or knowingly caused reasonable apprehension of bodily injury to
17 Melissa Somerlott, a Partner, by threatening to crash his pickup truck into
18 her residence, completing the act and then punching and breaking the
19 glass in the front door of her residence.
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22 Count III: Driving Under the Influence of Alcohol or Drugs- Second
23 Offense
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25 On or about the 27th day of December, 2012 the above named
26 Defendant, while under the influence of alcohol and or drugs, drove or was
27 in actual physical control of a motor vehicle, namely a 1992 Ford pickup
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1 truck, upon ways of the state open to the public including 3rd Street and or
2 Reserve Street in the City of Missoula.
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4 Count IV: Criminal Mischief

5 On or about the 27th day of December, 2012 the above named
6 Defendant purposely or knowingly injured damaged or destroyed a door at
7 a residence at 2819 S 3rd Street by smashing the glass out of said door,
8 without the consent of the owner, and causing pecuniary loss of less than
9 \$1,500.
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14 DATED this 27th day of December, 2012.

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17 M. SHAUN DONOVAN
18 Deputy Missoula County Attorney

19 Subscribed and sworn to before me this 27th day of December, 2012.

20 JUSTICE OF THE PEACE
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22 COMPLAINT 12-3053
23 Missoula County Sheriff's Office GUY
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1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE _____, JUSTICE OF THE PEACE

4 Cause No. _____

5 STATE OF MONTANA,
6 Plaintiff,

7 -vs-

AFFIDAVIT OF PROBABLE
CAUSE

9 LEROY ALLEN HOLDEN, III,
10 Defendant.

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

14 M. SHAUN DONOVAN, Deputy 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 LEROY ALLEN HOLDEN, III for allegedly committing the
19 offense(s) set forth in the complaint and based upon the information
20 contained in the reports, if true, believe probable cause exists to justify
21 charging the above-named defendant as specified in the accompanying
22 complaint.
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25 At approximately 1:30 AM on December 27, 2012 officers of the
26 Missoula County Sheriff's Office were called to a residence at 2819 S 3rd
27 Street in Missoula by resident Melissa Somerlott who reported her ex-
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1 partner, Leroy Holden, was intoxicated and causing a disturbance. En route
2 officers received updated information that the suspect had left the
3 residence after ramming it with his vehicle.
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5 At the scene officers interviewed Melissa Somerlott who said her ex-
6 boyfriend, Allen Holden, had been drinking, an argument ensued and he
7 left the residence. A short while later he telephoned her to say he was
8 headed back to the house and was going to "drive his truck into the living
9 room." At the time the house was occupied by Ms. Somerlott, her three
10 children ages 14, 13 and 6, and at least two other adults. Four of them
11 were in the living room when they saw the Defendant's pickup come down
12 the driveway and crash into the house with enough force to shake the
13 entire home.
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18 Officers observed and photographed damage to the hose near the
19 front door from which the glass was broken and missing. Damage was also
20 noted on a nearby telephone pole and an electrical conduit entering the
21 residence. A vehicle side mirror was located in the driveway along with two
22 shot glasses and small spots of blood noted on the concrete porch outside
23 the front door. According to witnesses, after crashing into the house, the
24 Defendant punched out the window in the front door, entered briefly and
25 left.
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1 Deputy Ken Guy reports that while en route to the disturbance call he
2 observed a 1992 blue and silver Ford pickup truck, matching the
3 description of the suspect's vehicle, east bound on 3rd Street near Reserve.
4 The truck was stopped and the driver identified as Leroy Allen Holden, the
5 Defendant. Mr. Holden showed typical signs of intoxication including poor
6 finger dexterity, bloodshot and watery eyes, a combative demeanor and
7 emitted a strong alcoholic beverage odor. His truck was missing a side
8 mirror and showed signs of a recent dent on the driver's side. The
9 Defendant declined to submit to Standard Field Sobriety Tests or breath
10 testing both in the field and at the jail and a sample of his blood was drawn
11 for analysis pursuant to a telephonic search warrant. A check of his driving
12 history showed a 2008 conviction for DUI.
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20 M. SHAUN DONOVAN
21 Deputy Missoula County Attorney

22 SUBSCRIBED AND SWORN TO before me this. 27th day of
23 December, 2012.
24

25 _____
26 JUSTICE OF THE PEACE
27

28 ORDER

1
2 Upon reading the foregoing Affidavit, the Court finds that there is
3
4 probable cause to believe the above-named Defendant committed the crimes
5 charged.

6 DATED this _____ day of _____, 2012 at _____ a.m./p.m.
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10 JUSTICE OF THE PEACE
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