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APR 22 2013

Justice Court

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1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE KAREN A. ORZECH JUSTICE OF THE PEACE

4
5 STATE OF MONTANA
6 Plaintiff,
7 -vs-
8 DENNY CALHOUN SMITH
9 Defendant.

Cause No. CR-2013-10785-C2

COMPLAINT

10 JORDAN KILBY, Deputy Missoula County Attorney, deposes and says
11 that on or about the 21st day of April, 2013, in Missoula County, the
12 Defendant committed the offenses of COUNT I: PARTNER OR FAMILY
13 MEMBER ASSAULT - 1ST OFFENSE, a Misdemeanor, in violation of
14 Montana law, namely: Mont. Code Ann. 45-5-206[1st], punishable by not less
15 than 24 hours or more than 1 year MCDP and/or \$100-\$1000 fine; COUNT II:
16 ASSAULT WITH WEAPON, a Felony, in violation of Montana law, namely:
17 Mont. Code Ann. 45-5-213, punishable by 20 years MSP and/or \$50,000
18 fine; COUNT III: ASSAULT WITH WEAPON, a Felony, in violation of
19 Montana law, namely: Mont. Code Ann. 45-5-213, punishable by 20 years
20 MSP and/or \$50,000 fine; COUNT IV: DRIVING A MOTOR VEHICLE
21 WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS - 2ND
22 OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont. Code
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1 Ann. 61-8-401(1)(a)[2nd], punishable by not less than 7 days or more than 6
2 months MCDF and \$600-\$1,000 fine.
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4 The facts constituting the offense are:

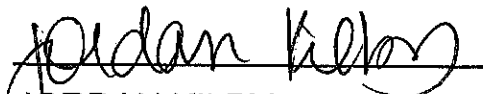
5 COUNT I: On or about the 21st day of April, 2013, the above-named
6 Defendant purposely or knowingly caused bodily injury to Catherine Jones,
7 his wife.
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9
10 COUNT II: On or about the 21st day of April, 2013, the above-named
11 Defendant purposely or knowingly caused reasonable apprehension of
12 serious bodily injury in Catherine Jones by use of a weapon, to wit: a glock
13 handgun.
14

15 COUNT III: On or about the 21st day of April, 2013, the above-
16 named Defendant purposely or knowingly caused bodily injury to Ragen
17 Pearce with a weapon, to wit: a knife.
18

19
20 COUNT IV: On or about the 21st day of April, 2013, the above-
21 named Defendant committed the offense of driving or being in actual
22 physical control of a motor vehicle, a 2011 Chevrolet Equinox, upon a way
23 of this state open to the public, Highway 93, while under the influence of
24 alcohol and/or drugs, a second offense.
25
26
27

28 DATED this 22nd day of April, 2013.



JORDAN KILBY
Deputy Missoula County Attorney

Subscribed and sworn to before me this 22nd day of April, 2013.

JUSTICE OF THE PEACE

COMPLAINT 13-970

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5 STATE OF MONTANA,
6 Plaintiff,

Cause No. CR-2013-10785-C2

7
8 -vs-

AFFIDAVIT OF PROBABLE
CAUSE

9 DENNY CALHOUN SMITH,
10 Defendant.

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

14 JORDAN KILBY, 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 DENNY CALHOUN SMITH for allegedly committing the
19 offense(s) set forth in the complaint in 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.
23
24

25 On or about the 21st day of April, 2013, Missoula County Sheriff's
26 Deputy Ross Jessop spotted a 2011 Chevrolet Equinox traveling at a high
27 rate of speed on Glacier Drive in Missoula County. The vehicle failed to
28

1 stop for a flashing red light and turned very fast onto Highway 93
2 northbound. The vehicle reached speeds of up to 100 miles per hour.
3
4 Deputy Jessop conducted a traffic stop. The driver was identified as Denny
5 Smith. The passenger was identified as Ragen Pearce.
6

7 Before the vehicle had come to a complete stop, the driver, Smith,
8 exited the vehicle and began approaching Deputy Jessop. He was yelling
9 profanities and his speech was slurred. Deputy Jessop ordered Smith to
10 stop approaching and Smith laid down on the ground. Smith stated his
11 buddy was in the passenger seat and he needed help or he would bleed
12 out.
13
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15 Deputy Jessop called an ambulance for the passenger, Pearce.
16
17 Deputy Jessop arrested Smith for DUI. Smith was uncooperative and
18 refused to do the standardized field sobriety tests. He did provide a breath
19 sample, however. His breath alcohol content was .189.
20

21 At the hospital, it was determined that Pearce had several stab
22 wounds. Pearce's girlfriend Karina Moulton and Smith's wife Catherine
23 Jones had arrived. Pearce initially stated that the stab wounds were
24 accidents.
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27 Deputy Jessop responded to the hospital where he spoke with
28 Smith's wife, Catherine. Catherine stated she and Smith have been

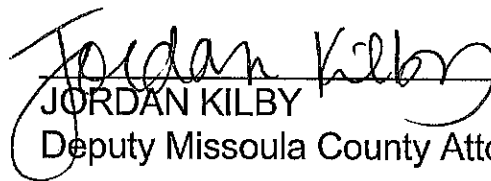
1 married for two weeks. She said they were drinking together in a bar in
2 Missoula and continued drinking at KT's Hayloft in Lolo. She and Smith
3 went home where he began to physically assault her. He punched and
4 kicked her. He repeatedly hit her while she was in the fetal position on the
5 kitchen floor. She then ran into her bathroom and locked the door. Smith
6 then broke through the bathroom door and he had a Glock in his hand.
7 Smith then pointed the gun at her head and stated that she should die.
8 Catherine was scared for her safety.
9

10
11 Deputy Jessop also spoke with Pearce's girlfriend, Moulton. Moulton
12 stated she received a call from Catherine who told her Smith had just
13 beaten her up and was threatening to kill her. Moulton picked up Catherine
14 from her residence at 5463 Golf Drive, Lolo MT and when they began to
15 leave she saw Smith with a rifle in his hands.
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19 In the meantime, Detective TJ McDermott and other Missoula County
20 Sheriff's Deputies responded to 5463 Golf Drive. They found all the lights
21 on in the house. The front screen door was closed, but the front door was
22 open and they could see a pool of blood inside the house. They received
23 consent from Catherine to search the house. Deputies seized among other
24 evidence, a rifle, a Glock handgun, and a bloody knife.
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1 Detective McDermott responded to the hospital where he spoke with
2 Pearce. Pearce stated he had received a phone call from Catherine where
3 Catherine told him Smith had assaulted her and threatened to kill her. After
4 Moulton drove to Lolo to pick up Catherine, Pearce talked to Smith on the
5 phone. Smith was angry and possibly suicidal. Pearce decided to drive to
6 Lolo to try to talk to Smith and calm him down.
7
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9
10 Pearce drove to Lolo and entered the residence. He found Smith
11 with a rifle pointed at him. He wrestled the rifle away and threw it on the
12 couch. Smith then grabbed a knife and stabbed Pearce twice. Once Smith
13 saw the blood, he agreed to drive Pearce to the hospital.
14

15
16 
17 JORDAN KILBY
18 Deputy Missoula County Attorney

19 SUBSCRIBED AND SWORN TO before me this 22nd day of April,
20 2013.
21

22
23 _____
24 JUSTICE OF THE PEACE

25
26 ORDER
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1 Upon reading the foregoing Affidavit, the Court finds that there is
2 probable cause to believe the above-named Defendant committed the crimes
3 charged.
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5 DATED this _____ day of _____, 2013 at _____ a.m./p.m.
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9 JUSTICE OF THE PEACE
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