

JUSTICE COURT

NOV 06 2014

DEPARTMENT 1
MISSOULA COUNTY, MT

IN THE JUSTICE COURT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF MISSOULA
BEFORE Karen A. Orzech JUSTICE OF THE PEACE

STATE OF MONTANA
Plaintiff,
-vs-
JEREMY C. CLYDE
Defendant.

Cause No. CA-2014-12720-C2

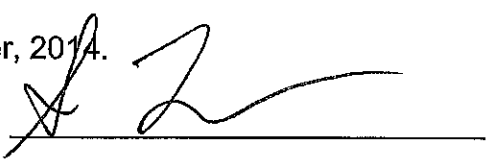
COMPLAINT

S. THOMAS, Deputy County Attorney, deposes and says that on or about the 2nd day of November, 2014, in Missoula County, the Defendant committed the offense of
COUNT I: ABUSE OF AN OLDER PERSON OR A PERSON WITH A
DEVELOPMENTAL DISABILITY, a Felony, in violation of Montana law, namely: Mont.
Code Ann. § 52-3-825(2)(a), punishable by 10 years MSP and/or \$10,000 fine.

The facts constituting the offense are:

COUNT I: On or about the 2nd day of November, 2014, the above-named Defendant purposely or knowingly abused a person with a developmental disability, Douglas Horn, by punching and/or kicking Horn, causing physical injury as defined by Mont. Code Ann. §52-3-803 (10).

DATED this 6 day of November, 2014.



S. THOMAS
Deputy County Attorney

Subscribed and sworn to before me this ____ day of November, 2014.

JUSTICE OF THE PEACE

COMPLAINT 14-2403
Missoula City Police Dept LEAR

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2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE Karen A. Orzech, JUSTICE OF THE PEACE

4
5 STATE OF MONTANA,
6 Plaintiff,

Cause No. CR-2014-12720-C2

7 -vs-
8 JEREMY C. CLYDE,
9 Defendant.

AFFIDAVIT OF PROBABLE CAUSE

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

13 S. THOMAS, Deputy County Attorney, Montana, being first duly sworn upon oath,
14 deposes and says:

15 I have read the official law enforcement reports regarding the investigation of
16 JEREMY C. CLYDE for allegedly committing the offense(s) set forth in the complaint and
17 based upon the information contained in the reports, if true, believe probable cause exists
18 to justify charging the above-named defendant as specified in the accompanying
19 complaint.

20 On or about November 4, 2014, Geret Chrestenson, Social Work Case Manager
21 at Community Medical Center's Home & Community Bridge Program, reported her
22 client, 52 year-old Douglas Horn, showed signs of physical abuse. Chrestenson
23 described Douglas as mentally and physically disabled. Douglas has congenital
24 anomalies of the cerebral vascular system which have required multiple brain surgeries,
25 and has a shunt in his brain. Douglas lives at home, but requires daily caregiver
26 assistance for his daily living needs, including assistance with his bills. Douglas has at
27 least one caregiver that comes to his home several times a week, but his primary
28

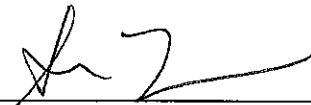
1 caregiver is his nephew, Jeremy Clyde, who resides with him. Douglas has very limited
2 eyesight, suffers from epilepsy/seizures, is in a wheelchair, is unable to walk without
3 assistance, and has undergone repeated brain surgeries, starting at age 12, that have
4 resulted in skull disfigurement. Intellectually, Douglas is reported as "slower than
5 normal", but aware of what is going on in his life. Because of Douglas' epilepsy and/or
6 congenital anomalies of the cerebral vascular system result in a neurologically disabling
7 condition closely related to intellectual disability, requires treatment similar to that
8 required by intellectually disabled individuals, originated before Douglas was 18 years
9 old, has continued indefinitely, and results in Douglas having a substantial disability,
10 Douglas qualifies as a person with a developmental disability under Mont. Code Ann.
11 53-20-102(8).

12
13
14 On November 3, 2014, one of Horn's caregivers had gone to Douglas' residence
15 for a regularly scheduled visit and noticed that he had multiple injuries to his face which
16 was reported to Chrestensen. Initially, Douglas reported that 'a neighbor' was the one
17 responsible for his injuries, but he later admitted to the caregiver that it was his nephew,
18 Jeremy Clyde who had assaulted him. Douglas reported to the caregiver that during an
19 argument, Clyde had pulled him out of his wheelchair and kicked him in the head.
20
21

22 Officer Peter Woods conducted a recorded interview with Douglas, who he noted
23 appeared to be very slow in thought, but able to hold a conversation. Douglas told him
24 he was assaulted by his primary live in caregiver, his nephew Jeremy Clyde, on
25 Sunday, November 2, 2014, and that Jeremy had hit and kicked him following a verbal
26 argument. Douglas suffered apparent injuries and pain to his face, mouth, and right
27 arm, and had blood on his coat, all of which were photographed. After the assault,
28

1 Horn went to his dentist who discovered some of Horn's teeth were loose and that one
2 tooth was fractured. Horn was unable to wear his partial dentures after the assault and
3 was unable to eat due to his mouth being in too much pain. Horn's injuries qualify as
4 "physical injury" as defined in Mont. Code Ann. § 52-3-803 (10): "Physical injury" means
5 death, permanent or temporary disfigurement, or impairment of any bodily organ or
6 function.
7

8 Officer Woods also conducted a recorded interview with Jeremy Clyde, who
9 waived his rights and made admissions that he had gotten "a little out of control" and
10 had pushed Douglas out of his wheelchair and hit him "a few times" and may also have
11 used his feet to assault Douglas. Officer Woods photographed a minor abrasion on the
12 knuckle of Jeremy's right hand. Jeremy's round-toed work boots were seized by
13 consent and had indications of possible blood spatter on one toe.
14

15
16 
17 _____
18 S. THOMAS
Deputy County Attorney

19 SUBSCRIBED AND SWORN TO before me this ____ day of November, 2014.

20 _____
21 JUSTICE OF THE PEACE

22 ORDER

23 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to
24 believe the above-named Defendant committed the crimes charged.
25

26 DATED this ____ day of _____, 2014 at ____ a.m./p.m.

27
28 _____
JUSTICE OF THE PEACE