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JUN 10 2015

Justice Court

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 JESSE CARL DURHAM
9 Defendant,

Dept No. 2
Cause No. CR-2015-510

COMPLAINT

10
11 SUZY BOYLAN, Assistant Chief Criminal County Attorney, deposes and says that
12 on or about the 8th day of June, 2015, in Missoula County, the Defendant committed the
13 offenses of COUNT I: AGGRAVATED ANIMAL CRUELTY, a Felony, in violation of
14 Montana law, namely: Mont. Code Ann. 45-8-217, punishable by 2 years MSP and/or
15 \$2,500 fine; COUNT II: PARTNER OR FAMILY MEMBER ASSAULT - 1ST OFFENSE, a
16 Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-5-206[1st],
17 punishable by not less than 24 hours or more than one year MCDF and/or a fine not less
18 than \$100 or more than \$1000; COUNT III: OBSTRUCTING PEACE OFFICER OR
19 OTHER PUBLIC SERVANT, a Misdemeanor, in violation of Montana law, namely: Mont.
20 Code Ann. 45-7-302(1), punishable by 6 months MCDF and/or \$500 fine; and COUNT IV:
21 CRIMINAL MISCHIEF; a Misdemeanor, in violation of Montana law, namely: Mont. Code
22 Ann. 45-6-101(1)[1], punishable by 6 months MCDF and/or \$1,500 fine.
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24
25 The facts constituting the offense are:

26 COUNT I: On or about the 8th day of June, 2015, the above-named Defendant
27 purposely or knowingly killed or inflicted cruelty to an animal with the purpose of
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1 terrifying, torturing, or mutilating the animal, a dog, by beating it, causing severe blunt
2 force injuries that required the dog be euthanized.

3
4 COUNT II: On or about the 8th day of June, 2015, the above-named Defendant
5 purposely or knowingly caused reasonable apprehension of bodily injury to Jane Doe, a
6 family member, by

7
8 COUNT III: On or about the 8th day of June, 2015, the above-named Defendant
9 knowingly obstructed, impaired, or hindered the enforcement of the criminal law, the
10 preservation of the peace, or the performance of a governmental function, including
11 service of process by running from police officers after they instructed him to stop.

12
13 COUNT IV: On or about the 8th day of June, 2015, the above-named Defendant
14 committed the offense of criminal mischief by knowingly or purposely injuring,
15 damaging, or destroying the property of Jane Doe, a cabinet, glasses, and other
16 household items.

17 DATED this 10th day of June, 2015.

18
19 
20 SUZY BOYLAN
21 Assistant Chief Criminal County Attorney

22 Subscribed and sworn to before me this ____ day of June, 2015.

23 _____
24 JUSTICE OF THE PEACE

25 COMPLAINT 15-1247

26 Connie Brueckner, Missoula City Police Dept
27
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5 STATE OF MONTANA,
6 Plaintiff,

Cause No. CR-2015-510

7 -vs-

AFFIDAVIT OF PROBABLE CAUSE

8 JESSE CARL DURHAM,
9 Defendant.

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

13 SUZY BOYLAN, Assistant Chief Criminal County Attorney, Montana, being first
14 duly sworn upon oath, deposes and says:

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

20 On or about the 8th day of June, 2010, officers responded to a report of a
21 disturbance at the Crestview Apartment. Jane Doe met officers. She was distraught.
22 She and another female reported that the above-named Defendant had beaten her dog
23 and left it in the dumpster. The animal, a 15 year-old German Shepherd, was located in
24 a dumpster. She was still alive but appeared to be seriously injured. There was a visible
25 and bleeding wound to the back of her head. The Animal Control officer who responded
26 reported her neck may have been broken. In Defendant's apartment, which he shared
27 with Jane Doe, a family member, officers noted broken glass through out the apartment,
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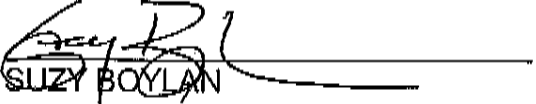
1 clothing thrown around the living room, and a cabinet door which had been torn off its
2 hinges.

3
4 Jane Doe reported that she believed Defendant had ingested "mushrooms," a
5 hallucinogenic drug. She reported that Defendant called her at work and reported that
6 the dog had stopped breathing and died. She came home and noticed a broken
7 broomstick. She left the apartment with the broomstick and found Defendant on the
8 stairs. He "got in her face" and she told him to back up. She reported she was afraid of
9 what he would do after what he had done to the dog. She held the broomstick in her
10 hand in case he tried to harm her. She observed that Defendant "wasn't in his right
11 mind." Defendant was slurring his words and speaking aggressively.
12

13 Officers located Defendant nearby and told him to stop. He fled, forcing officers
14 to pursue him until he fell and they were able to place him in custody.
15

16 The veterinarian who performed an autopsy on the dog reported that the dog
17 came to him in shock from presumed blunt trauma." He found broken skull bones and
18 five small puncture wounds on the back of the neck and ears.

19 Detective Brueckner interviewed the Defendant, who reported he had some
20 mental health issues and chemical dependency issues. Defendant has PTSD and used
21 alcohol, mushrooms, and cocaine before the incident. Defendant has no memory of the
22 incident before Jane Doe came home from work.
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26 SUZY BOYLAN
27 Assistant Chief Criminal County Attorney
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SUBSCRIBED AND SWORN TO before me this ____ day of June, 2015.

JUSTICE OF THE PEACE

ORDER

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

DATED this ____ day of _____, 2015 at ____ a.m./p.m.

JUSTICE OF THE PEACE