

FILED

OCT 17 2016

JUSTICE COURT

1 SELENE M KOEPKE
2 Deputy County Attorney
3 KIRSTEN H. PABST
4 Missoula County Attorney
5 Missoula County Courthouse
6 Missoula, Montana 59802
7 (406) 258-4737
8 ATTORNEYS FOR PLAINTIFF

9
10 IN THE JUSTICE COURT OF THE STATE OF MONTANA
11 IN AND FOR THE COUNTY OF MISSOULA
12 BEFORE, Marie A Andersen, JUSTICE OF THE PEACE

13 STATE OF MONTANA,

14 Plaintiff,

15 -VS-

16 John Duane Nelson,

17 Defendant,

Department No. 1

Cause No. CR-2016-1620

COMPLAINT

18 SELENE M KOEPKE, Deputy County Attorney, deposes and says that on or about
19 the 15th day of October, 2016, in Missoula County, the Defendant committed the offense
20 of COUNT I: ASSAULT WITH WEAPON, a Felony, in violation of Montana law, namely:
21 Mont. Code Ann. 45-5-213, punishable by 20 years MSP and/or \$50,000 fine.

22 The facts constituting the offense are:

23 COUNT I: On or about the 15th day of October, 2016, the above-named
24 Defendant purposely or knowingly caused reasonable apprehension of serious bodily
25 injury in Jane Doe by use of a weapon or what reasonably appeared to be a weapon, to
26 wit: a firearm.

27 DATED this 16th day of October, 2016.

28 

SELENE M KOEPKE
Deputy County Attorney

Subscribed and sworn to before me this 16th day of October, 2016.

Garrett L. Hallen
JUSTICE OF THE PEACE

COMPLAINT 16-2471

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12 BEFORE, Marie A Andersen, JUSTICE OF THE PEACE

13 STATE OF MONTANA,

14 Plaintiff,

15 -VS-

16 John Duane Nelson,

17 Defendant,

Department No. 1
Cause No.

CR-2016-1020

AFFIDAVIT OF PROBABLE CAUSE

18 STATE OF MONTANA)
19 : ss
20 County of Missoula)

21 SELENE M KOEPKE, Deputy County Attorney, Montana, being first duly sworn
22 upon oath, deposes and says:

23 I have read the official law enforcement reports regarding the investigation of John
24 Duane Nelson for allegedly committing the offense(s) set forth in the complaint and based
25 upon the information contained in the reports, if true, believe probable cause exists to
26 justify charging the above-named defendant as specified in the accompanying complaint.

27 On or about the 14th day of October, 2016, Missoula City Police Officer Meagan
28 Bilbrey was contacted about a report of an assault with a weapon that occurred on Bel
Vue Drive. Officer Bilbrey contacted Ken Carmer, who stated that a friend, Jane Doe,

1 had called him. They met, and Carmer advised that Jane Doe stated she had been
2 involved in an argument with John "Jack" Nelson, Defendant. Jane Doe reported to
3 Carmer that over the course of the argument, Defendant produced a firearm. Carmer
4 also advised that Jane Doe told him she covered herself with a blanket when she "heard
5 a shot." Jane Doe then stated that she fled the house, and contacted Carmer.
6

7 Officer Bilbrey also contacted Doug Duffield. Duffield was also present while
8 Jane Doe was speaking with Carmer, and provided a consistent account of what Jane
9 Doe stated. Both Carmer and Duffield indicated that Jane Doe did not want to speak to
10 police due to possible repercussions she may face from Defendant.
11

12 Officer Bilbrey contacted Jane Doe and arranged for her to be interviewed at the
13 police station. Jane Doe stated that she arrived at the Bel Vue address after working a
14 full day. Jane Doe stated that when she arrived, she advised Defendant that she was
15 going to take a shower and then prepare dinner. Jane Doe advised that she then talked
16 on the phone, at which time Defendant approached her and stated, "I wanna eat, when
17 are you going to cook?" Jane Doe stated she would cook as soon as she was off the
18 phone. Defendant continued to "push" her, asking if she was going to cook. Jane Doe
19 stated that Defendant was not physically pushing her, but rather, just kept asking her
20 about it. Eventually, Jane Doe told Defendant she was not going to cook and walked
21 into the bedroom, turning off the light. Defendant followed her and turned the light back
22 on. Defendant stated, "I'm tired of you, you need to move out," and then left the
23 bedroom. Jane Doe stated that a short time later, Defendant returned, and was holding
24 a silver firearm in his hand. Jane Doe advised that Defendant then raised the gun, at
25 which time she held up a blanket to cover herself and heard a shot. Jane Doe stated
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1 she immediately rolled to the other side of the bed and ran out of the room, tripping as
2 she attempted to exit the residence. She stated Defendant continued to ask if she was
3 going to cook for him. Defendant also stated, as she was leaving the residence, "If you
4 call the police... I will kill you and I will kill myself."

5
6 Jane Doe stated that she met with Camer and Duffield after leaving the scene.
7 When asked what Jane Doe thought when she saw the firearm, Jane Doe stated she
8 thought that Defendant was just going to scare her. When asked what she thought was
9 going to happen when she heard the shot, Jane Doe stated she thought he was going
10 to kill her.
11

12 Defendant was contacted by law enforcement at his residence, and was
13 arrested. He refused to speak with law enforcement.
14

15 

16 SELENE M KOEPKE
17 Deputy County Attorney

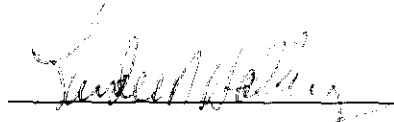
18 SUBSCRIBED AND SWORN TO before me this 10th day of October, 2016.

19 
20 JUSTICE OF THE PEACE
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3 ORDER

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

6 DATED this 16th day of October, 2016 at 4:30 a.m./p.m.

7
8 
9 JUSTICE OF THE PEACE