

RECEIVED

OCT 28 2013

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 JOHN JAY FREEMAN  
9 Defendant.

Cause No. CR-2013-11454-c2

COMPLAINT

10 KARLA PAINTER, Deputy County Attorney, deposes and says that on  
11 or about the 27th day of October, 2013, in Missoula County, the Defendant  
12 committed the offenses of COUNT I: CRIMINAL MISCHIEF, a Felony, in  
13 violation of Montana law, namely: Mont. Code Ann. 45-6-101(1)[2],  
14 punishable by 10 years MSP and/or \$50,000 fine; COUNT II: DISORDERLY  
15 CONDUCT, a Misdemeanor, in violation of Montana law, namely: Mont.  
16 Code Ann. 45-8-101(2), punishable by 10 days MCDP and/or \$100 fine.

17 The facts constituting the offense are:

18  
19 COUNT I: On or about the 27th day of October, 2013, the above-  
20 named Defendant committed the offense of criminal mischief by knowingly  
21 or purposely damaging or destroying the Howard Apartments without  
22 consent.  
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1 COUNT II: On or about the 27th day of October, 2013, the above-  
2 named Defendant knowingly disturbed the peace at the Howard  
3 Apartments.  
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5 DATED this 28th day of October, 2013.  
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7   
8 KARLA PAINTER  
9 Deputy County Attorney

10 Subscribed and sworn to before me this 28th day of October, 2013.  
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12 JUSTICE OF THE PEACE  
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14 COMPLAINT 13-2551  
15 Missoula City Police Dept CORBETT  
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IN THE JUSTICE COURT OF THE STATE OF MONTANA, OCT 28 2013  
IN AND FOR THE COUNTY OF MISSOULA Justice Court  
BEFORE Karen A. Orzech, JUSTICE OF THE PEACE

STATE OF MONTANA,  
Plaintiff,

Cause No. CR-2013-11454-C2

-VS-

**AFFIDAVIT OF PROBABLE  
CAUSE**

JOHN JAY FREEMAN,  
Defendant.

STATE OF MONTANA )  
: ss  
County of Missoula )

KARLA PAINTER, Deputy County Attorney, Montana, being first duly  
sworn upon oath, deposes and says:

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

This incident occurred within Missoula County and was investigated  
by the Missoula Police Department. Officer Pete Woods' report is attached  
verbatim, in pertinent part, as follows:

1 On Sunday, October 27, 2013, at approximately 1848 hours, I, Officer  
2 Peter Woods, responded to the Howard Apartments, 147 W. Main St. #335,  
3 to assist Missoula Fire Department with an "uncooperative tenant."

4 I arrived on scene where one of the resident's to the Howard Apartments  
5 let me inside the complex. He took me to the second level of the apartment  
6 building where I observed a large amount of water showering down from  
7 the ceiling onto the floor. I observed the sheetrock/plaster of the ceiling to  
8 have caved in and fallen onto the floor from the water damage. I observed  
9 a large (about 5-6 foot diameter) pool of water on the carpeted floor of the  
10 second level hallway. A couple of other residents were standing outside in  
11 the hallway, observing the water damaging the property.

12 Officer Corbett arrived on scene and stated that he had made contact with  
13 the Missoula Fire Department on the third level of the apartment building  
14 outside apartment #335. I responded to Officer Corbett's and MFD's  
15 location. I saw Officer Corbett knocking on the door requesting the resident  
16 open the door. I observed a large amount of water leaked out under the  
17 door to the apartment soaking the carpet in the hallway.

18 Officer Corbett informed me that the resident (later identified as a John Jay  
19 Freeman by Officer Corbett) to the apartment would not allow MFD or  
20 police into the residence to fix the water issue coming from his apartment.  
21 Officer Corbett informed me that Firefighters could hear Freeman inside,  
22 and that Freeman had been shouting at them in a profane manner upon  
23 them requesting to come in and fix the leaking water problem. Officer  
24 Corbett stated that Freeman had threatened the Firefighters, stating that he  
25 (Freeman) would throw anyone "out the window" that came into his  
26 apartment.

27 Officer Corbett knocked on the door again and I could hear a male inside  
28 shout "go away motherfuckers!" Officer Corbett informed Freeman that  
29 Firefighters and Officers needed to get into the apartment to fix the water  
30 problem. Freeman responded, "Fuck you! Get a fucking warrant!"

31 I knocked on the door and requested Freeman answer the door. Freeman  
32 started shouting "Fuck off!" and, "Cunt!" I knocked again telling Freeman  
33 MFD needed to come in to figure out the water problem. Freeman shouted  
34 that he was not going to allow anyone inside the apartment and again  
35 shouted "Get a fucking warrant!" I knocked on the door again, and

1 Freeman shouted, "Yeah, keep knocking on the door mother fucker!"  
2 Freeman then shouted for us to "go away" and that the water issue was his  
3 problem.

4 Cpl. Hebert arrived on scene. Freeman was continuing to yell at Officers  
5 and Firefighters through the door, shouting "motherfucking pieces of shit!"  
6 I again announced to Freeman to open up the door. Freeman continued to  
7 yell through the door. I informed Freeman that Officers were going to "boot  
8 in" the door if he did not open it. After about 2 seconds I again told  
9 Freeman to open up the door. Freeman still made no attempt to open the  
10 door.

11 I kicked the door next to the door handle, and the door didn't budge. I  
12 kicked the door a second time and the door slightly budged. I kicked the  
13 door again and the door broke in partially; I observed Freeman, through the  
14 crack of the door, push the door close. I kicked the door again which  
15 busted the door in completely and knocked Freeman back.

16 As I was gaining entry into the apartment I observed Freeman move  
17 towards the door with his arms outstretched as if to close the door on us  
18 again. I had my Taser drawn and aimed at Freeman. My arm was between  
19 the door and door jam. Seeing that Freeman was about to push the door  
20 close - which would have pinned my arm(with Taser in hand) between the  
21 door and door jam- I deployed my Taser into Freeman's abdomen from  
22 about 1-2 feet away.

23 I heard Freeman give a loud grunt, and I observed him to still be standing  
24 with his fists clenched. I observed Freeman's face to be grimaced as the  
25 Taser continued to be activated for the full 5 second burst. Freeman  
26 remained standing.

27 After the Taser disengaged I ordered Freeman to get on the ground or I  
28 would activate the Taser again. Freeman remained standing and made no  
attempt to get on the ground. I again warned Freeman that I was going to  
activate the Taser if he did not comply. Freeman still remained standing  
with his fists clenched and shouted "what the fuck are you doing!?" I  
activated my Taser again and, during the 5 second charge, Cpl. Hebert and  
Officer Corbett were able to get to Freeman and place him on the floor.  
Officer Corbett, Cpl. Hebert, and I attempted to place Freeman's arms  
behind his back. Freeman continued to resist Officers' attempts to place

1 him in handcuffs. Officer Corbett and I were attempting to place Freeman's  
2 right arm behind his back, and I observed his right fist to be clenched.  
3 Freeman also was curling and flexing his arms, preventing Officer Corbett  
4 and me from placing the arm behind his back. I also observed Freeman to  
5 be resisting Officer Hebert's attempts to place his left arm behind his back.  
6 I gave Freeman about a 2-3 second drive stun with the Taser to the back to  
7 gain control of his arms. I was finally able to gain control of Freeman's right  
8 arm to where Officer Corbett could place handcuffs on it. Cpl. Hebert was  
9 able to gain control of Freeman's left arm which was then also placed in  
10 handcuffs.

11 Officer Corbett and I rolled Freeman over so he was in a sitting position. I  
12 told Freeman to remain still in order to take the Taser probes out of his  
13 abdomen. I observed only one Taser probe still in Freeman's abdomen. I  
14 took the Taser probe out. I observed two slightly bleeding puncture marks  
15 from the Taser probes on the lower left quarter of Freeman's abdomen.

16 As I stood Freeman up I observed that we were next to the kitchen sink. I  
17 observed the sink's drain to be plugged with clothing and observed water  
18 all around the sink. The floor was also soaked.

19 Officer Corbett and I escorted Freeman to my patrol car. Freeman  
20 continued to be uncooperative, yelling at Officer Corbett and me that he  
21 "didn't do anything!" Freeman shouted that he was going to sue the police  
22 for entering his apartment. Freeman claimed he didn't hear MFD or  
23 Officers knocking at the door to his apartment.

24 I transported Freeman to the MCDC. While in transport, Freeman  
25 continued to shout saying he had just got home from work. Freeman  
26 stated that the whole incident was "a setup." While at the MCDC I took  
27 photographs of the probe injuries Freeman sustained from being Tased.

28 Freeman was remanded for felony Criminal Mischief - for the damage he  
caused to the Howard Apartments - and Disorderly Conduct - for disturbing  
the peace of Howard Apartment residents.

  
\_\_\_\_\_  
KARLA PAINTER  
Deputy County Attorney

1 SUBSCRIBED AND SWORN TO before me this 28th day of October,  
2 2013.  
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4  
5 JUSTICE OF THE PEACE  
6

7 ORDER  
8

9 Upon reading the foregoing Affidavit, the Court finds that there is  
10 probable cause to believe the above-named Defendant committed the crimes  
11 charged.  
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13 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013 at \_\_\_\_\_ a.m./p.m.  
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17 JUSTICE OF THE PEACE  
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