

RECEIVED

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

NOV 18 2013
Justice Court

4
5 STATE OF MONTANA,
6 Plaintiff,

Cause No. *CR-2013-11504-c2*

7 -vs-

COMPLAINT

8 HOWARD NOLAN
9 FINERFROCK,
10 Defendant.

11 PATRICIA C. BOWER, Deputy County Attorney, deposes and says
12 that on or about the 16th day of November, 2013, in Missoula County, the
13 Defendant committed the offenses of COUNT I: AGGRAVATED ASSAULT -
14 BODILY INJURY, a Felony, in violation of Montana law, namely: Mont. Code
15 Ann. 45-5-202, punishable by 20 years MSP and a \$50,000 fine; COUNT II:
16 PARTNER OR FAMILY MEMBER ASSAULT - 1ST OFFENSE, a
17 Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-5-
18 206[1st], punishable by not less than 24 hours or more than one year MCDF
19 and/or a fine not less than \$100 or more than \$1000; and COUNT III:
20 DISORDERLY CONDUCT, a Misdemeanor, in violation of Montana law,
21 namely: Mont. Code Ann. 45-8-101(2), punishable by 10 days MCDF and/or
22 a \$100 fine.

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28 COMPLAINT 13-2706

1 The facts constituting the offense are:

2
3 COUNT I: On or about the 16th day of November, 2013, the above-
4 named Defendant purposely or knowingly caused serious bodily injury to
5 Debra Kluesner and/or purposely or knowingly, with the use of physical
6 force or contact, caused reasonable apprehension of serious bodily injury
7 or death in Debra Kluesner by choking her.
8

9
10 COUNT II: On or about the 16th day of November, 2013, the above-
11 named Defendant purposely or knowingly caused bodily injury to and/or
12 reasonable apprehension of bodily injury in Ann Marie Wilson, his wife of 6
13 months, by grabbing Ann by her hair, shoving her onto a nearby sofa
14 and/or yelling.
15

16
17 COUNT III: On or about the 16th day of November, 2013, the above-
18 named Defendant knowingly disturbed the peace by using threatening,
19 profane, or abusive language toward officers and medical personnel.
20

21 DATED this 17th day of November, 2013.

22 
23 _____

24 PATRICIA C. BOWER
25 Deputy County Attorney

26 Subscribed and sworn to before me this ^{18th} day of November, 2013.

27 
28 _____
JUSTICE OF THE PEACE

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

RECEIVED
NOV 18 2013
Justice Court

4
5 STATE OF MONTANA,
6 Plaintiff,

Cause No. *CR-2013-11504-62*

7 -vs-

**AFFIDAVIT OF PROBABLE
CAUSE**

8
9 HOWARD NOLAN FINERFROCK,
10 Defendant.

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

14 PATRICIA C. BOWER, Deputy County Attorney, Montana, being first
15 duly sworn upon oath, deposes and says:

16
17 I have read the official law enforcement reports regarding the
18 investigation of HOWARD NOLAN FINERFROCK for allegedly committing
19 the 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 This incident occurred within Missoula County. The Missoula City
26 Police Department conducted the investigation. Pertinent reports are
27 included verbatim as follows:
28

1
2 **Officer Campbell's Report:**
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4 On the above date and time I responded to 1717 Wyoming #3 for a
5 physical disturbance, male vs female. Prior to arrival dispatch advised the
6 male had left the residence, but was attempting to reenter thru a window.
7 Upon arrival dispatch advised the male had left the area, possibly to a
8 neighboring trailer. While other arriving Officers checked the area for the
9 male I proceeded inside #3.
10
11

12 Inside trailer #3 I was met by Ann Marie Wilson. With her was an
13 older female later identified as Debra Kluesner, her landlord (also a
14 resident). According to Ann, her husband, Howard Finerfrock, was heavily
15 intoxicated, and got upset at her when attempting to wake him in their
16 bedroom. Ann explained Howard had been out drinking earlier, also
17 explaining he was on Probation, and shouldn't have been drinking to any
18 extent. Ann stated Howard got angry with her for waking him up, and began
19 screaming at her, still in the bedroom. Ann stated that while Howard was
20 standing in the bedroom, he urinated himself, and the carpet beneath him.
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25 Ann stated their live-in landlord, Debra, overheard the verbal
26 disturbance and came into the bedroom, confronting Howard about his
27 yelling. At this time Debra interjected. She stated she came into the
28

1 bedroom and told Howard he needed to leave, that she wasn't going to
2 tolerate his yelling. Debra stated Howard turned towards her, got face to
3 face with her, and began screaming "You fucking cunt! You're the biggest
4 police snitch in this neighborhood you fucking bitch!" Debra continued to
5 demand that Howard leave, at which point, according to Debra, Howard
6 grabbed her by her throat with his right hand, at the front of her throat. She
7 explained Howard was "choking me". During this struggle, Debra stated
8 she was pressed against a nearby wall. Debra stated all she could think to
9 do was try and swing at him, but that she was unable to break his grip.
10 Debra stated she then began grabbing for something to strike Howard with,
11 knowing there was a light stand nearby. Debra stated she felt a rock on the
12 stand, and grabbed it. She explained the rock, approximately 4 inches by
13 1.5 inches, was a "memento" given to her that she kept. Debra stated she
14 was able to grab the rock, enclose it in her fist, then strike Howard using a
15 "hammer" motion with part of the rock sticking out, striking him on the side
16 of his forehead.
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24 Debra stated that at the same time, Ann was trying to break Howard
25 away from her, at which point he turned and grabbed hold of Ann by her
26 hair and shoved her onto a nearby sofa. Debra stated she then called 911.
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1 Howard turned and shoved her down on the sofa as well. He then shouted
2 more profanities and left the trailer.
3

4 At this point EMS arrived and began evaluating Debra. While they did
5 this I spoke further with Ann. She witnessed Howard, her husband of 6
6 months, grabbing Debra by the throat, and Debra in turn striking him with
7 the rock. Ann stated she attempted to separate the two when Howard
8 grabbed her by her hair and shoved her down to the sofa. Ann stated she
9 wasn't injured, and I didn't observe any injuries, nor did she complain of
10 pain. however, Ann stated she was apprehensive Howard could get more
11 physically violent with her and Debra, given his intoxication and his
12 attempting at "choking" Debra. I provided Ann with a notice to victims form.
13
14
15
16

17 ...

18 At this time I overheard Officer Vreeland say he had located Howard,
19 and was transporting him to the MCDC for Probation Violation. ...
20

21 EMS transported Debra to St. Pats ER. I proceeded there where I
22 spoke further with Debra. With regard to being "choked" by Howard, Debra
23 stated she began "seeing stars", and thought his intention was "to keep me
24 from talking anymore". Debra stated she became frantic, knowing she had
25 to do something to break his grip. She stated she hit Howard with the rock
26 while Ann pulled him off of her. She recalled Howard shoving Ann on the
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28

1 couch, but wasn't sure whether he grabbed her by her hair. She stated she
2 got shoved down on the couch as well before he left. With regard to the
3 attempted reentry thru a window, Debra said he banged on a window
4 shouting profanity, but didn't enter or break a window.
5

6
7 ...

8 **Officer Vreeland's Report:**

9 I responded with Lt Bouchee, Cpl Campbell and Officer Harrington for
10 a disturbance involving a male and two females at 1717 Wyoming Streets
11 trailer number 3. While in route, I was informed the male was attempting to
12 break into the trailer through a window. Fire and medical had staged
13 because one of the females had been strangled.
14

15 Cpl Campbell and Lt. Bouchee arrived prior to me and Cpl Campbell
16 went to trailer number 3 where the two female victims were located. Lt
17 Bouchee and I went to make contact with the male suspect, identified as
18 Howard Finerfrock, who may have went into trailer number 2.
19

20 Lt Bouchee knocked loudly on the front door of trailer number 2 while
21 I watched the back of the trailer. After several minuets of knocking, we
22 were unable to get anybody to answer the front door. Lt. Bouchee went
23 back towards where Cpl Campbell was with the two females and I
24 attempted to locate the male suspect.
25
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1
2 I located the male, Howard Finerfrock sitting in a pickup truck on the
3 street in front of the trailers. He had a small amount of blood coming out
4 from above his left eye. I had him roll his window down and I was able to
5 smell the strong odor of an alcoholic beverage coming off his breath and
6
7 person.
8

9 I asked him what his first name was and he replied "Howard" and that
10 I knew who the "fuck" he was. I asked him to step out of his vehicle and he
11 did so. I told him I wanted medical to take a look at his eye and he told me
12 words to the effect that I didn't give a fuck about him. Howard was very
13 intoxicated and was slurring his words. He was uncooperative with the
14 medical staff who were attempting to look at his eye. He was using profane
15 and abusive language directed at them and when he was asked to spell his
16 name he spelled it " F I N E R F R O C fucking K".
17
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19
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21 Howard informed me he was on probation and I confirmed he was for
22 theft and assault. Howard continued to yell and use profane language
23 directed at the medical staff and at me. He was loud enough to disturb
24 several other people in the trailer court and would not lower his voice
25 although I told him to.
26
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28

1 I arrested him for Disorderly Conduct and Probation Violation. Abby
2 Gruber who was the on call probation officer requested a PV Hold and a
3 breath sample to determine his blood alcohol. I transported him to the jail.
4

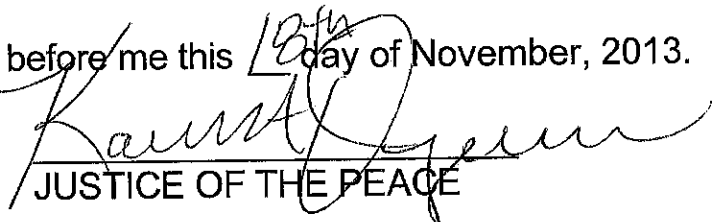
5 He remained uncooperative and threatened me several times. He told
6 me to watch out for him when he got out of jail. He also told me to go "fuck
7 myself" called me a "bald headed mother fucker" and that "I never had any
8 pussy".
9
10

11 I read to him the standing order of no contact. He attempted to yell
12 over me during the entire time I was reading it to him. ... He refused to
13 provide a breath sample.
14



15 PATRICIA C. BOWER
16 Deputy County Attorney
17

18 SUBSCRIBED AND SWORN TO before me this 18th day of November, 2013.
19



20 JUSTICE OF THE PEACE
21

22 ORDER

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

26 DATED this 18th day of November, 2013 at 10⁴⁵ a.m./p.m.
27



28 JUSTICE OF THE PEACE