

RECEIVED
APR 27 2017
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 IN THE JUSTICE COURT OF THE STATE OF MONTANA
10 IN AND FOR THE COUNTY OF MISSOULA
11 BEFORE, Marie A Andersen, JUSTICE OF THE PEACE

12 STATE OF MONTANA,
13 Plaintiff,
14 -VS-
15 TYRELL DAYNE BELGARDE,
16 Defendant,

17 Department No. 1
18 Cause No. CR-2017-464

19 **COMPLAINT**

20 SELENE M KOEPKE, Deputy County Attorney, deposes and says that on or about
21 the 25th day of April, 2017, in Missoula County, the Defendant committed the offenses of
22 COUNT I: ASSAULT WITH WEAPON, a Felony, in violation of Montana law, namely:
23 Mont. Code Ann. 45-5-213, punishable by 20 years MSP and/or \$50,000 fine; COUNT II:
24 UNLAWFUL RESTRAINT, a Misdemeanor, in violation of Montana law, namely: Mont.
25 Code Ann. 45-5-301, punishable by 6 months MCDF and/or \$500 fine; COUNT III:
26 PARTNER OR FAMILY MEMBER ASSAULT - 1ST OFFENSE, a Misdemeanor, in
27 violation of Montana law, namely: Mont. Code Ann. 45-5-206[1st], punishable by not less
28 than 24 hours or more than one year MCDF and/or a fine not less than \$100 or more than
\$1000; COUNT IV: VIOLATION OF NO CONTACT ORDER BY A PERSON CHARGED
WITH OR CONVICTED OF PARTNER OR FAMILY MEMBER ASSAULT, a

1 Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-5-209, punishable
2 by 6 months MCDF and/or \$500 fine.

3 The facts constituting the offense are:

4
5 COUNT I: On or about the 25th day of April, 2017, the above-named Defendant
6 purposely or knowingly caused bodily injury to Jane Doe with a weapon, to wit:
7 jamming a 9mm handgun to her forehead, causing a welt and bruising.

8
9 COUNT II: On or about the 25th day of April, 2017, the above-named Defendant
10 knowingly or purposely and without lawful authority restrained the victim so as to
11 interfere substantially with the victim's liberty, by refusing to let her leave the area, and
12 repeatedly telling her she wasn't going to leave.

13
14 COUNT III: On or about the 25th day of April, 2017, the above-named Defendant
15 purposely or knowingly caused bodily injury to Jane Doe, a partner, by grabbing her by
16 the throat, causing pain, as well as slapping and punching her.

17
18 COUNT IV: On or about the 25th day of April, 2017, the above-named Defendant
19 with knowledge of a no contact order, purposely or knowingly violated any provision of
20 the order issued under 45-5-209 by calling Jane Doe from the jail.

21 DATED this 27th day of April, 2017.

22 
23 SELENE M KOEPKE
24 Deputy County Attorney

25 Subscribed and sworn to before me this ____ day of April, 2017.

26 _____
27 JUSTICE OF THE PEACE

1 GORDON SCHMILL, Missoula County Sheriff's Office
TROY JAMES REXIN, Missoula County Sheriff's Office
2 JOHN LEONARD, Missoula County Sheriff's Office
3 SCOTT RASMUSSEN, Missoula County Sheriff's Office

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

10 STATE OF MONTANA,
11
12 Plaintiff,
13 -vs-
14 TYRELL DAYNE BELGARDE,
15 Defendant,

Department No. 1
Cause No. *2017-464*
AFFIDAVIT OF PROBABLE CAUSE

16 STATE OF MONTANA)
17 : ss
18 County of Missoula)

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

21 I have read the official law enforcement reports regarding the investigation of
22 TYRELL DAYNE BELGARDE for allegedly committing the offense(s) set forth in the
23 complaint and based upon the information contained in the reports, if true, believe
24 probable cause exists to justify charging the above-named defendant as specified in the
25 accompanying complaint.
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27 On or about the 25th day of April, 2017, Missoula County Sheriff's Deputies
28 responded to a report of a disturbance between a male and female with a gun involved

1 in East Missoula. Sgt. Schmill, Cpl. Leonard and Deputies Wafstet, Rexin and
2 Rasmussen responded. Upon their arrival, Sgt. Schmill, Cpl. Leonard and Deputy
3 Wafstet observed a male matching the description of the suspect walking on foot on
4 Canyon View Drive near Montana Street. The male was identified as Tyrell Belgarde,
5 Defendant. Defendant was carrying a black holster with a gun, later identified as a
6 Taurus 9mm handgun, which was seized and placed into evidence. Defendant was
7 intoxicated and was carrying an open fifth of vodka in his coat.
8

9
10 Deputies Leonard and Rasmussen met with the female, identified as Jane Doe.
11 Doe stated that Defendant was a partner. Doe stated that Defendant had returned
12 home the night previous from a concert and was drinking all through the night. At
13 approximately 9:30 am the next morning, Tuesday, April 25th, Jane Doe woke to
14 Defendant, who was angry with her. Doe stated she was going to leave. Defendant
15 told her, "You're not leaving." He then grabbed her by the throat, causing pain, threw
16 her on the bed, pulled a handgun from a holster under the bed, racked a bullet into the
17 chamber and "jammed" the gun to her forehead. Doe pointed out a bruise on her
18 forehead that had two concentric circles on top of a welt. Doe stated that as Defendant
19 had the gun to her head, he stated, "You're not going anywhere. I could just shoot you
20 right now. I could kill you." Later, Doe stated he threatened to go to her family's house
21 to kill them as well. Doe stated, "I don't care if you kill me, just don't hurt anyone else."
22
23 Doe stated that Defendant kept shoving the gun against her head and her temple.
24
25 Deputy Rasmussen observed an abrasion above the bruise on her forehead. Doe
26 stated she was also hit in the head and on her left side near her ribs.
27
28

1 At some point, Defendant calmed down and Doe was able to go upstairs to take
2 a shower and apply makeup to hide the bruising. She returned downstairs to get her
3 coat and told Defendant she was going to work. He began to get upset about her
4 leaving, grabbed her by the sweatshirt she was wearing and tried to throw her down to
5 the ground. Due to her positioning, Defendant was unable to do so, and he then
6 grabbed her by the back of the legs and pulled them out from under her. He began
7 slapping her. Defendant told her again she was not going to leave and to get back into
8 the bedroom. Doe stated that, "If I go to the bedroom, I'm going to die." Defendant
9 repeatedly told her to "shut up" so as not to attract attention from their roommate
10 upstairs. Doe tried to yell out their roommate's name, but couldn't because Defendant
11 was straddling her chest and placed his hand over her mouth and nose to prevent her
12 from doing so.
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16 Eventually, Doe was able to call out, and her roommate, J.S. came downstairs.
17 Doe told J.S. that they needed to get out of the house and that Defendant had a gun.
18 J.S. confirmed that statement. Doe was able to describe the handgun as a Taurus 9mm
19 handgun. She stated the gun he had put to her head was the same gun he left with.
20

21 Deputy Rexin transported Defendant to jail. At the jail, he was read a 72-hour no
22 contact order, which was recorded. Later that day, Doe reported that Defendant had
23 contacted her by phone at the jail. Deputy Rexin went back to the jail, reminded
24 Defendant of his Miranda rights and Defendant admitted to contacting Doe, because he
25 wanted to let her know he was in jail.
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SELENE M KOEPKE
Deputy County Attorney

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SUBSCRIBED AND SWORN TO before me this ____ day of April, 2017.

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 _____, 2017 at _____ a.m./p.m.

JUSTICE OF THE PEACE

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