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ATTORNEYS FOR PLAINTIFF

IN THE JUSTICE COURT OF RECORD OF MISSOULA COUNTY,
STATE OF MONTANA

STATE OF MONTANA, Plaintiff, -vs- CHARLES MICHAEL COVEY aka JESSE ALLEN NITCY, Defendant.	Dept. Cause No. AFFIDAVIT OF PROBABLE CAUSE
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STATE OF MONTANA)
 : ss
County of Missoula)

BRIAN LOWNEY, Deputy County Attorney, Montana, being first duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of CHARLES MICHAEL COVEY for allegedly committing the offense of:

COUNT I: DELIBERATE HOMICIDE, a felony, in violation of Mont. Code Ann. § 45-5-102(1)(a).

I believe that the facts as set forth in the law enforcement reports, if true, constitute sufficient probable cause to justify the filing of the charges.

Those facts are as follows:

On 11/20/20 at approximately 12:47pm, Dorothy Williams called 911 to report her discovery of a deceased person near the River Front Trail at its terminus with W. Front Street, Missoula County, MT. Missoula Police Department officers responded to the scene and spoke with Williams. Williams, who is employed as a nurse, indicated she began her lunchtime walk on River Front Trail and noticed an unoccupied wheelchair near the corner of a parking structure to the west of the trail. Williams approached the wheelchair and noticed a male laying supine with his legs stretched out in front of the wheelchair. Williams yelled at the person to determine whether they were okay, but there was no response. Williams could see there was clothing covering the person's face, so she removed the clothing and saw that the person's face was covered in blood. Williams reported that it appeared to her that the person's head had been "bashed in". Williams indicated she checked the person's wrist for a radial pulse but found none. Williams indicated she replaced the clothing she had removed from the person's face and called 911.

Missoula Police Department officers examined the scene. Officers noticed that the person, later identified as Lee Roy Nelson, had no chest movement and no respirations. Officers confirmed that Nelson had no radial pulse. To examine Nelson's head, officers had to move aside the items of clothing Williams had discovered on Nelson's face, including a hat and a pair of pants. After doing so, officers observed a large bleeding wound on the right side of Nelson's face and scalp, which appeared to have a white substance in it that may have been Nelson's brain or skull. Officers also found Nelson had no carotid pulse and determined he was deceased. Following an autopsy, the Montana Forensic Science Division classified the death as a homicide caused by blunt force injuries to Nelson's head.

Officers observed that on the southern concrete wall of the parking structure, about 3-4 feet from Nelson's head, there was blood spatter. The spatter was low enough that it appeared Nelson's head was on or near the ground at the time the spatter was deposited. Further examination of Nelson's body revealed that he was wearing a black hooded sweatshirt, which had two to three cuts through the hood in the area of the trauma to Nelson's head.

Officers spoke with employees at the Poverello Center, who confirmed that Nelson had spent the night there on 11/19/20, into the morning of 11/20/20. Video from the Poverello Center depicted Nelson speaking with a male in a red coat, later determined to be the Defendant, inside the facility at approximately during the morning of 11/20/20. Nelson then left the facility at approximately 7:45am. A short time after 8:00am, the Defendant was captured on video walking to a red bicycle outside the Poverello Center. The Defendant wheeled the bike towards a group of three other males standing on the sidewalk. The Defendant then removed what appeared to be a silver baseball bat from the bike and handed it to one of the males, who appeared to be testing it by swinging the bat-style object around. The male then returned the object to the Defendant, who walked out of the video frame shortly thereafter. The Poverello Center is less than a ½ mile from the scene of the homicide.

Officers also discovered that the Missoula Fire Department interacted with Nelson near Taco Johns on W. Broadway Street at approximately 10:35am on 11/20/20, which is less than 1000 feet from the scene of the homicide.

Thereafter, officers spoke with witness Linda Burr. Burr indicated that she observed Missoula Fire Department Officers interacting with a man in a wheelchair (Nelson) as she was driving in the area on the morning of 11/20/20. Burr indicated she subsequently went to get coffee, and thereafter turned southbound down Owen Street, coming to its intersection with Front Street. Burr indicated at that point, which she estimated as between 10:50 and 10:55am, she again observed Nelson, now speaking with a man on the south side of Front Street, near the north side of the parking garage (Nelson's body was later discovered on the south side of the parking garage). Burr described the male, later identified as the Defendant, as Caucasian with an average build, who was about 5'10" with a short beard and was in his mid-to-late 30s or early 40s. Burr indicated the Defendant was wearing a black knit skull cap, a red hoodie or red backpack, olive green pants and dark boots. Burr indicated that neither party appeared aggressive towards the other at the time she observed them. No other party was present besides the Defendant and Nelson.

Officers spoke with a second witness, Robert Wilson, who indicated that a few minutes later, at approximately 11:00am on 11/20/20, he was walking his dog on the south side of the Clark Fork River when he heard yelling from the north of his location, across the river. Wilson turned and

observed a male wearing a red coat or hoodie with dark pants (the Defendant) pushing another male in a wheelchair (Nelson) on the River Front Trail System on the north side of the river. Nelson was yelling “stop”, but the Defendant pushed Nelson westbound off the River Front Trail system towards the southeast corner of the parking structure that was located west of the trail. Wilson indicated he observed Nelson fall out of the wheelchair near the parking structure. Wilson then observed the Defendant leaning over Nelson in a crouched position. Wilson stated he then heard 4-5 impacts that sounded like “a hollow metal pipe being violently struck against something”. Wilson then observed the Defendant run briefly back and forth on the southside of the parking structure, then flee northbound up the River Front Trail towards Front Street. Wilson indicated that at the time the Defendant fled, a parking meter attendant was entering the lot to the east of the crime scene. Wilson then was unable to observe where the Defendant went subsequently.

Officers showed surveillance pictures of the man who had interacted with Nelson at the Poverello Center on the morning on 11/20/20 to several witnesses, including employees and clientele of the Poverello Center. Several witnesses identified the person as “Jesse James”, which is an AKA of the Defendant. Further, officers noted that pictures of the man who had

interacted with Nelson at the Poverello Center bore a striking resemblance to a suspect in an earlier crime investigated by the Missoula Police Department known as “Jesse James” or “Jesse Nitcy”. In at least some prior interactions with the Missoula Police Department, the Defendant was wearing a bright red hooded zip-front sweatshirt. Lastly, officers investigating the homicide realized that other Missoula Police Department officers had interacted with the Defendant around 3:30pm on 11/24/20 after the Defendant was reported at the Poverello for grabbing a male Poverello client’s wheelchair and attempting to “tip him over”.

Officers recontacted the Defendant around 8:30pm on 11/24/20. The Defendant was interviewed by Detective Guy Baker. The Defendant initially denied knowing who Nelson was or interacting with him on 11/20/20. However, when shown the video stills from the Poverello which depicted him interacting with Nelson on 11/20/20, the Defendant admitted that person in the video was him and that he and Nelson had contact that day. The Defendant then said he had further interaction with Nelson later in the morning. The Defendant initially said he was across the street from Nelson near the intersection of Front Street and Owen Street, but when confronted with the witness statements contradicting his account, the Defendant admitted that he and Nelson had been interacting in the way

described by Linda Burr. The Defendant said he was trying to “bum” cigarettes from Nelson, but that Nelson had an attitude with him. The Defendant denied touching or pushing Nelson’s wheelchair, despite being confronted with witness statements to the contrary. The Defendant denied knowledge of the Nelson’s homicide. However, the Defendant told officers he threw the clothing he was wearing on the morning of 11/20/20 in the trash shortly after the homicide (the Defendant estimated this was around 1:30pm on 11/20/20), because the clothes belonged to another person who wanted them back. The Defendant also admitted to possessing a small metal rod that he described as a “billy club”. The Defendant indicated he also abandoned his “billy club” at the same time as he abandoned his clothing, around 1:30pm on 11/20/20.

DATED this 25th day of November, 2020.

/s/ Brian Lowney
BRIAN LOWNEY
Deputy County Attorney

SUBSCRIBED AND SWORN TO before me, a Justice of the Peace, in and for the State of Montana, County of Missoula.

Electronically Signed By:
Hon. Judge Alex Beal
Wed, Nov 25 2020 01:20:10 PM