

FILED

MAY 01 2020

Justice of the Peace  
Lewis & Clark County, MT

1 LC200670

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5 IN THE JUSTICE COURT OF RECORD  
6 CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA  
7 Before MICHAEL G. SWINGLEY, Justice of the Peace.

8 \* \* \* \* \*

9 THE STATE OF MONTANA, )  
10 Plaintiff, )  
11 -vs- )  
12 DAVID WILLIAM KIDDER, )  
13 Defendant. )

No. CR-515-2020- 373

C O M P L A I N T

14 \* \* \* \* \*

15 STATE OF MONTANA )  
16 : ss.  
17 County of Lewis and Clark )

 ORIGINAL

18 LEO J. GALLAGHER, County Attorney with Lewis and Clark County  
19 personally appeared before me this date, and being first duly sworn  
20 according to law, complains and says:

21 That the above-named defendant is accused by this Complaint of the  
22 offenses of Count I - ASSAULT WITH A WEAPON, a felony, in violation of  
23 Section 45-5-213(1)(b), MCA, Count II - PARTNER OR FAMILY MEMBER ASSAULT  
24 (1<sup>st</sup> offense), a misdemeanor, in violation of Section 45-5-206(1)(a), MCA,  
25 Count III - STRANGULATION OF A PARTNER OR FAMILY MEMBER, a felony, in  
26 violation of Section 45-5-215(1)(a), MCA, and Count IV - CRUELTY TO  
27 ANIMALS, a misdemeanor, in violation of Section 45-8-211(1)(a), MCA,  
28 alleged to have occurred on or about April 30, 2020, at the County of Lewis  
and Clark, State of Montana, alleged to have been committed as follows:

Count I.

The facts constituting the offense contained in Count I are that on  
or about the 30<sup>th</sup> day of April, 2020, at the County of Lewis and Clark,  
State of Montana, the above-named defendant committed the offense of

1 ASSAULT WITH A WEAPON, a felony, in violation of Section 45-5-213(1)(b),  
2 MCA, in that the defendant purposely or knowingly caused reasonable  
3 apprehension of serious bodily injury in D.K. by use of a weapon, or what  
4 reasonably appeared to be a weapon, to-wit: a chair.

5 Count II.

6 For a further and separate cause of action, being a different offense  
7 than that otherwise set forth herein, the facts constituting the offense  
8 contained in Count II are that on or about the 30<sup>th</sup> day of April, 2020,  
9 at the County of Lewis and Clark, State of Montana, the above-named  
10 defendant committed the offense of PARTNER OR FAMILY MEMBER ASSAULT (1<sup>st</sup>  
11 Offense), a misdemeanor, in violation of Section 45-5-206(1)(a), MCA, in  
12 that the defendant purposely or knowingly caused bodily injury to a family  
13 member, D.K.

14 Count III.

15 For a further and separate cause of action, being a different offense  
16 than that otherwise set forth herein, the facts constituting the offense  
17 contained in Count III are that on or about the 30<sup>th</sup> day of April, 2020,  
18 at the County of Lewis and Clark, State of Montana, the above-named  
19 defendant committed the offense of STRANGULATION OF A PARTNER OR FAMILY  
20 MEMBER, a felony, in violation of 45-5-215(1)(a), MCA, in that the  
21 defendant purposely or knowingly impeded the normal breathing or  
22 circulation of the blood of D.K., a family member, by applying pressure  
23 on the throat or neck of the D.K.

24 Count IV.

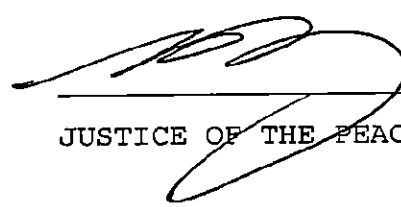
25 For a further and separate cause of action, being a different offense  
26 than that otherwise set forth herein, the facts constituting the offense  
27 contained in Count IV are that on or about the 30<sup>th</sup> day of April, 2020,  
28 at the County of Lewis and Clark, State of Montana, the above-named  
defendant committed the offense of CRUELTY TO ANIMALS, a misdemeanor, in

violation of Section 45-8-211(1)(a), MCA, in that the defendant without  
1 justification, knowingly or negligently subjected an animal to  
2 mistreatment or neglect by overworking, beating, tormenting, torturing,  
3 injuring, or killing the animal, to-wit: lifted a cat over his head and  
4 slammed it to the ground.

5 Said Complainant, therefore, prays that a warrant of arrest be  
6 issued for the above-named defendant and that he be dealt with according  
7 to law.

8   
9 \_\_\_\_\_  
LEO J. GALLAGHER, Complainant

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11  
12 Subscribed and sworn to before me this 1 day of May, 2020.

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15 \_\_\_\_\_  
16 JUSTICE OF THE PEACE

17 Bond for defendant is set at \$ \_\_\_\_\_  
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JUSTICE COURT

STATE OF MONTANA

\* Incident No.: LC200670

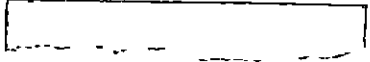
vs.

\*

David William Kidder  
Defendant

\*

AFFIDAVIT AND ORDER  
RE: PROBABLE CAUSE



\*

Time of arrest: 1757 Hours  
Date of arrest: April 30, 2020

STATE OF MONTANA)

: ss.

County of Lewis and Clark)

The undersigned, being duly sworn, states as follows:

That I am the Deputy who arrested the Defendant, David William Kidder, for the charge(s) of:

- Partner or Family Member Assault (1<sup>st</sup> offense), a misdemeanor, in violation of MCA 45-5-206(1)(a)
- Cruelty to Animals, a misdemeanor, in violation of MCA 45-8-211(1)(a)
- Strangulation of Partner or Family Member, a felony, in violation of MCA 45-5-215(1)(a)
- Assault With a Weapon, a felony, in violation of MCA 45-5-213(1)(b)

That I believe that there is probable cause to charge said Defendant with said charge(s) because:

1. Thursday, April 30, 2020, at about 1655 hours, the Deputy was dispatched to 1805 Joslyn Street, Lewis and Clark County, for a report of a male, later identified as the Defendant, who had swung a chair at his son and was assaulting his wife.
2. The Deputy made contact with the Defendant and noticed he had a laceration on the top of his head and was bleeding. The Deputy asked the suspect what happened and he stated, he had been drinking and singing karaoke when he slipped and fell down, causing the injury to his head. The Deputy read the Defendant the Miranda warning. The Defendant did not want to be questioned. The Deputy detained the Defendant and placed him in his patrol car and waited for EMS to arrive and evaluate him.
3. The Defendant's 16 year old son, later identified as the Victim, arrived on scene and spoke with the Deputy. The Victim stated the Defendant grabbed a cat in the home, walked outside, lifted it over his head and slammed it to the ground because the cat attacked a dog. When the Defendant threw the cat at the ground it caused the cat to squeal and cry. The Victim confronted the Defendant about the cat. The Defendant approached the Victim and pushed him and in turn the Victim pushed the Defendant back. The Victim and the Defendant then got into a physical altercation. The Victim stated the Defendant had grabbed his neck, scratched him, and choked him impeding his ability to breathe. The Victim stated the Defendant attempted to swing a chair at him but missed. At one point, the Defendant broke the Victim's bedroom door to get to him.
4. The Deputy could see a laceration in between the Victim's right eye and nose, as well as a laceration above his top lip. The Deputy could see scratch marks on the Victim's neck, inside of his right arm, and forearm.
5. The Victim, who is about 5'5" and about 130 pounds is much smaller than the Defendant. The Defendant is about 5'7" and about 185 pounds.

6. Due to the physical injuries to the Victim, the size difference, and the statements made by both parties, the Defendant was placed under arrest for Strangulation of Partner or Family Member, Partner or Family Member Assault, causing injury, Assault With a Weapon, reasonable apprehension, and Cruelty to Animals 1<sup>st</sup> offense, for injury to a cat. The Defendant was transported to the Lewis and Clark County Detention Center without incident

Attested to by Deputy Jake Isbell, this 30th day of April, 2020.

Signature of Deputy: Jake Isbell

ON THIS 30 DAY OF April 2020  
THIS COMPLAINT WAS PRESENTED TO ME AND THE OFFICER,  
UNDER OATH, SWORE THAT THE CHARGES ARE TRUE.

Signature of Judge or Notary Public: \_\_\_\_\_

**ORDER**

The undersigned, having reviewed the foregoing and for good cause shown:

   IT IS HEREBY ORDERED that probable cause is found to charge the above named Defendant with the following charges:

\_\_\_\_\_

   IT IS HEREBY ORDERED that probable cause is not found to charge the above named Defendant with the following charges:

\_\_\_\_\_

Dated this 1 day of May, ~~2016~~ 2020

[Signature]  
JUSTICE OF THE PEACE

cc: Lewis and Clark County Jail  
Lewis and Clark County Sheriff  
Lewis and Clark County Attorney