

RECEIVED  
MAY 16 2013  
JUSTICE COURT  
COPY

IN THE JUSTICE COURT OF THE STATE OF MONTANA  
IN AND FOR THE COUNTY OF MISSOULA  
BEFORE Karen A. Orzech JUSTICE OF THE PEACE

STATE OF MONTANA  
Plaintiff,  
-vs-  
TOM GEORGE VINEYARD  
Defendant.

Cause No. CR-2013-10850-02

COMPLAINT


JASON MARKS, Deputy Missoula County Attorney, deposes and says that on or about the 16th day of May, 2013, in Missoula County, the Defendant committed the offenses of COUNT I: VEHICULAR HOMICIDE WHILE UNDER INFLUENCE, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-106, punishable by 30 years MSP and/or \$50,000 fine; COUNT II: NEGLIGENT VEHICULAR ASSAULT - RESULTING IN SERIOUS BODILY INJURY, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-205(1)[2], punishable by 10 years MSP and/or \$10,000 fine.

The facts constituting the offense are:

COUNT I: On or about the 16th day of May, 2013, the above-named Defendant negligently caused the death of Roberta Demmert while the Defendant was operating a vehicle in violation of 61-8-401 or 61-8-406.

1           COUNT II: On or about the 16th day of May, 2013, the above-named  
2  
3 Defendant negligently operated a vehicle, a Ford Ranger pick-up, while  
4 under the influence of alcohol and caused serious bodily injury to Pamela  
5 Demmert.  
6

7  
8           DATED this 16th day of May, 2013.  
9

10 

11 JASON MARKS  
12 Deputy Missoula County Attorney

13           Subscribed and sworn to before me this 16th day of May, 2013.  
14

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

17 COMPLAINT 13-1172  
Missoula City Police Dept Moore  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

RECEIVED  
MAY 16 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,

Cause No. CR-2013-10856-C2

7 -vs-

**AFFIDAVIT OF PROBABLE**  
**CAUSE**

8  
9 TOM GEORGE VINEYARD,  
10 Defendant.

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

14 JASON MARKS, Deputy County Attorney of Missoula County,  
15 Montana, being first duly sworn upon oath, deposes and says:

16  
17 I have read the official law enforcement reports regarding the  
18 investigation of TOM GEORGE VINEYARD for allegedly committing the  
19 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

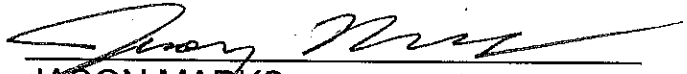
25 On or about the 16<sup>th</sup> day of May, 2013, at approximately 1:30 a.m.,  
26 Shanen Cavalier called 911 to report that there had been a crash in front of  
27 his residence on the 600 block of North 5<sup>th</sup> St. West in Missoula. He  
28

1 subsequently told officers that he heard the crash and looked outside to  
2 see a pick-up truck on its side in the front yard and two women lying on the  
3 sidewalk.  
4

5         Officer's arrived and found Roberta and Pamela Demmert lying on  
6 the sidewalk. Roberta was unresponsive. Pamela was obviously in  
7 considerable pain but was conscious and able to speak. She told officers  
8 that she and Roberta, her sister, had been walking to get cigarettes. Both  
9 women were transported to the hospital. Pamela was hospitalized with  
10 serious injuries including a broken leg. Roberta was pronounced dead at  
11 the hospital.  
12  
13  
14

15         Officers located a man in the cab of the Ford Ranger pick-up. After  
16 determining he was uninjured they assisted him out of the pick-up. He was  
17 identified by his Montana driver's license as Tom Vineyard. Vineyard  
18 admitted that he was the driver of the pick-up. He stated that he been  
19 drinking downtown and was driving home. He stated that he had  
20 consumed two pitchers of beer while downtown. Vineyard repeatedly  
21 asked officers to arrest him and stated that he was at fault and wanted to  
22 take responsibility for his actions. He provided a breath sample that  
23 registered a .239 BAC.  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
\_\_\_\_\_  
JASON MARKS  
Deputy Missoula County Attorney

SUBSCRIBED AND SWORN TO before me this 16th day of May,  
2013.

\_\_\_\_\_  
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 \_\_\_\_\_, 2013 at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
JUSTICE OF THE PEACE