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FILED	<i>Jamie Kemml</i>
CLERK OF DISTRICT COURT	
JUL 20 2022	
BY	<i>Agathe Young</i>
	DEPUTY

MONTANA SEVENTH JUDICIAL DISTRICT COURT, RICHLAND COUNTY
BEFORE THE HONORABLE KATHERINE M. BIDEGARAY, DISTRICT JUDGE

STATE OF MONTANA	*	CASE NO. DC-22-59
Plaintiff,	*	
-vs-	*	AFFIDAVIT AND APPLICATION FOR PERMISSION TO FILE AN INFORMATION
JORDAN DANIEL HALL,	*	
Defendant.	*	

Comes now Charity McLarty, Deputy County Attorney for Richland County, Montana, and moves the above-entitled Court for an order granting leave to file an information against the named Defendant charging the same with the following offenses:

- COUNT 1: CRIMINAL POSSESSION OF DANGEROUS DRUGS-ALPRAZOLAM a/k/a XANAX, a felony, in violation of Section 45-9-102, M.C.A.
- COUNT 2: DRIVING UNDER INFLUENCE OF DRUGS - 1ST Offense, a misdemeanor, in violation of Section 61-8-1002, M.C.A.
- COUNT 3: CARRYING CONCEALED WEAPON WHILE UNDER INFLUENCE, a misdemeanor, in violation of Section 45-8-327, M.C.A.

approximate 400 block of W Holly ST, the Chevrolet appeared to have crossed the yellow centerline again. Within the approximate 300 block of E Holly ST, the Chevrolet drove over the yellow centerline yet again. Officer Gomke activated his dash camera to capture the violations.

The Chevrolet and Officer Gomke approached the flashing red signal at the intersection of North Central Avenue and Holly ST. The Chevrolet proceeded past the white stop bar and stopped within the crosswalk. The entire vehicle was past the white stop bar before coming to a stop. Officer Gomke noted that violation and followed the vehicle and they crossed over North Central Avenue. Officer Gomke performed a registration query of the vehicle which bore Montana license plate 27-2937F. Officer Gomke learned the vehicle was a black 2017 Chevrolet Malibu and was registered to Jordan and Reagan Hall.

The Chevrolet and Officer Gomke continued west on West Holly Street at speeds ranging from approximately 18 to 25 miles per hour in the 35-mile-per-hour zone. Within the approximate 700 - 800 blocks of West Holly Street, the Chevrolet drifted to the right and crossed the white fog line with the passenger-side tires and into the dedicated bicycle lane.

The Chevrolet then drifted to the left, and nearly drove over the yellow center line before drifting back toward the bicycle lane again. Officer Gomke activated his overhead emergency lights and

initiated a traffic stop on the Chevrolet at the 100 block of East Holly Street in Sidney, Richland County, Montana. The vehicle turned onto 12th Avenue Northwest and drove over the curb before stopping. Officer Gomke approached the vehicle on the driver's side and made contact with the driver and sole occupant of the vehicle, Jordan Hall.

Hall had a confused expression on his face and Officer Gomke informed him of the reasons for the stop. Officer Gomke knew Hall to carry firearms in the past and asked if he currently had any in his possession. Hall spoke slowly and stated the weapon was not on him and informed Officer Gomke it was in the vehicle next to him. Officer Gomke requested Hall's driver license, the registration receipt, and proof of valid insurance for the vehicle. Officer Gomke noticed that Hall's eyes were watery and his speech and movements were very lethargic. Officer Gomke noticed that Hall's eyes closed slowly and deliberately at times. While going through his documents, Hall did so slowly and deliberately.

Hall slowly turned in his seat and stared blankly ahead before informing Officer Gomke he did not have his registration receipt. Officer Gomke asked Hall if he had his proof of insurance, and Hall stated it was on his phone. Officer Gomke requested Hall exit his vehicle and join Officer Gomke in his patrol vehicle. Hall declined to sit in Officer Gomke's patrol vehicle but complied when Officer Gomke asked him to exit his vehicle. Hall rummaged through the

vehicle briefly for his phone before exiting his vehicle. Proof of insurance was confirmed via dispatch and Hall exited his vehicle.

After getting out of his vehicle, Officer Gomke began to ask Hall for consent to search his person. Hall informed Officer Gomke that he was carrying a weapon and later stated he had forgotten about it. Hall's right hand went out of view behind his back. Officer Gomke ordered Hall not to reach for the weapon and asked him to face his vehicle. Officer Gomke removed a Smith and Wesson M&P shield from Hall's right waistline and secured it in a cargo pocket of Officer Gomke's pants. Officer Gomke also took custody of a pocket knife that Hall informed Officer Gomke was in his pants pocket.

Hall and Officer Gomke walked back to the patrol vehicle. Officer Gomke had Hall stand by the front bumper of Officer Gomke's patrol vehicle. Officer Gomke radioed Corporal James Fletcher and asked him to respond to Officer Gomke's location when available. Officer Gomke performed a wants and warrants check of Hall's handgun and then began tasks as needed for the traffic stop. Officer Gomke also gathered information from Hall and spoke with him about his travels. When asking for Hall's current address, he slurred/mumbled his speech when telling Officer Gomke the street he lived on.

Cpl. Fletcher and Trainee Officer James Drager arrived on scene. Hall mentioned that he possessed a concealed weapons permit

which had been issued by the Richland County Sheriff's Office. Hall mentioned he also possessed an "FFL" (Federal Firearms License) through the "ATF" (Bureau of Alcohol, Tobacco, Firearms, and Explosives). Hall stated he was driving around while making phone calls to his business associates. Officer Gomke asked Hall if he was on his phone and if that was why he was moving around in his lane and in the bike lane. Hall stated he was looking for a video he had made recently, and stated that "would probably be the reason" but later stated he did not acknowledge that.

Officer Gomke completed a warning for one of the moving violations and went back into Officer Gomke's patrol vehicle to print it. Officer Gomke spoke with Cpl. Fletcher and asked what he was noticing about Hall. Cpl. Fletcher pointed out that Hall was talking slow and his eyes were watery. Officer Gomke informed Cpl. Fletcher of the observations that Officer Gomke had made of Hall. Cpl. Fletcher informed Officer Gomke had spoken with Hall previously, and his behavior was different and that night he was talking slowly. Officer Gomke asked Cpl. Fletcher to look at Hall's pupils as he is also a Drug Recognition Expert (DRE). Cpl. Fletcher reported that Hall's pupils appeared normal given the conditions, but added it was hard to tell.

Officer Gomke finished up with business related to the traffic stop and met with Hall. Officer Gomke informed Hall that Officer Gomke had all of his belongings, but had a couple more questions

for him. Hall stated "yes sir" and Officer Gomke spoke with him further. Hall denied consuming alcohol or taking medications. Hall laughed before denying the use of any illicit narcotics and also denied using marijuana. Officer Gomke informed Hall that Officer Gomke had noticed a few things that had stuck out to Officer Gomke about him and his behavior as well as other things. Officer Gomke asked Hall to perform Standardized Field Sobriety Tests (SFSTs) as Officer Gomke believed that his ability to operate a motor vehicle safely had been diminished. Hall stuttered before consenting to perform the tests.

Hall stated his vitamin D was low and he had "plenty of medical documentation" for that. Hall also mentioned sometimes his low vitamin D levels affect his coordination and it depends on when he takes his vitamins. Hall stated he was not on any medicines except for his vitamin D, which he has a prescription for. Hall denied having any head injuries, physical defects, or injuries. Hall then stated, "I haven't noticed any problems today with my Vitamin D deficiency".

Officer Gomke confirmed that Hall's mouth was empty of any foreign substance. Officer Gomke observed that Hall's tongue had a yellow tint to it. Hall stated the reason for this was "thrush" from his psoriasis which he described as a yeast infection on his tongue. Officer Gomke began the deprivation period at 11:21 p.m. and Officer Gomke administered the SFSTs, beginning with Horizontal

Gaze Nystagmus.

Horizontal Gaze Nystagmus is the involuntary jerking of the eyes as they move to the side. Drug categories that cause HGN include CNS Depressants, Inhalants, and Dissociative Anesthetics. Officer Gomke held his finger at the correct distance and began the test. During the test, Officer Gomke observed Hall's eyes were watery and he swayed from side to side. Officer Gomke scored Hall with 2/6 clues of impairment on HGN, as Officer Gomke observed that Lack of Smooth Pursuit was present in both eyes. VGN was not present.

The next test Officer Gomke conducted was to check Hall for a Lack of Convergence (LOC). Lack of Convergence (LOC) is a person's inability to cross their eyes when focusing on a stimulus as it is moved toward the bridge of their nose. A person's eyes should come together and cross (converge) as they track and remain aligned with the stimulus. If the eyes are able to cross (converge), i.e., if they both come together when the stimulus is stopped approximately two inches from the bridge of their nose, a lack of convergence is not present. LOC is present if one eye or both eyes drift away or outward toward the side instead of converging toward the bridge of their nose. Drug categories that usually induce LOC include CNS Depressants, Inhalants, Dissociative Anesthetics, and Cannabis.

Hall did not follow the instructions for the test. After making circles around Hall's face, he was supposed to watch Officer

Gomke's finger as he brought it in toward his nose. Hall simply stared forward at Officer Gomke after Officer Gomke brought his finger toward Hall's nose.

The next test Officer Gomke had Hall perform was the Walk and Turn (W&T Test). Officer Gomke scored Hall with 6/8 clues of impairment on the W&T Test. They are as follows.

1. Cannot keep balance during instructions
2. Stops while walking
3. Does not touch heel to toe
4. Steps off the line
5. Improper turn
6. Incorrect number of steps

Next Hall was asked to perform the One Leg Stand (OLS Test). The One Leg Stand test divides the person's attention between a balancing task, information processing task, and small muscle control task. Officer Gomke scored Hall with 2/4 clues of impairment on the OLS Test. They are as follows.

1. Sways while balancing
2. Puts foot down

The next test Officer Gomke had Hall perform was the Modified Romberg Balance Test. The Modified Romberg Balance Test is used as a neurological assessment tool in order to check a person's internal clock, balance, and presence of tremors (eye and body tremors). Hall estimated the passage of 30 seconds at 49 actual

seconds. Hall swayed back and forth and side to side during the test, and Officer Gomke observed tremors in both of his eyelids. Hall improperly stopped the test by saying "30 Mississippi's". When Officer Gomke asked Hall how long that was, he replied it was "30 Mississippi in my head". When Officer Gomke asked Hall how he got there he specified he counted by Mississippi. Officer Gomke walked with Hall and we got back into the patrol vehicle and Officer Gomke obtained his Preliminary Alcohol Screening Test device (PBT).

Officer Gomke read Hall the Preliminary Alcohol Screening Test (PAST) advisory form. After reading the PAST advisory, Hall provided a sample with a result of 0.00. Officer Gomke secured Hall into handcuffs which were checked for proper fit and double locked. Officer Gomke performed a search of Hall's person incident to arrest and located fixed blade knives around his neck and in his boot. Officer Gomke also removed a spare magazine from the small of his back. Hall was then secured into Officer Gomke's patrol vehicle.

Officer Gomke advised Hall of his rights per Miranda, and Hall waived them and agreed to speak with Officer Gomke. Hall denied that he was under the influence of anything and claimed he had a vitamin D deficiency. Hall denied anything illegal being in the vehicle. Officer Gomke requested consent to search the vehicle, however, consent to search the vehicle was denied by Hall who stated that Officer Gomke could call his attorney. Hall did not

want Officer Gomke to deploy my K-9 around the vehicle either and stated he had nothing illegal in the vehicle.

Cpl. Fletcher entered Hall's vehicle with his permission to secure it but was unable to do so. While in the vehicle, Cpl. Fletcher looked around the vehicle for the keys, but could not locate them. Cpl. Fletcher noticed an unmarked plastic bag containing numerous white pills in plain view in the center console (in front of the cup holders). The pills appeared to be the same shape as Xanax (oval and scored). Xanax is a schedule 4 controlled substance. Cpl. Fletcher was able to roll up the windows, but still could not locate the keys.

Officer Gomke asked Hall what the pills in the vehicle were and he stated he wanted Officer Gomke to call his attorney. Hall stated he was completely sober. Officer Gomke informed Hall that Officer Gomke disagreed with him. Hall stated the vehicle was his daughter's and he started driving it yesterday (05/10/2022 or 05/09/2022). Hall stated he wanted to speak to his attorney and Officer Gomke stopped speaking with him.

Officer Gomke read Hall the Montana Department of Justice Non-CMV Implied Consent Advisory form. Hall agreed to provide a blood sample and was transported to the Sidney Health Center for a blood draw. Cpl. Fletcher and Training Officer Drager remained with Hall's vehicle which was towed to the Secure South Evidence Bay at the Richland County Law and Justice Center.

At around 12:18 hours on May 12, 2022, Officer Gomke observed Registered Nurse Stephanie Averett draw two vials of blood from Hall. Officer Gomke took custody of the vials of Hall's blood and then transported him back to the RCDC. Hall was processed by Detention Staff. Hall was escorted into the DUI Processing Room at the RCDC. Cpl. Fletcher asked Hall to allow him to conduct a DRE Evaluation on him, but Hall refused to participate and was released to the custody of Detention Staff.

Officer Gomke completed citations as appropriate in the review of Hall's criminal history. Officer Gomke responded to the RCDC and met with Hall. Officer Gomke explained the citations and Hall walked toward his bed in the cell. Officer Gomke asked Hall if had any questions. Hall dropped his blanket on his bed, walked out of the cell toward Officer Gomke, and squared up to Officer Gomke. Hall stated he had disagreements, but no questions. Officer Gomke informed Hall they would have to settle our disagreements in court and told him to step back into his cell.

On May 12, 2022, K-9 Officer Tanner Gomke met with the Montana 7th Judicial District Court Judge Katherine M. Bidegaray. I presented Judge Bidegaray with his affidavit of probable cause and application for search warrant. Judge Bidegaray granted the warrant.

On May 12, 2022 Officer Gomke returned to the Richland County Law and Justice Center (LJC) South Secure Evidence where the 2017

Chevrolet Malibu was located. The vehicle and evidence tape seals were photographed. Officer Gomke cut the seals and began the search at 10:55 p.m., the search was completed at 11:38 p.m.

The following items were located within the vehicle in the specified locations.

1. Clear plastic baggie with numerous unlabeled white pills - center console area in front of shifter.
2. Clear plastic baggie with white residue - center console area in front of shifter.
3. Brown colored liquid prescription style bottle with unknown liquid - inside center console.
4. Box of Federal American Eagle .223 ammunition - inside center console.
5. Taurus .357 revolver, serial # HZ972738 and ammunition - between center console and front passenger seat.
6. Piece of white pill - on driver side floorboard.
7. Smith & Wesson M&P Shield, serial # HPP2290 with holster - on passenger side rear seat in purse.

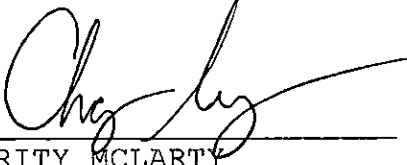
The items were placed into temporary evidence locker #21 where they remained until they were processed, properly packaged and eventually placed into evidence transfer locker #004. At

approximately 11:59 p.m., Officer Gomke made contact with Mandy Hall via telephone. Officer Gomke informed Hall that the vehicle was finished and was ready to be picked up after paying the \$100 tow bill. Hall stated she would come to the LJC on May 13, 2022 during the morning hours to pick it up. Officer Gomke recommended Hall come to the LJC after 8:00 a.m. to speak with Captain Travis Rosaaen to have the vehicle released.

The vehicle was taken to the SPD impound lot. A copy of the search warrant and receipt was left in the vehicle. Officer Gomke photographed the documents and locked the vehicle. The vehicle key was entered into evidence and placed into transfer locker #008 pending release.

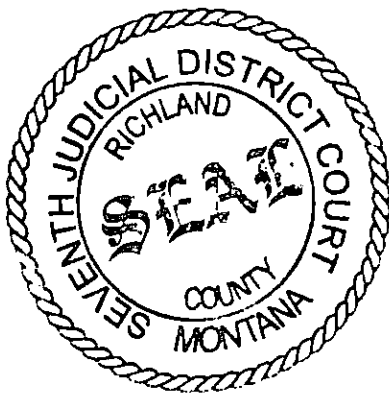
The bag with pills and prescription bottle with liquid was sent to the Montana State Crime Lab for analysis. The Chemical Analysis report of the pills has not been received yet. However, the Toxicology Report in this matter showed that Hall's blood had Alprazolam a/k/a Xanax at 0.64 MG/L, and Delta-8 THC-COOH was detected. The undersigned dismissed without prejudice the charges in the Justice Court to refile along with Count 1 in this Court.

DATED this 20th day of July, 2022.



CHARITY MCLARTY
DEPUTY COUNTY ATTORNEY

Subscribed and sworn to before me this 26th day of July,
2022.



Janice Klempe

CLERK OF COURT

By *J. Anita Young*
DEPUTY