

STATE OF INDIANA)
) SS:
COUNTY OF ST. JOSEPH)
)
STATE OF INDIANA)
)
VS)
)
MONTELL ROBERT O'NEAL)
DOB: 2/27/1997)

IN THE ST. JOSEPH SUPERIOR COURT

CAUSE NUMBER. 71

INFORMATION IN TWO COUNTS:

COUNT I:
DOMESTIC BATTERY
A CLASS A MISDEMEANOR

COUNT II:
DOMESTIC BATTERY
A LEVEL 6 FELONY

COUNT I

JESSICA JACKSON-MCLAIN, upon information and belief, affirms under penalty of perjury that:

On or about April 29, 2019 in St. Joseph County, State of Indiana, MONTELL ROBERT O'NEAL did knowingly touch [REDACTED], a family or household member, in a rude, insolent, or angry manner.

All of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-42-2-1.3(a)(1), and against the peace and dignity of the State of Indiana.

COUNT II

JESSICA JACKSON-MCLAIN, upon information and belief, affirms under penalty of perjury that:

On or about April 29, 2019 in St. Joseph County, State of Indiana, MONTELL ROBERT O'NEAL did knowingly touch [REDACTED] a family or household member, in a rude, insolent, or angry manner and MONTELL ROBERT O'NEAL committed said offense in the presence of a child less than 16 years of age, knowing that the child was present and might be able to see or hear the offense, said child being 3 years of age.

All of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-42-2-1.3(a)(1) and I.C. 35-42-2-1.3(b)(2), and against the peace and dignity of the State of Indiana.

I affirm under the penalties for perjury that the foregoing representations are true.



JESSICA JACKSON-MCLAIN
DEPUTY PROSECUTING ATTORNEY

Probable cause found. Arrest Warrant Issued.

___ Pursuant to Criminal Rule 26 and the St. Joseph County Release/Detention Matrix, Defendant ordered released on recognizance with a promise to appear. Defendant subject to any conditions listed in the attached Pretrial Supervision Order.

___ Defendant to be held for initial bail hearing on the ___ day of _____ at 1:00 p.m.

Defendant to be held for next available bail hearing after the warrant is served.


___ Bond set in the amount of _____ corporate surety or _____ cash. Defendant subject to any conditions listed in the attached Pretrial Supervision Order.

So found this ___ day of _____, 2020 at _____ am/pm.

Jane Woodward Miller

JUDGE, ST. JOSEPH SUPERIOR COURT

WITNESSES:


Carter Thompson South Bend Police Department
Estevan Moya South Bend Police Department
All witnesses listed in police, medical and laboratory reports

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SUPPLEMENTAL AFFIDAVIT IN
SUPPORT OF PROBABLE CAUSE

Jessica Jackson-McLain, being duly sworn upon her oath, says that:

I am a Deputy Prosecuting Attorney with the 60th Judicial Circuit, St. Joseph County, State of Indiana, and make this affidavit after reviewing verified South Bend Police Department reports and the criminal history for MONTELL ROBERT O'NEAL.

On or about April 29, 2019, Officer Thompson was dispatched to the residence of [REDACTED]. On arrival, [REDACTED] cried out, "He hit me in the face!" [REDACTED] was crying and appeared shaken up. Officer Thompson observed swelling under her eye and blood spots on her pants that appeared to have dripped from her nose. [REDACTED] stated she had taken her 3-year-old daughter to the house of the child's father, MONTELL ROBERT O'NEAL. O'NEAL resides at South Chapin Street in South Bend, St. Joseph County, Indiana. While at O'NEAL's residence, [REDACTED] and O'NEAL got into an argument and O'NEAL shouted that he "was gonna turn into his old self." [REDACTED] was sitting on the couch next to their 3-year-old and O'NEAL was standing over them. As O'NEAL shouted at [REDACTED] he punched [REDACTED] in the face with a closed fist. O'NEAL then punched [REDACTED] again in the ribs and [REDACTED] advised she covered her face with her arms. The child began screaming, "don't hit my mommy!"

[REDACTED] then got up and went towards the bathroom, asking O'NEAL to take her home. O'NEAL followed [REDACTED] and hit her in the back of the head, causing her to fall onto the bathroom floor. While on the floor, O'NEAL grabbed [REDACTED] head and began bashing her face into the ground three times, causing [REDACTED] nose to start bleeding. Throughout the assault, the child was screaming for O'NEAL to stop hitting her "mommy." As [REDACTED] exited the bathroom, O'NEAL followed her once again and kicked her in the back of her leg. O'NEAL then gave Trotter and their 3-year-old a ride back to [REDACTED] house, where [REDACTED] called the police after O'NEAL left.

DETENTION CONSIDERATIONS

The Defendant is currently out on bond/on pre-trial release in several other cases so Criminal Rule 26 does not apply. Furthermore, the Defendant is a a substantial flight risk or a danger to self, others or the community for the following reasons:

1. The Defendant is currently on pre-trial release in Cause Number 71D03-1911-F5-000283, in which he is charged with Domestic Battery Resulting in Serious Bodily Injury, a Level 5 Felony, against a different victim.
2. The Defendant is currently on pre-trial release in Cause Number 71D06-1906-CM-002164, in which he is charged with Domestic Battery, a Class A Misdemeanor, against another victim.
3. The Defendant is currently on pre-trial release in Cause Number 71D08-1906-CM-002230, in which he is charged with Possession of Marijuana, a Class B Misdemeanor.
4. The Defendant was convicted of Possession of Marijuana, a Class B Misdemeanor, in Cause Number 71D02-1606-CM-003059, on July 19, 2016.
5. The Defendant was convicted of Intimidation and Invasion of Privacy, Class A Misdemeanors, in Cause Number 71D02-1506-F6-000427 against members of Ms. Trotter's family on December 2, 2015. His probation was revoked on August 23, 2017, and he was sentenced to serve his suspended time.
6. This case had been previously charged as a misdemeanor in Cause Number 71D06-1906-CM-002385. That case is being dismissed and this case is being filed as a more appropriate representation of the offense charged.

WHEREFORE, the State requests that the Court detain the Defendant until the Court conducts a bail hearing in open court.

In light of the events, the State requests that as a condition of bond:

The defendant be ordered to have **NO CONTACT** with [REDACTED] and her minor child.

That **before releasing the defendant from custody**, and as a condition of bond,

Community Corrections **shall** affix a GPS monitoring device upon the defendant, who shall be responsible for costs of the device. This GPS monitoring device shall remain until further Order of the Court.

That the Defendant post a bond no less than \$3000.

I affirm, under the pains and penalties for perjury, that the foregoing representations are true.

A handwritten signature in black ink that reads "Jessica D. Jackson-McLain". The signature is written in a cursive style and is positioned above a horizontal line.

Jessica Jackson-McLain
Deputy Prosecuting Attorney