

RECEIVED

AUG 01 2012

Justice Court

IN THE JUSTICE COURT OF THE STATE OF MONTANA,  
IN AND FOR THE COUNTY OF MISSOULA  
BEFORE John E. Odell, JUSTICE OF THE PEACE

Cause No. \_\_\_\_\_

STATE OF MONTANA,

Plaintiff,

-vs-

BRIAN EDWARD MOREE,

Defendant.

COMPLAINT

JORDAN KILBY, Deputy Missoula County Attorney, being duly sworn,  
deposes and says that on or about the 31st day of July, 2012, at Missoula County,  
the above-named Defendant committed the offense(s) of **COUNT I: ASSAULT**  
**WITH WEAPON**, a Felony, in violation of Montana law, namely: Mont. Code Ann.  
§45-5-213, punishable by 20 years MSP and/or \$50,000 fine; The facts  
constituting the offense(s) are:

**COUNT I:**

On or about the 31st day of July, 2012, the above-named Defendant  
purposely or knowingly causing reasonable apprehension of serious bodily injury  
in Carmen Heppler by use of a weapon, , to wit: a .357 magnum revolver.

DATED this 1st day of August, 2012.

Jordan Kilby  
JORDAN KILBY  
Deputy Missoula County Attorney

Subscribed and sworn to before me this 1st day of August, 2012.

[Signature]  
JUSTICE OF THE PEACE

COMPLAINT 12-1726

IN THE JUSTICE COURT OF THE STATE OF MONTANA,  
IN AND FOR THE COUNTY OF MISSOULA  
BEFORE John E. Odlin, JUSTICE OF THE PEACE

RECEIVED  
AUG 01 2012  
Justice Court

Cause No. \_\_\_\_\_

STATE OF MONTANA,

Plaintiff,

-vs-

BRIAN EDWARD MOREE,

Defendant.

AFFIDAVIT OF PROBABLE  
CAUSE

STATE OF MONTANA     )  
                                      : ss  
County of Missoula     )

JORDAN KILBY, Deputy County Attorney of Missoula County, Montana,  
being first duly sworn upon oath, deposes and says:

I have read the official law enforcement reports regarding the investigation of  
BRIAN EDWARD MOREE (Moree) for allegedly committing the offense(s) set forth  
in the complaint and based upon the information contained in the reports, if true,  
believe probable cause exists to justify charging the above-named defendant as  
specified in the accompanying complaint.

On or about 31st day of July, 2012 Missoula Police Officers responded to  
a report of a male who currently had another male at gunpoint. Witnesses  
reported that they saw a man later identified as Moree point a gun at the head of  
Carmen Heppler (Heppler) two times. One witness reported hearing Moree state

that he was going to shoot Heppler. Another witness stated that he observed Moree cock the gun.

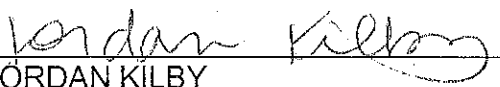
Heppler reported that he and his girlfriend, Ernestine Small (Small), were in a verbal argument in the parking lot of the apartments at 2203 S. 12<sup>th</sup> St. The two split and Heppler began walking eastbound in the alley while Small headed westbound. Heppler turned around and started talking to Small, attempting to talk her into coming to have a drink with him. Then, Moree jumped over the fence in the alley from a residence and confronted Heppler.

Heppler had never seen Moree before and has never had contact with him in the past. Heppler reported that Moree made a statement that Small was his girlfriend. Moree also stated to Heppler, "Come on man, I can take you." At this point Moree pulled out what appeared to be a handgun from his back and pointed it at Heppler's face. Heppler described the gun as being silver and having a wheel in the middle. Heppler stated that he thought his "life was over."

Officer Lang spoke with Moree who stated he heard yelling outside and went to investigate. Moree said he heard a female crying and asking for help. He stated he saw a man, later identified as Heppler approaching Small. Moree told Officer Lang conflicting stories. He stated he had a pistol, but that it was holstered at all times. He stated that at most he pointed it at the ground. He told Officer Lang the pistol was in a lock box. He then stated it was between his pillows. With Moree's permission, Officer Lang went with Moree to Moree's camper to locate the handgun. Officer Lang located and seized the handgun. Officer Lang noted he did not see a holster with the gun.

Officer Smith documented that the handgun was loaded. When Officer Harrington and Officer Smith inspected the gun, they observed it was a Ruger stainless steel .357 Magnum. The hammer was down on a live round. If the live round underneath the hammer is at the 12 o'clock position, there were also a live round in the next consecutive chamber at the 10 o'clock position (going counter clockwise from the 12 o'clock position). The next two chambers were empty. The fifth and sixth chambers, at the 4 and 2 o'clock positions were also filled with live rounds. To the Officers, this indicated Morre must have cocked it at least 2 times, and possibly 3, since the first empty chamber was two slots away from the position in which they found the cylinder.

Officer Lang contacted Brian Moree

  
JORDAN KILBY  
Deputy Missoula County Attorney

SUBSCRIBED AND SWORN TO before me this 1st day of August, 2012.

  
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 1st day of August, 2012 at 120 a.m./p.m.

*T. Susant Huf*  
JUSTICE OF THE PEACE