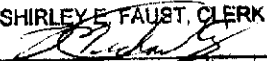


1 ANDREW W. PAUL  
Deputy County Attorney  
2 FRED VAN VALKENBURG  
Missoula County Attorney  
3 Missoula County Courthouse  
Missoula, Montana 59802  
4 (406) 258-4737  
Attorneys for Plaintiff

FILED MAY 12 2014

SHIRLEY E. FAUST, CLERK  
By  Deputy

7 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

8 STATE OF MONTANA,  
Plaintiff,

9 -vs-

10 MARKUS KAARMA,  
Defendant,

Dept. No. 3

Cause No. DC-14-252

John W. Larson

AFFIDAVIT AND MOTION FOR  
LEAVE TO FILE INFORMATION

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

14       ANDREW W. PAUL, Deputy County Attorney of Missoula County, Montana, being  
15 first duly sworn, moves the Court for leave to file an Information charging the above-  
16 named Defendant with allegedly committing the offense, in Missoula County, of  
17 DELIBERATE HOMICIDE, a Felony, in violation of Montana law, namely: Mont. Code  
18 Ann. 45-5-102[1].

19       The Motion is based upon the following facts which have been obtained from  
20 reports of the law enforcement officers which, if true, I believe, constitute sufficient  
21 probable cause to justify the filing of the charges. The facts from those reports are as  
22 follows:

AFFIDAVIT AND MOTION FOR LEAVE TO FILE INFORMATION

1           On April 27, 2014, about 23 minutes after midnight, Missoula City Police Officer J.  
2 Jones and Officer Colyer responded to 2607 Deer Canyon Court for a report of a male  
3 who had been shot in the head inside the complainant's garage. Officer Jones saw a  
4 male (later identified as Markus Kaarma (Defendant)) standing at the entrance of the  
5 garage, pointing and motioning his hand towards the inside of the garage. Officer Jones  
6 noted that the Defendant looked "unusually calm given the situation." Officer Jones  
7 approached the garage and asked the male where the gun was located and the male  
8 replied that it was inside. Officer Jones asked, "Who shot him?" The Defendant replied,  
9 "Me." Officer Jones asked, "You?" The Defendant said, "Yep."

10           Inside the garage, Officer Jones saw a male (later identified as Diren Dede) on the  
11 ground at the back end of a white Buick that had been backed into the left side of the  
12 garage. Janelle Pflager was rendering aid. Officer Jones located a towel and took over  
13 by placing the towel over the bleeding head wound. Dede was taken to St. Patrick's  
14 Hospital where he was pronounced dead.

15           Sgt. Hebert observed that the shotgun was black with external shell holders that  
16 held five unfired shells with green casings. Sgt. Hebert had seen three similar green  
17 casings in the driveway just outside the open garage door. (A fourth spent shell was  
18 later located under the front of the white Buick that had been backed into the left side of  
19 the garage.) Sgt. Hebert cleared the house for officer safety purposes and observed a  
20 pistol, multiple rifles and another shotgun in the house. While in the kitchen, Sgt. Hebert  
21 observed a shotgun pellet type pattern on the kitchen side of the door to the garage.

22           Lt. Kosena arrived on scene and assisted in coordinating the crime scene. Randy

1 ANDREW W. PAUL  
Deputy County Attorney  
2 FRED VAN VALKENBURG  
Missoula County Attorney  
3 Missoula County Courthouse  
Missoula, Montana 59802  
4 (406) 258-4737  
Attorneys for Plaintiff

FILED MAY 12 2014

SHIRLEY E. FAUST, CLERK  
By John W. Larson  
Deputy

7 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

8 STATE OF MONTANA,  
Plaintiff,  
9 -vs-  
10 MARKUS KAARMA,  
Defendant,

Dept. No. 3  
Cause No. DC-14-252  
John W. Larson  
AFFIDAVIT AND MOTION FOR  
LEAVE TO FILE INFORMATION

12 STATE OF MONTANA )  
County of Missoula ) :ss

14 ANDREW W. PAUL, Deputy County Attorney of Missoula County, Montana, being  
15 first duly sworn, moves the Court for leave to file an Information charging the above-  
16 named Defendant with allegedly committing the offense, in Missoula County, of  
17 DELIBERATE HOMICIDE, a Felony, in violation of Montana law, namely: Mont. Code  
18 Ann. 45-5-102[1].

19 The Motion is based upon the following facts which have been obtained from  
20 reports of the law enforcement officers which, if true, I believe, constitute sufficient  
21 probable cause to justify the filing of the charges. The facts from those reports are as  
22 follows:

1           On April 27, 2014, about 23 minutes after midnight, Missoula City Police Officer J.  
2 Jones and Officer Colyer responded to 2607 Deer Canyon Court for a report of a male  
3 who had been shot in the head inside the complainant's garage. Officer Jones saw a  
4 male (later identified as Markus Kaarma (Defendant)) standing at the entrance of the  
5 garage, pointing and motioning his hand towards the inside of the garage. Officer Jones  
6 noted that the Defendant looked "unusually calm given the situation." Officer Jones  
7 approached the garage and asked the male where the gun was located and the male  
8 replied that it was inside. Officer Jones asked, "Who shot him?" The Defendant replied,  
9 "Me." Officer Jones asked, "You?" The Defendant said, "Yep."

10           Inside the garage, Officer Jones saw a male (later identified as Diren Dede) on the  
11 ground at the back end of a white Buick that had been backed into the left side of the  
12 garage. Janelle Pflager was rendering aid. Officer Jones located a towel and took over  
13 by placing the towel over the bleeding head wound. Dede was taken to St. Patrick's  
14 Hospital where he was pronounced dead.

15           Sgt. Hebert observed that the shotgun was black with external shell holders that  
16 held five unfired shells with green casings. Sgt. Hebert had seen three similar green  
17 casings in the driveway just outside the open garage door. (A fourth spent shell was  
18 later located under the front of the white Buick that had been backed into the left side of  
19 the garage.) Sgt. Hebert cleared the house for officer safety purposes and observed a  
20 pistol, multiple rifles and another shotgun in the house. While in the kitchen, Sgt. Hebert  
21 observed a shotgun pellet type pattern on the kitchen side of the door to the garage.

22           Lt. Kosena arrived on scene and assisted in coordinating the crime scene. Randy

1 Smith approached looking for a foreign exchange student who had been staying with him  
2 and his wife, Kate Walker Smith arrived with a young man, Robby Pazmino, a foreign  
3 exchange student from Ecuador who was with Dede earlier. Pazmino described what  
4 Dede was wearing the last time he had seen him. Lt. Kosena realized that Dede was the  
5 person taken to the hospital. Lt. Kosena advised them that it was a strong possibility that  
6 Dede had been shot. She also advised them that Robby would have to report to the  
7 police department to speak with detectives. Robby said, "I didn't do anything wrong!"

8 Pflager told Officer Olds that they had been burglarized twice within the last three  
9 weeks. Pflager stated she had placed a purse with belongings that had her name on  
10 them in the garage so that "they would take it." Pflager believed that if someone stole  
11 the purse she would be able to give law enforcement a detailed list of what was stolen  
12 and her name would be on the stolen items.

13 On April 27, 2014, at about 2:00 a.m. Detectives Baker and Chrestenson went to  
14 St. Patrick's Hospital to investigate Dede's injuries. Baker saw that Dede had suffered  
15 gunshot wounds to the forehead and upper head, as well as a gunshot wound to the left  
16 arm.

17 The detectives then proceeded to the crime scene. There, they saw a two-car  
18 garage with the left garage door mostly open. There were expended shotgun shells on  
19 the ground right outside the garage. Inside the left garage bay was a Buick passenger  
20 car that had been backed into the garage and tires and other items packed between the  
21 wall and the passenger side of the Buick. A game cart was on the Buick's roof.  
22 Detectives observed a large pool of blood on the floor near the driver side, rear corner of

1 the Buick. There was blood on the rear bumper and blood spatter on the ceiling between  
2 the rear end of the Buick on the back wall of the garage.

3 On the back wall of the garage, detectives observed four groups of impact points  
4 by what appeared to be buckshot pellets (equivalent in size to a .32 caliber bullet, with  
5 nine pellets per shell) along the back wall of the garage. The back wall is the east side of  
6 the garage and it is a common wall with the residence.

7 Detective Baker noted the three groups that included the pellet impacts to the  
8 door into the residence, the freezer door and the sheet rock wall between them appeared  
9 to be about 2-3 feet above the floor while the group of pellets that impacted the wall  
10 behind the Buick appeared to be about 4-5 feet above the floor. Detective Baker also  
11 noted that some of the pellets had passed through the wall behind the Buick and into the  
12 dining room of the residence. A plastic shotgun shell wad was found near the fourth shot  
13 as well as a matching dent in the sheet rock near the fourth shot's impact point on the  
14 wall.

15 On April 27, 2014, at about 3:17 a.m., Detectives Baker and Chrestenson  
16 conducted a recorded interview with Pflager. Pflager stated they had been the victims of  
17 two recent incidents of theft that had occurred during the last three weeks. Pflager  
18 stated after the first incident, she initially thought the Defendant had just misplaced the  
19 missing items after he was unable to locate them. Pflager stated they did not file a police  
20 report in regards to the first incident, but did file a police report after the second incident.

21 Pflager stated after they reported the burglary, she purchased two motion sensors  
22 and set them up to alert her to the presence of someone entering their garage. Pflager

1 stated one covered the driveway and the other covered the interior of the garage.  
2 Pflager also stated she utilized an extra video monitor to stream a live video feed, with a  
3 slight delay, of the interior of the garage. Pflager stated she had set the motion sensors  
4 to send an alert to their cell phones and then could also utilize their cell phones to view  
5 the streaming video. Pflager stated the video was only streamed and she was unable to  
6 record it. Pflager stated she also used black electrical tape to conceal the motion  
7 sensors and video monitor.

8 Pflager stated prior to the shooting, she and the Defendant put their infant son to  
9 bed between 7:30 and 7:45 p.m. and then went and smoked cigarettes in their garage.  
10 Pflager stated they smoke inside the garage instead of their home because of their son.  
11 Pflager stated they then made dinner and watched television while they ate their dinner.  
12 Pflager stated they returned to the garage to smoke cigarettes again around 11:00-11:20  
13 p.m. and then got into their Jacuzzi tub. Pflager stated they began watching the movie  
14 'Lincoln' after they got out of the Jacuzzi tub. Pflager stated after about an hour, they  
15 paused the movie and went into the garage to smoke cigarettes again. Pflager stated  
16 when they were done, she partially lowered the overhead garage door, but then left it  
17 open for ventilation to dissipate the smoke. Pflager estimated the overhead garage door  
18 was partially closed to the point there was about 5 ½ feet between the bottom of the  
19 garage door and the ground. Pflager stated she left the overhead garage door open  
20 because she anticipated they would go out to smoke cigarettes one more time after the  
21 conclusion of the movie.

22 Pflager said they resumed watching the movie and after about 5-10 minutes she

1 received an alert on her cell phone indicating one of the motion sensors had been  
2 activated. Pflager stated she then received a second alert indicating the second motion  
3 sensor had been activated. Pflager stated a deer had activated the motion sensor prior  
4 to them getting in the Jacuzzi tub. Pflager stated she then asked the Defendant to view  
5 the video stream on his cell phone because she suspected it was a deer. However,  
6 Pflager stated when they looked at the video stream on his phone, they saw a subject in  
7 the garage and she thought it appeared the subject had a flashlight.

8 Pflager stated the Defendant then obtained a shotgun from the dining room.  
9 Pflager stated she captured several screen shot images from the live video stream on a  
10 cell phone because it was not being recorded. Pflager stated she had also obtained her  
11 cell phone so she could call 9-1-1. Initially, Pflager stated the Defendant exited the front  
12 door and she was still inside the residence putting her shoes on when she heard the first  
13 shot. Pflager stated she then exited the front door and once outside she realized how  
14 dark it was and decided to go back inside to turn on the exterior lights. Pflager stated all  
15 the interior lights were off while they were watching the movie. Pflager stated she heard  
16 the Defendant and someone else yelling and then heard a second shot. Pflager stated  
17 after she turned on the exterior lights, she briefly paused before moving through the  
18 residence from the front door to the walk through door to the garage. Pflager stated she  
19 then turned on the lights in the garage from the switch located on the residence side of  
20 the door.

21 Pflager stated she had called 9-1-1 and was talking to the dispatcher when she  
22 slowly opened the walk-through door from the residence to the garage and observed a



1 male subject lying on the floor of the garage. Pflager stated the Defendant was outside  
2 the overhead garage door in the driveway. Pflager stated the partially closed overhead  
3 garage door was in the same position she had previously left it. Pflager stated she  
4 observed the male subject had been shot and she asked the dispatcher what to do.  
5 Pflager stated the male was lying face down near the rear of the Buick and she observed  
6 he had been shot in the head. Pflager stated the male subject was breathing but  
7 unresponsive. Pflager stated the dispatcher told her to find something to use as a  
8 compress on his wounds and to roll him on his side. Pflager stated she did what the  
9 dispatcher told her to do and she obtained a pet pad to use as a compress and applied it  
10 to his wounds after she repositioned the subject to his left side.

11 Pflager stated she briefly left the garage to go get the shotgun after the dispatcher  
12 told her to place it back inside their residence. Pflager stated she obtained the shotgun  
13 from where the Defendant left it leaning against the exterior wall of the garage near the  
14 overhead garage door. Pflager stated the shotgun remained where she set it on the floor  
15 within about 5-7 feet of the front door. Detective Baker had observed the shotgun upon  
16 entry into the residence. Pflager stated she returned to the injured male subject and  
17 instructed the Defendant to go out to the street to direct the police to the residence.  
18 Pflager stated the Defendant never said anything to her between the time he shot Dede  
19 and the police arriving on scene.

20 When discussing the incident in more detail, Pflager stated during the time she  
21 was briefly outside, she had observed another subject running away from their residence  
22 southbound in the street. Pflager estimated the subject was about 20-25 feet south of

1 their driveway when she saw him running. Pflager stated she saw the subject running  
2 prior to the shots being fired. Since the statement conflicted with her previous statement  
3 that she was still inside when she heard the first shot, Detective Baker asked Pflager to  
4 clarify the sequence of events related to her and the Defendant exiting the front door of  
5 their residence.

6 Pflager then stated she was actually close behind the Defendant as he exited the  
7 front door and he turned to the left when he reached the corner of the garage and she  
8 went past him a short distance. Pflager stated the Defendant went between the front of  
9 his Ford F350 pick-up that was parked in the driveway in front of the partially open  
10 overhead garage door and she was closer to the driver side front corner of the Ford pick-  
11 up. Pflager stated the Defendant was just outside the partially open overhead garage  
12 door when she heard him say, "Hey, hey" and then she heard him chamber a round in  
13 the shotgun. Pflager stated she then heard Dede say, "Hey," or "Wait" in response.  
14 Pflager stated she was unsure, but thought the Defendant may have also said something  
15 similar to "hands up" or "stand up."

16 Pflager stated she saw the other subject running in the street as she looked over  
17 the hood of the Ford pick-up and at about the same time she heard the Defendant fire  
18 two shots. Pflager stated she then decided to go back into the residence to turn on the  
19 exterior lights because it was very dark outside. Pflager stated she heard a third shot as  
20 she was moving back towards the front door. Pflager estimated between 5-15 seconds  
21 transpired between the time she exited the front door and then reentered the front door  
22 and she stated the Defendant only fired the shotgun that Detective Baker observed on

1 the floor near the front door and no other firearms were involved in the shooting.

2 On April 27, 2014, at about 5:25 a.m., Detectives Baker and Chrestenson  
3 conducted a recorded interview with Robby Pazmino. Robby said that he and Diren had  
4 been walking in the neighborhood when they saw the open garage door. Diren walked  
5 up the garage door while Robby continued walking. Seconds later, Robby heard shots  
6 fired and he ran to the home of Diren's host family. Robby said that Diren went into the  
7 garage to find something to drink.

8 On April 27, 2014, at about 7 a.m., Detectives Baker and Chrestenson conducted  
9 a recorded interview with the Defendant. The Defendant was advised of his rights. He  
10 agreed to waive his rights and speak with detectives. Defendant confirmed the initial  
11 order of events relayed by Pflager.

12 He stated after she advised him someone was there, he obtained the shotgun  
13 from near the front door and he estimated it was positioned on the floor within about four  
14 feet of the front door prior to him acquiring it. Pflager told him to wait and then she  
15 stated the subject was inside their garage. He exited the front door and went directly to  
16 the partially open overhead garage door. He then positioned himself between the open  
17 garage door and the front of his Ford pick-up. The Defendant stated his butt was  
18 touching the grill guard on the front of his pick-up as he faced the partially open overhead  
19 garage door. He was experiencing a rush of adrenaline by the fact there was a subject  
20 again inside his garage. After he got to the garage door, the exterior lights on their  
21 residence were turned on and the light on the corner of the garage near where he was  
22 standing contributed to his inability to see into the interior of the garage.

1           The Defendant stated the interior of the garage was completely dark and he was  
2 unable to see anything or anyone inside the garage. He heard a noise from inside the  
3 garage and he described it as sounding similar to "metal on metal." When asked what he  
4 thought caused the noise, he speculated it was possibly a wrench contacting a metal  
5 shelf or an ax had contacted the concrete floor. The Defendant stated he "panicked" and  
6 thought his position at the open garage door had trapped the subject in the garage and  
7 he feared that the subject may try to throw a tool at him. The Defendant stated when he  
8 initially tried to fire the shotgun, he did not realize the safety was activated and stated he  
9 had difficulty getting it disengaged because he was "full out panicked" by the situation.  
10 He deactivated the safety and he began firing the shotgun into the darkened garage  
11 without being able to distinguish a specific threat. He fired the first round to the right and  
12 then continued to fire, sweeping the interior of the garage to the left with a total of four  
13 rounds. He stated he had "aimed high" and thought he heard something fall.

14           The Defendant stated after he stopped firing the shotgun, he yelled "call 9-1-1."  
15 The Defendant stated he did not say anything or hear the subject in the garage say  
16 anything prior to firing the shotgun. The Defendant stated the next thing he knew Pflager  
17 turned the interior garage lights on and opened the walk-through door from their  
18 residence to the garage. That's when he saw the subject on the ground near the rear of  
19 the Buick and his torso and head were extended around the driver side rear corner  
20 towards the driver side rear tire. The Defendant stated the subject was on his left side  
21 with his head towards the Toyota 4-Runner that was parked next to the Buick. The  
22 Defendant stated he thought she was behind him until Pflager turned on the interior

1 garage lights. The Defendant stated, "I never saw anybody with own my eyes until  
2 Janelle turned the lights on." The Defendant stated the subject was unresponsive and  
3 he could hear him "wheezing."

4 The Defendant stated Pflager then told him to place the shotgun inside their  
5 residence and then come back outside to wait for the police. The Defendant stated he  
6 briefly went back inside the residence and grabbed a t-shirt and put it on before he went  
7 back outside and directed the responding police officers to the residence.

8 When discussing the incident in more detail, the Defendant stated the motion  
9 sensor alarm was activated twice on the cell phone and then via video monitor he  
10 observed the subject checking the doors on the Ford pick-up parked in the driveway.  
11 The Defendant stated Pflager then told him the subject had gone into the garage and  
12 she instructed him to "get out there." The Defendant stated the shotgun was loaded with  
13 buckshot ammunition but there was not a round in the chamber when he grabbed it. The  
14 Defendant estimated 10-15 seconds elapsed between the motion sensor alarms alerting  
15 them to the presence of the subject and the Defendant's arrival at the partially open  
16 overhead garage door.

17 The Defendant estimated it took about one second for him to exit their front door  
18 and get to the partially open overhead garage door. The Defendant estimated the  
19 exterior lights were turned on within about one second of his arrival at the partially open  
20 garage door and then he fired the first shot within about one second after the exterior  
21 lights were turned on. The Defendant stated he fired all four rounds in equal intervals;  
22 with no pause, and estimated it took him about one to two seconds to fire the four

1 rounds. The Defendant estimated Pflager turned the interior garage lights on within  
2 about two seconds after he fired the fourth round. The Defendant estimated from the  
3 time he exited his door to the time he fired the last round was about five seconds of  
4 elapsed time.

5 The Defendant stated when he arrived at the partially open garage door he  
6 described the interior of the garage to be like "looking into darkness" and stated it was  
7 made worse when the exterior lights were turned on. The Defendant stated he could not  
8 even see the hood of the Buick directly in front of him. The Defendant stated he thought  
9 the subject was going to try to get out of the garage and he was thinking, "I'm gonna die."  
10 When asked why he felt fearful of his life while he was unable to see anyone, the  
11 Defendant stated he assumed the subject might have a knife or tool that could be used  
12 to hurt him. The Defendant characterized the subject inside the garage as being similar  
13 to a "caged animal" and he had positioned himself at the only exit point of the garage.  
14 When asked if he considered stepping back away from the partially open garage door to  
15 allow the subject to exit the garage, the Defendant stated he did not consider it because  
16 he did not want the subject to get away. The Defendant stated he wanted the subject to  
17 get caught and knew it's difficult for the police to catch suspects in the act of committing  
18 a crime.

19 The Defendant stated Pflager had been upset since the two previous incidents of  
20 theft had occurred and she had wanted to catch someone if they did it again. The  
21 Defendant stated Pflager had purchased motion sensors and installed them to detect the  
22 presence of someone in the driveway and garage. The Defendant stated that her

1 persistence had irritated him and he had initially removed the sensors after she mounted  
2 them, but she installed them again. The Defendant stated he would have preferred to  
3 secure the doors to their vehicles and garage. The Defendant stated they commonly  
4 open a garage door when they smoke cigarettes to allow the smoke to dissipate and  
5 then close the door when they go to bed. The Defendant stated he thought they closed  
6 the garage door after the last time they smoked cigarettes in the garage and before they  
7 got into the Jacuzzi tub. The Defendant stated they would not have left the garage door  
8 open while they were in the Jacuzzi tub. The Defendant stated he did not open the  
9 overhead garage door and speculated Pflager did it and then left it partially open after  
10 they got out of the Jacuzzi tub while he was putting on his pajamas. The Defendant  
11 stated Pflager likely left the overhead garage door partially open to entice the suspect(s)  
12 to come back inside their garage.

13           The Defendant stated they had felt like they were being watched and felt that the  
14 suspect(s) involved in the two previous incidents were targeting them. The Defendant  
15 stated Pflager had become hyper-vigilant due to the previous incidents and she had seen  
16 a suspicious vehicle in their neighborhood recently drive past their residence. The  
17 Defendant stated the situation has made them feel uncomfortable and they felt the need  
18 to be proactive to catch the suspect. The Defendant stated, "This isn't something I  
19 initially wanted" in regards to allowing someone to come back inside their garage and  
20 stated, "I want to close the garage, I want to lock everything up" but inferred that was not  
21 what Pflager wanted to do. The Defendant stated they had been "sketched out" and  
22 living in "fear" and that they either had to "accept that we're being watched" and they will

1 "continue to be burglarized" or "we put a stop to it."

2 One neighbor reported going to Pflager's house the next morning to see how she  
3 was doing. When they first made contact with her, Pflager said, "Well, I guess you don't  
4 have to worry about that burglary problem anymore." When asked, "Why? Did the  
5 police catch him?" Pflager replied, "He's dead."

6 Pflager stated that they had been watching a movie and that they took breaks to  
7 go smoke in the garage. She said she left the door open to dissipate the smoke. Pflager  
8 told them that she smokes cigarettes and that the Defendant smokes marijuana in the  
9 garage. She said she doesn't like it that the Defendant smokes marijuana because it  
10 makes him lazy but she has come to accept it.

11 She explained that they had been burglarized twice during the last few weeks.  
12 She said that they only reported the second burglary. Pflager stated in the first burglary,  
13 someone come into the garage and had taken cash and had "cleaned out" the  
14 Defendant's supply of marijuana and marijuana paraphernalia. (This incident was not  
15 reported to the police.) During the second burglary, someone had taken a credit card  
16 and had used it to buy gas and food. This incident was reported to police on Friday, April  
17 18, 2014 and the case was assigned to a detective. Pflager did not seem to think the  
18 police would catch the burglar, so Pflager set up motion detectors and an extra baby  
19 monitor inside the garage. She placed a purse in the garage as "bait" for someone to  
20 steal. She said that she left the garage door open, even though she had earlier sent an  
21 email to the home owners' association warning people to lock their cars and close the  
22 doors to their garages because she had recently had items stolen from her garage and



1 unlocked vehicles. The neighbor found this odd that Pflager would leave her garage  
2 door open and set out a "bait" purse.

3 During the week following the shooting, Missoula City Police detectives identified  
4 and located two males, ages 18 and 16 years old, who confessed to stealing a black  
5 wallet with credit cards, an iPhone, a blue and pink wallet with credit cards, a marijuana  
6 grinder, a marijuana bong and a jar of marijuana from the Defendant's garage or  
7 unlocked cars in the driveway. Both males denied that there was any cash stolen. The  
8 males denied any connection between themselves and Diren Dede or Robby Pazmino.

9 On April 29, 2014, at 4:25 p.m., Missoula City Police Detective Jamie Merifield  
10 conducted a recorded interview with an employee at a local hair salon. Witness One  
11 (W1) said that she confirmed that the Defendant came to the salon on April 23, 2014.  
12 W1 said that it was a slow time and she was listening to the Defendant talk to his stylist.  
13 W1 heard the Defendant say that he was going to kill some kids because they had been  
14 getting into his house and stealing his stuff. When they asked the Defendant where he  
15 lived, he said, "Fucking Missoula. Fucking Grant Creek." W1 overheard the Defendant  
16 say that he had been waiting up the last three nights, waiting for "these fucking kids to  
17 come." W2 reported that W1 asked him to stop cussing because it was a family place  
18 and the Defendant replied, "I don't give a fuck." When asked if he had called the cops,  
19 W1 remembered the Defendant saying, "I hope one of them does come up and I'll shoot  
20 them. I'd be glad to shoot a cop." W1 walked away after that. W1 said that the  
21 Defendant has been coming to the salon for years and that he always seemed "angry at  
22 the world." W1 told Detective Merifield that W1 does not feel safe and is fearful of the

1 Defendant.

2 At about 11:50 a.m., on April 30, 2014, Missoula City Police Detective Jamie  
3 Merifield conducted an interview with another employee at a local hair salon. Witness  
4 Two (W2) recalled that Defendant arrived at the salon on April 23, 2014. W2 asked him  
5 about his day and he replied that he was going to kill some kids. W2 asked, "Are you  
6 talking about your own kids?" The Defendant replied, "No. I'm seriously going to kill  
7 some fucking kids." The Defendant told W2 that he was tired because he had been up  
8 the last three nights, waiting with his shotgun for some kids to come back to his garage  
9 again. He told W2 that the cops knew about it but they weren't doing anything.  
10 Defendant said that the cops were "baiting him" into killing these kids. When asked  
11 where this was occurring, the Defendant said, "Fucking Missoula, up fucking Grant  
12 Creek."

13 W2 asked if the Defendant knew how old the kids were and he said, "I don't  
14 fuckin' know, 18 or 19 fucking years old." When W2 asked the Defendant to keep his  
15 voice down and to not curse because the salon was a family establishment, the  
16 Defendant said, "I don't fucking care." W2 reported that the Defendant said more than  
17 once that he was "going to kill these kids" and that he was "going to fucking kill 'em." W2  
18 said it seemed that the Defendant was not just "venting." He was angry. Detective  
19 Merifield asked W2 if it seemed by the Defendant's demeanor that he was afraid of these  
20 kids, W2 said, "Not at all." W2 reported that as they were wrapping up and the  
21 Defendant was about to leave the salon, the Defendant said, "And I'm not fucking  
22 kidding, you'll see this on the fucking news. I'm going to fucking kill 'em." W2 also told

1 Detective Merifield that W2 is afraid of the Defendant.

2 On April 30, 2014, Missoula City Police Detective Mitchell Lang conducted a  
3 recorded interview with a resident of the area. She reported that on April 26, 2014, she  
4 was driving down Prospect Lane and came up behind a dark grey colored pick-up truck.  
5 She said the truck was going 4 miles per hour even though the posted speed limit was 25  
6 miles per hour. The truck appeared to pull off to the right to stop. She proceeded to pull  
7 to the left to pass the truck when it suddenly turned left, forcing her vehicle to the left  
8 curb to avoid a collision. She said that an Asian-looking male, stocky of build, got out of  
9 the truck and started yelling profanities at her. She said his language was "thick" and  
10 that he had foam in the corners of his mouth. She reported that he appeared to be  
11 "compromised," explaining that she thought he was high or had been drinking. On April  
12 27, 2014, at about 1:00 a.m., she saw the emergency lights from the police cars and the  
13 ambulance in the same male's driveway.

14 On May 7, 2014, Detective Chrestenson conducted a recorded interview with a  
15 different neighbor regarding a separate driving incident involving the Defendant on April  
16 26, 2014. The witness reported that at about 3:00 p.m. he was driving a red pick-up  
17 truck down Prospect Lane when he came upon a large, grey pick-up driving extremely  
18 slow in the traffic lane. The witness thought that the driver was looking for an address.  
19 The witness later identified the driver as the Defendant after seeing his photograph in the  
20 news. The witness attempted to pass the truck but the Defendant pulled his truck across  
21 the road, blocking the roadway. The witness backed up and tried to go around. The  
22 Defendant backed up and continued down Prospect Lane, ahead of the witness, well

1 below the posted speed limit of 25 miles per hour.

2 The witness again attempted to pass the Defendant. Again, the Defendant turned  
3 his truck to block the roadway. The Defendant jumped out of his truck and started yelling  
4 at the witness. The witness said that the Defendant was yelling gibberish. The  
5 Defendant told the witness that if he wanted to drive one mile an hour down the road he  
6 would have to stay behind him and like it. The witness said that he could not tell if the  
7 Defendant was drunk. However, the witness did report that the Defendant did not look  
8 right. The witness said that the Defendant appeared disheveled, sloppy and unshaven.  
9 It appeared that the Defendant looked ready to fight. The witness got out of his vehicle  
10 and thought that he surprised the Defendant by doing so. The witness got back in his  
11 vehicle and left the area before the Defendant could get back in his truck.

12 On May 7, 2014, Detective Chrestenson conducted a recorded interview with a  
13 resident who had witnessed road rage on Prospect Drive the day before the shooting.  
14 The resident saw a red truck pull up behind a large, grey truck driving very slowly. The  
15 red truck tried to pass the grey truck and the grey truck cut it off. The driver of the grey  
16 truck got out and yelled, "Slow the fuck down!"

17 On April 29, 2014, Medical Examiner, Dr. Gary Dale, M.D. completed a Report of  
18 Postmortem Examination of decedent Diren Dede. Dr. Dale reported that the cause of  
19 death was a shotgun wound to the head. The manner of death was homicide.

20 Based on the investigation, crime scene photos and the wounds sustained by  
21 Dede, Dr. Dale concluded that Dede was shot twice – once in the arm and then in the  
22 head. The shot to the arm would have been survivable. The shot to the head was not

1 survivable, due to the catastrophic damage sustained to the brain by the shot gun blast.

2 On April 30, 2014 at about 1:30 p.m., Detectives Baker and Chrestenson  
3 conducted a second, recorded interview with Robby Pazmino. Robby said that he  
4 learned about "Garage Hopping" or "Garage Shopping" from his local friends. He said  
5 that he and Diren Dede had participated with other friends 3-4 times. Robby stated that  
6 he, Diren and Zach stayed in the car and did not actually go inside the garages. Robby  
7 stated that he did not believe any of his friends had stolen credit cards or money from the  
8 Defendant's garage.

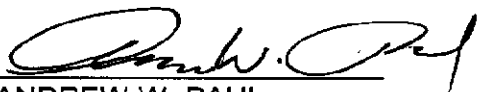
9 On the night of the shooting, Robby and Diren were bored and decided to take a  
10 walk around the neighborhood. Diren started to walk towards the driveway and Robby  
11 asked if he was going to go there. Diren walked up to the garage door without saying  
12 anything. Robby assumed Diren was looking for an alcoholic beverage to drink. Robby  
13 started to walk out to the middle of the street.

14 Robby heard an unfamiliar male voice say something to the effect of, "I see you  
15 there." A second or two later, Robby heard the first shot. Robby heard four shots, either  
16 one after the other or three shots, a pause and then a fourth shot. Robby ran as soon as  
17 he heard the first shot. He ran to Diren's host family's home and told them what had  
18 happened.

19 Bail was set in Justice Court at \$30,000.00. Defendant posted bail the day it was  
20 set.

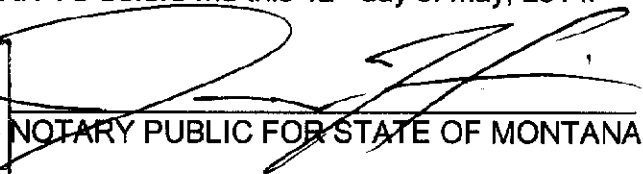
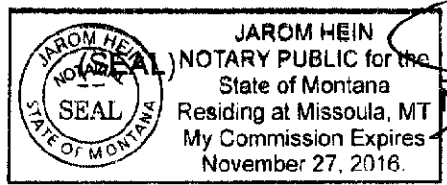
21 DATED this 12<sup>th</sup> day of May, 2014.  
22

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22



ANDREW W. PAUL  
Deputy County Attorney

SUBSCRIBED AND SWORN TO before me this 12<sup>th</sup> day of May, 2014.



NOTARY PUBLIC FOR STATE OF MONTANA