

3
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

RECEIVED

4 SEP 24 2013

5 Justice Court

6 STATE OF MONTANA
7 Plaintiff,

Cause No. *CR-2013-11303-C2*

-vs-

COMPLAINT

8 JASON E KIRCHNER
9 Defendant.

10 JASON MARKS, Deputy Missoula County Attorney, deposes and says
11 that on or about the 23rd day of September, 2013, in Missoula County, the
12 Defendant committed the offenses of COUNT I: ASSAULT WITH WEAPON,
13 a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-213,
14 punishable by 20 years MSP and/or \$50,000 fine; COUNT II: ASSAULT
15 WITH WEAPON, a Felony, in violation of Montana law, namely: Mont. Code
16 Ann. 45-5-213, punishable by 20 years MSP and/or \$50,000 fine; COUNT III:
17 CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law,
18 namely: Mont. Code Ann. 45-5-207, punishable by 10 years MSP and/or
19 \$50,000 fine; COUNT IV: CRIMINAL MISCHIEF, a Felony, in violation of
20 Montana law, namely: Mont. Code Ann. 45-6-101(1)[2], punishable by 10
21 years MSP and/or \$50,000 fine.
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27 The facts constituting the offense are:
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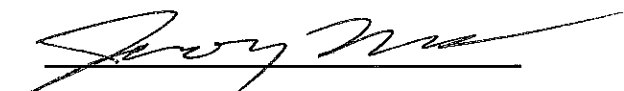
1 COUNT I: On or about the 23rd day of September, 2013, the above-
2 named Defendant purposely or knowingly caused reasonable
3 apprehension of serious bodily injury in law enforcement officers by use of a
4 weapon, a rifle, by firing at them with the rifle.
5

6 COUNT II: On or about the 24th day of September, 2013, the above-
7 named Defendant purposely or knowingly caused reasonable
8 apprehension of serious bodily injury in law enforcement officers by use of
9 a weapon, a rifle, by firing at them with the rifle.
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11 COUNT III: On or about the 23rd day of September, 2013, the above-
12 named Defendant knowingly engaged in conduct that created a substantial
13 risk of death or serious bodily injury to residents of 1700 Cooley St. by firing
14 multiple rifle shots that struck nearby trailers in the trailer court.
15

16 COUNT IV: On or about the 23rd day of September, 2013, the
17 above-named Defendant committed the offense of criminal mischief by
18 knowingly or purposely damaging an EOD robot, property of Missoula City
19 Police Department, without consent. The amount of the damage exceeds
20 \$1,500.
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22 DATED this 24th day of September, 2013.
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28 JASON MARKS
 Deputy Missoula County Attorney

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Subscribed and sworn to before me this 24th day of September, 2013.

JUSTICE OF THE PEACE

COMPLAINT 13-2267

1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,
2 IN AND FOR THE COUNTY OF MISSOULA RECEIVED
3 BEFORE Karen A. Orzech, JUSTICE OF THE PEACE SEP 24 2013
4 Justice Court

5 STATE OF MONTANA,
6 Plaintiff,

Cause No. *CR-2013-11303-c2*

7 -vs-

**AFFIDAVIT OF PROBABLE
CAUSE**

9 JASON E KIRCHNER,
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:
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17 I have read the official law enforcement reports regarding the
18 investigation of JASON E KIRCHNER for allegedly committing the offense(s)
19 set forth in the complaint in and based upon the information contained in the
20 reports, if true, believe probable cause exists to justify charging the above-
21 named defendant as specified in the accompanying complaint.
22

23
24 On or about the 23rd day of September, 2013, at approximately 7:00
25 a.m., Missoula City Police received a report of an assault that had occurred
26 at 1700 Cooley #8. Warren Williams reported that he had been struck in
27 the face by a resident of trailer #8, Jason Kirchner, when he went to the
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1 trailer to try and calm Kirchner down. He said that Kirchner had been
2 fighting with his girlfriend since approximately 1:30 a.m. and Williams
3 believed Kirchner had been engaged in heavy drug use. Williams also
4 reported that Kirchner had a gun in the trailer and had made threats about
5 using it. He said Kirchner was still in the trailer with his girlfriend.
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8 Officer Vreeland approached Kirchner's trailer and attempted to get
9 Kirchner to come out. Kirchner did not respond. Officer Vreeland called for
10 backup because of the report that Kirchner was armed.
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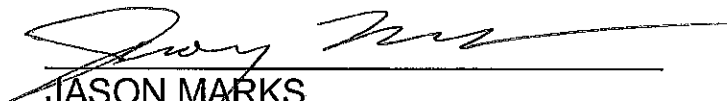
12 After numerous attempts, Detective Merifield of the Missoula City
13 Police Department was able to establish telephone contact with Kirchner.
14 Kirchner directed profanities toward her and told her that if police
15 approached "it will be on" and "everyone within a thousand yards is dead."
16 He then hung up and threw the phone out the window.
17
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19 At around 2:00 p.m., Kirchner fired numerous gunshots from trailer
20 #8. Officers noted that there were two volleys of gunfire, with 5-6 shots in
21 the first volley and 7-8 shots in the second. At least one of the volleys was
22 directed at an armored vehicle being used by Missoula City Police. At the
23 time of the gunfire, several officers were exposed in open hatches and one
24 of the bullets struck the armored vehicle approximately six inches from an
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1 exposed officer. Other bullets struck trailers to the north and west of trailer
2 #8.
3

4 Missoula City Police attempted to use an EOD robot to deliver a
5 phone to Kirchner. He fired at the robot striking it 6 times. Detective
6 Merifield estimates repairs will exceed \$1,500.
7

8 In the early morning hours of September 24, 2013, Kirchner opened
9 fire on another armored vehicle that had been brought in from Kalispell.
10 Multiple bullets struck the vehicle. At the time those shots hit the armored
11 vehicle, a Missoula County Sheriff's Deputy was outside the vehicle in the
12 turret area and was exposed to the gunfire.
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21 JASON MARKS
22 Deputy Missoula County Attorney

23 SUBSCRIBED AND SWORN TO before me this 24th day of
24 September, 2013.
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27 _____
28 JUSTICE OF THE PEACE

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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