

RECEIVED

AUG 16 2017

Justice Court

LEWIS K. SMITH
POWELL COUNTY ATTORNEY
409 Missouri Avenue, Ste. 301
Deer Lodge, Montana 59722
(406) 846-9790

IN THE JUSTICE COURT OF
POWELL COUNTY, STATE OF MONTANA
Before JO ANNE NELSON, Justice of the Peace

STATE OF MONTANA,)	
Plaintiff,)	CR-2017- <u>135</u>
)	
vs.)	WARRANT OF ARREST
)	
MARK WILLIAM COLLINS,)	MAY BE SERVED DAY OR NIGHT
Defendant.)	

**THE STATE OF MONTANA TO ANY PEACE OFFICER OF THIS OR ANY
OTHER STATE:**


Complaint upon oath having been this day made before me by Lewis K. Smith, that the crimes of Count I: Attempted Assault with a Weapon, a felony, as specified in Mont. Code Ann. §45-5-213 and §45-4-103 (2015); Count II: Criminal Endangerment, a felony, as is specified in Mont. Code Ann. § 45-5-207 (2015); Count III: Assault with a Weapon, a felony, as specified in Mont. Code Ann. §45-5-213 (2015); Count IV: Attempted Assault with a Weapon, a felony, as is specified in Mont. Code Ann. § (2015); Count V: Attempted Deliberate Homicide, a felony, as specified in Mont. Code Ann. §45-5-102(2) and §45-4-103 (2015) have been committed, and accusing MARK WILLIAM COLLINS, thereof, you are

therefore ordered forthwith to arrest the above-named defendant and bring him before this Court, or in any case of my absence or inability to act, before the nearest or most accessible Judge in this county, or if the arrest is made in another county, before a Judge of that county without unnecessary delay.

The defendant is to be admitted to bail in the sum of \$250,000.00.

That upon posting bail, the Defendant shall appear before Judge JoAnne Nelson within 10 days of release, in the courtroom of said judge located at 409 Missouri Ave., Deer Lodge, MT 59722.

Dated this 16th day of August, 2017.


JO ANNE NELSON
Justice of the Peace

RETURN

I arrested the above named Defendant by virtue of this warrant

on _____ at _____.

TITLE

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IN THE JUSTICE COURT OF
POWELL COUNTY, STATE OF MONTANA
Before JO ANNE NELSON, Justice of the Peace

STATE OF MONTANA,)	
)	
Plaintiff,)	CAUSE NO. CR-2017-135
)	
vs.)	AFFIDAVIT IN SUPPORT
)	AND COMPLAINT
MARK WILLIAM COLLINS,)	
)	
Defendant.)	

Lewis K. Smith, being duly sworn, deposes and says:

That on August 4, 2017, on Interstate 90 near the Beck Hill Interchange, in Powell County, Montana, the Defendant, MARK WILLIAM COLLINS, committed the offenses of Count I: Attempted Assault with a Weapon, a felony, as specified in Mont. Code Ann. §45-5-213 and §45-4-103 (2015); in the alternative, Count II: Criminal Endangerment, a felony, as is specified in Mont. Code Ann. § 45-5-207 (2015); Count III: Assault with a Weapon, a felony, as specified in Mont. Code Ann. §45-5-213 (2015); Count IV: Attempted Assault with a Weapon, a felony, as is specified in Mont. Code Ann. §45-5-213 (2015); Count V: Attempted Deliberate Homicide, a felony, as specified in Mont. Code Ann. §45-5-102(2) and §45-4-103 (2015).

The matter has been investigated by Mark Hilyard, Agent with the Division of Criminal Investigations, Montana Department of Justice and he has provided me with the following facts giving probable cause to believe the Defendant committed the offenses:

1. That on August 4, 2017, at approximately 5:30 a.m., Deputy John Micu was called out, to respond to a report of a driver driving the wrong way on the Interstate 90 (I-90) in Powell County, from the Powell County Sheriff's Office. The initial reporting party, Kevin C. Morley, stated that he had twice seen a brown van had been driving the wrong way on Interstate 90 east of and then about one mile west of the Deer Lodge North Interchange. Morley then proceeded to the Beck Hill Interchange where he exited the freeway and proceeded south on the North Frontage Road toward his destination at Rock Creek Cattle Co. While driving south, he observed a large cloud of dust ahead of him and believed the wrong way driver had gone into the Median. However, he then observed the driver had gone through the right of way fence onto the North Frontage Road and was coming toward him. About 50 yards past the Kohrs Bend house Morley observed the vehicle swerve toward him and attempt to collide with his vehicle, but the vehicle missed his vehicle. Morley believed the Defendant attempted to cause Morley serious bodily harm or death.

2. Deputy Micu located the vehicle near the Beck Hill Interchange on I-90. The vehicle then proceeded south on the North Frontage Road to a location just south of the Rock Creek Cattle Co., intersection where it stopped. Deputy Micu stopped his vehicle behind the brown Dodge van and put his vehicle in reverse as the van accelerated rapidly backwards and collided with Deputy Micu's patrol vehicle, a Jeep Grand Cherokee. The vehicle spun Deputy Micu's vehicle sideways in the road. The van then sped away turning right on to the

Rock Creek Cattle Co., road.

3. The suspect then proceeded up the Rock Creek Cattle Co. Road where it encountered a pickup truck driven by Mark Hathaway on his way to work. The suspect then attempted to collide with Hathaway, who managed to avoid him by turning onto the back road to Garrison, to avoid the suspect.

4. The suspect vehicle then spun the brown van around in the intersection and accelerated east toward Deputy Micu's vehicle. Deputy Micu believed the suspect again intended to ram his vehicle and do him bodily harm. Deputy Micu exited his vehicle and deployed his AR-15 and shot approximately 11 times of which 9 shots passed through the windshield of the suspect's vehicle. Two rounds struck the suspect in the right shoulder, one round in the left shoulder and one round entered his mouth and exited at his left ear. The shots caused him to turn his vehicle to his left and it came to a stop on the north barrow pit past Deputy Micu's vehicle. Officer Brian Locklin of the Deer Lodge Police Department then arrived at the scene and aided deputy Micu in removing the driver from the van and providing first aid until the ambulance arrived. The suspect was identified as Mark William Collins from the registration for the van and his driver's license.

Based upon the foregoing facts, the State charges the Defendant, Mark William Collins, with the following offenses:

COUNT I: ATTEMPTED ASSAULT WITH A WEAPON, a felony.

That on August 4, 2017, on Interstate 90 one mile west of the Deer Lodge Interchange, in Powell County, Montana, the Defendant, Mark William Collins, knowingly

or purposely drove his Dodge Van through the median and attempted to collide with a motor vehicle driven by Kevin C. Morley to cause Kevin C. Morley serious bodily harm or death.

The foregoing conduct of Mark William Collins constitutes the offense of Attempted Assault with a Weapon, a felony, as specified in Mont. Code Ann. § 45-5-213 and §45-4-103 (2015).

MAXIMUM PENALTIES

The maximum sentence for the crime of Attempted Assault with a Weapon, a felony, is commitment to a state prison for a term not to exceed twenty (20) years or a fine in an amount not to exceed \$50,000.00, or both.

COUNT II: CRIMINAL ENDANGERMENT, a felony.

That on August 4, 2017, on Interstate 90 near the two Deer Lodge Interchanges, in Powell County, Montana, the Defendant, Mark William Collins, knowingly or purposely twice drove his Dodge Van westbound into the oncoming traffic in the eastbound lanes of Interstate 90 creating a risk of death or serious bodily harm to any persons traveling in the eastbound lanes of Interstate 90 near Deer Lodge, Montana.

The foregoing conduct of Mark William Collins constitutes the offense of Criminal Endangerment, a felony, as specified in Mont. Code Ann. §45-5-207 (2015).

MAXIMUM PENALTIES

The maximum sentence for the crime of Criminal Endangerment, a felony, is commitment to a state prison for a term not to exceed ten (10) years or a fine in an amount

not to exceed \$50,000.00, or both.

COUNT III: ASSAULT WITH A WEAPON, a felony.

That on August 4, 2017, on the North Frontage Road near the Beck Hill Interchange, in Powell County, Montana, the Defendant, Mark William Collins, knowingly or purposely drove his Dodge Van backward into a Powell County Sheriff's vehicle operated by Deputy Austin Micu and collided with the motor vehicle driven by Deputy Micu with the intent to cause Deputy Micu serious bodily harm or death.

The foregoing conduct of Mark William Collins constitutes the offense of Count III: Assault with a Weapon, a felony, as specified in Mont. Code Ann. §45-5-213 (2015).

MAXIMUM PENALTIES

The maximum sentence for the crime of Assault with a Weapon, a felony, is commitment to a state prison for a term not to exceed twenty (20) years or a fine in an amount not to exceed \$50,000.00, or both.

COUNT IV: ATTEMPTED ASSAULT WITH A WEAPON, a felony.

That on August 4, 2017, on the Rock Creek Cattle Company Ranch entrance road, in Powell County, Montana, the Defendant, Mark William Collins, knowingly or purposely drove his Dodge Van at a vehicle operated by Mark Hathaway on the same road and attempted to collide with a motor vehicle driven by Mark Hathaway to cause Mark Hathaway serious bodily harm or death.

The foregoing conduct of Mark William Collins constitutes the offense of Attempted Assault with a Weapon, a felony, as specified in Mont. Code Ann. § 45-5-213 and §45-4-

103 (2015).

MAXIMUM PENALTIES

The maximum sentence for the crime of Attempted Assault with a Weapon, a felony, is commitment to a state prison for a term not to exceed twenty (20) years or a fine in an amount not to exceed \$50,000.00, or both.

COUNT V: ATTEMPTED DELIBERATE HOMICIDE, a felony.

That on August 4, 2017, on the Rock Creek Cattle Company Ranch entrance road, in Powell County, Montana, the Defendant, Mark William Collins, knowingly or purposely drove his Dodge Van at an accelerating rate of speed directly at the driver's side of a Powell County Sheriff's patrol vehicle operated by Deputy John "Austin" Micu on the same road, and attempted to collide with a motor vehicle operated by Deputy Micu to cause Deputy death.

The foregoing conduct of Mark William Collins constitutes the offense of Attempted Deliberate Homicide, a felony, as specified in Mont. Code Ann. § 45-5-102 and §45-4-103 (2015).

MAXIMUM PENALTIES

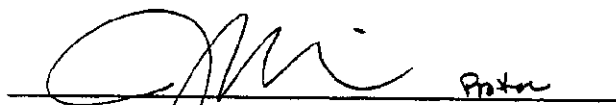
The maximum sentence for the crime of Attempted Deliberate Homicide, is death as provided in 46-18-301 through 46-18-310, unless the person is less than 18 years of age at the time of the commission of the offense, by life imprisonment, or by imprisonment in the state prison for a term of not less than 10 years or more than 100 years, except as provided in 46-18-219 and 46-18-222.

The foregoing knowing or purposeful conduct of MARK WILLIAM COLLINS constitutes the offenses of Count I: Attempted Assault with a Weapon, a felony, as specified in Mont. Code Ann. §45-5-213 and §45-4-103 (2015); in the alternative, Count II: Criminal Endangerment, a felony, as is specified in Mont. Code Ann. § 45-5-207 (2015); Count III: Assault with a Weapon, a felony, as specified in Mont. Code Ann. §45-5-213 (2015); Count IV: Attempted Assault with a Weapon, a felony, as is specified in Mont. Code Ann. § (2015); Count V: Attempted Deliberate Homicide, a felony, as specified in Mont. Code Ann. §45-5-102(2) and §45-4-103 (2015)

Dated this 16th day of August, 2017.


COMPLAINANT

Subscribed and sworn to before me this 16th day of August, 2017.


Official qualified to take oath