

1 MAC BLOOM  
Deputy County Attorney  
2 JORDAN KILBY  
Deputy County Attorney  
3 KIRSTEN H. PABST  
Missoula County Attorney  
4 Missoula County Courthouse  
Missoula, Montana 59802  
5 (406) 258-4737  
ATTORNEYS FOR PLAINTIFF

6  
7

8 IN THE JUSTICE COURT OF THE STATE OF MONTANA  
IN AND FOR THE COUNTY OF MISSOULA

9

10 STATE OF MONTANA,  
Plaintiff,

Department No. 1  
Cause No. CR-2018-243  
MANS No. 3200C1800704

11

-vs-

**AFFIDAVIT OF PROBABLE CAUSE**

12

IVORY BILAS BRIEN,  
Defendant,

13

14 STATE OF MONTANA )  
: ss  
15 County of Missoula )

16 MAC BLOOM, Deputy County Attorney, and JORDAN KILBY, Deputy County  
17 Attorney, Montana, being first duly sworn upon oath, depose and say:

18 I have read the official law enforcement reports regarding the investigation of  
19 IVORY BILAS BRIEN for allegedly committing the offenses of:

20 COUNT I: ACCOUNTABILITY FOR ATTEMPTED DELIBERATE HOMICIDE, a  
21 Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-102[1], 45-4-103 and  
22 45-2-301

23 COUNT II: ACCOUNTABILITY FOR ATTEMPTED DELIBERATE HOMICIDE, a  
24 Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-102[1], 45-4-103 and

1 45-2-301.

2           Based upon the following facts which have been obtained from reports of the law  
3 enforcement officer which, if true, constitute sufficient probable cause to justify the filing of  
4 the charges. The facts from those reports are as follows:

5           On or about March 6, 2018 at approximately 3:48 a.m., Missoula City Police  
6 Officers were dispatched to the South Avenue Market at 2401 S Higgins Ave. regarding  
7 a reported shooting. Upon arrival, Officers found Christopher Dobson laying in the  
8 middle of the parking lot with an apparent bullet wound to the left center side of his  
9 back. He was also bleeding from his head.

10          Officers also spoke with the store clerk and 911 caller, Richard McAfee, who was  
11 transported to the emergency room where a bullet was removed from his shoulder from  
12 the incident. McAfee stated he and Dobson were chatting near the counter of the store  
13 when two males entered the front door. McAfee remembered seeing a handgun in one  
14 of the male's hands, and the other male had pepper spray. He then heard two gunshots  
15 and witnessed one of the males pepper spraying Dobson. McAfee remembered  
16 jumping down behind the counter and seeing one of the males standing over him. He  
17 remembered seeing a gun pointed in his direction, hearing a shot, and feeling pain in  
18 his shoulder.

19          Officers observed blood and pepper spray on the floor of the convenience store.  
20 Officers reviewed the convenience store's video surveillance. The surveillance showed  
21 two suspects entering the store. The first suspect had a firearm and immediately shot  
22 Dobson. Dobson dropped to the floor and the suspect shot him again while the suspect  
23 stood over Dobson. The same suspect then walked behind the counter, stood over  
24 McAfee and shot McAfee. The second male suspect entered behind the first and

1 pepper sprayed the counter and Dobson. Both suspects immediately fled the store  
2 without taking anything. The surveillance video showed the suspects leaving the area  
3 on foot.

4 Police interviewed Dobson, who stated that he went to the convenience store at  
5 around 3 a.m. to speak with his friend, McAfee. He stated he was standing with his  
6 back to the door when he heard three shots. He stated he quickly realized he had been  
7 struck and fell to the floor. He explained that he thought he heard the suspects  
8 grabbing things while they were inside the store.

9 On March 7, 2018, Detectives received information that Drake Grace and Ivory Brien  
10 are roommates in Miller Hall at the University of Montana. Detectives learned that  
11 Grace had identified Brien and their mutual friend, Chase Munson, as the parties  
12 involved in the shooting. Detectives obtained phone numbers for Munson and Brien.

13 Detective Stacy Lear reviewed video surveillance from Miller Hall and observed  
14 on March 6, 2018, four individuals left Miller Hall together at approximately at 1:50 a.m.  
15 The first male, who could not be identified at that time, put on a winter hat/beanie with  
16 the word "IRISH" on it with a pom-pom on the top, and also put on a pair of goggles.  
17 The male was wearing a dark-colored hoodie and a low-slung Under Armour backpack.  
18 The hat/beanie, hoodie, and backpack all match the clothing worn by the shooter in the  
19 surveillance video from South Avenue Market.

20 Detectives identified a second male in the Miller Hall surveillance as Drake  
21 Grace. Grace was wearing a black hoodie with the hood up, maroon pants, and black  
22 shoes with white soles. Grace's right hand was wrapped in a white bandage.  
23 Detectives identified a third male as Nathan Polakoff. Polakoff was wearing a purple  
24 coat, and put on a face mask. Detectives identified a fourth male in the surveillance as

1 Ivory Brien. Brien was wearing a light-colored hoodie and is carrying a dark-colored  
2 backpack.

3 Viewing the same surveillance from Miller Hall, Detective Lear observed three of  
4 the males return together on March 6, 2018 at 4:10 a.m. Grace and Brien are easily  
5 identifiable from their clothing and faces. The third male, who could not be identified at  
6 that time, was smaller in stature. He had longer brown hair (down to his collar) and was  
7 wearing a light grey hoodie with blue writing on the front and a light grey stocking cap.

8 Officers located Grace in a dorm room at Miller Hall. In a recorded statement after  
9 waiving his Miranda rights, Grace identified Munson as the shooter and Brien as the  
10 person using pepper spray at South Avenue Market. Grace explained that on the night  
11 of the shooting, he, Munson, Brien, and Polakoff were out walking around and doing  
12 “hood rat shit,” including breaking into cars. He confirmed that after a while, Polakoff  
13 left the group, and he (Grace), Munson, and Brien continued toward the convenience  
14 store. Grace stated he asked Munson and Brien why they were heading towards the  
15 convenience store, but Munson and Brien refused to answer. Grace stated that Brien  
16 eventually informed him (Grace) that Munson had a gun, so Grace left the group and  
17 walked back toward campus. He then heard a “pop” and saw Munson and Brien  
18 running faster than he had ever seen them run in their lives.

19 Grace stated that he had previously seen and handled Munson’s gun, which he  
20 described as an antique revolver with a wooden handle. He explained that Munson  
21 obtained the gun on a different occasion while “car hopping.” Grace reviewed still  
22 photographs taken from the Miller Hall surveillance video. He identified the four males  
23 seen leaving Miller Hall on March 6, 2018 at 1:50 a.m. as Munson, Brien, Polakoff, and  
24 himself. He identified the three males returning to Miller Hall as Munson, Brien, and

1 himself. He also identified the backpack worn by Munson as belonging to Munson.  
2 Grace said that Munson admitted to doing the shooting while Brien admitted to using  
3 the bear spray.

4 Detectives executed a search warrant on two dorm rooms at Miller Hall where  
5 Munson and Brien had reportedly been staying. Detectives recovered clothing that  
6 matched the clothing worn by Munson and Brien during the shooting. They also  
7 recovered a backpack that matched the backpack worn by Munson on the convenience  
8 store surveillance video. An empty pepper spray holster, ammunition, and a revolver  
9 cylinder of the same caliber believed to be used in the shooting were also seized during  
10 the search.

11 Detective Lang obtained geolocation data for Brien's cellular telephone number,  
12 which placed the phone at Days Inn Missoula Airport at 8600 Truck Stop Road in  
13 Missoula County. Based on the location of Brien's phone, Missoula County Sheriff's  
14 Deputies conducted surveillance at the Days Inn Missoula Airport and determined that  
15 Munson rented room number 105 and was currently staying in that room. Brien was  
16 taken into custody after contact with Flathead Reservation Tribal Officers.

17 On March 8, 2018, Detective Blood learned from Days Inn staff that two males had  
18 just checked out of room 105 and were leaving the premises. Several officers and  
19 deputies arrested the males, who were identified as Munson and John Bullen. Munson  
20 was carrying a grey Adidas backpack, which officers seized. Detective Lear later  
21 obtained a search warrant for Munson's backpack and located a Ruger .22 caliber  
22 revolver inside of it. She also found a 100-round box of .22 ammunition. Eighteen  
23 rounds were missing from that box.

24 Detectives interviewed Bullen, who stated that on March 7, 2018, he and a friend,

1 R.C., decided to go to campus to visit Munson. They were stopped by University of  
2 Montana Police at Miller Hall so they left to get food. As short time later, Munson sent a  
3 message to R.C. asking him to come back to campus. Munson explained that, “he was  
4 in trouble” and had to “leave for a while.” Bullen and R.C. returned to campus and met  
5 up with Munson, Brien, Grace, Polakoff, and “Gordy.” Munson reiterated to Bullen that  
6 he had to leave for a while and that he probably wouldn’t see Bullen again for some  
7 time. Munson, Brien, and Bullen then decided to rent a room at Days Inn and stay for a  
8 night.

9 Bullen also stated that he was in the dorm room on the night of the shooting. He  
10 explained that Munson, Brien, and Grace all went “car hopping” and then returned to the  
11 dorm room during the early morning hours. At that time, Bullen heard Munson say, “I  
12 just shot two people” and “I just shot two guys.” Bullen observed Munson handling an  
13 old-western-style handgun after the shooting. Bullen confirmed that Munson put the  
14 gun in his backpack. Bullen also said that he last saw the bear spray in Munson’s  
15 backpack, but noted that he had seen Brien handling it earlier.

16 Detectives interviewed Polakoff, who stated that on the night of the shooting, he was  
17 hanging out with Munson and Brien. He believed that they had consumed Xanax and  
18 were acting drunk. Around 2 a.m., Munson, Brien, Grace, and Polakoff decided to go  
19 “car hopping.” Around 3:30 a.m., Polakoff returned to his dorm room and went to bed  
20 while the others continued on. A short time later, Grace “barged” into his dorm room  
21 and said, “They just shot two people!” Grace pointed in a south, southwesterly  
22 direction—which is the direction of the convenience store. Munson and Brien then  
23 entered the dorm room and, according to Polakoff, were “bouncing off the walls.”  
24 Munson said, “We just shot two people!” Munson explained to Polakoff that “We just

1 tried to rob that convenience store. They tried to go for the alarm, so we shot them.”  
2 Munson described the details of the shooting to Polakoff and admitted to firing multiple  
3 times. While Munson was discussing the shooting, Brien admitted that he “bear maced”  
4 someone.

5 Detectives interviewed Brien, who confirmed that on the night of the shooting he was  
6 “car hopping” with Munson, Polakoff, and Grace. He stated initially that he and Chase  
7 went into the store, he did not know Chase had a gun and that he (Brien) did not intend  
8 to kill anyone.

9 Brien stated that after Polakoff left the group, he (Brien) and Munson decided to do a  
10 “beer run” while Grace fell back. Brien and Munson stood next to Hoagieville (south of  
11 the convenience store) and discussed going into the convenience store. Munson asked  
12 Brien something to the effect of, “Want to do this?” and Brien replied, “I don’t know”.  
13 Munson showed Brien his gun and gave him (Brien) the pepper spray. Brien stated  
14 that he thought this was a beer run and that Chase wanted money.

15 However, Munson and Brien then entered the convenience store, and Munson  
16 started shooting. Brien admitted that he pepper sprayed the first victim and then  
17 followed the second victim with the spray. Brien stated he then got scared and ran  
18 outside.

19 Brien confirmed that Munson fired three shots. He stated that Munson shot the first  
20 victim in the back and the back of the head. He stated that Munson then shot the  
21 second victim, and that was when he (Brien) ran. Brien stated that they didn’t take  
22 anything from the convenience store.

23 Lastly, Detectives attempted to interview Munson. While they were asking him basic  
24 introductory questions regarding his name, date of birth, and employment history,

1 Munson blurted out, "I'm going to tell you, this is what happened to me." Munson said  
2 that Brien called him on March 7, 2018 and asked to meet. When they met up, Brien  
3 handed Munson the backpack that he (Munson) was arrested with. Munson denied  
4 ownership of the gun. Munson also mentioned that on the night of the shooting his  
5 memory was fuzzy because he was "on Xanax." Munson declined to provide any  
6 further statements.

7 DATED this 9th day of March, 2018.

8 /s/ Mac Bloom  
9 MAC BLOOM  
Deputy County Attorney

10 /s/ Jordan Kilby  
11 JORDAN KILBY  
Deputy County Attorney

12 SUBSCRIBED AND SWORN TO before me, a Justice of the Peace, in and for the  
13 State of Montana, County of Missoula.