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8 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

9 STATE OF MONTANA,
 Plaintiff,

10 -vs-

11 JOHNATHAN ALBERT BERTSCH,
 Defendant,

Dept. No _____
 Cause No. DC-19-

MOTION AND AFFIDAVIT FOR
LEAVE TO FILE INFORMATION

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

15 JASON MARKS, Chief Deputy County Attorney and JENNIFER CLARK, Deputy
 16 County Attorney of Missoula County, Montana, being first duly sworn, moves the Court
 17 for leave to file an Information charging the above-named Defendant with allegedly
 18 committing the offense(s) in Missoula County of

19 COUNT I: DELIBERATE HOMICIDE, a Felony, in violation of Montana law, namely:

20 Mont. Code Ann. 45-5-102[1];

21 COUNT II: ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation of Montana law,

22 namely: Mont. Code Ann. 45-5-102[1] and 45-4-103,

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

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

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

9 On March 14, 2019 at 10:53pm, Julie Blanchard called 911 from the area of Lithia
10 Chrysler Jeep Dodge of Missoula at 5001 Grizzly Court in Missoula to report that three
11 people had been shot by a suspect in a white Cadillac Escalade.

12 Sgt. Matthew Kazinsky of the Missoula City Police Department arrived on scene at
13 10:59 p.m. and found a red diesel pickup truck with apparent bullet holes. Sgt. Kazinsky
14 found Julie Blanchard in the driver's seat. Julie had been shot but was conscious. In the
15 back seat of the pickup was a deceased male, later identified as Shelley Hayes, who also
16 had been shot. Outside the vehicle on the ground was a male later identified as Casey
17 Blanchard. Casey had been shot multiple times but was conscious. Sgt. Kazinsky told
18 dispatch there were multiple "high caliber rounds" and "AR-15 rounds" on the ground in
19 the area and that it appeared that two handguns and one AR-15-style rifle were used
20 based on the casings.

21 Julie Blanchard was interviewed by detectives and stated that her son Casey had
22 called her to pick him and his friend Shelley up from Marvin's Tavern at the Wye. She

1 recalled seeing a white Escalade in the parking lot. As they left the parking lot, the
2 Escalade followed them, flashing its headlights.

3 On March 15, 2019, at 12:12 a.m., Montana Highway Patrol Trooper Wade Palmer
4 reported to dispatch that he was under fire at Mile Marker 7 on Highway 93 North which
5 is near the Evaro Bar. Dispatch was subsequently unable to reach him by radio. Trooper
6 Rob Strauch, Missoula police, and Missoula County sheriff's deputies arrived at Trooper
7 Palmer's location and found he had been shot and was unconscious. He was transported
8 to the hospital with life-threatening injuries.

9 Burton Bertsch was contacted by law enforcement at the Grey Wolf Casino.
10 Burton reported that he had called his son, Johnathan Bertsch, and that Johnathan had
11 told him something to the effect of "I had a road rage incident... I think I might have shot a
12 cop." Burton stated he had been at Marvin's Tavern on March 14, 2019, when his son
13 Johnathan showed up there unexpectedly between 9:30 p.m. and 10:00 p.m. Johnathan
14 told him he was going to drive around for a while, and Jonathan was driving a white
15 Escalade. Burton stated that Johnathan usually carries a 45-caliber handgun and a rifle
16 in the vehicle with him.

17 Law enforcement used Burton's phone to contact Johnathan. Johnathan admitted
18 his involvement in both shootings. He refused to provide law enforcement with his
19 location.

20 At 4:24 a.m., a citizen called 911 to report a white Cadillac Escalade parked at the
21 bottom of a driveway on Grooms Road in Missoula County, which intersects with Hwy 93
22 North near the Evaro Bar. A Missoula County sheriff's deputy made contact with

1 Johnathan, who was carrying a rifle, on Thornburg Road in Missoula County, which is
2 near Grooms Road and Highway 93 North and took him into custody.

3 A review of the surveillance video from Marvin's Tavern showed Johnathan enter
4 the bar and speak to his father and showed Julie come to the bar to pick up Casey and
5 Shelley. Julie, Casey, and Shelley left the bar and got into Casey's red pickup truck with
6 Julie driving. Johnathan left the bar and got into his white Escalade. Before leaving the
7 parking lot, the red pickup driven by Julie briefly stopped and emitted an extremely large
8 and dense cloud of diesel exhaust. After the cloud of diesel exhaust enveloped the
9 vehicle driven by Johnathan, he abruptly pulled out and followed the pickup.

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11 **Bail was set in Justice Court at \$2,000,000 and has not been posted.**


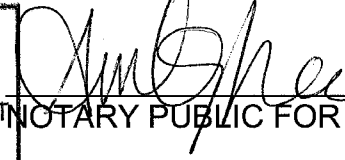
12 DATED this 25th day of March, 2019.

13 
14 JASON MARKS
15 Chief Deputy County Attorney

16 DATED this 25th day of March, 2019.

17 
18 JENNIFER CLARK
19 Deputy County Attorney

20 SUBSCRIBED AND SWORN TO before me this 25th day of March, 2019.

21  AMY MCGHEE
22 NOTARY PUBLIC for the
State of Montana
Residing at Frenchtown, MT
My Commission Expires
July 12, 2020. 
NOTARY PUBLIC FOR STATE OF MONTANA