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7 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

8 STATE OF MONTANA,
Plaintiff,

9 -vs-

10 LOCHLAN MICHAEL GORDON,
Defendant,

Dept. No _____
Cause No. DC-20-

MOTION AND AFFIDAVIT FOR
LEAVE TO FILE INFORMATION

11

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

14 JORDAN KILBY, Deputy County Attorney of Missoula County, Montana, being first
15 duly sworn, moves the Court for leave to file an Information charging the above-named
16 Defendant with allegedly committing the offense(s) in Missoula County of
17 COUNT I: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely:
18 Mont. Code Ann. 45-5-207;
19 COUNT II: CRIMINAL ENDANGERMENT, a Felony, in violation of Montana law, namely:
20 Mont. Code Ann. 45-5-207.

21 The Motion is based upon the following facts which have been obtained from
22 reports of the law enforcement officers which, if true, I believe, constitute sufficient

1 probable cause to justify the filing of the charges. The facts from those reports are as
2 follows:

3 On April 15, 2020 at about 1:45 pm, Missoula City Police Officers responded to the
4 200 block of East Beckwith, which is within Missoula County for the report of shots fired.
5 Dispatch notified officers that a male was standing in front of the residence at 235 E
6 Beckwith, firing what looked like a rifle into a vehicle in front of the home. Officers arrived
7 and heard shots coming from the area. They were able to take Lochlan Gordon, the above-
8 named Defendant, into custody without incident. Defendant was living at the residence at
9 the time and he was the individual firing the rifle.

10 Several neighbors were at their homes and observed the incident. One neighbor,
11 who lives directly across the street, reported she was in her kitchen when she heard the first
12 and second shots. She went to her porch and saw Defendant sitting on his porch outside
13 his residence. She saw Defendant with a gun, shooting at a parked vehicle in the street.
14 She observed him to be expressionless and he did not respond to her when she loudly
15 called out to him. The witness stated she yelled loudly enough for him to hear her. He then
16 went inside his house. He came back outside, removed a panel from the vehicle door and
17 began shooting at his vehicle again. He shot three to five more times. The witness
18 estimated he shot at the vehicle about 15-20 times in total. She stated the gun looked like a
19 shot gun, being black and brown in color.

20 Another neighbor, who lives diagonally from Defendant, heard the shots also. He
21 stated he heard a sound that made him think the gutter had fallen off his house. He stated
22 he saw Defendant exit the residence and begin discharging a long rifle into a vehicle which

1 was parked directly in front of the residence. The witness stated he was in fear for his life
2 and that of his family who were also in the home.

3 Another witness reported she was in her lower office when she heard a popping
4 sound that she thought was fireworks. She went upstairs to her kitchen and again heard
5 popping noises. She looked out the window and saw a male across the street raising and
6 lowering something. She was unsure what it was until she heard more popping noises and
7 realized he was shooting a vehicle.

8 Detective Brueckner of the Missoula Police Department searched Defendant's
9 residence and located a Model 1907 S.L. rifle near 16 empty cartridges on the counter.
10 Detective Bruecker counted 18 entrance points for bullets in the vehicle and 6 exits. The
11 windows had been shot out of the vehicle and one tire was flat. Detectives located 28
12 cartridge casing on the ground below the porch of the residence.

13 Detective Brueckner located two 18-inch gouges in the lawn of the neighbor across
14 the street. She noted freshly broken branches on some shrubs. She found two large bullet
15 fragments in the neighbor's front yard. She observed where one of the bullets had hit the
16 siding of the neighbor's home and then ricocheted onto the lawn. Another bullet hole was
17 located in another neighbor's garage. The bullet seemed to be lodged in the wall.

18 Defendant was arrested and transported to the police department. He appeared to
19 be having a mental health crisis based on the fact that his statements were not making
20 sense to the officers.

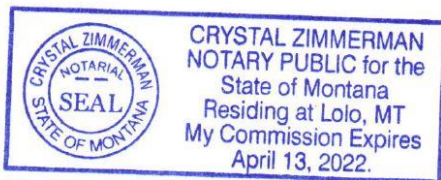
21 The State requests the Court set bail in the amount of \$100,000, given the nature of
22 the danger presented to the community when Defendant discharged his rifle several times

1 into a vehicle in front of his home on a main thoroughfare through his populated
2 neighborhood. Many of his neighbors were in their houses at the time and bullets were
3 found across the street, having bounced off the siding of a house and lodged in the garage
4 of another. This occurred in broad daylight in a neighborhood where many people walk the
5 sidewalks. While witnesses stated Defendant did not seem to be pointing the rifle at
6 anyone, and he in fact stopped shooting when cars drove by, he put the safety of his
7 neighbors at substantial risk. His rifle was high powered. It was not automatic, and he had
8 to reload each time he shot. He took at least one break from shooting to go back inside his
9 residence, presumably to collect more ammunition. The State perceives this break as
10 constituting a break in the act and therefore is charging him with two counts of Criminal
11 Endangerment.

12 DATED this 17th day of April, 2020.

13
14 /s/ Jordan Kilby
15 JORDAN KILBY
Deputy County Attorney

16 SUBSCRIBED AND SWORN TO before me this 17th day of April, 2020.



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NOTARY PUBLIC FOR STATE OF MONTANA