

LETA WOMACK
Deputy County Attorney
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ATTORNEYS FOR PLAINTIFF

IN THE JUSTICE COURT OF RECORD OF MISSOULA COUNTY,
STATE OF MONTANA

STATE OF MONTANA, Plaintiff, -vs- BRIAN KENNETH ANDERSON, Defendant.	Dept. Cause No. MANS No. 3203J000478 AFFIDAVIT OF PROBABLE CAUSE
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STATE OF MONTANA)
 : ss
County of Missoula)

LETA WOMACK, Deputy County Attorney, Montana, being first duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of Brian Kenneth Anderson for allegedly committing the offenses of:

COUNT I: ASSAULT WITH WEAPON, a felony, in violation of § 45-5-213, MCA;

COUNT II: ASSAULT WITH WEAPON, a felony, in violation of § 45-5-213, MCA;

COUNT III: CARRYING CONCEALED FIREARMS, a misdemeanor, in violation of § 45-8-316(1), MCA.

I believe that the facts as set forth in the law enforcement reports, if true, constitute sufficient probable cause to justify the filing of the charges.

Those facts are as follows:

On October 11, 2020, UMPD dispatch advised that a male had just pulled a gun on some people near the north side of Grizzly football stadium. Sgt Feilzer and Officer Scott Pastian immediately got into their police vehicle and headed west out of the UMPD parking lot as UMPD was providing the suspect description. Sgt. Feilzer and Officer Pastian could see a male matching the suspect description walking westbound on the south side of the stadium. At the same time, two males were observed (unidentified) near the intersection of the parking lot exit and Campus drive; they confirmed that observed male was the person who pulled the gun. Officer Pastian later determined that one of the males was DAVID HILDEBRAND, an uninvolved witness. The Officers drove towards the suspect who was walking away from them. Officer Pastian drew his firearm, pointed it at the suspect and gave him verbal commands to stop, get down

on his knees, put his hands in the air and make no movements with his hands. While Officer Pastian had the suspect at gunpoint and immobilized, Sgt. Feilzer approached the suspect and placed handcuffs on him. Sgt. Feilzer removed what was later determined to be a "DENALI .380 ACP", with a round in the chamber and four (4) unfired rounds in the magazine. It was removed from the suspect's right front pants pocket. Once the suspect was secured, Sgt. Feilzer read the suspect his Miranda Warning. The suspect, later identified as BRIAN ANDERSON, waived his rights per Miranda and answered questions from Sgt. Feilzer. Officer Pastian coordinated with Officer Mulligan of the MPD to transport the two male victims for interviews (separately).

The first person to be interviewed was CALVIN PERSSON. He advised that he was with his friend (RONALD SIEFKIE) on the north side of the stadium charging RONALD SIEFKIE's cell phone. CALVIN PERSSON said the suspect, whom he doesn't know, was walking by and his buddy, RONALD SIEFKIE, said good morning to the suspect. In response, the suspect began flipping out and starting cussing at the two of them calling them "faggots." The suspect also called them "bums". CALVIN PERSSON said he stood up at this point because the suspect was acting aggressive towards them. CALVIN PERSSON said the suspect quickly grabbed a gun

from his clothing and pointed at them saying he was going to call the cops. CALVIN PERSSON said he replied, "Good please do - tell the cops you pulled a gun on us - just leave." Officer Pastian asked CALVIN PERSSON if he knew the suspect or had any bad blood between them and he said no. CALVIN PERSSON said when the gun was pointed at him, he was scared.

The next person to be interviewed was RONALD SIEFKIE. RONALD SIEFKIE said that he and his friend, CALVIN PERSSON were on the north side of the stadium using an electrical charger for his phone. RONALD SIEFKIE said the suspect walked towards the two of them on the grass and the two basically said "good morning" to the suspect. The suspect, in response, started in with profanity towards them. For example, the suspect said, "Fuck you motherfuckers!", and "I know where you live" and threatened to beat their asses.

RONALD SIEFKIE said CALVIN PERSSON stood up and the suspect started reaching for something, then produced a handgun and pointed at both of them. According to RONALD SIEFKIE, the suspect then said, "I'll pull the trigger on you!" RONALD SIEFKIE said to this, they said they were going to call the cops, to which the suspect said, "Go ahead and call the cops." RONALD SIEFKIE said when the gun was pointed at him he was "worried".

Officer Pastian asked the suspect if he had a concealed weapon permit, which he replied he did not. The serial number had been removed from the firearm and the suspect denied taking the serial number off himself, stating he bought it that way from some old guy.

A 9-1-1 call was made by DAVID HILDEBRAND, who was one of the males that pointed out the suspect walking westbound on the south side of the stadium. DAVID HILDEBRAND said that he was with his wife CAMI HILDEBRAND, and friends PAM BERRY and ELI BERRY and were walking on the trail near the incident. DAVID HILDEBRAND said they heard yelling and looked over to see the suspect pointing a gun at two males. DAVID HILDEBRAND said the suspect then put his gun away and walked away from the scene.

DATED this 13th day of October, 2020.

/s/ Leta Womack
LETA WOMACK
Deputy County Attorney

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

Electronically Signed By:
Hon. Judge Landee Holloway
Tue, Oct 13 2020 01:12:12 PM