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ATTORNEYS FOR PLAINTIFF

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

STATE OF MONTANA, Plaintiff, -vs- ANGELA TESS FALLAN, Defendant.	Dept. Cause No. MANS No. 3201J2000445 AFFIDAVIT OF PROBABLE CAUSE
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STATE OF MONTANA)
 : ss
County of Missoula)

MEGHANN PADDOCK, Deputy County Attorney, Montana, being first duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of Angela Tess Fallan for allegedly committing the offense of:

COUNT I: ATTEMPTED DELIBERATE HOMICIDE, a felony, in violation of §§ 45-5-102(1)(a), and 45-4-103, 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 4, 2020 at approximately 4:54pm Defendant Angela Fallan called 911 to have a male, John Doe, removed from her apartment at the Wildflower Apartment complex. Fallan later called 911 to cancel her call, telling them that Doe had left on his own. Fallan called 911 again at 5:18pm to have Doe removed from her home. Fallan again cancelled the call before law enforcement arrived.

At approximately 5:55pm, Angela Fallan called 911 to report that John Doe had told her he was never leaving the apartment and she shot him. When Missoula Police Officers arrived at Fallan's apartment Fallan was in the parking lot with her three young children. After she was detained, Missoula Police Officers entered her apartment and located John Doe lying on a bed in one of the bedrooms with an obvious gunshot wound to his head. Doe was agonally breathing and was transported to the hospital. Many .22 rounds were scattered on the carpet in the room beside the bed where Doe had been laying. There was also a cardboard ammunition box on the floor. A small .22 caliber Keystone Sporting Arms rifle was located in the hallway near the bedroom propped up against the wall. There was one spent cartridge still in the rifle.

Fallan's adult female roommate L.W. was interviewed and confirmed that John Doe had been at their apartment earlier in the day, and that he had been told numerous times to leave but refused to do so. L.W. reported that Fallan had called 911 to have him removed that afternoon, but Doe had left before law enforcement arrived. L.W. admitted that at some point that afternoon she had produced a .22 caliber rifle

and pointed it at Doe and told him to leave. Doe did not leave and told L.W. that she was not going to shoot him.

L.W. reported that Doe did eventually leave, but returned about 30 minutes later and rushed into Fallan's bedroom. L.W. reported that Doe told Fallan she would have to kill him before he would leave, and that Fallan told L.W. to get the rifle for her. L.W. disclosed that she went to her room, grabbed the rifle, and gave it to Fallan. L.W. said she had a bad feeling about what was going to happen so she took her two kids and left. The last L.W. saw, Fallan was standing at the foot of the bed holding the rifle and pointing it at Doe, who was lying on Fallan's bed and refusing to leave. As L.W. was leaving she heard Doe yell "kill me, kill me," and said she was outside for a few minutes when she heard police sirens.

Fallan reported that she had allowed John Doe to come over to help with her 3 kids, and that he had arrived before the kids woke up. She said Doe had arrived in town at about 8am on the bus from out of state. Fallan admitted that she and Doe had started drinking vodka together before the kids woke up, and they both kept drinking throughout the day. Fallan said Doe was "extremely" drunk, and that they have a history of abuse. Fallan said she was frustrated that Doe was so intoxicated and was not meeting her "expectations" of helping with her children, so she told him to leave. Fallan admitted that she had called 911 twice for help getting Doe to leave, but then called back to cancel the request and said he had left on his own. Fallan admitted that she lied to 911, and that Doe had not actually left the apartment.

Fallan provided several inconsistent accounts of what happened, and when confronted with the inconsistencies, said "I did drink quite a bit today" and admitted that

she had not been honest about when L.W. left the apartment. Fallan then said she did not think L.W. ever left the apartment. Throughout her interview Fallan intermittently claimed she had not had that much to drink and that she had had so much to drink she could not remember what happened. Fallan noted that she and L.W. are best friends, and have been friends since childhood.

Fallan confirmed that Doe had bought a .22 rifle for her 6-year-old daughter the previous year. Fallan claimed that she did not know how to load the gun or even turn the safety off. Fallan claimed to have never shot the gun except for “today on accident.” Fallan first claimed that she had shown Doe the gun’s location in L.W.’s room the last time he had been at her house. Fallan said the rifle had been in L.W.’s room on a shelf, and claimed Doe had taken the gun and a box of ammunition from L.W.’s room and brought it to her bedroom where he spilled the ammunition on the floor. Fallan said she did not see Doe load the gun so she did not think it was loaded. Fallan claimed Doe laid down on the bed and put the barrel of the gun in his mouth, then moved it to the side of his head, then his forehead. Fallan claimed Doe told her he was going to kill her or she was going to kill him. Fallan claimed Doe grabbed her arm but did not elaborate further. Fallan claimed that Doe had grabbed the gun after L.W. left the apartment, but then admitted L.W. had not left the apartment, and had been in her room. Fallan could not explain how Doe could have retrieved the gun from L.W.’s room if L.W. was in there with the door closed. Fallan claimed that she is not a “gun person” and does not know how to load or do anything with the gun. Fallan denied that the gun had come out prior to Doe retrieving it from L.W.’s room, contrary to L.W.’s own admission of pointing it at Doe.

Fallan later claimed that Doe had the barrel of the rifle on his head but did not have his hands near the trigger. She claimed she “essentially” grabbed the gun from Doe and “clicked” the trigger as she tried to take the gun away and did not realize it was loaded. Fallan said she went into “absolute shock” after Doe was shot and she saw blood coming out of his head.

Fallan then changed her story and admitted that L.W. had handed her the rifle then returned to her room. Fallan claimed Doe had grabbed the “gun muzzle” and was holding it to his head, and told her to shoot him or he was going to shoot her and that’s “when it happened.” Fallan said she went to L.W.’s room and said “dude, I think I just shot [Doe].” L.W. came into Fallans’ room and saw Doe then said she was taking her kids and leaving. Fallan admitted that she had asked L.W. for the rifle, then backtracked and claimed L.W. had just handed it to her. Fallan also changed her story about how the ammunition got on the floor and claimed she did not know how it happened or where the ammunition came from.

Fallan then said she could not remember until the end when she and Doe had the rifle. Fallan admitted L.W. handed her the rifle, and that she had walked towards Doe with the rifle and that Doe had sat up in the bed. Fallan claimed it was “with an unloaded gun by the way” but provided no account for how it then became loaded. Fallan said that as she walked towards Doe he grabbed the “muzzle” and started pointing it at himself. Fallan said she grabbed the end of the rifle and that Doe kept holding the barrel up and she “grabbed the trigger and pulled it.” Fallan again said she did not know the trigger was loaded.

Fallan then said that while she was pointing the rifle at Doe, he was holding the barrel and saying “shoot me, shoot me, shoot me, and then I pulled the trigger.”

Fallan admitted that she did not think Doe was going to kill her, and confirmed that he had not hurt her. Fallan said she did not want Doe to be dead, and it was not a “conscience” thought. Fallan admitted that she had pointed the rifle at Doe and told him to leave. Fallan admitted “I pulled the trigger on purpose, but I didn’t realize it was a loaded f*****g gun.” Fallan said Doe would not leave the house when she asked him to and he “got shot.” Fallan said she pulled the trigger “just trying to scare him.” Fallan claimed not to know how to tell if the gun was loaded or unloaded, and admitted that she took a chance when she pulled the trigger. Fallan admitted that after she shot Doe and saw blood, she tried to call one of her brothers several times, called her mother and a different brother, and spoke with both a brother and her mother before she called 911. Fallan estimated that between 5-10 minutes passed between when she shot John Doe and when she called 911. Fallan confirmed that her three young children, ages 5, 6, and 3, had been in the apartment but in a different room at the time of the shooting.

A resident of a neighboring apartment reported hearing a male and female shouting at about 4:30pm, and that the only statement she heard clearly was the female voice shouting “get out of my face.” The neighbor confirmed that Fallan had told her the male was not supposed to be there. The neighbor reported that Fallan and the male had left in a car at the same time she left with her daughter. The neighbor reported that she returned home around 5:30pm with her daughter, who “threw a fit” but stopped crying after about 10 minutes and crawled onto her lap. The neighbor said

her daughter's behavior was unusual, and that she usually cries much longer, but the child had pointed to the wall in the apartment and indicated she'd heard a noise. The neighbor had not heard the noise her child heard.

The resident of the apartment below Fallan's apartment confirmed that she had heard Fallan yell "get out, just leave" at about 3:30pm, but had not heard anything since.

DATED this 6th day of October, 2020.

/s/ Meghann Paddock
MEGHANN PADDOCK
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 06 2020 01:14:59 PM