

D. JAMES MCCUBBIN
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- ZACHARIAH THOMAS HARRIS, Defendant.	Dept. Cause No. MANS No. 3200G2101184 AFFIDAVIT OF PROBABLE CAUSE
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STATE OF MONTANA)
 : ss
County of Missoula)

D. JAMES MCCUBBIN, Deputy County Attorney, Montana, being first
duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of
Zachariah Thomas Harris for allegedly committing the offenses of:

COUNT I: ATTEMPTED DELIBERATE HOMICIDE, a felony, in
violation of § 45-5-102[1], MCA;45-4-103;

COUNT II: ASSAULT ON A PEACE OR JUDICIAL OFFICER, a felony,
in violation of § 45-5-210, MCA;

COUNT III: CRIMINAL ENDANGERMENT, a felony, in violation of
§ 45-5-207, MCA;

COUNT IV: CRIMINAL ENDANGERMENT, a felony, in violation of
§ 45-5-207, MCA;

COUNT V: ATTEMPTED CRIMINAL POSSESSION WITH INTENT TO
DISTRIBUTE, a felony, in violation of § 45-9-103, MCA;45-4-103;

COUNT VI: UNLAWFUL USE/POSSESSION OF PROPERTY
SUBJECT TO CRIMINAL FORFEITURE, a felony, in violation of § 45-9-
206(1), MCA;

COUNT VII: UNLAWFUL USE/POSSESSION OF PROPERTY
SUBJECT TO CRIMINAL FORFEITURE, a felony, in violation of § 45-9-
206(1), MCA;

I believe that the facts as set forth in reports I have received from law
enforcement, if true, constitute sufficient probable cause to justify the filing of
the charges. Those facts are as follows:

On July 14, 2021, law enforcement members of the Missoula Drug
Task Force arrested Defendant ZACHARIAH THOMAS HARRIS after
HARRIS retrieved a mail package that had been intercepted and found to

contain a distribution quantity of methamphetamine. During the arrest, HARRIS attempted to shoot officers by pulling the trigger of a handgun he had drawn from his waistband.

The arrest of HARRIS on July 14, 2021, arose out of an investigation by Inspector Tubbs of the United States Postal Inspection Service. Inspector Tubbs had determined that multiple suspicious packages had been shipped from San Diego, CA, to a postal box rented by HARRIS at the UPS Store located at 400 W. Broadway in Missoula, Montana. On July 14, 2021, Inspector Tubbs intercepted a suspicious package addressed to HARRIS. A package lineup was established and Montana Highway Patrol K9 handler Adams conducted a canine sniff of multiple packages with his K9 partner, Bumper. K9 Bumper alerted upon the package addressed to HARRIS, indicating the presence of an illicit substance. Inspector Tubbs applied for a federal search warrant, which was approved by Hon. Kathleen DeSoto, U.S. Magistrate Judge. The package was searched, and officers located two bundles of suspected methamphetamine, which were weighed and found to have an approximate weight of over 120 grams. One of the bundles was opened and the substance was field tested, with a presumptive positive result for methamphetamine. The officers involved in the investigation are aware from training and experience that this quantity of methamphetamine is a

dealer quantity, greatly in excess of the quantities typically possessed by a drug user for personal use.

The suspected methamphetamine was removed from the package and replaced with a sham product of similar size and weight. The package was re-sealed, then delivered to the postal box rented by HARRIS. Officers then conducted surveillance on the UPS Store and HARRIS's box.

HARRIS was observed to arrive at the UPS Store at approximately 6:20 p.m. on July 14, 2021. HARRIS arrived riding a motorcycle, later specifically identified as a Royal Enfield Himalayan, plate MT DCU805, VIN ME3FSM248MK400404. HARRIS parked in the lot near the rear door of the business, then entered the store. HARRIS enquired about the parcel, and retrieved the package. HARRIS then departed the store and placed the package in a storage box mounted to the motorcycle.

Inspector Tubbs and DEA Special Agent Evans exited the store behind HARRIS. SA Evans had his badge displayed in his hand and called out "Hey Zack" to HARRIS. At approximately this same time, DCI/TFO Agents Allard and Anderberg arrived in a vehicle driven by Agent Allard, which he pulled up in front of the motorcycle, blocking its exit from the parking spot. Agent Anderberg exited the vehicle. Agents Allard and Anderberg were each wearing ballistic vests with placards attached reading "POLICE". Agent

Anderberg's vest had two placards on the front stating "POLICE" and also had his badge mounted to the upper side of the front of the vest. At approximately the time when Agent Anderberg was exiting the vehicle, a second vehicle driven by Sheriff's Detective Sunderland with Detective Johnston in the passenger seat was pulling up behind the vehicle driven by Agent Allard. Detectives Sunderland and Johnston were each wearing ballistic vests with Sheriff's Officer markings clearly visible on both the front and back.

HARRIS got off the motorcycle and ran from the approaching officers. As he ran, Agent Anderberg observed that HARRIS was not pumping his arms as would be typical for a runner, but instead had his hands held tight to his body near his waistline, as if he was holding his belt buckle.

Detective Johnston exited the second vehicle and yelled "Stop, Police," then engaged in pursuit of HARRIS, who did not stop. Detective Johnston saw HARRIS with both hands at approximately his stomach level and manipulating something resulting in a dark cloth object falling to the ground and HARRIS' hands extending from his body outward. A soft "Ruger" brand pistol holster was later located on the ground. Detective Johnston was still running and now approximately an arm's length from HARRIS when he recognized the item in HARRIS's hands as a black handgun and it appeared

HARRIS was attempting to “charge” (firearm held in pistol grip while offhand pulls the slide to the rear, chambering a live round of ammunition in preparation of firing) the firearm.

Agent Allard had also exited the first vehicle and as he got closer, he could see HARRIS’s hands were both at the front of his body near his waist in what appeared to be a firearm ‘drawing’ motion. Agent Allard was a few steps away from Harris at this point and could clearly see a small pistol handgun in Harris's hands. Agent Allard was apprehensive that he or one of his fellow officers would be shot by HARRIS.

Detective Johnston seized HARRIS’ hands in his own and drove them towards the ground while attempting a “hip toss” maneuver. Detective Johnston was successful in pinning the firearm to the ground as they landed and called out “Gun” to the rest of the team. Detective Johnston’s left hand was between the firearm and the pavement, and his right hand was on top of HARRIS’s right hand as HARRIS held the firearm. Detective Johnston attempted to maintain control of the firearm and HARRIS’s hand. HARRIS was actively resisting, attempting to raise and orient the firearm. Detective Johnston yelled “Drop it” and continued to fight HARRIS’s attempts to control the firearm. During the struggle, HARRIS was able to depress the trigger, causing the firearm to “dry fire” (activation of the trigger mechanism, causing

the release of the hammer which strikes the firing pin over an empty chamber causing an audible “click”). Detective Johnston both heard and felt the hammer strike while the firearm was “sandwiched” between his hands. Agent Allard also heard a distinct “click” sound which based on his training and experience he recognized as the sound of a semi-automatic handgun trigger being depressed on an empty chamber or faulty ammunition.

Agents Allard and Anderberg, and Detectives Johnston and Sunderland, were all present and actively engaging with HARRIS, attempting to gain control over him and place him under arrest. HARRIS continued to actively resist arrest and continued to resist the efforts of Detective Johnston to remove the firearm from his grip. Detective Johnston ultimately was able to remove the pistol and slid it away, and HARRIS was placed into handcuffs and arrested. Detective Sunderland took possession of the pistol, which was subsequently identified as a Ruger LCP 380, s/n 372420566.

DATED this 16th day of July, 2021.

/s/ D. James McCubbin

D. JAMES MCCUBBIN
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 Alex Beal
Fri, Jul 16 2021 02:26:18 PM