

RECEIVED
MAY 17 2017
Justice Court

1 JASON MARKS
2 Chief Deputy County Attorney
3 BRIAN LOWNEY
4 Deputy County Attorney
5 KIRSTEN H. PABST
6 Missoula County Attorney
7 Missoula County Courthouse
8 Missoula, Montana 59802
9 (406) 258-4737
10 ATTORNEYS FOR PLAINTIFF

11 IN THE JUSTICE COURT OF THE STATE OF MONTANA
12 IN AND FOR THE COUNTY OF MISSOULA
13 BEFORE, Marie A Andersen, JUSTICE OF THE PEACE

14 STATE OF MONTANA,
15 Plaintiff,
16
17 -VS-
18 LLOYD MONTIER BARRUS,
19 Defendant,

Department No.
Cause No.

CR-2017-562

COMPLAINT

20 JASON MARKS, Chief Deputy County Attorney, and BRIAN LOWNEY, Deputy
21 County Attorney, depose and say that on or about the 16th day of May, 2017, in Granite
22 County and Missoula County, the Defendant committed the offenses of COUNT I:
23 ACCOUNTABILITY FOR ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation
24 of Montana law, namely: Mont. Code Ann. 45-5-102[1], 45-2-301 and 45-4-103,
25 punishable by life imprisonment, or not less than 10 or more than 100 years MSP; COUNT
26 II: ACCOUNTABILITY FOR ATTEMPTED DELIBERATE HOMICIDE, a Felony, in
27 violation of Montana law, namely: Mont. Code Ann. 45-5-102[1], 45-2-301 and 45-4-103,
28 punishable by life imprisonment, or not less than 10 or more than 100 years MSP;

1 COUNT III: ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation of Montana
2 law, namely: Mont. Code Ann. 45-5-102[1] and 45-4-103, punishable by life imprisonment,
3 or not less than 10 or more than 100 years MSP;

4
5 COUNT IV: ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation of Montana
6 law, namely: Mont. Code Ann. 45-5-102[1] and 45-4-103, punishable by life imprisonment,
7 or not less than 10 or more than 100 years MSP;

8
9 COUNT V: ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation of Montana law,
10 namely: Mont. Code Ann. 45-5-102[1] and 45-4-103, punishable by life imprisonment, or
11 not less than 10 or more than 100 years MSP;

12
13 COUNT VI: ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation of Montana
14 law, namely: Mont. Code Ann. 45-5-102[1] and 45-4-103, punishable by life imprisonment,
15 or not less than 10 or more than 100 years MSP;

16
17 COUNT VII: ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation of Montana
18 law, namely: Mont. Code Ann. 45-5-102[1] and 45-4-103, punishable by life imprisonment,
19 or not less than 10 or more than 100 years MSP;

20
21 COUNT VIII: ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation of Montana
22 law, namely: Mont. Code Ann. 45-5-102[1] and 45-4-103, punishable by life imprisonment,
23 or not less than 10 or more than 100 years MSP;

24
25 COUNT IX: ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation of Montana
26 law, namely: Mont. Code Ann. 45-5-102[1] and 45-4-103, punishable by life imprisonment,
27 or not less than 10 or more than 100 years MSP;
28

1 COUNT X: ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation of Montana law,
2 namely: Mont. Code Ann. 45-5-102[1] and 45-4-103, punishable by life imprisonment, or
3 not less than 10 or more than 100 years MSP;
4

5 COUNT XI: ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation of Montana
6 law, namely: Mont. Code Ann. 45-5-102[1] and 45-4-103, punishable by life imprisonment,
7 or not less than 10 or more than 100 years MSP;

8 COUNT XII: ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation of Montana
9 law, namely: Mont. Code Ann. 45-5-102[1] and 45-4-103, punishable by life imprisonment,
10 or not less than 10 or more than 100 years MSP;
11

12 COUNT XIII: ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation of Montana
13 law, namely: Mont. Code Ann. 45-5-102[1] and 45-4-103, punishable by life imprisonment,
14 or not less than 10 or more than 100 years MSP;

15 COUNT XIV: ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation of Montana
16 law, namely: Mont. Code Ann. 45-5-102[1] and 45-4-103, punishable by life imprisonment,
17 or not less than 10 or more than 100 years MSP;
18

19 COUNT XV: ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation of Montana
20 law, namely: Mont. Code Ann. 45-5-102[1] and 45-4-103, punishable by life imprisonment,
21 or not less than 10 or more than 100 years MSP;
22

23 COUNT XVI: ATTEMPTED DELIBERATE HOMICIDE, a Felony, in violation of Montana
24 law, namely: Mont. Code Ann. 45-5-102[1] and 45-4-103, punishable by life imprisonment,
25 or not less than 10 or more than 100 years MSP.
26
27
28

1 The facts constituting the offense are:

2 COUNT I: On or about the 16th day of May, 2017, the above-named Defendant,
3 before or during the commission of the Attempted Deliberate Homicide of Rich O'Brien
4 of the Butte-Silver Bow Police Department, with the purpose to promote or facilitate the
5 commission of the offense, solicited, aided, abetted, agreed or attempted to aid
6 Marshall Barrus in the planning or commission of the offense of Attempted Deliberate
7 Homicide.
8

9 COUNT II: On or about the 16th day of May, 2017, the above-named Defendant,
10 before or during the commission of the Attempted Deliberate Homicide of Tim Berger of
11 the Butte-Silver Bow Police Department, with the purpose to promote or facilitate the
12 commission of the offense, solicited, aided, abetted, agreed or attempted to aid
13 Marshall Barrus in the planning or commission of the offense of Attempted Deliberate
14 Homicide.
15

16 COUNT III: On or about the 16th day of May, 2017, the above-named Defendant
17 purposely attempted to cause the death of Tim Wyckoff of the Montana Highway Patrol.
18

19 COUNT IV: On or about the 16th day of May, 2017, the above-named Defendant
20 purposely attempted to cause the death of Michael Hash of the Missoula County
21 Sheriff's Office.
22

23 COUNT V: On or about the 16th day of May, 2017, the above-named Defendant
24 purposely attempted to cause the death of Tom Gill of the Montana Highway Patrol.
25

26 COUNT VI: On or about the 16th day of May, 2017, the above-named Defendant
27 purposely attempted to cause the death of John Micu of the Powell County Sheriff's
28 Office.

1 COUNT VII: On or about the 16th day of May, 2017, the above-named
2 Defendant purposely attempted to cause the death of John O'Brien of the Butte-Silver
3 Bow Police Department.
4

5 COUNT VIII: On or about the 16th day of May, 2017, the above-named
6 Defendant purposely attempted to cause the death of Doug Hartsell of the Missoula
7 County Sheriff's Office.
8

9 COUNT IX: On or about the 16th day of May, 2017, the above-named Defendant
10 purposely attempted to cause the death of Tyler Deeks of the Anaconda Police
11 Department.
12

13 COUNT X: On or about the 16th day of May, 2017, the above-named Defendant
14 purposely attempted to cause the death of Kyle Staley of the Anaconda Police
15 Department.
16

17 COUNT XI: On or about the 16th day of May, 2017, the above-named Defendant
18 purposely attempted to cause the death of Joe Kitchel of the Anaconda Police
19 Department.
20

21 COUNT XII: On or about the 16th day of May, 2017, the above-named
22 Defendant purposely attempted to cause the death of Scott King of the Missoula County
23 Sheriff's Office.
24

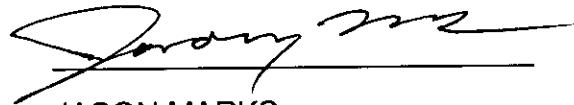
25 COUNT XIII: On or about the 16th day of May, 2017, the above-named
26 Defendant purposely attempted to cause the death of Ryan Dunster of the Missoula
27 County Sheriff's Office.
28

1 COUNT XIV: On or about the 16th day of May, 2017, the above-named
2 Defendant purposely attempted to cause the death of Scott Dunkerson of the Granite
3 County Sheriff's Office.
4

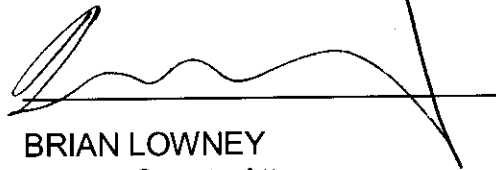
5 COUNT XV: On or about the 16th day of May, 2017, the above-named
6 Defendant purposely attempted to cause the death of Ed Short of the Granite County
7 Sheriff's Office.
8

9 COUNT XVI: On or about the 16th day of May, 2017, the above-named
10 Defendant purposely attempted to cause the death of Gavin Roselles of the Powell
11 County Sheriff's Office.
12

DATED this 17th day of May, 2017.


13
14 

JASON MARKS
Chief Deputy County Attorney

15
16
17
18
19
20 

BRIAN LOWNEY
Deputy County Attorney

21
22
23 Subscribed and sworn to before me this 17 day of May, 2017.

24 
25 JUSTICE OF THE PEACE

26
27 COMPLAINT 17-1244

28 DAVID W. CONWAY, Missoula County Sheriff's Office

1 JASON MARKS
Chief Deputy County Attorney
2 BRIAN LOWNEY
Deputy County Attorney
3 KIRSTEN H. PABST
Missoula County Attorney
4 Missoula County Courthouse
5 Missoula, Montana 59802
6 (406) 258-4737
ATTORNEYS FOR PLAINTIFF
7

8 IN THE JUSTICE COURT OF THE STATE OF MONTANA
9 IN AND FOR THE COUNTY OF MISSOULA
10 BEFORE, Marie A Andersen, JUSTICE OF THE PEACE

11 STATE OF MONTANA,
12 Plaintiff,
13
14 -vs-
15 LLOYD MONTIER BARRUS,
16 Defendant,

Department No. 1
Cause No. CR 2017-562
AFFIDAVIT OF PROBABLE CAUSE

17 STATE OF MONTANA)
18 : ss
19 County of Missoula)

20 JASON MARKS, Chief Deputy Missoula County Attorney and BRIAN LOWNEY,
21 Deputy Missoula County Attorney, being first duly sworn upon oath, depose and say:

22 I have read the official law enforcement reports regarding the investigation of
23 LLOYD MONTIER BARRUS for allegedly committing the offense(s) set forth in the
24 complaint and based upon the information contained in the reports, if true, believe
25 probable cause exists to justify charging the above-named defendant as specified in the
26 accompanying complaint.
27
28

1 On May 16, 2017, Broadwater County Sheriff's Office Deputy Mason Moore was
2 killed while attempting to stop an SUV driven by the Defendant and occupied by his son,
3 Marshall Barrus. A shot was fired from the Defendant's SUV at Deputy Moore, which
4 led to his death.
5

6 Local law enforcement located Deputy Moore's body and notified other statewide
7 agencies. Butte-Silver Bow Police Department officers located the Defendant driving
8 the SUV westbound on I-90 near Butte, at which point law enforcement began to pursue
9 the SUV. The Defendant continued at speeds of up to 100mph in an effort to elude law
10 enforcement.
11

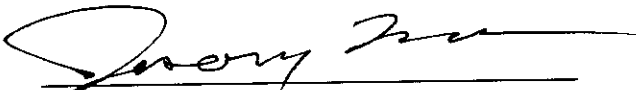
12 At mile marker 135, in Granite County, MT, law enforcement officers observed
13 Marshall Barrus move to the back of the SUV and began firing rounds with a long gun at
14 pursuing law enforcement vehicles through the rear window. Two pursuing vehicles,
15 those of Butte Police Department officers Rich O'Brien and Tim Berger, were hit by
16 Barrus' rounds, disabling the vehicles.
17

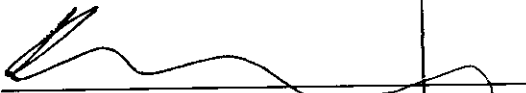
18 The pursuit continued to mile marker 128, in Missoula County, MT, at which point
19 the Defendant's vehicle was disabled. The Defendant's vehicle stopped, as did the
20 numerous law enforcement vehicles pursuing him. The Defendant exited the driver's
21 side of the vehicle while Marshall Barrus exited the passenger side. The Defendant and
22 Marshall Barrus began firing at the law enforcement officers, striking an additional four
23 law enforcement vehicles. The Defendant was firing a Glock 9mm handgun, while
24 Marshall Barrus was firing a rifle or a shotgun. Law enforcement returned fire and
25 mortally wounded Marshall Barrus. Law enforcement also shot the handgun from the
26
27
28

1 Defendant's hand, at which point he was arrested. Fourteen (14) law enforcement
2 officers were under fire from the Defendant and his son at mile marker 128.

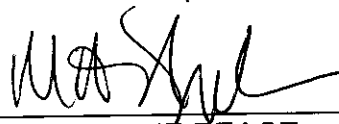
3
4 The Defendant reported to law enforcement after his arrest that he engaged law
5 enforcement in the shooting hoping to force a "suicide by cop", and that he hoped he
6 would go out "at the end of a gun."

7 Officers located a substantial amount of empty 9mm shell casings and empty
8 discarded magazines on the driver's side of the SUV. Officers also located shell
9 casings and empty magazines from Marshall Barrus' rifle on the passenger side of the
10 vehicle.
11

12
13
14
15 
16 JASON MARKS
17 Chief Deputy County Attorney

18
19
20 
21 BRIAN LOWNEY
22 Deputy County Attorney

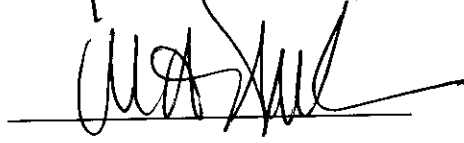
23 SUBSCRIBED AND SWORN TO before me this 17 day of May, 2017.

24 
25 JUSTICE OF THE PEACE
26
27
28

ORDER

1
2
3 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to
4 believe the above-named Defendant committed the crimes charged.

5 DATED this 17 day of May, 2017 at 2:14 a.m./p.m. (p.m. circled)

6
7
8 

9 JUSTICE OF THE PEACE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28