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IN THE JUSTICE COURT OF RECORD OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

STATE OF MONTANA, Plaintiff, vs. THOMAS JOHN SLEVIRA JR., Defendant.	CAUSE NO. <u>CR 23-31</u> JUDGE DAVID A. CARTER COMPLAINT
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The undersigned Deputy Chief County Attorney of Yellowstone County, Montana, states: before the filing of this Complaint, the above-named Defendant, in Yellowstone County, Montana, on or about January 8, 2023, committed the offenses of:

COUNT I: DELIBERATE HOMICIDE (FELONY)

(Punishable by life imprisonment or by imprisonment in the state prison for a term of not less than 10 years or more than 100 years, and punishable by consecutive imprisonment in the state prison for a term not less than 2 years or more than 10 years for use of a weapon)

The alleged facts constituting the offense are:

That the Defendant, THOMAS JOHN SLEVIRA JR. (born in August 1990), Billings, Montana, purposely or knowingly caused the death of another human being, to wit: the Defendant caused the death of Carlos Delao (born in January 1997) by shooting him with a firearm, at or near 1205 Avenue F., Billings, within Yellowstone County, Montana; all of which is in violation of Section 45-5-102(1)(a), Montana Code Annotated, and Section 46-18-221, Montana Code Annotated, for use of a weapon, and against the peace and dignity of the State of Montana.

COUNT II: ATTEMPTED DELIBERATE HOMICIDE (FELONY)

(Punishable by life imprisonment, or by imprisonment in the state prison for a term of not less than 10 years or more than 100 years plus weapon enhancement of 2 to 10 years consecutive imprisonment)

The alleged facts constituting the offense are:

That the Defendant, THOMAS JOHN SLEVIRA JR. (born in August 1990), Billings, Montana, with the purpose to commit deliberate homicide, did any act toward the commission of the offense of purposely or knowingly causing the death of another human being; to wit: the Defendant, with the purpose to commit the deliberate homicide of E.B., used a semi-automatic firearm and shot E.B. in the chest at close range, thereby doing an act towards the commission of purposely or knowingly causing the death of E.B., inside a residence at or near the 1200 block of Burlington Avenue, Billings, County of Yellowstone, State of Montana; all of which is in violation of Sections 45-5-102(1)(a) and 45-4-103(1), punishable by life imprisonment, or not less than 10 years or more than 100 years, and 46-18-221, for use of a firearm, subjecting the Defendant to enhanced punishment of imprisonment from 2 to 10 years consecutive to any other penalty imposed, Montana Code Annotated, and against the peace and dignity of the State of Montana.

DATED: January 13, 2023

Scott Twito, Yellowstone County Attorney

/S/ Ed Zink

Deputy Chief County Attorney

STATE OF MONTANA)

ss:

County of Yellowstone)

The undersigned, being first duly sworn by oath, deposes and says: that the prosecutor is qualified and acting on behalf of the Yellowstone County Attorney, and that the prosecutor has read the foregoing Complaint and attached Affidavit, knows the contents thereof and declares the matters, facts, and things stated therein are true of the prosecutor's knowledge, except those things stated on information and belief, and that as to those the prosecutor believes to be true.

Scott Twito, Yellowstone County Attorney

/S/ Ed Zink

Deputy Chief County Attorney

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IN THE JUSTICE COURT OF RECORD OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

STATE OF MONTANA, Plaintiff, vs. THOMAS JOHN SLEVIRA JR., Defendant.	CAUSE NO. <i>CR 23-31</i> JUDGE DAVID A. CARTER AFFIDAVIT IN SUPPORT OF COMPLAINT
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The undersigned Deputy Chief County Attorney of Yellowstone County, Montana, being first duly sworn by oath that the information below was provided by sworn law enforcement officers during their investigation as documented evidence in support of the Complaint filed in this matter and reviewed to ensure by information and belief that the above-mentioned Defendant, in Yellowstone County, Montana, on or about January 8, 2023, committed the offenses of:

COUNT I: DELIBERATE HOMICIDE (FELONY)
COUNT II: ATTEMPTED DELIBERATE HOMICIDE (FELONY)

The Court is informed that the Billings Police Department (BPD) investigation revealed the following:

On January 8th, 2023, at 1809 hours, dispatch received a 911 call about a shooting at 1207 Burlington Avenue. The caller advised dispatch that an unknown male suspect kicked in the back door and shot a male in the home. Numerous officers responded as the occupants of the home fled outside. As officers arrived at the residence, the occupants advised they were in the middle of birthday party when a man forced his way through the back door of the residence. This man was later identified as THOMAS JOHN SLEVIRA JR. (born in August 1990), Billings, Montana, the Defendant here. Witnesses told officers that as he kicked in the door and violently came through it, the Defendant then fell down the stairs that were right inside the door. At this time, there were about 25 people in the house, including at least 12 children under the age of ten. In response to the commotion, L.B., E.B., and two other adult males at the party went down the stairs to see what was going on.

When they got downstairs, they confronted the Defendant. L.B. told officers that the Defendant turned around with a pistol in his hand and cycled the slide to chamber a round. The Defendant then pointed the pistol at them and suddenly shot E.B. in the chest. E.B., L.B. and the other individuals fled out of the basement, with the Defendant still downstairs. L.B. obtained a firearm and stood at the top of the stairs to keep the Defendant from coming up, while they evacuated everyone from the house. The occupants had to run out of the house without shoes on. When officers arrived on scene, L.B. was able to get out of the house.

The Defendant was still in the basement when officers arrived. Officers began to make entry into the house as occupants were in the front yard. The Defendant began firing rounds out the front of the house. L.B. told investigators he could hear rounds flying over his head. Officers cleared people from the area and began to secure the residence.

E.B. was transported to a hospital for his gunshot wound. E.B. remains in the hospital currently.

The Billings Police Department Special Weapons and Tactics Team (SWAT) and Negotiator Team were activated, and they responded to 1207 Burlington Avenue. A standoff situation began with the Defendant barricaded inside the basement of the residence.

During the standoff with the Defendant, officers determined that a hit-and-run car crash near the *Big B Bingo* at 1307 12th Street West was possibly related to the ongoing incident at Burlington Avenue. The crash call came into dispatch at 1804 hours. This crash occurred about 450 feet to the north of the residence at 1207 Burlington Avenue. The vehicle involved in the crash was a red 1996 Chevy Tahoe. Responding officers learned the wrecked Tahoe was registered to a male named Carlos Delao (born in January 1997). The significant crash deployed the airbags of the Tahoe. Officers determined the Tahoe collided with a telephone pole and at least three other parked vehicles near the *Big B Bingo*. Around the wrecked Tahoe, officers observed syringes and a couple firearms.

The registered owner Carlos Delao was not with the vehicle, so officers went to his residence, located a few blocks away at 1205 Avenue F. When they arrived, officers located a deceased male in the driveway off the alley behind the residence. The deceased individual was identified as Carlos Delao. Delao had an apparent gunshot wound to the head. Officers observed no firearm located in the vicinity of Delao. BPD detectives were notified and responded to investigate the homicide.

Meanwhile, the standoff with the Defendant continued while detectives were processing the homicide scene. SWAT operators and negotiators made numerous attempts to make contact with the Defendant. The Defendant fired multiple rounds out of the house. Eventually, the SWAT team deployed chemical agents into the residence to try to get the Defendant to exit. After seven hours, the Defendant came out of the basement. Initially, the Defendant came out of the basement and complied with commands. When the Defendant got to the top of the stairs, he began to fight and attempted to escape. Members of the SWAT team physically restrained the Defendant. After they secured the Defendant, he was transported to St. Vincent Healthcare to receive care for injuries he sustained during the crash of the Tahoe, which investigators later concluded he was driving at the time of the crash.

The Defendant was on DOC conditional release at the time of the offense and Probation and Parole Officers remained with the Defendant during his stay at the hospital.

Detectives continued to investigate the scenes at both 1205 Avenue F and 1207 Burlington Ave. Detectives obtained video surveillance from Delao's residence. In the video footage, the Defendant was observed in the front of Delao's residence where he checked the driver's door of a vehicle. A motion light turned on causing the Defendant to duck and move quickly to the back driveway, accessed via alley, where the Tahoe was parked. A second camera showed the rear driveway of the residence. Two vehicles were parked there, both backed into the driveway. Delao was in the driver's seat of the Tahoe, and it was running. The footage showed the Defendant first approach the driver's door of the other vehicle when he came around the back of the garage. The Defendant could be seen in the video grabbing at the other vehicle's driver's door with his left hand and beginning to pull a pistol out of his right coat pocket. The Defendant then appeared to notice the Tahoe was running and he moved around the backside of it and approached the driver's door. The footage showed the Defendant open the driver's door and almost immediately a single gunshot could be heard on the video.

The footage then showed the Defendant pull Delao out of the vehicle, get in the driver's seat, and speed away eastbound in the alley. After the Tahoe was driven away, Delao could be seen on the ground motionless. The timestamp on the surveillance video was 1803 hours. A review of the footage showed that ten seconds elapsed from the time the Defendant came into view on the alley camera to the time he fired the single gunshot.

Investigation revealed that after the Defendant went east out of the alley, he turned the Tahoe south on to 12th Street West. The Defendant drove the stolen Tahoe south on 12th Street West before crossing Grand Avenue. Directly south of Grand Avenue, 12 Street West has a slight jog to it and the Defendant apparently failed to negotiate this, crashing the Tahoe into the telephone pole and cars at Big B Bingo.

Witnesses and additional video surveillance footage showed the Defendant ran west from the crash scene west across 12th Street West. More video was obtained showing the Defendant checking the southern doors of businesses located at 1212 Grand Avenue. The Defendant left the view of these rear cameras and then entered the rear yard of the residence at 1207 Burlington Avenue, which is located directly to the south of these businesses. Video surveillance footage from that residence showed the Defendant in the back yard at approximately 1808 hours.

Detectives located a spent 9mm Luger cartridge casing under Delao's body at 1205 Avenue F. The cartridge casing had a headstamp of SIG 9mm Luger. They also located a shoe print where the Tahoe was parked that visually matched the Defendant's shoes, taken off him after he was placed under arrest. The scene at 1207 Burlington took several days to process due to CS gas still being present inside the house. Detectives located four spent 9mm cartridge casings to the west of the garage. There was one WIN 9mm Luger casing and three SIG headstamp 9mm Luger casings. Detectives located bullet defects indicating the direction of travel was different than the rounds the Defendant fired from the basement. Detectives later learned that there were several dogs in the backyard when the Defendant came on the property, leading detectives to believe the Defendant shot at the dogs when he was in the yard.

Inside 1207 Burlington Ave, where the shooting of E.B. occurred, Detectives located a Springfield 9mm Hellcat semi-automatic pistol. The pistol was previously reported stolen. Detectives located two magazines for the pistol, one empty and the other with three live rounds in it. Detectives recovered 13 spent

cartridge casings, nine of which had the same SIG headstamp as the casings found outside by the garage and under Delao's body.

Detectives documented eight bullet defects in the southeast basement bedroom. Some of the defects appeared to travel out the residence to the south, where L.B. said they were standing when he heard bullets whizzing by him. A SWAT team member captured a photo of the southeast basement before they broke it out to deploy CS gas. Between four and five defects could be seen in the window before it was broken out. Also located was a fired bullet in a utility cabinet. The fired bullet was believed to be the one that hit and passed through E.B.

On January 10, around 1500 hours, officers were dispatched to St. Vincent Healthcare for a disturbance involving the Defendant. They were advised the Defendant tried to escape the hospital but was stopped by a probation officer. This led to a physical altercation as the Defendant tried to grab the officer's firearm. Hospital security tazed the Defendant and he was secured. Billings Police officers transported the Defendant to the Yellowstone County Detention Facility, and he was remanded on a DOC hold.

An autopsy of Mr. Delao was conducted on January 10, 2023. Delao had a single gunshot injury to his head. The investigation continues.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: January 13, 2023

/S/ Ed Zink
Deputy Chief County Attorney

WITNESS LIST

Billings Police Department

Officer Johnson
Officer Kammerzell
Officer Santiago
Officer Simpson
Officer Unruh
Officer Woody
Officer Yeager
Officer Bigelow
Officer Boeckel
Officer Busta
Officer Carriger
Officer Catlin
Officer Combs
Officer Corneliesun
Officer Denio
Officer Edwards
Officer Flammang
Officer Hilde
Officer Hill
Officer Kirkpatrick
Officer Korb
Officer Malcom
Officer Messerschmidt
Officer Pearson
Officer Ross
Officer Shaffer
Officer Smith
Officer Stroble
Officer Thiel
Officer Wallis
Officer Weston
Officer Zevotek
Sgt. Beck
Sgt. Cagle
Sgt. Milam
Sgt. Reid
Sgt. Schnellbach
Sgt. Schwartz
Sgt. West
Sgt. Weston
Lt. Lennick

WITNESS LIST CONTINUED

Det. Miller
Det. Lange
Det. Jones
Det. Sgt. Kramer
Det. Sgt. Winden
Det. Lt. Krivitz

Yellowstone County Sheriff's Office
Deputy Firebaugh

Billings Fire Department Personnel
AMR Personnel

St. Vincent Healthcare personnel

Medical Examiner

City/County Dispatch, Billings, MT
Yellowstone County Detention Facility, Billings, MT
Any witness disclosed in discovery, including reciprocal
Any witness disclosed by Defendant