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**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY**

STATE OF MONTANA,  Plaintiff,  vs.  DOMINIC TRAY ROUNDSTONE, Defendant.	CAUSE NO. DC  JUDGE: COLETTE B. DAVIES  <b>MOTION FOR LEAVE TO FILE INFORMATION WITH SUPPORTING AFFIDAVIT</b>
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The undersigned Deputy County Attorney of Yellowstone County, Montana, being first duly sworn by oath, moves the Court for Leave to File an Information based upon an investigation conducted by law enforcement officers charging the above-named Defendant with the offenses of:

**COUNT I: DELIBERATE HOMICIDE (WEAPONS ENHANCEMENT) (GANG  
ENHANCEMENT) (FELONY)**

**COUNT II: ATTEMPTED DELIBERATE HOMICIDE (WEAPONS ENHANCEMENT)  
(FELONY)**

**COUNT III: TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE (FELONY)**

**COUNT IV: TAMPERING WITH WITNESSES AND INFORMANTS (FELONY)**

committed at Yellowstone County, State of Montana, on or about April 29, 2023.

That law enforcement officers have made a full and careful investigation of all the facts and circumstances surrounding the commission of said offense, so far as they are known or ascertainable; that the prosecutor believes it a proper case for filing of an Information and that for this reason, and none other, the foregoing Motion is made.

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

On or about April 29, 2023, at approximately 10:47 p.m., BPD officers were dispatched to an auto dealership located at 849 1<sup>st</sup> Avenue North for a weapons complaint. The business was hosting a carnival in the parking lot at the time. BPD officers arrived on scene and located a Honda Accord in the alleyway behind the dealership with bullet defects. Inside the Honda, BPD officers located KIAN MANUEL BANDERAS (born in April 2003) in the driver's seat with a gunshot wound to the neck. BPD officers rendered aid to BANDERAS, but he succumbed to his injuries. Later an autopsy was conducted on BANDERAS. The pathologist determined BANDERAS died due to a gunshot wound to the neck that severed his carotid artery. The manner of death was ruled a homicide.

During the course of this homicide investigation, BPD detectives conducted over seventy interviews, primarily of juveniles, and executed numerous search warrants including warrants for DNA, Snapchat user accounts, Instagram user accounts, cellular phones, vehicles, and residences. BPD detectives further obtained surveillance video from various businesses and a residence located on North 17<sup>th</sup> Street. From this investigation the following information was obtained:

On April 29, 2023, a carnival was being held at an auto dealership located near 1<sup>st</sup> Avenue North. in Billings, Yellowstone County, Montana. Around 9:00 p.m., AJ (born in December 2002) dropped off RJB (born in February 2008), AS (born in December 2008), DWC (born in November 2006), and AW (born in January 2008) at the carnival. AJ then left the carnival and drove to pick up BANDERAS.

On that same evening, DOMINIC TRAY ROUNDSTONE (born in November 2008) and KANNON SEKAVEC (born in July 2009) left ROUNDSTONE's residence on North 17<sup>th</sup> Street around 9:57 p.m. ROUNDSTONE and SEKAVEC arrived at the carnival around 10:10 p.m. They traveled to the carnival on bikes. ROUNDSTONE was wearing a black sweatshirt with "Blazers" printed in white, ripped blue jeans, white shoes, and a black ski mask. SEKAVEC was wearing a black sweatshirt, black pants, black shoes, and a red/white camo ski mask.

Many of the juveniles present at the carnival on April 29, 2023, were associated with rival juvenile gangs. RJB and AS were associated with the Lash Money gang. The Lash Money gang is a sect of the Lash Money Bloods from California. ROUNDSTONE, SEKAVEC, and another juvenile, CHARLES DEAN BEARCRANE (born in April 2009) were associated with the Parkway gang. DANO-KOO HOAGLEN (born in June 2004), and DNL (born in September 2009), are also associated with the Parkway gang; however, they were not present at the carnival. The Lash Money and Parkway gangs are known to BPD and have a history of engaging in retaliatory violence against each other, including shootings and robberies in Billings. Social media accounts from various Parkway gang members captured by law enforcement showed numerous threats towards Lash Money gang members. Specifically, ROUNDSTONE had made threats towards RJB via social media.

The BPD investigation also revealed a third group of juveniles who went to the carnival with the purpose to "jump" RJB. That group included AM (born in February 2007), LC (born in January 2007), and CW (born in November 2009).

During the carnival, numerous fights and altercations broke out among the juvenile groups. Most witnesses described several juveniles wearing “shiesty” style ski masks at the carnival. Surveillance video from the carnival shows that many of the juveniles were acting with a mob mentality. Because of these fights, security began shutting down the carnival around 10:30 p.m. on April 29<sup>th</sup>.

RJB had decided to leave the carnival after hearing that he was going to get “jumped.” Shortly after leaving, AJ returned to the carnival with BANDERAS to pick up RJB. They picked up RJB several blocks from the carnival before heading to the carnival to pick up AS.

At approximately 10:37 p.m. surveillance video captured ROUNDSTONE and SEKAVEC walking with BEARCRANE north on North 9<sup>th</sup> Street. before crossing 2<sup>nd</sup> Avenue North. BEARCRANE appeared to be wearing a red Nike sweatshirt with large white “Nike” logo on the front, black pants, black shoes, and a black backpack. These three stopped on the northside of 2<sup>nd</sup> Avenue North and ROUNDSTONE appeared to tie his shoe. SEKAVEC then patted the front of his sweatshirt. They then walked east on 2<sup>nd</sup> Avenue North towards the carnival.

At approximately 10:42 p.m., surveillance video captured ROUNDSTONE, SEKAVEC, BEARCRANE, and others running west on 2<sup>nd</sup> Avenue North towards the intersection of North 9<sup>th</sup> Street. They stopped at the intersection before running east on 2<sup>nd</sup> Avenue North back towards the carnival.

At approximately 10:42 p.m., surveillance video captured the Honda Accord arriving in the back of the auto dealership. AJ and BANDERAS exited the vehicle. AJ yelled at AS to get into the vehicle. AS opened the rear driver’s side door and got inside the vehicle. A large group of juveniles began to surround the Honda Accord. Security guards approached the Honda Accord causing many of the juveniles to move away from the vehicle and towards 2<sup>nd</sup> Avenue North. However, ROUNDSTONE approached the passenger side of the Honda Accord and stared inside the vehicle at RJB and AS. ROUNDSTONE then grabbed at his waistband. ROUNDSTONE proceeded to walk around the front of the Honda Accord before rejoining the group juveniles. SEKAVEC and BEARCRANE followed ROUNDSTONE around the Honda Accord.

AJ and BANDERAS tried to get the group of juveniles away from the vehicle. At approximately 10:46 p.m., AJ got into the Honda Accord and drove forward to pick up BANDERAS. BANDERAS got into the driver’s seat while AJ moved to the front passenger seat. RJB and AS were in the backseat. AS was in the rear driver’s seat and RJB was in the rear passenger seat. BANDERAS drove the vehicle away towards 2<sup>nd</sup> Avenue North. At this point, the group of juveniles were on 2<sup>nd</sup> Avenue North. RJB, AS, and AJ described the group of juveniles on 2<sup>nd</sup> Avenue North as throwing rocks at the vehicle. BANDERAS made a left turn and proceeded down the alleyway rather than proceeding down 2<sup>nd</sup> Avenue North.

As the Honda Accord drove down the alleyway, RJB, AS, and AJ observed someone pull a gun out of his waistband and shoot into the vehicle. RJB and AS identified the person that pulled the gun out as ROUNDSTONE. There were two volleys of gunshots. At 10:46:50 p.m., two gunshots are heard. Five seconds later, five additional gunshots are heard. RJB and AS ducked down in the backseat of the vehicle. AS was wounded after a bullet struck his arm. A bullet struck the hood of RJB’s sweatshirt. BANDERAS was shot in his neck. The Honda Accord continued forward until it struck another vehicle causing it to stop.

Two bystanders, IW (born in March 2015) and IW (born in August 2010), were leaving the carnival when shots were fired. Both described hearing bullets flying over their heads and/or shoulders. They ran and hid due to their fear of being shot. IW (born in August 2010) had what appeared to be a bullet hole in his clothing.

At approximately 10:47:10 p.m., ROUNDSTONE and SEKAVEC run west on 2<sup>nd</sup> Avenue North before turning north onto North 9<sup>th</sup> Street. The surveillance video captures a large silver item in ROUNDSTONE's hand. Several witnesses also told detectives that they observed ROUNDSTONE running with a large silver revolver immediately after the shooting.

At approximately 10:56 p.m., ROUNDSTONE and SEKAVEC return to ROUNDSTONE's residence on North 17<sup>th</sup> Street.

At 11:07 p.m., ROUNDSTONE messages DNL: "We upped da sco." At 12:04 a.m., DNL asks "how." ROUNDSTONE says "I'll tel u in person." ROUNDSTONE and DNL then have an audio call through Instagram. BPD detectives interpreted ROUNDSTONE's message as "we upped the score" referencing the rivalry between Lash Money and Parkway.

At approximately 1:36 p.m., ROUNDSTONE, after changing clothes, exits his residence and enters RH's (born in September 2006) vehicle. ROUNDSTONE, RH, AH (born in December 2008), MM (born in May 2009), RV (born in February 2010), and SV (born in August 2007), hang out in the vehicle outside ROUNDSTONE's residence until BPD officers arrive at 2:39 a.m. BPD officers responded to ROUNDSTONE's residence after receiving information identifying ROUNDSTONE as a possible suspect in the homicide. ROUNDSTONE along with everyone inside the vehicle were questioned by BPD detectives.

RH, AH, MM, RV, and SV claimed that ROUNDSTONE did not mention anything about the homicide while they hung out in RH's vehicle. On May 17, 2023, AH sent Snapchat messages stating, "me and [RH] are in the investigation," "Nothing dom killed somebody."

BPD detectives read ROUNDSTONE his *Miranda* rights, but he refused to answer questions. While sitting in an interview room, ROUNDSTONE told his guardian, BL (born in January 1956), to tell detectives that he was at the house all night. BL refused to lie for ROUNDSTONE.

BPD detectives also conducted interviews of several of ROUNDSTONE's family members at ROUNDSTONE's residence. BL stated that ROUNDSTONE left the residence between 9 p.m. and 10 p.m. and returned home around 11 p.m. When ROUNDSTONE returned home, he was out of breath and covered in sweat and told BL when he returned that MR (born in May 2006) was still at the carnival. BL also confirmed that MR went to the carnival with her friend. BL later asked ROUNDSTONE whether he had anything to do with the homicide and ROUNDSTONE refused to answer. BL confirmed that ROUNDSTONE told her to lie in the interview room and say he was not at the carnival. BL's statement was corroborated by the surveillance video obtained from their residence.

DL (born in July 1983) was deceptive during her interview by providing an incorrect timeline about ROUNDSTONE's and MR's whereabouts that night. DL was evasive when questioned about

ROUNDSTONE admitting to her that he had shot and killed someone. BPD detectives also spoke with MR. MR repeatedly lied to detectives trying to distance herself from ROUNDSTONE and the carnival. MR lied about being at the carnival around the time of the shooting, her associations, and about how to contact her friend to confirm her timeline and actions that night.

BPD detectives responded to ROUNDSTONE's residence and observed a black "shiesty" type ski mask inside RH's vehicle. BPD detectives impounded RH's vehicle pending a search warrant. After obtaining a warrant, BPD detectives seized the mask and three phones from this vehicle. BPD detectives also obtained a search warrant for ROUNDSTONE's residence. Inside the residence, BPD detectives located a .41 caliber non-jacketed live bullet, a cellphone, blue jeans, another "shiesty" type ski mask, white Jordan shoes, cellphones, and a Sandisk memory card containing surveillance video from ROUNDSTONE's residence.

At the shooting scene, BPD detectives located five spent .380 caliber casings on the southside of the alleyway. They also located numerous bullet defects on the Honda Accord as well as another bullet defect on a nearby porta potty. BPD detectives recovered a copper jacketed bullet from inside the porta potty. BPD detectives conducted a shooting reconstruction based on the bullet defects located on the vehicle. BPD detectives located several spent bullets from inside the vehicle. BPD detectives recovered a copper jacketed bullet from the driver's headrest and copper jacket bullets from inside the trunk. BPD detectives further recovered two non-jacketed bullets from inside the vehicle. One of the non-jacketed bullets was located in the trunk directly behind the rear passenger seat. This bullet appeared to have struck a piece of reinforced steel, which prevented the bullet from traveling into the rear passenger seat. The other non-jacketed bullet was located inside the dash after it struck the driver's side A-pillar. BPD detectives determined that based on the location of the spent bullets, the non-jacketed bullet recovered from the dash area would have been the bullet that struck and killed BANDERAS.

Based on the shooting reconstruction and witness statements, BPD detectives realized that there were two shooters: ROUNDSTONE and SEKAVEC. Witnesses informed BPD detectives that shortly before the shooting, BEARCRANE provided ROUNDSTONE a .41 Smith and Wesson revolver, which ROUNDSTONE used to shoot twice into the Honda Accord. BPD detectives further learned that SEKAVEC admitted to a witness that he shot his firearm at the carnival after ROUNDSTONE yelled to "shoot." BPD detectives also learned that SEKAVEC possessed a .380 Hi Point before and after the shooting.

BPD detectives executed a search warrant of SEKAVEC's residence. BPD detectives seized black jeans and a pair of shoes from the residence. A BPD officer also seized a red/white camo "shiesty" type ski mask from SEKAVEC.

BPD detectives also executed a search warrant of BEARCRANE's residence. HOAGLEN was present at BEARCRANE's residence when BPD detectives executed the search warrant. BPD detectives spoke with DO (born in February 1965). DO initially lied to BPD detectives stating that BEARCRANE did not reside at that residence. The following items were located during the search: various ammunition, a black "shiesty" type mask, a .45 ACP magazine, a Firestar .45 firearm, court documents belonging to HOAGLEN, a black leather backpack, several cellphones, and clothing items.

Throughout the investigation, BPD detectives received and investigated reports of retaliatory threats and shootings by Parkway gang members and Lash Money gang members. In particular, DNL had made numerous shooting threats towards individuals who were present at the carnival during the homicide.

During the course of the homicide investigation, BPD detectives learned that ROUNDSTONE used a .41 Smith and Wesson magnum revolver while SEKAVEC used a .380 Hi point. BPD detectives were ultimately able to locate both the .380 Hi Point and the .41 Smith and Wesson revolver that they believed were used by ROUNDSTONE and SEKAVEC at the carnival shooting. BPD detectives were able to track the whereabouts of both firearms before and after the April 29 shooting through witness statements and social media accounts.

The BPD learned important information about the .41 Smith and Wesson revolver. The detectives learned:

- The revolver was stolen from RQ (born in August 1962) by MQ (born in February 2003).
- MQ traded the revolver to XB (born in January 2006).
- XB sold the .41 Smith and Wesson revolver to HOAGLEN.
- On March 28, 2023, HOAGLEN searched “.41 magnum Smith and Wesson.”
- Between March 27, 2023, and April 6, 2023, several photos were taken of ROUNDSTONE posing with a silver revolver.
- On April 16, 2023, BEARCRANE messages HOAGLEN asking for “41 ammo.” HOAGLEN tells BEARCRANE that “Grandma [BL] doms gma found it an threw it away” but added “You got 2 fat shots tho.”
- On April 17, 2023, BEARCRANE is asked by “brookiecookie\_133” to send a pic of all of his guns. BEARCRANE responds with a photo showing a large silver revolver sitting on his lap.
- On April 22, 2023, BEARCRANE sends a message offering to sell/trade “the 41.”
- On April 26, 2023, BEARCRANE sends a message stating “ I gotta G42 with extend, Xd45, n 41 smith n wesson.”
- On May 4, 2023, HOAGLEN deleted twelve photos depicting a silver revolver and ROUNDSTONE posing with a silver revolver.
- On May 12, 2023, DNL and SEKAVEC discuss contacting “Larz” about trading the .41.
- On May 22, 2023, DNL is told to “tote the 41” but “gotta still be careful wit that mf tho you know why.”
- On June 7, 2023, BEARCRANE tells AD (born in April 2006) he has a “smith n wess 6 shoota fa 3.” AD responds that he will text BEARCRANE in two weeks once he gets paid.
- On June 15, 2023, AD inquiries about the “6 shooter.”
- On June 29, 2023, SH (born in June 2006) and AD had the following conversations:

SH: “Get rid of the pile”  
SH: “Pole”  
AD: “ik”

AD: "I'm tryna"

AD: "okok"

AD: "lmk if y'all know anyone who interested tell them it ain't hot"

. . .

AD: "shit fin be gone in a week"

- LH (born in March 2004) obtains a .41 revolver from KF (born in May 2006). Present with KF was AD (based on first name and physical description).
- On July 2, 2023, AD tells DNL "just need me a pole that ain't hotter than the sun. I sold that hoe cuz if anyone caught w it we fucked."
- On July 4, 2023, DNL tells AD to start deleting. AD responds with "just delete whole chat."
- LH gives the .41 Smith and Wesson revolver to J M-B (born in March 1986).
- On August 9, 2023, BPD detectives locate the .41 Smith and Wesson revolver in a storage unit belonging to J M-B.

The .41 Smith and Wesson revolver and the spent non-jacketed bullets were sent to the Montana State Crime Lab for analysis. The Montana State Crime Lab could not identify or eliminate whether the spent bullets were fired from the .41 Smith and Wesson revolver due to "lack of reproducibility, damage, and/or lack of rifling impressions."

The BPD learned important information about the .380 Hi Point. The detectives learned:

- A photo of a Hi Point firearm was located on SEKAVEC's social media accounts and cellphone.
- On April 17, 2023, SEKAVEC tells HOAGLEN he has "new bullets in that hi point".
- On May 1, 2023, SEKAVEC messages JN (born in April 2010) asking if "anyone wanna buy a hi peezy." SEKAVEC later states "I'm just trying to sell my hi point."
- On May 2, 2023, SEKAVEC sends additional messages about selling his Hi Point for no less than \$140.
- On May 3, 2023, SEKAVEC asks ROUNDSTONE if he knows anyone who would buy a Hi Point.
- On May 3, 2023, SEKAVEC and HOAGLEN had the following conversation:

SEKAVEC: "Ay you got a word Abt the hi pezzzy?"

HOAGLEN: "ik someone here that would buy it for 100 but I'm still lookin."

SEKAVEC: "I mean I'll take 100."

HOAGLEN: "I'll lyk lemme text bro an tell him when he's coming back to these apartments."

SEKAVEC: "Ight bet thanks g."

- On May 5, 2023, SEKAVEC messages JN, "I'm still trying to sell this pole."
- On May 6, 2023, SEKAVEC sends additional messages dropping the price of the Hi Point to \$100.

- On May 7, 2023, SEKAVEC tells ROUNDSTONE he'll sell his firearm for \$100.
- On June 15, 2023, JE (born in September 2007) messages AD asking, "u got tha 380." AD responds, "it's at the crib I can grab it for you."
- On June 25, 2023, DNL sends a message to JE stating "Im tryna get a high point real quick then flip it."
- On June 26, 2023, DNL messages with JE about trading a .380 Hi point. DNL tells JE to come over and "get it oiled up."

On July 24, 2023, BPD officers pulled over a stolen vehicle and detained DNL and AD. During this stop BPD officers located a backpack abandoned by AD while he was running from a BPD officer, which contained a .380 Hi point. BPD detectives sent the .380 Hi point, the .380 casings recovered from the shooting scene to the Montana State Crime lab for analysis. The Montana State Crime Lab concluded that the casings recovered from the shooting scene were fired from the .380 Hi point recovered on July 24, 2023.

ROUNDSTONE has two prior delinquent youth adjudications for Burglary in DJ 23-039 and Robbery by Accountability in DJ 23-033, which were committed on separate occasions within a 3-year period constituting a pattern of criminal street gang activity.

The investigation continues.

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

DATED: February 13, 2024

/s/ Hallie E. Bishop  
Deputy County Attorney