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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

STATE OF MONTANA,

Plaintiff,

vs.

JOSEPH HENRY GONZALES,

Defendant.

CAUSE NO. DC

JUDGE: BRETT D. LINNEWEBER

**MOTION FOR LEAVE TO FILE
INFORMATION WITH SUPPORTING
AFFIDAVIT**

The undersigned Deputy County Attorney of Yellowstone County, Montana, being first duly sworn upon his 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: OBSTRUCTING JUSTICE (FELONY)

COUNT II: OBSTRUCTING JUSTICE (FELONY)

committed at Yellowstone County, State of Montana, on or about September 12, 2022.

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 he 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 September 11, 2022, at approximately 8:27 p.m., YCSO Deputy Halverson responded to the Yellowstone County Detention Facility (YCDF), after receiving a report of an escape. Upon arrival, Deputy Halverson made contact with YCDF Sgt. Miller, who reported that two inmates had escaped the facility through a broken window in their cell. The inmates were identified as CODY JOSEPH VERNON FLESCH (born February of 1991) and QUINCY DEAN PFISTER (born August of 1999).

Sgt. Miller provided Deputy Halverson with surveillance footage from YCDF which depicted FLESCH and PFISTER escaping through the window in their cell at approximately 8:13 p.m. on September 11. The video depicted both men running across YCDF's premises before disappearing into trees adjoining the property at 8:19 p.m.

The Billings Police Department (BPD) and Yellowstone County Sheriff's Office (YCSO) immediately began their search for both men. On September 12, 2022, BPD's Street Crimes Unit (SCU) received information that both men may be at the Colonial Apartments, located at 223 South 28th Street in Billings, Yellowstone County, Montana. BPD Officer Flammang responded to the apartment complex, and began surveilling it. After a short time, he observed a male exit the apartment. Officer Flammang observed that the male walked back and forth around the front of the apartment, and appeared to be watching for someone. The male was later identified as JOSEPH HENRY GONZALES (born September of 1988), the Defendant herein. A short time later, a beige passenger car pulled up into the alley next to the apartment complex. Four male subjects exited the apartment and got into the vehicle. Officer Flammang observed that two of them appeared to be FLESCH and PFISTER. He followed the vehicle as it drove north away from the apartments.

Officer Flammang activated his traffic lights to perform a traffic stop as the vehicle traveled east on 1st Avenue North. The vehicle did not stop, and proceeded from 1st Avenue North onto Main Street, running a red light to evade police officers. Multiple officers pinned the suspect vehicle in the northbound lanes on Main Street near the Metra, preventing further movement.

Officers Flammang, Hilde and Malcolm exited their vehicles and ordered the occupants of the suspect vehicle to surrender. A subject holding a firearm exited the right, rear passenger door with a pistol in his hand. The subject—later identified as JEFFREY WAYNE FOLLET (born April of 1988)—initially ignored commands to drop the weapon. He subsequently dropped the weapon onto the road, and ran away from the officers on foot. Officer Hilde pursued and detained FOLLET, who was placed under arrest and transported to YCDF for booking and remand.

Officers Flammang and Malcolm, with the assistance of other responding officers, removed FLESCH and PFISTER from the back seat of the vehicle. They identified the driver as JOSEPH LEON GONZALEZ (born September of 1978), and the front passenger as the Defendant. All four were transported to YCDF for booking and remand. During a search of JOSEPH LEON GONZALEZ's person at the jail, officers recovered approximately 15 pills stamped with an "M 30" imprint. The pills were preliminarily identified as fentanyl, a Schedule II dangerous drug.

The investigation continues.

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

DATED: September 13, 2022

\s\ Jacob A. Yerger
Deputy County Attorney