

The State seeks to add three additional charges to the Information as presently filed. The State seeks to add the offenses of Count V: Attempted Arson, Count VI: Theft, and VII: Fleeing From or Eluding a Peace Officer. The State further seeks to add additional information learned through the ongoing investigation as it relates to the four counts of Deliberate Homicide charged in the Information filed on August 2, 2025.

If granted leave to amend, the State acknowledges that pursuant to Montana Code Annotated § 46-11-205(2) the Defendant must be arraigned on the amended information without unreasonable delay and must be given a reasonable period of time to prepare for trial on the amended information. This matter is set for arraignment on September 3, 2025. A trial date has not yet been scheduled.

A copy of the Proposed Amended Information is included with this Motion as required by MCA § 46-11-205(1). The State now asserts, after being duly sworn upon oath, based on information and belief that the above-named Defendant has committed the offense(s) of:

Count I: Deliberate Homicide, a felony, in violation of § 45-5-102 MCA (2023) committed in Anaconda – Deer Lodge County, Montana, on August 1, 2025, when the Defendant purposely or knowingly caused the death of David Leach by shooting Mr. Leach with a firearm.

Count II: Deliberate Homicide, a felony, in violation of § 45-5-102 MCA (2023) committed in Anaconda – Deer Lodge County, Montana, on August 1, 2025, when the Defendant purposely or knowingly caused the death of Daniel Baillie by shooting Mr. Baillie with a firearm.

Count III: Deliberate Homicide, a felony, in violation of § 45-5-102 MCA (2023) committed in Anaconda – Deer Lodge County, Montana, on August 1, 2025, when the Defendant purposely or knowingly caused the death of Tony Palm by shooting Mr. Palm with a firearm.

Count IV: Deliberate Homicide, a felony, in violation of § 45-5-102 MCA (2023) committed in Anaconda – Deer Lodge County, Montana, on August 1, 2025, when the Defendant purposely or knowingly caused the death of Nancy Kelley by shooting Mrs. Kelley with a firearm.

Count V: Attempted Arson, a felony, in violation of § 45-4-103 MCA (2023) and § 45-6-103(a) and (c) MCA (2023) committed in Anaconda – Deer Lodge County, Montana, on August 1, 2025, when the Defendant by means of fire or explosives, purposely or knowingly, attempted to damage or destroy the Owl Bar, by setting fire to objects inside of the Owl Bar. The Owl Bar is property of David Gwerder and the Defendant acted without Mr. Gwerder’s consent. The Defendant further purposely or knowingly placed David Leach, Daniel Baillie, Tony Palm, and Nancy Kelley in danger of death or bodily injury as a result of the use of fire or explosives.

Count VI: Theft, a felony, in violation of § 45-6-301(1) MCA (2023) committed in Anaconda – Deer Lodge County, Montana, on August 1, 2025, when the Defendant purposely or knowingly obtained or exerted unauthorized control over a vehicle belonging to Shawn Sitton and had the purpose to deprive Mr. Sitton of the vehicle.

Count VII: Fleeing From or Eluding Peace Officer, a misdemeanor, in violation of § 61-8-316 MCA (2023) committed in Anaconda – Deer Lodge County, Montana, on August 1, 2025, when the Defendant operated a motor vehicle and knowingly failed to obey lights and sirens of law enforcement directing the Defendant to stop the motor vehicle when the Defendant engaged in a pursuit with law enforcement through the town of Anaconda.

The following facts provide probable cause that the Defendant has committed the alleged offense(s):

On August 1, 2025, at 10:37 a.m. Anaconda – Deer Lodge County Law Enforcement Officers were dispatched to a report of shots fired at the Owl Bar, located at 819 E. Third Street, in Anaconda, Deer Lodge County, Montana. As Officers arrived and approached the Owl Bar, Detective Sergeant Ryan Eamon and Officer Marc Arment approached the rear (south facing) door of the building. Det. Sgt. Eamon observed two bodies on the floor inside of the bar. Det. Sgt. Eamon called out to the other officers with his observations. Officers then entered the building and located a total of four individuals on the floor of the

bar in various locations. Det. Sgt. Eamon also observed that one of the individuals appeared to be on fire. Officer Arment extinguished the fire with a fire extinguisher located behind the bar. Officers requested that dispatch have Anaconda – Deer Lodge County Fire and Medical personnel respond to the scene. Det. Sgt. Eamon checked each of the individuals for signs of life. Upon medical personnel arriving, a paramedic confirmed what Det. Sgt. Eamon had observed and pronounced all four individuals as deceased.

Officers contacted the owner of the Owl Bar, David Gwerder, and informed Mr. Gwerder of what had occurred. Sgt. Det. Eamon informed Mr. Gwerder that he'd observed a number of cameras located within the bar and requested consent to review surveillance footage. Mr. Gwerder and other bar staff were able to assist Det. Sgt. Eamon in accessing the surveillance footage.

Det. Sgt. Eamon's review of the footage showed that the surveillance footage appeared to be marked with the wrong date, showing August 2, 2025. The time of the video appeared to be close to the accurate time but may have been slightly delayed. All references to the times contained in this Motion indicate the time as it read on the surveillance footage itself. At 10:38:24 a.m. an individual, identified by Officers through prior interactions with the individual, as Michael Paul Brown, entered the Owl Bar through the rear (south facing) door. Mr. Brown is seen walking into the bar carrying a bucket in one hand and a pizza box and brown paper bag in the other. There were four other individuals in the bar, two males seated at the south end of the bar, one male seated at the north end of the bar, and a female bartender standing behind the bar. The Bartender was identified as Nancy Kelley. The patrons were identified as David Leach, Daniel Baillie, and Tony Palm.

The surveillance showed that as Mr. Brown walked through the area, Daniel Baillie moved from a stool at the south end of the bar to a stool closer to the north end of the bar near the north entrance door. Tony Palm was standing at the south end of the bar near the opening in the bar counter. David Leach was seated on the stool closest to the north entrance door. Mr. Brown then walked into the area of the bar near the pool table and shuffleboard table and set the bucket on the floor. At 10:38:45 Mr. Brown can be seen pouring a liquid from the brown bag into the bucket. He then ignited the pizza box and set the on-fire box on top of the bucket in the center of the bar floor and exited the building out the south door at 10:38:53. At 10:38:54 Nancy Kelley came out from behind the bar and stomped on the pizza box in an attempt to put out the fire. Tony Palm left the bar counter and walked toward where Mrs. Kelley was attempting to put out the fire.

At 10:39:03 Mr. Brown is seen on an exterior camera, showing the sidewalk in front of the bar along Third Street, running west on the sidewalk coming from the Washington Street side of the building. Mr. Brown ran out of the frame of the camera, appearing to run to his residence located next door to the Owl Bar at 815 E. Third Street. At 10:39:15 Mr. Brown reappeared in the camera frame, this time carrying a rifle, and quickly entered the front door of the Owl Bar.

At 10:39:19 Mr. Brown appeared at the open front (north facing) door, brandishing a rifle. At this time, Mr. Baillie and Mr. Leach remained seated at bar stools close to the north door, Mrs. Kelley was struggling to put out the on-fire pizza box and had picked up the on-fire materials and turned to walk back toward the bar counter, and Mr. Palm was standing between Mrs. Kelley and the bar. Mr. Brown appeared to yell something into the

bar, which caused Mr. Leach and Mr. Baillie on their bar stools to turn and look in his direction. At 10:39:27 Mr. Brown raised the rifle and fired at Mrs. Kelley. Mrs. Kelley, who was carrying the on-fire items, fell to the ground on top of the items she had been carrying. At 10:39:28 Brown fired at Tony Palm standing near the south end of the bar. Mr. Palm fell down and did not get back up. At 10:39:28 and 10:39:29 Mr. Brown fired two shots at Daniel Baillie and David Leach seated on bar stools near the north door and the two men fell from their barstools toward the rear of the bar onto the ground. Mr. Brown was observed on camera to bend down and pick up an item and throw it inside toward the bar. At 10:39:34 Mr. Brown is again seen on the exterior camera of the building exiting the bar. Mr. Brown exited the bar and slowly walked up the sidewalk headed west with his rifle in hand until he was no longer in frame of the surveillance cameras.

Upon Officers having reviewed surveillance footage and identifying Michael Brown as a suspect, Officers set up a perimeter around the Owl Bar and Mr. Brown's residence. All available officers from ADLC Law Enforcement had responded to the scene and agents from surrounding agencies and state agencies were starting to arrive on scene as well. At approximately 12:06 p.m. officers observed a white pickup truck in the alley of the 700 block of East Third Street. This truck was outside of the one block perimeter that law enforcement had established around the Owl Bar. Officers noted the white truck and as they were observing the vehicle, they witnessed an individual enter the vehicle and rapidly drive away. Officers observed the driver of the vehicle to match the description of Michael Brown, and a pursuit ensued. Officers from a number of different agencies engaged in the pursuit as nearly everyone on scene at the Owl Bar left to chase the white

pickup. Officers pursued the vehicle, a white Ford F-150, from its starting point on the 700 block of East Third Street traveling west through Anaconda on Third Street, Park Street, and eventually traveling on Stumptown Road. Officers in dozens of vehicles traveled with lights and sirens through Anaconda signaling to the driver of the vehicle to pull over.

ADLC Officer Thomas Allison and DCI Agent Thomas Slease met the vehicle as it turned off of Stumptown Road onto an unmarked trailhead, known informally as the “sled hill.” Officer Allison knew that the road was a dead end at the start of the trailhead and that the road would become unsuitable for vehicle traffic. As Officer Allison and Agent Slease neared the end of the vehicle access road, they took a defensive position in the event that Mr. Brown’s vehicle turned around and begin travelling back toward the officers. When officers realized that the vehicle had traveled into a rough terrain and had not come back down the trailhead, it was determined that officers would wait for backup before approaching the suspect vehicle. Officers were unaware if Mr. Brown was armed at this time.

While many officers were engaged in the pursuit with Mr. Brown in the white Ford F-150, Detective Sergeant Eamon remained on scene at the Owl Bar. While Det. Sgt. Eamon was adding crime scene tape to the sidewalks near Third Street and Ash Street, he was approached by an individual holding a phone in his hand. The individual identified himself as Corey Brewton and indicated that he had Shawn Sitton on the phone on speaker. Mr. Sitton advised Det. Sgt. Eamon that his White F-150 had just been stolen. Det. Sgt. Eamon learned that Mr. Sitton had allowed Mr. Brewton to borrow the vehicle, that Mr. Brewton had stopped in the alley of the 700 block of East Third Street to drop off a cell

phone to a friend at a residence on that block, and that upon exiting the home after making the drop off, he had observed that the vehicle he'd parked in the alley had been stolen. Det. Sgt. Eamon requested that dispatch run Mr. Sitton and search for vehicle registration attached to Mr. Sitton's name. Dispatch was able to confirm the vehicle owned and registered to Mr. Sitton, a white Ford F-150, matched the vehicle stolen by Mr. Brown.

Agents from the Montana Division of Criminal Investigation were called to assist in the investigation. Agent Chris Benson from DCI applied for and was granted search warrants for both the Owl Bar property and Mr. Brown's home next door. Agents searched both locations. When searching the Owl Bar, Officers observed that all four victims sustained gun shot wounds. Officers photographed the scene and the positioning of the bodies prior to the coroner's office removing the bodies. Among the items seized from the bar were four spent 7.62 x 39 spent casings, two fired bullets, and a rifle cleaning rod. Officers documented a bullet defect on a wall by the women's bathroom. Officers also located and photographed a five-gallon bucket containing a liquid believed to be lighter fluid, matches, spray paint cans, and small green Coleman style propane canisters. Officers documented discoloration and charring on the floor consistent with where the fire had been set by Mr. Brown and extinguished by Officer Arment.

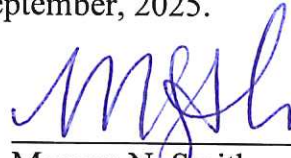
Upon searching Michael Brown's residence at 815 E. Third Street, officers located and seized a number of firearms, notably including an SKS rifle 7.62 x 39. Dr. William Kemp, Chief Medical Examiner with the DOJ Forensic Science Division performed autopsies on all four victims. A fired bullet was collected from the abdomen of Daniel Baillie during autopsy. That bullet was collected by DCI Agent Tyler Brant and was

subsequently provided by Agent Eric Baumann to the State Crime Lab. A firearm and toolmark report authored by Lynette Lancon, Firearm and Toolmark Examiner, confirmed that the bullet recovered from Mr. Baillie's abdomen is a match to the SKS rifle recovered from Mr. Brown's home.

On August 8, 2025, following a weeklong manhunt that involved officers from more than thirty-five different local, state, and federal agencies, Mr. Brown was safely taken into custody. Mr. Brown acknowledged to officers that he knew they had been looking for him for the duration of the eight days and that he knew why they were looking for him. Mr. Brown was advised of his Miranda rights and consented to a recorded interview. During the interview, Mr. Brown admitted to killing Daniel, David, Nancy, and Tony. Mr. Brown was able to recall the order in which he shot each of the individuals, consistent with what was captured in surveillance footage. Mr. Brown acknowledged personally knowing all four individuals and commented that he "really liked them." Mr. Brown endorsed several reasons that the events occurred, including that he believed he was the rightful owner of the Owl Bar and that Mr. Gwerder refused to give him the title to the property. Mr. Brown further told officers that he did all of this because the jukebox within the Owl Bar was digitally brainwashing Mr. Brown. When asked about the bucket of ignitable materials and the pizza box that he'd set on fire, Mr. Brown stated that he just wanted the jukebox gone. Mr. Brown admitted to taking the White Ford F-150 from the alley and when asked if he had permission to use the vehicle he stated "no, I did not sir." He told officers that he fled out of town so that no one else would be hurt should there be additional gunfire in his interaction with law enforcement.

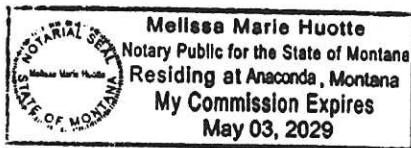
WHEREFORE, the Affiant moves this Court for Leave to File an Amended Information.

Respectfully submitted this 2nd day of September, 2025.



Morgan N. Smith
Anaconda-Deer Lodge County Attorney

SUBSCRIBED AND SWORN to before me this 2nd day of September, 2025.



Notary Public for the State of Montana

CERTIFICATE OF SERVICE

I, Morgan N. Smith, hereby certify that I have served true and accurate copies of the foregoing Information - Amended Information to the following on 09-02-2025:

Walter M. Hennessey (Attorney)
44 W Park St
Butte Mt. MT 59701
Representing: Michael Paul Brown
Service Method: eService

Christopher P. White (Attorney)
118 Cherry St.
P.O. Box 122
Anaconda MT 59711
Service Method: eService
E-mail Address: christopher.white@mt.gov

Electronically signed by Melissa Huotte on behalf of Morgan N. Smith
Dated: 09-02-2025