

**IN THE JUSTICE COURT OF RECORD
IN AND FOR THE COUNTY OF GALLATIN, MONTANA**

STATE OF MONTANA,

Plaintiff,

vs.

AUSTIN JOHN CLOWES,

Defendant.

Cause No. CR-100-2025-0000214

ARREST WARRANT

THE STATE OF MONTANA TO ANY PEACE OFFICER OF THIS STATE:

A sworn Complaint and Affidavit of Probable Cause having been filed by the State of Montana accusing the defendant, AUSTIN JOHN CLOWES of committing the offense of:

Count 1: Deliberate Homicide, a Felony, in violation of § 45-5-201, MCA;

You are hereby commanded to arrest the above-named defendant, during the day or night, and forthwith bring the defendant without unnecessary delay before the nearest and most accessible court for an initial appearance.

The defendant is to be admitted to bail in the sum of \$1,000,000.

THIS WARRANT MAY BE SERVED ANYTIME, DAY OR NIGHT, INCLUDING AT THE DEFENDANT'S PLACE OF RESIDENCE.

ELECTRONICALLY SIGNED AND DATED BELOW

RETURN

I hereby certify that I arrested the above-named defendant by authority of this warrant on _____, 2025 at _____.

SHERIFF OF GALLATIN COUNTY

By: _____

Deputy

Electronically Signed By:
Hon. Judge Bryan Adams
Thu, Jul 10 2025 02:15:00 PM

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ORDER

Upon reading the foregoing Affidavit:

IT IS HEREBY ORDERED THAT probable cause is found to charge the above-named defendant with the following charge(s):

Count 1: Deliberate Homicide, a Felony, in violation of § 45-5-102, MCA.

ELECTRONICALLY SIGNED AND DATED BELOW

cc: Gallatin County Attorney's Office

Audrey Cromwell, County Attorney
Gallatin County Attorney's Office
502 S. 19th Ave, Suite 102
Bozeman, MT 59718
Telephone: (406) 582-3745

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COMPLAINT

COMES NOW, County Attorney, Audrey Cromwell, being first duly sworn, and charges the above-named defendant, AUSTIN JOHN CLOWES, with committing the following crime(s) in Gallatin County:

Count 1: Deliberate Homicide, a Felony, in violation of § 45-5-102, MCA, committed on or about June 13, 2021, when the Defendant, AUSTIN JOHN CLOWES, purposely or knowingly caused the death of another human being, to wit: Clowes purposely or knowingly caused the death of Steven Kilwein when he inflicted multiple "chop style" injuries to Kilwein in Kilwein's home located at 101 N 9th Ave in Bozeman, Gallatin County, Montana.

Potential Penalties:

A person convicted of Deliberate Homicide shall be punished by death as provided in 46-18-301 through 46-18-310, unless the person is less than 18 years of age at the time of the commission of the offense, by life imprisonment, or by imprisonment in the state prison for a term of not less than 10 years or more than 100 years.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge.

Dated this 10th day of July 2025.

/s/ Audrey S Cromwell
Audrey Cromwell
Gallatin County Attorney

Audrey Cromwell, Gallatin County Attorney
Gallatin County Attorney's Office
502 S. 19th Ave, Suite 102
Bozeman, MT 59718
Telephone: (406) 582-3745

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STATE OF MONTANA,

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Defendant.

Cause No. CR-100-2025-0000214

**AFFIDAVIT OF PROBABLE CAUSE
AND MOTION FOR LEAVE
TO FILE COMPLAINT**

COMES NOW, the State of Montana by County Attorney Audrey Cromwell, and being first duly sworn upon oath, deposes and says as follows: Your affiant is the Gallatin County Attorney, and by law one of the attorneys to prosecute criminal matters in the State of Montana. Your affiant is aware of the following summarized facts upon information and belief as reported by the Bozeman Police Department, and specifically Bozeman Police Department Detective Spencer Jenkins and Bozeman Police Department Detective Thomas Lloyd:

1. According to a report compiled by Bozeman Police Detective Spencer Jenkins, on or about June 13, 2021, Bozeman Police patrol officers were dispatched to a welfare check at 101 N 9th Ave, in Bozeman, Gallatin County, Montana. Law enforcement was dispatched to check the welfare of an elderly male, Steven Kilwein (Kilwein). Kilwein's daughter, Karen Hamilton, called Gallatin County Dispatch to request a welfare check on her father, as she had been unable to reach him for some time. When law enforcement arrived on scene, they located Kilwein inside the residence, deceased.

2. On June 15, 2021, an autopsy was performed in Billings, Montana, on Kilwein's body. The medical examiner determined Kilwein's cause of death to be a homicide and noted Kilwein endured multiple "chop style" injuries.
3. Once the cause of death was ruled a homicide, Bozeman Police Department detectives initiated a homicide investigation. During the initial crime scene sweep, detectives located a cell phone in the front yard of Kilwein's residence approximately ten yards from the front door. The cell phone was found to be an Apple iPhone.
4. Law enforcement determined that the phone located at Kilwein's residence belonged to Austin John Clowes (Clowes). The phone was determined to belong to Clowes by powering the device on and using the emergency contact. When calling the emergency contact, it was determined to be Clowes' mother, who indicated the phone belonged to her son, Austin Clowes. Later, when detectives interviewed Clowes, he claimed ownership of the cell phone located at the crime scene.
5. During the course of the investigation, detectives authored a search warrant to Verizon Wireless for call detail records (CDR). The CDR files were analyzed by the FBI CAST (Cellular Analysis Survey Team). The CDR records showed Clowes' cell phone to be in the area of the crime between approximately 12:15 a.m. and 1:00 a.m. on June 13, 2021. Law enforcement returned the cell phone to Clowes on June 15, 2021, after detectives initially spoke with him.
6. Detectives conducted a canvas of the neighborhood near Kilwein's residence. One neighbor stated they heard some noise over the weekend one early morning around 2:00 a.m. The noise was described as possibly three people having an argument or talking loudly. The neighbor then heard what sounded like something falling and making a sharp noise. After the

sharp noise, the neighbor heard someone say, "Oh shit." The neighbor did not hear anything after that.

7. Detectives spoke with another neighbor that stated a, "couple of nights" before they were interviewed by detectives, they heard someone yell something to the effect of, "Get the fuck out of here." The neighbor could not determine the exact location it was coming from, but thought it was north of their residence (Kilwein lived south of them). This neighbor thought the yelling occurred around 2:00 a.m.
8. Bozeman Police Department Detective Benjamin King interviewed Clowes to determine why his cell phone was recovered from the front yard of the crime scene. Clowes stated he was drinking in downtown Bozeman on the night of June 12 into the early morning of June 13, 2021. Clowes stated he wanted to go home before his friends, so he started walking toward Kimball Avenue in Bozeman, where he was staying with friends.
9. Clowes stated he was walking in the area of the crime scene and must have lost his phone. Clowes stated he did not know where he specifically lost his phone, and he did not go into any residence in the area. Clowes stated he had friends who lived in the area but specifically stated that he did not go into their residence.
10. While Clowes was walking to his friend's residence, he stated that two friends were driving around looking for him. Clowes identified his friends as Cameron Belzer (Belzer), and a girl named Rachel. Rachel was later identified as Rachel Eaton (Eaton). Clowes stated Eaton and Belzer beat him home to an address on Kimball Avenue in Bozeman.
11. Detective Thomas Lloyd later interviewed Eaton and Belzer. Eaton and Belzer stated they were driving in the area of the crime scene in the early morning of June 13, 2021, looking for Clowes. Eaton and Belzer indicated they were tracking Clowes using the Snapchat

application, but his phone died. Clowes previously advised Detective King that his phone had died between 12:45a.m. and 1:00 a.m.

12. Eaton indicated they eventually located Clowes near the scene of the crime in the early morning of June 13, 2021. Clowes ran up to their vehicle, held up a finger (as if to say "one second"), then ran away. Eaton stated they were unable to locate Clowes again. Belzer stated Clowes beat them home. It was never mentioned whether Clowes had any injury or blood-soaked clothes.
13. When Detective King interviewed Clowes, he was initially very cooperative and stated he would help in any way he could. Detective King asked Clowes to provide a voluntary DNA sample. Initially, Clowes stated he would provide a voluntary DNA sample but changed his mind the following day. Clowes did not provide a voluntary DNA sample.
14. On September 9, 2021, Detective King received a phone call from Clowes. Clowes stated that after speaking to his family and consulting an attorney friend of the family, he was declining to consent to a buccal swab and finger printing. Clowes confirmed he was not represented by an attorney and stated he would "deal with it when the time comes" in response to Detective King mentioning possibly seeking a warrant.
15. In November 2021, Detective King performed a trash pull at Clowes' residence in an attempt to get Clowes' DNA sample. Detective King determined that Clowes resided at an address off Toole Street in Bozeman. Detective King located a small trash bag within a larger trash bag that contained documents and mail for Clowes. The documents consisted of a DMV letterhead addressed to Austin Clowes from 8/25/15, a Great Clips receipt from 2/27/21 with Austin Clowes' name on it, a personal card addressed to "Austin," and two car dealership

key tags. In an interview with Detective Dave Ferguson, Clowes stated he was employed at JC Billion at the time of the homicide. A water bottle was located inside the trash bag.

16. The water bottle was seized and submitted to the Montana State Crime Lab for analysis. The Montana State Crime Lab was able to obtain a DNA profile from the water bottle.
18. During the autopsy of Kilwein's body in 2021, Kilwein's fingernails and the pajama bottoms he was wearing at the time he was killed were collected from his body for evidentiary purposes. Kilwein's fingernails and pajama bottoms were submitted to Pure Gold Forensics, a private forensic biology lab, for forensic analysis. Pure Gold Forensics was able to obtain a DNA profile from both the fingernails and pajama bottoms.
19. In early July 2025, the Montana State Crime Lab sent the DNA profile they obtained from the water bottle to Pure Gold Forensics for comparison to the DNA profiles obtained from Kilwein's fingernails and pajama bottoms.
20. According to the Report from Pure Gold Forensics, the mixture of DNA obtained from Kilwein's pajama bottoms is 3.2 billion times more likely if it originated from Steven Kilwein, Austin Clowes, and one unknown contributor than if it originated from Steven Kilwein and two unknown contributors. The Report indicates a verbal qualifier of "Very Strong Support for Inclusion" based on the value of the likelihood ratio for the DNA associated with Clowes.
21. According to the report from Pure Gold Forensics, the mixture of DNA obtained from swabs of Kilwein's left hand is 2000 times more likely if it originated from Steven Kilwein and Austin Clowes than if it originated from Steven Kilwein and one unknown contributor. The Report indicates "Moderate Support for Inclusion" based on the value of the likelihood ratio for the DNA associated with Clowes.

22. According to the report from Pure Gold Forensics, the mixture of DNA obtained from swabs of Kilwein's right hand is 1.1 billion times more likely if it originated from Steven Kilwein and Austin Clowes than if it originated from Steven Kilwein and one unknown contributor. The Report indicates "Very Strong Support for Inclusion" based on the value of the likelihood ratio for the DNA associated with Clowes.

Based on the forgoing facts, the undersigned moves the Court to find that probable cause exists to file a Complaint charging the Defendant with the crime(s) of:

COUNT I: Deliberate Homicide, a Felony, in violation of Mont. Code Ann. § 45-5-102.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge.

Dated this 10th day July 2025 in Gallatin County, Montana.

By: Gallatin County Attorney's Office

/s/ Audrey S Cromwell
Audrey Cromwell
Gallatin County Attorney