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Attorney for the State

**IN THE JUSTICE COURT, IN AND FOR THE COUNTY OF CASCADE
CITY OF GREAT FALLS, STATE OF MONTANA
BEFORE THE HONORABLE JUSTICE OF THE PEACE**

STATE OF MONTANA,

Plaintiff,
vs.

JOHN DEREK MANNING HOLTZ,

Defendant.

No. _____

**INITIAL COMPLAINT,
AFFIDAVIT IN SUPPORT, AND
MOTION TO DETERMINE
PROBABLE CAUSE AND SET
BOND**

Citation No. 052C02056-23,
052C02051-23, 052C02052-23,
052C02053-23, 052C02054-23,
052C02055-23, 052C02057-23,
052C02058-23

The State of Montana, by and through the Cascade County Attorney, pursuant to M.C.A. §§ 46-11-101(1), 46-11-401(1), 46-1-202(6), and 46-11-401(3), hereby files this complaint against the above-named Defendant in the above-captioned Justice Court for purposes of M.C.A. § 46-10-105(1), pending filing of an Information and Affidavit in District Court pursuant to M.C.A. §§ 46-11-101(3), 46-11-201, and 46-11-203. This complaint consists of this pleading and the attached law enforcement citation form(s) and probable cause affidavit(s) which by this reference are hereby incorporated herein as if set forth in their entirety.

The State further moves the Court for a finding of probable cause and to set bail in this matter pursuant to M.C.A. §§ 46-9-109 and 46-9-301. This Defendant has been charged with the following offenses:

COUNT I: INTIMIDATION, a Felony, in violation of M.C.A. § 45-5-203(2). The above named Defendant, knowingly communicates a threat or false report of a pending fire, explosion, or disaster that would endanger life or property.

A person convicted of the offense of intimidation shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed \$50,000, or both.

COUNT II: ASSAULT WITH A WEAPON, a Felony, in violation of M.C.A. § 45-5-213(1)(b). The above-named defendant purposely or knowingly caused reasonable apprehension of serious bodily injury to another with a weapon or what reasonably appears to be a weapon, namely a firearm, witnessed by I.C..

A person convicted of this offense shall be imprisoned in the state prison for not more than twenty (20) years, fined not more than \$50,000, or both. In addition, if the person convicted is a partner or family member of the victim, the person is required to pay for and complete a counseling assessment as required in 45-5-206(4).

COUNT III: ASSAULT WITH A WEAPON, a Felony, in violation of M.C.A. § 45-5-213(1)(b). The above-named defendant purposely or knowingly caused reasonable apprehension of serious bodily injury to another with a weapon or what reasonably appears to be a weapon, namely a firearm, witnessed by J.S..

A person convicted of this offense shall be imprisoned in the state prison for not more than twenty (20) years, fined not more than \$50,000, or both. In addition, if the person convicted is a partner or family member of the victim, the person is required to pay for and complete a counseling assessment as required in 45-5-206(4).

COUNT IV: ASSAULT WITH A WEAPON, a Felony, in violation of M.C.A. § 45-5-213(1)(b). The above-named defendant purposely or knowingly caused reasonable apprehension of serious bodily injury to another with a weapon or what reasonably appears to be a weapon, namely a firearm, witnessed by M.M.

A person convicted of this offense shall be imprisoned in the state prison for not more than twenty (20) years, fined not more than \$50,000, or both. In addition, if the person convicted is a partner or family member of the victim, the person is required to pay for and complete a counseling assessment as required in 45-5-206(4).

COUNT V: ASSAULT WITH A WEAPON, a Felony, in violation of M.C.A. § 45-5-213(1)(b). The above-named defendant purposely or knowingly caused reasonable apprehension of serious bodily injury to another with a weapon or what reasonably appears to be a weapon, namely a firearm, witnessed by J.L.

A person convicted of this offense shall be imprisoned in the state prison for not more than twenty (20) years, fined not more than \$50,000, or both. In addition, if the person convicted is a partner or family member of the victim, the person is required to pay for and complete a counseling assessment as required in 45-5-206(4).

COUNT VI: ASSAULT WITH A WEAPON, a Felony, in violation of M.C.A. § 45-5-213(1)(b). The above-named defendant purposely or knowingly caused

reasonable apprehension of serious bodily injury to another with a weapon or what reasonably appears to be a weapon, namely a firearm, witnessed by K.N.

A person convicted of this offense shall be imprisoned in the state prison for not more than twenty (20) years, fined not more than \$50,000, or both. In addition, if the person convicted is a partner or family member of the victim, the person is required to pay for and complete a counseling assessment as required in 45-5-206(4).

COUNT VII: RESISTING ARREST, a Misdemeanor, in violation of M.C.A. § 45-7-301(1)(a). The above-named Defendant knowingly prevented or attempted to prevent a peace officer from effecting an arrest by using or threatening to use physical force or violence against the peace officer or another.

A person convicted of Resisting Arrest shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

COUNT VIII: CRIMINAL ENDANGERMENT, a Felony, in violation of M.C.A. § 45-5-207. The above named Defendant knowingly engaged in conduct that created a substantial risk of death or serious bodily injury to another.

A person convicted of the offense of criminal endangerment shall be fined an amount not to exceed \$50,000 or imprisoned in the state prison for a term not to exceed 10 years, or both.

STATE OF MONTANA)

: ss.

County of Cascade)

AFFIDAVIT IN SUPPORT

As outlined in the attached probable cause affidavit, on 07/15/2023 at 1105 hours Officer Robert Snook was dispatched to 100 Central Ave (Park Manor Apartments) for a male threatening to shoot people at the Farmers Market. Upon arrival to the address Officer Snook saw approximately 300 people attending the Farmers Market. The individuals attending the Farmers Market that were on the West side of the apartment complex appeared to be in fear, some were running away while holding their children. A few individuals were pointing to a 5th floor window of the Park Manor Apartments on the West side of the building.

Officer Snook spoke with witnesses, L.C. and her husband D.C., both advised they were directly below the 5th floor windows when a male later identified as John Holtz (10/15/1986) exited his window and went out onto the balcony. Once on the Balcony John was yelling into the crowd that he was going to shoot people. Some of the complainants that called 911 in relation to this incident stated John had a firearm in his hand and was threatening to shoot patrons and vendors of the market. One caller stated John yelled "Fuck you America, you better watch out or I will start shooting." Another caller stated the male on the balcony was wearing a Black tank top and had a gun. It should be known that over five people called 911 regarding this incident and stated the male was threatening to shoot people at the Farmers Market or had threatened to shoot people at the Farmers Market while having a gun.

Once on scene officers were able to locate the room that John used to gain access to the balcony, the room was on the 5th floor and was room 100. Dispatch advised that John resides at that address. Officers attempted to make contact with

John at his apartment yielding negative results. Dispatch provided Officers with John's cell phone number. Officer Wavra (352) made contact with John via his cell phone, John told Officer Wavra that he was not home and was in Helena. During this conversation Officer Wavra advised he could hear Officers on scene through John's cell phone, this indicated that John was in fact not in Helena but was in his apartment.

Officer Snook sought and received a search warrant. Officers began to give John loud verbal commands that he was under arrest and needed to exit his apartment. These commands could be heard down the hallway from the elevator. During this time Officers were able to contact John again via his phone, attempting to have him exit his apartment. John would answer and hang up immediately. Officer on scene did not want to immediately enter the apartment due to his threats and the probability that he was armed with a firearm. Sgt Supalla was able to administer OC into John's apartment window from the balcony.

Once the OC was administered Officer Snook could hear John coughing, he was attempting to open his door and exit the apartment. The door was briefly opened then shut, at that time Officer Snook kicked the door in order to have a clear view of the apartment. Once the door was opened Officer Snook could see John lying on the floor with his hands above his head. Officer Snook entered the apartment and dragged John into the hallway. Once in the Hallway Officer Snook assisted other Officer with handcuffing John.

John was then taken down the elevator and out onto Central Ave where he was evaluated by GFFD and EMS. During that time John was yelling and screaming at pedestrians. Once he was cleared he was placed into a patrol car and transported to the GFPD for a recorded interview. Officer Snook remained on scene and conducted a search of John's apartment per the search warrant. Officer Snook took photographs prior to starting the search and left a copy of the signed search warrant on John's kitchen table along with the search warrant inventory list. During the search Officer Snook located two black fixed blade knives and John's wallet. Officer Snook also located a spent .22 cal casing on the floor of his main room. Officer Snook did not locate a firearm in John's apartment.

Officer Stergionis interviewed John. John stated he was yelling from the balcony but advised he was yelling about his video game. It should be known that during the search of John's room Officer Snook located a TV in his main living area, that TV did not have a video game system attached to it and there were no video game controllers on site. The TV was on and had some sort of fish screen saver running. In John's bedroom there was a video game system by his bed but no TV and it did not appear to be capable of being played in that manor. when questioned about this John advised he moved his TV and was attempting to barricade his room once he heard that he was under arrest. Based upon Officer Snook's training and experience he did not believe this to be true as his TV was plugged in and not in a place of the apartment that was barricaded, indicating he was not using the TV to

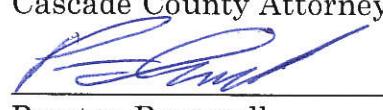
barricade. Instead John used a black sheet and his kitchen table while attempting to barricade his apartment door.

John's actions caused reasonable apprehension in at least five individuals that he was going to discharge a firearm into a crowd. This use of speech from his balcony overseeing a busy farmer's market threatened a human disaster that would endanger life and property. John's speech is reasonably expected to cause panic and fear which in a large group has a substantial risk of death or serious bodily injury. Further, once instructed of his pending arrest John resisted arrest by attempting to barricade himself within his apartment.

For the foregoing reasons, the State respectfully requests bond in the amount of \$150,000. The facts as alleged are particularly grievous and public safety requires a substantial bond. The Defendant has previous convictions of assault, menacing, and unlawful use of a weapon out of Oregon.

DATED this 17th day of July, 2023.

JOSHUA A. RACKI
Cascade County Attorney



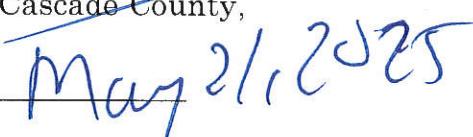
Preston Rammell
Deputy County Attorney

SUBSCRIBED AND SWORN TO before me on the 17th day of July, 2023.



Notary Public for the State of Montana,
Residing at Great Falls, Cascade County,
Montana.

My commission expires



May 21, 2025

cc: CA/Racki

O R D E R

Upon examining the foregoing Motion and Affidavit,

IT IS THE FINDING OF THIS COURT:

 that probable cause exists to charge the Defendant as stated above;

OR,

 that probable cause does not exist to charge the Defendant as stated above.

DATED this 17th day of in Cascade County,
Montana.

DISTRICT COURT JUDGE

PROBABLE CAUSE AFFIDAVIT



DISTRICT COURT GREAT FALLS, CASCADE COUNTY, MONTANA

STATE OF MONTANA

Plaintiff

vs.

HOLTZ, JOHN DEREK MANNING

Defendant

PROBABLE CAUSE AFFIDAVIT/ HEARING

CASE NUMBER: PD23-07999

INCIDENT DATE: 07/15/23

OFFICER AFFIDAVIT:

The undersigned Officer of the Great Falls Police Department, being first duly sworn, states the following:

1. The offense(s) charged in this complaint occurred within the city limits of Great Falls, Montana.
2. I base the probable cause to charge or issue a warrant in this case on the following:

On 07/15/2023 at 1105 hours I was dispatched to 100 Central Ave (Park Manor) due to multiple calls of a male hanging out of a window threatening to shoot patrons of the Farmers Market. Upon arrival I located well over 200 patrons walking on Park Dr S directly in front of the call address. Myself and various other GFPD Officers spoke with numerous victims and witnesses regarding this incident, some or all indicated a male, later identified as John Holtz (10/15/1986) (self, Booking photo), exited his apartment through the West window and was yelling something to the effect of I will shoot everyone at the Farmers Market.

Numerous victims, witnesses, callers, and patrons of the Farmers Market advised they had seen and heard John yell that he was going to shoot people at the Farmers Market. Some of those victims and witnesses stated they were standing in the road when they saw John exit his apartment through a window on the 5th floor. John then was standing on the balcony overlooking the Farmers Market, John then began to yell that he was going to shoot the vendors and patrons attending the market. At least one victim advised they thought what they believed to be a firearm was in John's hand.

Victims and witnesses were able to point out the window John used to exit his apartment which ended up being room 100 on the 5th floor. Patrol attempted to make contact with John in his room. John refused to open the door and admitted (recorded interview) that once he was advised that he was under arrest he began to barricade inside his apartment. John also spoke with Officers on the phone and stated that he was not at home but instead in Helena. It should be noted that there was approximately 300 individuals in the area of this incident.

John's actions caused a portion of the Farmers Market to be shut down, numerous people were running away with their children and other family members in fear that they were going to be shot by John.

In conclusion, I found probable cause to charge John with intimidation because he knowingly communicated a threat or false report of a pending fire, explosion, or disaster that would endanger life or property. I found probable cause to charge John with assault with a weapon by reasonable apprehension because he purposely or knowingly caused reasonable apprehension of serious bodily injury in another by use of a weapon or what reasonably appears to be a weapon. I found probable cause to charge John with resisting arrest because he knowingly prevented or attempted to prevent a peace officer from effecting an arrest by using or threatening to use physical force or violence against the peace officer or another. I found probable cause to charge John with criminal endangerment because he knowingly engaged in conduct that created a substantial risk of death or serious bodily injury to another by causing panic at the farmers market (people fleeing).

John was taken into custody and transported to the CCDC, where he was remanded on said charges.

3. I know the purpose of this statement is part of the probable cause hearing for the issuance of the below listed charges, and/ or requesting a warrant for the arrest of the defendant named in the complaint.

CHARGES:

45-5-203 - Intimidation
45-5-207 - (F) Criminal Endangerment
45-7-301 - Resisting Arrest
45-5-213 - Assault With Weapon

Dated this Saturday, July 15, 2023

OFFICER SIGNATURE:

BADGE NUMBER/OFFICER NAME:

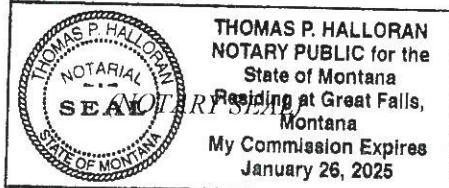


365 - Snook, Robert

NOTARY SIGNATURE:

SUBSCRIBED AND SWORN to before me this

15 day of JULY, 2023.




Notary Public for the State of Montana,
Residing at Great Falls, Cascade County, Montana

My commission expires: _____

JUDGE ORDER:

The Court/ undersigned Judge hereby finds: THERE IS THERE IS NOT

SUFFICIENT PROBABLE CAUSE to file the above listed charges, and/ or hold the defendant pending trial or hearing, based on the facts outlined herein.

SUBSCRIBED AND SWORN to before me this _____ day of _____.

JUDGE SIGNATURE: _____

DISTRICT COURT JUDGE

CITY ATTORNEY <input type="checkbox"/>	COUNTY ATTORNEY <input type="checkbox"/>	COUNTY JAIL <input type="checkbox"/>	SHERIFF'S OFFICE <input type="checkbox"/>	PUB DEF PARALEGAL <input type="checkbox"/>	DEFENDANT <input type="checkbox"/>	DEFENSE COUNSEL <input type="checkbox"/>
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