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NO. CDC-17-15
FILED
MAY 26 2017
CLERK Valerie Hammond
DEPUTY

MONTANA FIRST JUDICIAL DISTRICT COURT, BROADWATER COUNTY

THE STATE OF MONTANA, Plaintiff, v. LLOYD BARRUS, Defendant.	Cause No. CDC-2017-15 **INFORMATION**

Cory Swanson, Broadwater County Attorney, in the State of Montana, duly empowered to prosecute on behalf of the State, in the First Judicial District Court of the State of Montana, in and for the County of Broadwater, and leave of Court under oath having first been obtained to file this Information;

COMES NOW, and files this Information, charging the Defendant with the following offenses:

COUNT I: Accountability for Deliberate Homicide, a Felony, in violation of Mont. Code Ann. §§ 45-5-102(a) and 45-2-302(3), when on or about May 15-16, 2017 in Broadwater County, Montana, the Defendant Lloyd Barrus solicited, aided, abetted and/or agreed to

aid Marshall Barrus in purposely and knowingly causing the death of Broadwater County Deputy Sheriff Mason Moore, who was serving in the line of duty, and whose death was caused by Lloyd and Marshall Barrus, by one or more fatal gunshot wounds to Deputy Moore.

PENALTY

This offense is punishable by death, life imprisonment, or not less than 10 or more than 100 years in the Montana State Prison.

COUNT II: Criminal Endangerment, a Felony, in violation of Mont. Code Ann. § 45-5-207, when on or about May 16, 2017 in Broadwater County, Montana, the Defendant Lloyd Barrus engaged in conduct that created a substantial risk of death or serious bodily injury to Deputy Mason Moore when, while fleeing Deputy Moore at a speed of approximately 100 mph, Lloyd Barrus applied the brakes of his vehicle in a manner so that his vehicle nearly collided with Deputy Moore's following patrol car.

PENALTY

This offense is punishable by a term in the state prison not to exceed 10 years, a $50,000 fine, or both.

COUNT III: Fleeing or eluding a peace officer, a felony, in violation of Mont. Code Ann. § 61-8-316(1) and (2)(b), when on or about May 16, 2017, the Defendant Lloyd Barrus operated a motor vehicle and fled from Deputy Mason Moore while in a marked patrol car and operating his emergency lights and sirens, and Barrus continued at speeds reaching 100 mph, and caused the death of Deputy Moore.

PENALTY

This offense is punishable by a term of prison not to exceed 1 year or a fine up to $2,000, or both. If a person flees from or eludes a peace officer and during such flight the person

causes serious bodily injury or death to any other person, this offense is punishable by a term in the state prison not to exceed 10 years, a fine of $10,000, or both.

COUNT IV: Night speeding, a misdemeanor, in violation of Mont. Code Ann. § 61-8-303(1)(b), when on or about May 16, 2017, the Defendant Marshal Barrus drove a vehicle 93 mph in a 65 mph speed zone at night.

PENALTY

This offense is punishable by a fine of $200.

COUNT V: Accountability for Attempted Deliberate Homicide, a Felony, in violation Mont. Code Ann. 45-5-102[1], 45-2-301 and 45-4-103, when on or about the 16th day of May, 2017, the Defendant Lloyd Barrus, before or during the commission of the Attempted Deliberate Homicide of Rich O'Brien of the Butte-Silver Bow Police Department, with the purpose to promote or facilitate the commission of the offense aided or abetted, Marshall Barrus in the commission of the offense of Attempted Deliberate Homicide by acting as the driver for Marshall Barrus during the commission of the offense of Attempted Deliberate Homicide and flight from the area of MM 135 on Interstate 90.

PENALTY

This offense is punishable by death, life imprisonment, or not less than 10 or more than 100 years in the Montana State Prison.

COUNT VI: Accountability for Attempted Deliberate Homicide, a Felony, in violation Mont. Code Ann. 45-5-102[1], 45-2-301 and 45-4-103, when on or about the 16th day of May, 2017, the Defendant Lloyd Barrus, before or during the commission of the Attempted Deliberate Homicide of Tim Berger of the Butte-Silver Bow Police Department, with the purpose to promote or facilitate the commission of the offense aided or abetted, Marshall

Barrus in the commission of the offense of Attempted Deliberate Homicide by acting as the driver for Marshall Barrus during the commission of the offense of Attempted Deliberate Homicide and flight from the area of mile marker 135 on Interstate 90.

PENALTY

This offense is punishable by death, life imprisonment, or not less than 10 or more than 100 years in the Montana State Prison.

COUNT VII: Attempted Deliberate Homicide, a Felony, in violation Mont. Code Ann. 45-5-102[1] and 45-4-103, when on or about May 16, 2017, the Defendant Lloyd Barrus purposely attempted to cause the death of Tim Wyckoff of the Montana Highway Patrol by the use of a deadly weapon, a Glock 9mm handgun.

PENALTY

This offense is punishable by death, life imprisonment, or not less than 10 or more than 100 years in the Montana State Prison.

COUNT VIII: Attempted Deliberate Homicide, a Felony, in violation of Mont. Code Ann. 45-5-102[1] and 45-4-103, when on or about the 16th day of May, 2017, the Defendant Lloyd Barrus purposely attempted to cause the death of Michael Hash of the Missoula County Sheriff's Department, by the use of a deadly weapon, a Glock 9mm handgun.

PENALTY

This offense is punishable by death, life imprisonment, or not less than 10 or more than 100 years in the Montana State Prison.

COUNT IX: Attempted Deliberate Homicide, a Felony, in violation of Mont. Code Ann. 45-5-102[1] and 45-4-103, when on or about the 16th day of May, 2017, the Defendant Lloyd

Barrus purposely attempted to cause the death of John Micu of the Powell County Sheriff's Department, by the use of a deadly weapon, a Glock 9mm handgun.

PENALTY

This offense is punishable by death, life imprisonment, or not less than 10 or more than 100 years in the Montana State Prison.

COUNT X: Attempted Deliberate Homicide, a Felony, in violation of Mont. Code Ann. 45-5-102[1] and 45-4-103, when on or about the 16th day of May, 2017, the above-named Defendant purposely attempted to cause the death of John O'Brien of the Butte-Silver Bow Police Department, by the use of a deadly weapon, a Glock 9mm handgun.

PENALTY

This offense is punishable by death, life imprisonment, or not less than 10 or more than 100 years in the Montana State Prison.

COUNT XI: Attempted Deliberate Homicide, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-102[1] and 45-4-103, when on or about the 16th day of May, 2017, the Defendant Lloyd Barrus purposely attempted to cause the death of Sheriff Scott Dunkerson of the Granite County Sheriff's Department, by the use of a deadly weapon, a Glock 9mm handgun.

PENALTY

This offense is punishable by death, life imprisonment, or not less than 10 or more than 100 years in the Montana State Prison.

Count XII: Assault on a peace officer, a Felony, in violation of Mont. Code Ann. § 45-5-210(1)(b), when on or about May 16, 2017, the Defendant Lloyd Barrus purposely or knowingly caused reasonable apprehension of serious bodily injury in peace officer Tom Gill of the Montana Highway Patrol, by use of a weapon, a Glock 9mm handgun, by

firing his weapon at law enforcement officers on Interstate 90 near Mile Marker 129, to which Trooper Gill responded.

PENALTY

This offense is punishable by a term of not less than 2 years or more than 10 years in the state prison, and a fine not to exceed $50,000.

Count XIII: Assault on a peace officer, a Felony, in violation of Mont. Code Ann. § 45-5-210(1)(b), when on or about May 16, 2017, the Defendant Lloyd Barrus purposely or knowingly caused reasonable apprehension of serious bodily injury in peace officer Doug Hartsell of the Missoula County Sheriff's Office, by use of a weapon, a Glock 9mm handgun, by firing his weapon at law enforcement officers on Interstate 90 near Mile Marker 129, to which Deputy Hartsell responded.

PENALTY

This offense is punishable by a term of not less than 2 years or more than 10 years in the state prison, and a fine not to exceed $50,000.

Count XIV: Assault on a peace officer, a Felony, in violation of Mont. Code Ann. § 45-5-210(1)(b), when on or about May 16, 2017, the Defendant Lloyd Barrus purposely or knowingly caused reasonable apprehension of serious bodily injury in peace officer Tyler Deeks of the Anaconda Police Department, by use of a weapon, a Glock 9mm handgun, by firing his weapon at law enforcement officers on Interstate 90 near Mile Marker 129, to which Officer Deeks responded.

PENALTY

This offense is punishable by a term of not less than 2 years or more than 10 years in the state prison, and a fine not to exceed $50,000.

Count XV: Assault on a peace officer, a Felony, in violation of Mont. Code Ann. § 45-5-210(1)(b), when on or about May 16, 2017, the Defendant Lloyd Barrus purposely or knowingly caused reasonable apprehension of serious bodily injury in peace officer Kyle Staley of the Anaconda Police Department, by use of a weapon, a Glock 9mm handgun,

by firing his weapon at law enforcement officers on Interstate 90 near Mile Marker 129, to which Officer Staley responded.

PENALTY

This offense is punishable by a term of not less than 2 years or more than 10 years in the state prison, and a fine not to exceed $50,000.

Count XVI: Assault on a peace officer, a Felony, in violation of Mont. Code Ann. § 45-5-210(1)(b), when on or about May 16, 2017, the Defendant Lloyd Barrus purposely or knowingly caused reasonable apprehension of serious bodily injury in peace officer Joe Kitchel of the Anaconda Police Department, by use of a weapon, a Glock 9mm handgun, by firing his weapon at law enforcement officers on Interstate 90 near Mile Marker 129, to which Officer Kitchel responded.

PENALTY

This offense is punishable by a term of not less than 2 years or more than 10 years in the state prison, and a fine not to exceed $50,000.

Count XVII: Assault on a peace officer, a Felony, in violation of Mont. Code Ann. § 45-5-210(1)(b), when on or about May 16, 2017, the Defendant Lloyd Barrus purposely or knowingly caused reasonable apprehension of serious bodily injury in peace officer Scott King of the Missoula County Sheriff's Office, by use of a weapon, a Glock 9mm handgun, by firing his weapon at law enforcement officers on Interstate 90 near Mile Marker 129, to which Deputy King responded.

PENALTY

This offense is punishable by a term of not less than 2 years or more than 10 years in the state prison, and a fine not to exceed $50,000.

Count XVIII: Assault on a peace officer, a Felony, in violation of Mont. Code Ann. § 45-5-210(1)(b), when on or about May 16, 2017, the Defendant Lloyd Barrus purposely or knowingly caused reasonable apprehension of serious bodily injury in peace officer Ryan Dunster of the Missoula County Sheriff's Office, by use of a weapon, a Glock 9mm

handgun, by firing his weapon at law enforcement officers on Interstate 90 near Mile Marker 129, to which Deputy Dunster responded.

PENALTY

This offense is punishable by a term of not less than 2 years or more than 10 years in the state prison, and a fine not to exceed $50,000.

Count XIX: Assault on a peace officer, a Felony, in violation of Mont. Code Ann. § 45-5-210(1)(b), when on or about May 16, 2017, the Defendant Lloyd Barrus purposely or knowingly caused reasonable apprehension of serious bodily injury in peace officer Ed Short of the Granite County Sheriff's Office, by use of a weapon, a Glock 9mm handgun, by firing his weapon at law enforcement officers on Interstate 90 near Mile Marker 129, to which Undersheriff Short responded.

PENALTY

This offense is punishable by a term of not less than 2 years or more than 10 years in the state prison, and a fine not to exceed $50,000.

Count XX: Assault on a peace officer, a Felony, in violation of Mont. Code Ann. § 45-5-210(1)(b), when on or about May 16, 2017, the Defendant Lloyd Barrus purposely or knowingly caused reasonable apprehension of serious bodily injury in peace officer Deputy Russell of the Granite County Sheriff's Office, by use of a weapon, a Glock 9mm handgun, by firing his weapon at law enforcement officers on Interstate 90 near Mile Marker 129, to which Deputy Russell responded.

PENALTY

This offense is punishable by a term of not less than 2 years or more than 10 years in the state prison, and a fine not to exceed $50,000.

Count XXI: Assault on a peace officer, a Felony, in violation of Mont. Code Ann. § 45-5-210(1)(b), when on or about May 16, 2017, the Defendant Lloyd Barrus purposely or knowingly caused reasonable apprehension of serious bodily injury in peace officer Gavin Roselles of the Powell County Sheriff's Office, by use of a weapon, a Glock 9mm

handgun, by firing his weapon at law enforcement officers on Interstate 90 near Mile Marker 129, to which Deputy Roselles responded.

PENALTY

This offense is punishable by a term of not less than 2 years or more than 10 years in the state prison, and a fine not to exceed $50,000.

Count XXII: Unlawful possession of firearm by a convicted person, a Felony, in violation of Mont. Code Ann. § 45-8-313(1)(b), when the Defendant Lloyd Barrus purposely or knowingly possessed a Glock 9mm handgun on or about May 15-16, 2017, having been previously convicted of a felony in the State of California, in which he used a firearm and for which received a sentence enhancement for use of a firearm.

PENALTY

This offense is punishable by a term in the state prison of not less than 2 years or more than 10 years.

Count XXIII: Unlawful possession of firearm by a convicted person, a Felony, in violation of Mont. Code Ann. § 45-8-313(1)(b), when the Defendant Lloyd Barrus purposely or knowingly possessed a Winchester 12 gauge shotgun on or about May 15-16, 2017, having been previously convicted of a felony in the State of California, in which he used a firearm and for which received a sentence enhancement for use of a firearm.

PENALTY

This offense is punishable by a term in the state prison of not less than 2 years or more than 10 years.

Count XXIV: Unlawful possession of firearm by a convicted person, a Felony, in violation of Mont. Code Ann. § 45-8-313(1)(b), when the Defendant Lloyd Barrus purposely or

knowingly possessed a Springfield .308 semiautomatic rifle on or about May 15-16, 2017, having been previously convicted of a felony in the State of California, in which he used a firearm and for which received a sentence enhancement for use of a firearm.

PENALTY

This offense is punishable by a term in the state prison of not less than 2 years or more than 10 years.

Count XXV: Criminal Endangerment, a Felony, in violation of Mont. Code Ann. § 45-5-207, when on or about May 16, 2017 in Broadwater County, Montana, the Defendant Lloyd Barrus engaged in conduct that created a substantial risk of death or serious bodily injury to Justin Boswell when, while firing a deadly weapon, a Glock 9mm handgun, at law enforcement officers, Barrus endangered Boswell whose nearby residence was struck with a bullet fired from the Defendant's area.

PENALTY

This offense is punishable by a term in the state prison not to exceed 10 years, a $50,000 fine, or both.

The State may call the following witnesses at trial:

1. Sheriff Wynn Meehan
2. Jodi Moore
3. Jeremy Ewan, DCI Agent
4. John Sullivan, DCI Agent
5. Jeremy Waldo, DCI Agent
6. Craig Baum, DCI Agent
7. Anthony Poplar, DCI Agent
8. Lee Johnson, DCI Agent
9. Robert Kurtzman, MD, State Deputy Medical Examiner
10. John / Jane Doe, Montana State Crime Lab
11. Kylie Howard, Broadwater County Dispatch
12. Deputy Frederick Lee, Broadwater County

13. Tara Gallagher
14. D.G., a minor
15. M.G., a minor
16. T.G., a minor
17. Adam Panas, Montana Highway Patrol
18. Ken Klapan, Montana Highway Patrol
19. Tim Wyckoff, Montana Highway Patrol
20. Tom Gill, Montana Highway Patrol
21. Deputy Chad Cross, Jefferson County Sheriff's Office
22. Tim Berger, Butte Silver Bow Law Enforcement
23. John O'Brien, Butte Silver Bow Law Enforcement
24. Rich O'Brien, Butte Silver Bow Law Enforcement
25. Tyler Deeks, Anaconda Police Department
26. Kyle Staley, Anaconda Police Department
27. Joe Kitchel, Anaconda Police Department
28. Scott King, Missoula County Sheriff's Office
29. Ryan Dunster, Missoula County Sheriff's Office
30. Michael Hash, Missoula County Sheriff's Office
31. Doug Hartsell, Missoula County Sheriff's Office
32. David Conway, Missoula County Sheriff's Office
33. Scott Dunkerson, Granite County Sheriff's Office
34. Ed Short, Granite County Sheriff's Office
35. Gavin Roselles, Powell County Sheriff's Office
36. Other witnesses as they become known and are disclosed to the Defendant

DATED, this 26 day of May, 2017.

Broadwater County Attorney

STATE OF MONTANA)
: ss
County of Broadwater)

On this 26 day of May, 2017, before me the undersigned, a Notary Public for the State of Montana, personally appeared Cory Swanson, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

FIRST JUDICIAL DISTRICT
(NOTARIAL SEAL)
SEAL
BROADWATER COUNTY, MONTANA

Valerie Hornsveld
NOTARY PUBLIC of State of Montana
Residing at Townsend, Montana
My commission expires _____