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CLERK OF DISTRICT COURT  
 COUNTY OF BIG HORN - MONTANA

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DEPUTY

MONTANA TWENTY-SECOND JUDICIAL DISTRICT COURT  
 BIG HORN COUNTY

STATE OF MONTANA,  Plaintiff,  v.  BRIAN DAVID LAIRD  Defendant.	Cause No. <u>DC-2014-68</u>  <b>STATE'S MOTION FOR LEAVE TO          FILE AN INFORMATION AND          AFFIDAVIT IN SUPPORT</b>
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STATE OF MONTANA    )  
                               : ss.  
 County of Big Horn    )

Brant S. Light, an Assistant Attorney General for the state of Montana and a Special Deputy County Attorney for Big Horn County, moves the Court for leave to file an Information and after first being duly sworn upon oath, alleges, based on information and belief that investigative information developed and proved to him by state, local and federal law enforcement personnel demonstrates probable cause to believe that the above-named Defendant has committed the offense of:

Deliberate Homicide, a felony, in violation of Mont. Code Ann. § 45-5-102(1)(a) (1999).

**Brian Laird and Kathryn Laird**

According to Mary Lou Little, Kathryn Laird's mother, Kathryn grew up in Arlington, Texas, and graduated from Southern Methodist University with a degree in psychology. Kathryn met the Defendant while they were undergraduate students at SMU.

The Defendant obtained a law degree from Lewis and Clark University in Oregon. After graduating from law school, the Defendant and Kathryn moved to Colorado. Later, the Defendant and Kathryn decided to move to Montana, and, in July 1998, the Defendant passed the Montana Bar and they lived in Billings, Montana.

Kathryn Little married Brian Laird in February 1999. In July 1999, the Defendant and Kathryn Laird were residing at the Fort Smith Trailer Court in Fort Smith, Big Horn County, Montana. While living in the Fort Smith area the Defendant was working as a fishing guide and he maintained a part-time law practice in Billings, Montana. In July 1999, Kathryn Laird was working several jobs in Fort Smith including the Quill Gordon Fly Fisher, the Big Horn River Country Lodge and she assisted in shuttling fisherman to and from various locations.

**July 28, 1999 (Wednesday)**

On July 28, 1999, Kathryn Laird told her mother, Mary Lou Little, during a phone call, that she was leaving the Defendant. On that same day, Kathryn Laird called her brother, Thomas Little, and told him that she and the Defendant had had another fight and she was leaving the Defendant. According to Thomas Little, Kathryn Laird was crying and upset during the phone call and was afraid what the Defendant's actions would be if she tried to leave.

June Rose, a friend who worked with Kathryn Laird at Quill Gordon's Fly Fisher, indicated that a week or two prior to July 31, 1999, she had a conversation with Kathryn about Kathryn's marriage and Kathryn indicated she needed some additional time off because she needed to go to Billings to settle some affairs. According to June Rose, Kathryn went on to tell her that her marriage wasn't going well and she wanted to end the marriage.

Trish Siemion has lived and worked in the Fort Smith area for approximately 24 years. In 1999, she was working at the Big Horn River Country Lodge and was acquainted with the Defendant and Kathryn Laird. Ms. Siemion indicated she spent allot of time with Kathryn when Kathryn first started working at the lodge. Ms. Siemion

stated that the Defendant was aggressive in nature, that he “would just fly off the handle.” Ms. Siemion indicated she has seen the Defendant argue with Kathryn and shove her on several occasions. Ms. Siemion recalled an incident in the kitchen of the lodge when the Defendant was mad at Kathryn and he called her a “bitch” and shoved her full hands on the chest.

Constance “Connie” Schuman worked at the Yellowstone County Courthouse from January 1989 through February 2010. Ms. Schuman was a deputy clerk of court and would service the customer desk and assist people. Ms. Schuman was shown a photo of Kathryn Laird by FBI Agent Teeling and she remembered the person in the photo had visited the clerk of court office and that she was alone and upset. According to Ms. Schuman, the girl wanted paperwork relating to a legal separation and not divorce paperwork. Ms. Schuman advised the girl that she would have to see an attorney as the clerk’s office did not have paperwork regarding separations.

**July 30, 1999 (Friday)**

Kathryn Laird would work in the morning, at approximately 5 a.m. to 10 a.m., at the Quill Gordon’s Fly Fisher shop helping prepare breakfast for the customers/fishermen. Greg Heidrich, who managed the shop, recalls that Kathryn worked on July 30, 1999, and he indicated at the end of the day as he told her to “have a good day,” she replied that she was going to Billings to see a lawyer because she was going to file for a separation.

Nick Forester, who had previously employed the Defendant as a guide recalled that on Friday, July 30, 1999, he and Donnie Lyman were doing a walkthrough at a trailer he owned that was located at the Fort Smith Trailer Court. The trailer was located next to the trailer occupied by Brian and Kathryn Laird. According to Nick Forester, while they were at the trailer they witnessed an incident involving the Defendant and Kathryn Laird. Nick Forester stated that he noticed the next door neighbors came running out of their trailer, Kathleen Laird was in front and the Defendant was chasing her. Nick Forester stated that the

Defendant was very upset and yelling and swearing at Kathryn about some burnt cookies and swinging a bag of what appeared to be cookies as he chased her around a vehicle.

Don Lyman also recalled the incident that took place on July 30, 1999, and recalled hearing the Defendant say: “You fucking bitch, you burned my cookies.” Don Lyman went on to state that as the Defendant was chasing Kathryn around the truck, she was screaming. Don Lyman indicated that when the Defendant stopped chasing Kathryn, she stopped running. According to Lyman, the Defendant then walked up to Kathryn, grabbed her, and he “mushed” the bag into her face. After this, both the Defendant and Kathryn went inside their trailer and once inside he heard a “raised voice” for a short time. Lyman recalled that this incident took place around 3 p.m. to 4 p.m., on July 30, 1999.

At approximately 7:30 p.m., on July 30, 1999, Kathryn went to the Big Horn River Country Lodge to assist in feeding clients who had returned from fishing that day. Rob and Tanya Warren owned and operated the lodge. Rob Warren described Kathryn as a “great employee” who was really good with the guests. Rob Warren recalled that on July 30, 1999, the Defendant came into the lodge around 8:30 p.m., and started arguing with Kathryn. According to Rob Warren, he told the Defendant that it wasn’t the proper place to have an argument and he asked him to leave.

Tanya Warren recalled that on July 30, 1999, Kathryn called the Defendant from the lodge that evening and asked if he wanted to guide the next day for Rob and Tanya. According to Tanya, the Defendant and Kathryn got into an argument on the phone and the Defendant proceeded to come down to the lodge and continued the argument with Kathryn while she was working. Tanya stated that Rob talked to the Defendant and he calmed down and left the lodge.

Tanya Warren indicated that Kathryn would assist in cleaning the kitchen and prepping lunches before she would leave each night. Tanya believed that Kathryn would leave the lodge between 10:30 p.m. and midnight each night. Tanya stated that on the evening of July 30, 1999, she believed that Kathryn left the lodge sometime after 11 p.m.

The Defendant in a statement to the FBI stated that on Friday night, July 30, 1999, he met Kathryn at the Big Horn Country Lodge where she was working and they argued briefly. The Defendant stated he left the lodge and returned to their trailer home in Fort Smith. The Defendant indicated he fell asleep and awoke at approximately 11:30 p.m., when Kathryn came home. According to the Defendant he and Kathryn argued for approximately 15 minutes as to whether or not she would quit her job at Quill Gordon's and help him more with his law practice. The Defendant stated to the FBI that he then left the trailer, driving his green Toyota 4-Runner, with a sleeping bag and travelled to the after bay parking lot to sleep in his vehicle.

The after bay boat launch/parking lot is located on the river approximately eight tenths (8/10) of a mile from the Fort Smith Trailer Park. It is referred to as the "after bay" and "after bay parking lot." *See* Ex. A. The over flow parking lot is located next to the after bay and is referred to as the "overflow lot." *See* Exs. A and B.

On April 4, 2002, the Defendant gave a sworn statement before the Board of Law Examiners for the State of Missouri. The Defendant was represented by counsel and the Board asked the Defendant about the circumstances of Kathryn's death. The Defendant described leaving the trailer on July 30, 1999, and sleeping at the after bay parking lot:

And I said that, you know, look, it's late at night, I have to work in Billings tomorrow morning, so I'm not going to argue about this. The argument took very little time. We probably only spoke for maybe 10 or 15 minutes. And I just refused to have an argument because it was a small point and it was late at night and I had to go to Billings.

The Defendant told the FBI that he fell asleep in his car at the after bay and woke up when Kathryn arrived at his location and started yelling at him. According to the Defendant, he told Kathryn to go home and she responded by telling him to go home. The Defendant stated that he kept telling Kathryn to go home and eventually she drove out of the parking lot at a high rate of speed. The Defendant indicated that he assumed she was returning to the trailer. The Defendant explained to the FBI that he returned to the trailer and noted that Kathryn's vehicle was not there. The Defendant said he lay on the couch for approximately 15 minutes before Kathryn returned and started yelling at him when she entered the trailer.

According to the Defendant, he told Kathryn to settle down as she was banging things around and making loud noises. The Defendant stated that Kathryn exited the trailer, slamming the door behind her. The Defendant would later tell Big Horn County Deputy Sheriff Morrison that it was 1:30 a.m., when Kathryn drove off in the white 4-Runner. The Defendant said he lay back down on the sofa, believing Kathryn would return to the trailer after she had an opportunity to calm down. The Defendant then fell asleep on the sofa.

**July 31, 1999 (Saturday)**

The Defendant during his interview with the FBI stated that on Saturday, July 31, 1999, Kathryn's boss at Quill Gordon's, Greg Heidrich, called at approximately 6:30 a.m., inquiring as to whether Kathryn would be at work that morning. The Defendant told the FBI that at approximately 6:40 a.m., he drove to the after bay parking area where he had been the night before and found the vehicle that Kathryn was driving, the white Toyota 4-Runner. The Defendant indicated the doors to the vehicle were unlocked and the keys were in the vehicle in plain sight along with her purse. The Defendant stated he could see a Tequila bottle on the passenger side floor board. The Defendant explained to the FBI that he thought Kathryn had taken a hike or gone for a walk, got hurt, and was unable to walk back so he began looking for her. When he did not find her the Defendant thought she might have gone to Rob and Tanya Warren's house so he went there. The Defendant went to the Warren home and learned she had not been there.

Tanya Warren stated that on Saturday, July 31, 1999, she was awakened by the Defendant knocking on her door at 7:50 a.m. Tanya Warren indicated that the Defendant asked her if Kathryn was at the lodge. According to Tanya, the Defendant told her that Quill Gordon's had called their trailer and asked if Kathryn was planning to show up for work that morning. The Defendant then told Tanya that he looked outside their trailer and noticed that Kathryn's vehicle was gone and based on that he told Quill Gordon's that he assumed she was coming to work. Tanya stated the Defendant then left the lodge.

The Defendant indicated during his interview that he then returned to the after bay parking lot where he continued to look for Kathryn. Tanya Warren stated she called the Defendant approximately 20 minutes after he left her lodge and learned from the Defendant that he and Kathryn had a fight the night before and, according to the Defendant, Kathryn had stayed at the after bay parking lot all night. The Defendant then advised Tanya that he had located the white 4-Runner that Kathryn was driving at the after bay parking lot but he could not locate Kathryn. Tanya Warren then drove to the Defendant's residence.

Tanya Warren arrived at the Defendant's trailer and asked the Defendant what happened. Tanya Warren stated that the Defendant told her that when Kathryn returned from the lodge on Friday night she was screaming at him about their argument that had taken place at the lodge. Tanya Warren indicated that the Defendant told her: "You know Kathryn has a violent temper. She likes to throw things when she gets mad." The Defendant further advised Tanya Warren that the argument progressed, until he told Kathryn he was going to sleep at the after bay, got in his car and left the residence. The Defendant went on to tell Tanya Warren that Kathryn then arrived at the after bay parking lot and he told her to go home. They argued for approximately 15 minutes and they both departed the after bay. The Defendant told Tanya Warren that after he arrived home, Kathryn came in and began rummaging around, opening and closing drawers, turned down their pictures, took \$30 off the counter, and left the residence slamming the door. The Defendant stated that was the last time he saw Kathryn.

The Defendant, in his April 4, 2002 sworn statement, before the Board of Law Examiners for the State of Missouri, described Kathryn's return to the trailer from the after bay:

So, anyway, I drive home at my normal rate of speed and I get home and she's not home. So I park my car and I go inside. Well, then I go to bed. And then all of a sudden, maybe 20 minutes later she comes back and she's in there and she's slamming drawers and going all around. And I'm like, Kathryn, you know calm down. Just--what's the problem.

And she's all upset and she won't tell me what's wrong and she's slamming things and digging in drawers and just--I don't know what she's doing. It's you know, nighttime. And I'm like Kathryn, just settle down and she's just like a mad women.

And then she says, take care of Ralphie, the then she storms out. And Ralphie's the dog.

Tanya Warren told law enforcement that she and the Defendant drove to the after bay and she assisted him in looking for Kathryn. Tanya Warren stated that upon arrival at the after bay, she noticed two males trolling along the shoreline of the after bay and a couple was parked very close by and they were sitting on the shoreline of the after bay. After entering the parking lot, Tanya Warren indicated that the Defendant stated: "Oh, there are cars here. There are other people here." Tanya Warren stated that the Defendant also commented at that time: "Maybe someone took her." Tanya Warren and the Defendant then looked in the white 4-Runner, which was unlocked, and she saw Kathryn's purse and a bottle of Tequila on the floorboard. Officers would later locate a set of car keys to the white 4-Runner on the front seat of the vehicle.

The Defendant and Tanya continued their search and a short time later Tanya suggested that they return to the after bay to see if Kathryn might have walked back to where the vehicle was located. Tanya Warren indicated that upon returning to the white 4-Runner the Defendant told her, "I'm gonna get my fishing rods." Tanya Warren then observed the Defendant slide open the window of the white 4-Runner and remove his fishing rods from the vehicle. The Defendant made no attempt to retrieve Kathryn's purse, her wallet or any other personal items belonging to Kathryn. The Defendant left the vehicle unlocked and he and Tanya returned to his trailer. Tanya Warren got in her vehicle and continued to search for Kathryn Laird.

According to Tanya Warren, after driving to the opposite side of the after bay, she looked across the river and saw something floating in the water. Tanya could not make out what it was. Tanya then drove to the after bay overflow parking lot and found what she believed was Kathryn's body floating face down in the water. Tanya then realized this was the object she had seen from the other side of the after bay. Tanya Warren drove



to a friend's residence, Lisa Wagner, and told her to call 911. Tanya then proceeded back to the Laird trailer.

Big Horn County Deputy Sheriff Delmar Morrison was dispatched to the Laird home. Upon arrival at the Laird trailer, Deputy Morrison made contact with the Defendant and the Defendant told him that they, he and Kathryn, had gotten into an argument at about 1:30 a.m., on July 31, 1999, and that she had left after the argument and he woke up at 6 a.m., and went looking for Kathryn. Deputy Morrison stated that while he was getting information from the Defendant, Tanya Warren arrived at the trailer. According to the Defendant's statement to the FBI, when Tanya arrived she indicated she thought she found Kathryn's body in the area of the overflow lot. The Defendant said that he, Tanya and Deputy Morrison all drove to the after bay overflow area in separate vehicles and once there the Defendant stated he parked his vehicle and ran to the bank and Kathryn's body.

Tanya Warren stated that upon arrival at the Laird trailer, the Defendant was seated in the passenger seat of Deputy Morrison's patrol vehicle. Tanya indicated she said: "I think she's in the water." Deputy Morrison asked where and Tanya responded: "By the first parking lot in the after bay." Tanya stated she did not give any further description and the Defendant immediately jumped into his green SUV and drove towards the after bay overflow parking area. Tanya followed the Defendant and Deputy Morrison followed Tanya.

The Defendant in his statement to the Board of Law Examiners for the State of Missouri on April 2, 2002, stated:

So I get in my car and I drive over there and I look down and there's my wife in the water. And I run down, I drag her out and--and I try pushing her chest and--and so anyway, she wasn't alive. And then-

Kathryn Laird also worked for Charles Parker in their vehicle shuttling business in Fort Smith. Charles Parker told the FBI that when they completed the shuttling work on Friday, July 30, 1999, he dropped Kathryn off and she stated: "I'll see you tomorrow."

On Saturday, July 31, 1999, Charles Parker indicated he drove to the Laird trailer in the morning to pick Kathryn up for work. Charles Parker, and his wife, Rachel, stated

that when they arrived at the trailer they honked the horn as usual. The Parkers stated that the Defendant came out of the trailer and told them that Kathryn was not there, that he didn't know where she was and the last time he saw her was at 1 a.m., at the after bay. The Defendant also told the Parkers that Kathryn's vehicle was at the after bay.

Charles Parker stated that he often talked to Kathryn Laird and learned that she wanted to divorce the Defendant and often Kathryn indicated that she did not want to go home.

Mary Lou Little, Kathryn's mother, was interviewed by the FBI on August 2, 1999, and stated that on Saturday, July 31, 1999, the Defendant left a message on her answering machine stating that "something horrible has happened." Ms. Little stated she called the Defendant at approximately 2:30 p.m., and was told that Kathryn was dead, that she had drowned. Mary Lou Little indicated to law enforcement that Kathryn was an accomplished swimmer. According to Ms. Little, the Defendant told her he did not know where the bottle of Tequila came from and he told her that he also found a bottle of his sleeping pills in Kathryn's vehicle.

Mary Lou Little and Kathryn's sister, Sheri Harber, travelled to Montana after hearing of Kathryn's death. While at the Defendant's and Kathryn's trailer, Ms. Little witnessed the Defendant's mother pull a pair of wet jeans out of a pile of clothes in the hallway and state: "If you don't do something with these they are going to mildew." Ms. Little indicated that the Defendant became very upset, and exclaimed: "Put those down. Those are the jeans I had on when I found Kathryn."

Ms. Little told the FBI that on August 2, 1999, at approximately noon, she was again in the Laird trailer. Ms. Little indicated while in the bathroom, she noticed another pair of jeans, wet from approximately the knees down, laying across the bathtub. At that time, Ms. Little observed the wet jeans she had seen the day before, on August 1, 1999, still in the pile of laundry in the hallway. The FBI stated that based on their investigation and the timeline they established, they can only account for the Defendant being in the

water one time since Thursday, July 29, 1999, that being when he was directed to Kathryn's body that had been located in the water on July 31, 1999.

Ms. Little indicated that she arrived in Montana on the evening of July 31, 1999, and learned that the Defendant had already made plans to have Kathryn cremated at Bullis Mortuary in Hardin, Montana. According to Ms. Little, she begged the Defendant to allow her to take Kathryn back to Fort Worth, Texas, for burial, but he insisted on having her cremated, stating Kathryn had indicated she wanted to be cremated. Ms. Little stated she was close to her daughter and that Kathryn had never indicated she wanted to be cremated. Ms. Little indicated she hired a lawyer and obtained a temporary restraining order which was granted and she was allowed to bury Kathryn in Texas.

### **Autopsy**

On August 1, 1999, Dr. Kenneth Mueller conducted an autopsy of Kathryn Laird. Dr. Mueller determined that Ms. Laird died from asphyxia by drowning. Dr. Mueller stated that Ms. Laird sustained a bruise of the left thumb at least several hours before death; and multiple bruises to her back and extremities around the time of death; and recent unusual bruises of muscles of the neck. Dr. Mueller specifically found:

- Bruises in the neck muscles, both right and left sternocleidomastoids (front part of the neck) and right longus colli (back of the neck).
- Focal Hemorrhage in the subcutaneous fat of the neck
- Recent bruises of left elbow, right forearm, upper back, right lateral thigh.
- Older blunt force injury to left thumb.

Dr. Thomas L. Bennett also observed the body of Kathryn Laird with Dr. Mueller.

Dr. Bennett in explaining the injuries observed in part:

Multiple bruises were seen over her forearms and over her thighs, and these areas were sampled. In addition, we saw an intact skin over her upper back, but deeper bruises were found upon dissection through the midline of her back.

Internally, the neck bruises overlaid prominent dark red-violet fresh bruising into both the sternocleidal mastoid muscles, which in my opinion was clearly real and premortem.

Additional bruising was seen in the small paravertebral muscle on the right, cervical region, not on the left.

In addition, some subcutaneous bruising was seen in the subcutaneous fat immediately beneath the ring-shaped red discolorations on the front sides of her neck.

In the midline of her upper mid back there was an up to 2 inch or so diameter area of prominent subcutaneous fat bruising, no other bruises seen over her back as the tissues were opened and examined laterally to the mid-scapular regions, and from her shoulders down to just above her waist line.

In my opinion, these areas of bruising were real, but in and of themselves do not appear to be significant enough to explain her death.

In my opinion, the bruises identified are significant factors, and warrant inclusion on the death certificate under the "other significant condition" heading.

The FBI questioned witnesses who had seen Kathryn Laird the night before her body was found and none of the witnesses indicated that they had observed any bruises on her.

Pursuant to the autopsy, blood and urine samples were taken from Kathryn Laird. The toxicology report from the Montana State Crime Lab detected Amitriptyline and Nortriptyline in her system. The levels of Amitriptyline and Nortriptyline were determined to be at a therapeutic level. Nortriptyline is an active metabolite of amitriptyline that is demethylated in the liver. Dr. Mueller indicated that the toxicology did not support the idea of chemical incapacitation.

Investigators learned that the Defendant had been prescribed and was taking Amitriptyline, which is an antidepressant, at the time of Kathryn's death

The toxicology report also indicated that Kathryn Laird did not have any alcohol in her system.

Dr. Mueller determined that Kathryn Laird died from asphyxia by drowning. He indicated that the manner of death was undetermined.

The Defendant told the FBI during his interview as well as others that after he located Kathryn's body and pulled her out of the water he attempted CPR. Deputy Morrison and Tanya Warren stated they arrived at Kathryn's body only a minute or so after the Defendant

and they did not observe him doing CPR on Kathryn. In addition, Dr. Mueller stated in his Report of Autopsy that he did not observe any evidence of resuscitation.

The Defendant in his statement to the Board of Law Examiners for the State of Missouri on April 2, 2002, was asked about the bruising found on the body of Kathryn:

**Board:** Do you have any knowledge as to the source of the bruising around her neck?

**Defendant:** No. All I know is that the coroner had stated that that type of bruising was consistent with people that had fallen down while they were drunk or otherwise. I mean, I just know that's what the coroner told us when we were sitting there in his office.

The Coroner for Big Horn County in 1999 was Terry Bullis. Mr. Bullis was interviewed by the FBI and recalled the Defendant coming to his Funeral Home to discuss funeral arrangements for his wife. When asked if he (Bullis) told the Defendant that Kathryn had bruises which could have been caused by falling down if she was intoxicated, Bullis stated he did not recall making that statement. Bullis stated he usually would not make such a statement of that type. Bullis indicated he may mention bruising to the family, but he would not typically give his opinion to their cause. Bullis further stated the bruises that he noted on Kathryn's body are not on areas of her body normally caused by falling. Finally, Bullis advised the agents that the nature of the bruises he observed on Kathryn's body is the reason he requested an autopsy.

The Defendant was also asked during his appearance before the Board of Law Examiners for the State of Missouri on April 2, 2002, in reference to the toxicology report:

**Board:** So, I mean, the pathologist at least concluded that she did not have sufficient level of chemicals in her body to, quote, stumble around and become incapacitated.

**Defendant:** Well, I would have to disagree, because I'm on the medication and you have to--you have to start at a certain level and then work your way up to that dosage. I was already at that dosage and I know if I took my regular sleeping pill, only one, and then if I drank alcohol on top of it, I would have been stumbling around.

**Board:** There was no alcohol in her blood.

## Subsequent FBI Investigation

### Mark Majerus

The FBI contacted Mark Majerus and asked him to examine the clothing worn by Kathryn Laird when her body was found. Mr. Majerus, a Botanist/Agronomist, consultant and guest instructor at Rocky Mountain College in Billings, Montana. Mr. Majerus authored a book entitled "Forage and Reclamation Grasses of the Northern Great Plains and Rocky Mountains," and he is an expert in the field of native grasses in Montana. Mr. Majerus examined the clothing worn by Kathryn and determined in part as follows:

- Four (4) "cheat grass" seeds were affixed and into the cloth of the sweat-pants, high on the left leg, in the area of the left thigh (front). Majerus noted these seeds were deep into the cloth and had no awns attached. Majerus indicated, "cheat grass" seeds mature around the 4th of July and are purple and/or reddish in color. He further advised this type of grass is relatively short and people often get these seeds attached to their socks when hiking or running through "cheat grass." Majerus asserted the location of these seeds make him believe the person wearing the sweat pants was lying on the grass and/or dragged across the grass to create the placement of these seeds. Majerus found that the leads of all four of these seeds were broken off and rubbed down to the hard part of the seed.

-Majerus looked into the top-interior portion of the sweat-pants (front) and observed three (3) "cheat grass" seeds affixed to the interior cloth. Majerus stated these seeds did not enter the clothing through the outside, but affixed themselves to the cloth from the inside of the sweat-pants. He noted this could have happened if the sweat-pants were pulled or rolled down, or the person wearing the pants was dragged allowing the seeds to enter through the top of the pants.

-Majerus examined the back-side/exterior of the sweat-pants. He noted two sets of "glumes" affixed to the exterior of the clothing and through the clothing, at the center portion of the left leg (backside). Majerus indicated this "glume" would have been forced into the pants backwards. He opined this was a sign of dragging. Majerus noted if a person was walking forward this could not occur on the back of the pant-leg like he observed.

-Majerus examined the inside-back (buttocks area) of the sweat-pants and noted another "cheat grass" seed lightly attached to the interior cloth.

The FBI agents took Mark Majerus to the Fort Smith area in September 2012, and he was taken to the after bay where Kathryn's vehicle was found and to the overflow parking lot where Kathryn's body was located. Majerus advised that the type of grass

found near the overflow parking lot located above where Kathryn's body was found is "crested wheat grass." As Majerus walked down the slope from the parking area, toward the waterline where Kathryn was found, he indicated the grass changed to "needle and thread grass" with some "cheat grass" interspersed among the "needle and thread grass."

After examining this area, Majerus and the agents moved to the after bay parking lot and performed an examination of the grasses located near where the Laird vehicle was located. Majerus asserted the dominant grasses in this area are smooth brome grass. Majerus also observed pubescent wheat grass. Majerus stated there was no "needle and thread grass" found in the immediate area where the Laird vehicle was found. Majerus then examined the grasses located down-slope from the location where the Laird vehicle was found. Majerus observed prairie sand reed and attested there are no signs of native grasses in this area, with the exception of a small patch of "needle and thread grass" located approximately 40 to 50 yards northeast of where Laird's vehicle was found. In addition, Majerus observed four small "cheat grass" plants in the area but noted these plants were little and few in the area.

Majerus found a striking difference in the grasses/vegetation between the overflow parking lot (location of Kathryn's body) and the after bay parking lot (location of the vehicle). Majerus stated the clothing he observed belonging to Kathryn show a prevalent number of items (grasses) from the overflow parking lot area.

#### **Eric and Kathleen Anderson**

In 2012, FBI Agent John Teeling was reviewing the Laird file and discovered a small entry made during the original investigation which indicated that the son of an Eric and Katherine Anderson believes his parents heard an argument the night before Kathryn Laird was found dead. It did not appear that Eric or Katherine Anderson had ever been interviewed.

Eric and Kathleen Anderson live in Billings, Montana, and would vacation in the Fort Smith area. The Andersons had previously stayed on their boat at the marina in Fort

Smith but in 1998, they rented a lot and stayed in their Dutchman RV. In 1999, the Anderson's purchased a lot at the Fort Smith Trailer Court and moved their Dutchman to that location. In July 1999, the Defendant and Kathryn Laird lived in a trailer across a small alley from the Andersons. It was later determined that the Laird trailer was approximately 48 feet (16 yards) from the Andersons RV. Both Eric and Kathleen Anderson had seen Brian and Kathryn Laird outside of their trailer and were aware of who they were and what they looked like.

Eric and Kathleen Anderson were interviewed by the FBI and they indicated their family often went to their RV in Fort Smith on Friday and departed on Sunday. Both Andersons clearly recalled an argument coming from the Laird trailer the night before Kathryn Laird's body was found. Both Eric and Kathleen Anderson stated that it was not uncommon to hear "raised voices" coming from the Laird trailer. Eric Anderson stated that they considered it a good weekend if they did not hear Brian yelling at Kathryn. Kathleen Anderson noted that it was always a man yelling at a woman. Kathleen Anderson recalled that on July 30, 1999, she and Eric heard a "horrible" argument coming from the Laird trailer. Both Eric and Kathleen Anderson believed the argument they heard coming from the Laird trailer occurred sometime after midnight. Later in the interview, Kathleen Anderson indicated to the agents the argument could have occurred about 1:45 a.m., but she is not sure of the exact time.

It should be noted again that the Defendant told Deputy Delmar Morrison that on Saturday morning, July 31, 1999, Kathryn left him and the trailer at approximately 1:30 a.m., after they had argued.

Both Eric and Kathleen Anderson were home at that time and both heard fighting coming from the Laird trailer. Kathleen was interviewed by the Federal Bureau of Investigation (FBI) and by the Division of Criminal Investigation (DCI) and she stated as follows:

KA: Yeah they were, they were fighting.

Agent: Okay, uh, describe it.



KA: Um, he was scream... yelling at her, calling her an, an F'ing bitch and she was crying and screaming no, no, no and I remember their little dog barking, it was one of those little dogs with a, kind of high pitched bark.

Agent: 'Kay,

KA: And it was barking and she kept yelling no, no and he just kept calling her the same name over and over and over again.

According to Kathleen Anderson, after hearing the woman yell "no, no, no" the argument ended "really quick, it was done." Kathleen Anderson asserted she would have called the police if she had a phone at the trailer, but she did not.

Eric Anderson was also interviewed by the FBI and DCI and he stated as follows:

Agent: Okay um, the exchange that you were hearing, um, can you describe to us what, what you did hear?

EA: The uh, the language was of angry words, there was um, the uh expression fuckin' bitch that was yelled um repeatedly, there was the language uh in resistance, there was the words, no um, the um, the intensity continued um, so uh.

Agent: Was it the male or female voice that was saying no?

EA: It was uh, it was the, the woman's voice that um used the expressions no um, the um, the language was um, most uh, hostile from the male.

Agent: More of the aggressor?

EA: Oh yes, yeah, angrily, angrily, um, with a, a full um, male voice not, no uh, a loud volume.

Agent: Okay.

EA: Hollering.

The Defendant, in his 2002 sworn statement before the Board of Law Examiners for the State of Missouri, was asked about any anger control issues:

**Question:** At any time during your relationship with your wife, did you have any anger outbursts, any anger control issues or any issues of any kind?

**Defendant:** None

**Question:** Whether with her or anyone else?

**Defendant:** None

**Question:** So it would be your testimony that at no time during the time you were married to your wife could anyone have accused you of having an anger control problem?

**Defendant:** Correct

Eric Anderson stated that approximately 10 minutes after the yelling and screaming that they had heard coming from the Laird trailer stopped, he and his wife heard a vehicle start and they observed a vehicle that was parked at the Laird trailer driving slowly down A Street and then turn and come around and exit on B Street. Eric Anderson described the vehicle as a white/cream colored Toyota 4-Runner. Eric Anderson pointed out to the officers a large light mounted on a pole that provided light to the area surrounding the Anderson's RV. Eric Anderson was aware that the Laird's owned both a white and a green colored Toyota 4-Runner. Both Eric Anderson and Kathleen Anderson stated that when they observed the white Toyota 4-Runner leaving the trailer park shortly after the yelling and screaming had stopped, the vehicle was being driven by a male, the Defendant. Eric and Kathleen Anderson stated they were looking out a window in the camper's kitchen, facing the road, as the 4-Runner passed. Kathleen Anderson indicated that after seeing Brian driving the vehicle, they said they were glad he was leaving because now the arguing would stop and they would get some "peace." Kathleen Anderson stated that the Defendant was definitely the aggressor during the yelling/argument and she was wondering where he was going when he left the trailer. Neither Anderson ever heard the 4-Runner return after it departed. When asked if they heard any more arguing or yelling coming from the Laird trailer that evening after seeing the white 4-Runner leave, both Eric and Kathleen Anderson stated they did not.

This is in direct contrast to the Defendant's statement to the FBI and his sworn statement to the Board of Law Examiners for the State of Missouri, that at 1:30 a.m., on the morning of July 31, 1999, after arguing with him, Kathryn left their trailer driving the white 4-Runner and he never saw her again.

The Andersons told the agents that approximately 45 minutes after seeing Brian drive away slowly in the white 4-Runner, their daughter's dog "went bananas" outside.

Kathleen Anderson noted that the animal is a rescue dog that barked uncontrollably at men and would routinely bark if a person walked by their residence. The Andersons stated that the dog was very upset and barking uncontrollably at something outside their RV.

Eric Anderson went outside and put the dog inside their Suburban vehicle to calm him down.

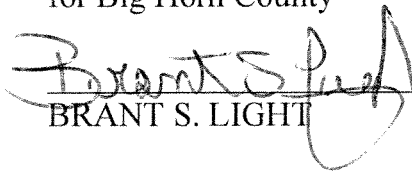
Agents from the FBI and the Division of Criminal Investigations indicate it would take a person approximately 20 to 25 minutes to walk from where the white 4-Runner was in the after bay parking lot to the Laird trailer, which was located next to the Anderson's RV.

Based on these facts, the affiant believes probable cause exists that the Defendant has committed the alleged offense. Accordingly, the affiant moves the Court for leave to file the requested Information.

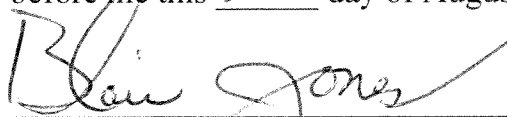
Respectfully submitted this 28<sup>th</sup> day of August, 2014.

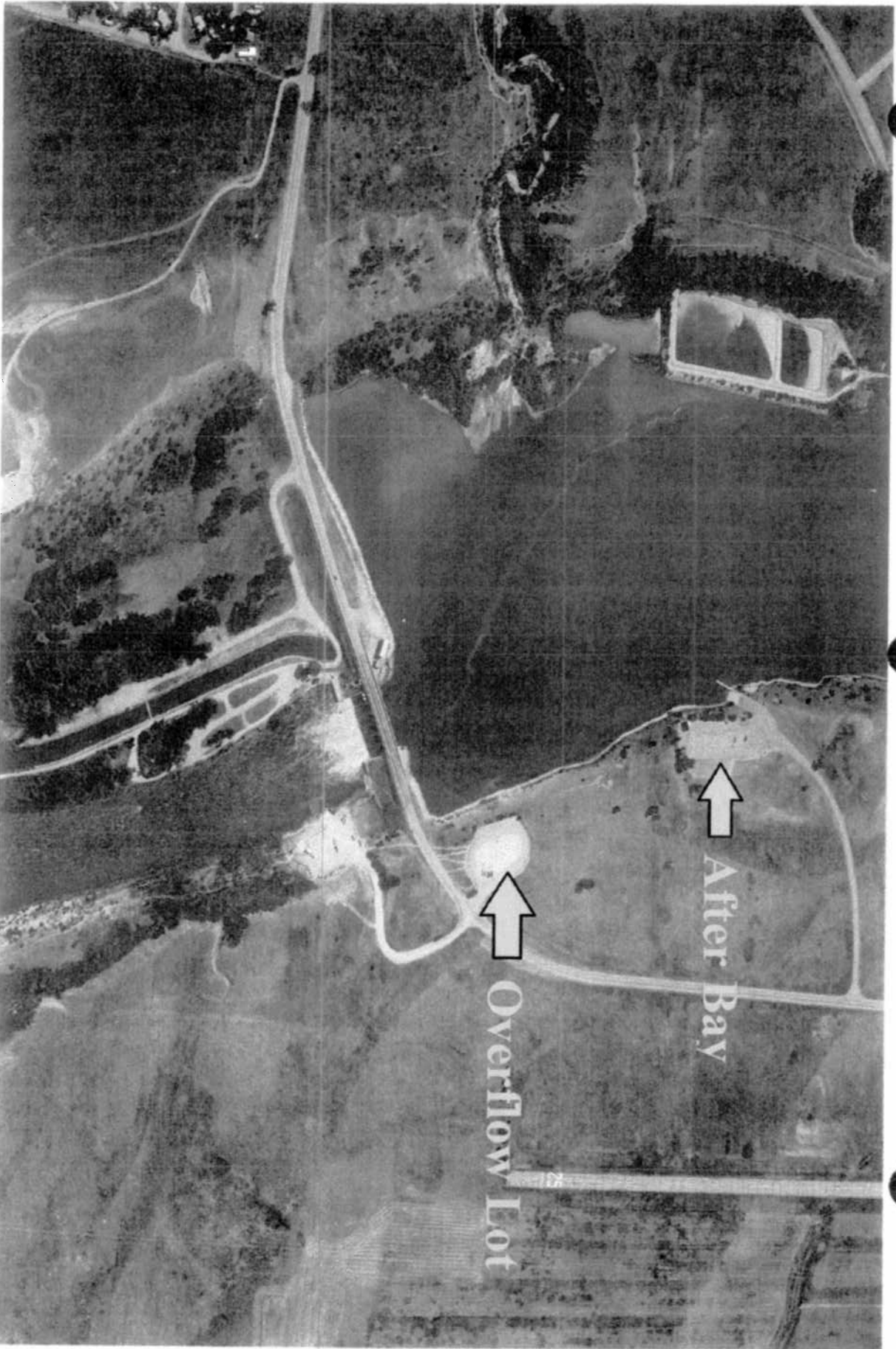
BRANT S. LIGHT  
CHAD PARKER  
Assistant Attorneys General  
Special Deputy County Attorneys  
for Big Horn County

By:

  
BRANT S. LIGHT

SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> day of August, 2014.

  
~~Notary Public for the State of Montana~~  
District Judge



ENGAD-Bayonne, N. J.

STATE'S  
EXHIBIT  
A



NGAD-Boynon, N. J.  
STATE'S  
EXHIBIT  
B