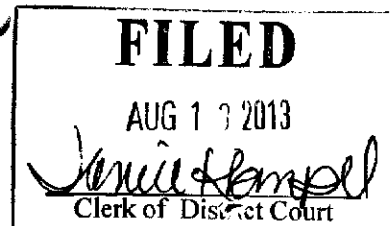


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MONTANA SEVENTH JUDICIAL DISTRICT COURT, RICHLAND COUNTY

STATE OF MONTANA,	*	CASE NO. DC-12-10
Plaintiff,	*	
-vs-	*	SECOND AMENDED INFORMATION
LESTER VAN WATERS, JR.,	*	
Defendant.	*	

Mike Weber, Richland County Attorney, charges that on or about the date hereinafter set forth, in the County of Richland, State of Montana, the above-named Defendant committed the following offense:

**COUNT I: DELIBERATE HOMICIDE BY ACCOUNTABILITY, a felony,
in violation of Section 45-5-102(1)(b), M.C.A. and
Section 45-2-302, M.C.A.**

when on or about January 7, 2012, the Defendant, LESTER VAN WATERS, JR., within Richland County, Montana, attempted to commit, committed, or is legally accountable for the attempt or commission of aggravated kidnapping, or kidnapping, and in the course of the forcible felony or flight thereafter, he or any person for which he is legally accountable, namely, Michael Keith Spell, for the crime caused the death of another human being, namely, Sherry Arnold, by either choking her or holding her face in mud or water until she was dead.

A person convicted of the offense of deliberate homicide shall be punished as follows:

a. By death as provided in 46-18-301 through 46-18-310. **The aggravating circumstance to be relied upon is this offense was committed by an offender lying in wait or ambush, Section 46-18-303(1) (a) (iv), M.C.A.;**

b. Or by life imprisonment, or by imprisonment in the State prison for a term of not less than 10 years or more than 100 years, except as provided in 46-18-219 and 46-18-222.

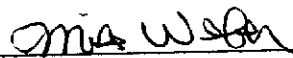
A list of possible witnesses for the State now known to the prosecution is as follows:

Gary Arnold, Sidney, Montana
Ronald Whited, Sidney, Montana
Sharon Whited, Sidney, Montana
J.P., Sidney, Montana
H.P., Sidney, Montana
Rhonda Whited, Sidney, Montana
Janet Earhardt, Sidney, Montana
Deborah Prevost, Sidney, Montana
Loretta Thiel, Sidney, Montana
Tammy Pederson, Sidney, Montana
Dr. John Andelin
Jerome Papineau,
Brenda Kiamas, Sidney, Montana
Daniel Farr, Sidney, Montana
Staci Rice, Sidney, Montana
Kristal Sieradski
Jason Moore, Williston, North Dakota
Kyle Porter, Williston, North Dakota
Elizabeth Fuqua, Williston, North Dakota
Rachelle Akins, Williston, North Dakota
Lori Schwan, Williston, North Dakota
Andy Rouse
Drew Sandoval, Arizona
Angel Cruz, Parachute, Colorado
Cheryl Haggerty, Glendive, Montana
Vern Miller, Glendive, Montana
Michael Zeimer, Glendive, Montana
Arlene Giesner, Glendive, Montana
Tina Spell, Parachute, Colorado
Harry Spell, Parachute, Colorado
J.P., Parachute Colorado
Matthew Raine, Parachute, Colorado
Cody Machen, Parachute, Colorado

Whitnie Stopani, Parachute, Colorado
H.B., Parachute, Colorado
Alexa Chenowith, Parachute, Colorado
P.D., Parachute, Colorado
Jared Harris, Parachute, Colorado
A.S., Parachute, Colorado
Chadwick McConnell, Parachute, Colorado
Richard Glaze, Parachute, Colorado
Derrick Hamm, Parachute, Colorado
Humberto Sandoval, Sidney, Montana
Deanna Chapman, Sidney, Montana
Sandee Lundby, Sidney, Montana
Robert Watterson, Sidney, Montana
Laura Potter, Sidney, Montana
Tina Kurtz, Sidney, Montana
Ron Gebhardt, Sidney, Montana
Lonnie Lyttle, Sidney, Montana
Brenda Brendt, Sidney, Montana
Christian Weiland, Sidney, Montana
Ray Johnson, Sidney, Montana
Curtis Anderson, Sidney, Montana
Det. David Peterson, Williston Police Department, Williston, North
Dakota
Reeva Mathieson, Rapid City Police Department, Rapid City, South
Dakota
Craig Mathieson, Rapid City Police Department, Rapid City, South
Dakota
Christopher Laughlin, Rapid City Police Department, Rapid City,
South Dakota
Richard St. Peter, Rapid City Police Department, Rapid City, South
Dakota
Sonja St. Peter, Rapid City Police Department, Rapid City, South
Dakota
SA Craig Overby, FBI, Montana
SA David Burns, FBI, Montana
SA Nathaniel Holland, FBI, Montana
SA Simon Golob, FBI, Montana
SA Ernie Weyand, FBI, Montana
SA Steve Liss, FBI, Montana
SA Matthew Salacinski, FBI, Montana
SA Monte Shaide, FBI, Montana
SA Shawn Shrader, FBI, Montana
SA John Teeling, FBI, Montana
SA Justin Telford, FBI, Montana
SA Jason Grende, FBI, Montana
SSRA Travis Burrows, FBI, Montana
ASAC Robert Lasky, FBI, Montana
SA Brandon Walter, FBI, Montana
Cara Kaizer - Evidence Tech, FBI, Montana
Bruce Brown - Electronic Tech, FBI, Montana

Bill Kaizer - Electronic Tech, FBI, Montana
 SOS Kelli Burns, FBI, Montana
 Jay Brunn - MP Team Leader, FBI, Minneapolis, Minnesota
 Brian Kinney - MP, FBI, Minneapolis, Minnesota
 Robert Blackmore - MP, FBI, Minneapolis, Minnesota
 Patricia Dietz - MP, FBI, Minneapolis, Minnesota
 Dave Keith - MP, FBI, Pierre, South Dakota
 Sterling Mueller - MP, FBI, Minot, North Dakota
 Chad Coulter - MP, FBI, Bismarck, North Dakota
 SA Francis Gasper - MP, FBI, Bismarck, North Dakota
 SA Joe Costabile - MP, FBI, Minot, North Dakota
 SA Robert Gaskamp, FBI, Glenwood Springs, Colorado
 SA Ben Hamilton, FBI, Glenwood Springs, Colorado
 SA Georg Dobberstein, FBI, Rapid City, South Dakota
 SA Robert C. Perry, Jr., FBI, Rapid City, South Dakota
 SA Michael Baas, FBI, Rapid City, South Dakota
 Task Force Officer Donald Holbert, FBI, Flagstaff, Arizona
 SA Brian McGrew, FBI, Flagstaff, Arizona
 Analyst Nathan Graham, FBI, Quantico, Virginia
 Analyst Alice Casey, FBI, Quantico, Virginia
 SSA Susan, Kossler, FBI, Quantico, Virginia
 SSA Robert Drew, FBI, Quantico, Virginia
 SA Bryan Costigan, DCI, Montana
 Analyst Melina Bucy, DCI, Montana
 IA Greg Schultz, DCI, Montana
 Dep. Ross Canen, Dawson Co. Sheriff's Office, Glendive, Montana
 Patti Clemo, North Dakota State and Local Intel Center
 SA Beth Ann Schwarz, FBI, Salt Lake City, Utah
 SA Nathan Allred, FBI, Salt Lake City, Utah
 SA Marc Woolley, FBI, Salt Lake City, Utah
 SOS Travis J. Johnson, FBI, Salt Lake City, Utah
 SA Kristopher Peyton, FBI, Salt Lake City, Utah
 SA Keith Drummer, FBI, Salt Lake City, Utah
 SA Steve Daniels, FBI, Salt Lake City, Utah
 SA Steve Eicher, FBI, Denver, Colorado
 Chief Frank DiFonzo, Sidney Police Department, Sidney, Montana
 Assistant Chief Robert Burnison, Sidney Police Department, Sidney, Montana
 Sgt. Travis Rosaaen, Sidney Police Department, Sidney, Montana
 Officer Mark Kraft, Sidney Police Department, Sidney, Montana
 Officer Alex Roselles, Sidney Police Department, Sidney, Montana
 Officer Caleb Sandoval, Sidney Police Department, Sidney, Montana
 Sgt. Thomas Tighe, Sidney Police Department, Sidney, Montana
 Officer Tony Stafford, Sidney Police Department, Sidney, Montana
 Sheriff Brad Baisch, Richland County Sheriff's Office, Sidney, Montana
 Undersheriff Dennis Palmer, Richland County Sheriff's Office, Sidney, Montana
 Deputy Mike Lange, Richland County Sheriff's Office, Sidney, Montana

Deputy Robert Edwards, Richland County Sheriff's Office, Sidney,
Montana
Deputy John Dynneson, Richland County Sheriff's Office, Sidney,
Montana
Supervisory Agent Brian A. May, Border Patrol, Plentywood, Montana
Agent Paul Rible, Border Patrol, Plentywood, Montana
Agent Al Garces, Border Patrol, Plentywood, Montana
Agent Darin Tompt, Border Patrol, Plentywood, Montana
Agent Sam Fire, Border Patrol, Plentywood, Montana
Agent Hawbaker, Border Patrol, Plentywood, Montana


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