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GALLATIN COUNTY CLERK
OF DISTRICT COURT
JENNIFER BRANDON

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MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT, GALLATIN COUNTY
DEPUTY

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STATE OF MONTANA,) Case No.: DC-14-298 B
))
 Plaintiff,) AFFIDAVIT OF PROBABLE CAUSE AND
) MOTION FOR LEAVE TO FILE
 vs.) INFORMATION
))
ZACHARY JAMES SILFLOW,))
))
 Defendant.))
_____))

COMES NOW the State of Montana by Erin R. Murphy, Deputy Gallatin County Attorney, and being first duly sworn upon oath, deposes and says as follows: That your affiant a Deputy Gallatin County Attorney, and by law one of the attorneys to prosecute criminal matters in the State of Montana. Based on an investigation compiled by the Gallatin County Sheriff's Office, your affiant is aware of the following.

1. On or about October 24, 2014, at approximately 5:09 a.m., Gallatin County 911 Dispatch received a fire alarm notification at Heritage Christian School, located at 4310 Durston Road, Gallatin County, Montana. Gallatin County Deputies responded to the school and located heavy smoke coming from the structure. Deputies located a door with a broken window at the south side

of the school and suspected someone had broken the window and gained access to the school. Rae Sourdough Fire Department and Bozeman Fire Department responded to Heritage Christian School and extinguished the fire which was suspected to have been started unlawfully in the gymnasium area. Detective Tom Pallach was dispatched to the scene to provide assistance with the investigation.

2. Gerry Goede, Superintendent of Heritage Christian School, arrived at the School and informed Detective Pallach that the School had installed video surveillance system inside the School after it was burned by arson in 2012. Goede indicated he could provide the video surveillance captured that morning and contacted Advanced Electronic Designs, the company responsible for maintaining the School's video surveillance system. The company provided a video captured by the surveillance system which showed a male entering the School and igniting two separate fires in the gymnasium area. Detective Pallach asked Goede if he could identify the male on security footage and Goede stated it resembled a previous student named Tom Hardin.

3. Detective Pallach asked dispatch to check the local database for a Tom Hardin. Dispatch was able to locate a Michael Thomas Hardin, who lived in Gallatin County, and provided his address. Detective Pallach travelled to Hardin's residence and made contact with him. Detective Pallach informed

Hardin that he was investigating a fire at Heritage Christian School that had occurred that morning. After speaking with his mother, Hardin agreed to accompany Detective Pallach to the Law and Justice Center for an interview. Detective Pallach noted Hardin appeared to have recently gotten a haircut and his hair was shorter than the subject in the surveillance video. At the Law and Justice Center, Detective Pallach read Hardin his *Miranda* rights. Hardin noted the *Miranda* form stated Arson and commented that he was treated very well at Heritage Christian. Hardin signed the *Miranda* waiver and agreed to speak with Detective Pallach. Hardin denied involvement in the fire and gave a detailed account of his activities over the course of the previous day, including getting his hair cut, going to work and playing on his computer. Hardin gave the Detectives permission to search his residence and computer. Detectives were able to confirm Hardin's activities including his haircut the day before and his internet usage.

4. At approximately 12:20 p.m., Detective Pallach was notified that Dispatch received a call from Christopher Rudd who indicated he had information about the fire at Heritage Christian School. Detective Pallach called Rudd who indicated that approximately a year and a half ago Rudd was hanging out with an individual named Zachary James Silflow, the Defendant herein. The Defendant told Rudd that he used to go to Heritage

Christian School and that "he was upset with teachers and torched the gymnasium". Rudd stated he did not really take the Defendant seriously, but since the School was set on fire a second time, Rudd felt he needed to contact law enforcement. Rudd stated the Defendant lived on a dairy farm on South 19th.

5. Detective Mayland contacted Goede and learned the Defendant had been a student at Heritage Christian School and the Defendant's mother had been an employee at the School. Goede informed Detective Mayland that the Defendant had left the school under unusual circumstances and stated he believed the Defendant could be the person seen in the surveillance video. Detective Mayland also received the Defendant's file from the School.

6. Detective Tom Pallach and Detective Robert Vanuka made contact with the Defendant at his residence, located at 4125 Kent Spur Road, which is a dairy farm. Detective Pallach informed the Defendant the Detectives were investigating a fire and the Defendant's name had come up during the investigation. The Defendant agreed to accompany the Detectives to the Law and Justice Center for an interview. Upon arriving at the Law and Justice Center, the Defendant was advised that Detectives Pallach and Vanuka wanted to speak with him regarding the fire at Heritage Christian School in August of 2012 and the fire that morning. The Defendant was read his rights per *Miranda* and

agreed to speak with the Detectives. The Defendant also read and signed a *Miranda* waiver.

7. The Defendant initially denied any involvement in the fire at Heritage Christian School. The Defendant stated he had been drinking at a friend's house the night before, but denied being too drunk to remember if he had been to the School. The Defendant admitted he did not care for the School.

8. Detective Pallach explained to the Defendant that the School now had surveillance cameras and video. The Defendant told Detective Pallach that when he was drinking with his friend which caused him to dwell on how he was mistreated at School and that the teachers did not treat him very well. The Defendant stated he went to the School early that morning and parked across the street. The Defendant stated he got angry and threw a rock through a window on a backdoor of the school. He then wandered around for a while until he noticed a gas can by a shed in the back. The Defendant told the Detectives he took the gas can into the School and walked into the middle of the gym floor. The Defendant stated he picked that spot because that was where "everybody fucked with" him. The Defendant stated he remembered walking around the gym for a while and thinking about what he was doing and then "finally gave in." The Defendant admitted to starting two fires in the gym inside Heritage Christian School and then running out. The Defendant provided Detective Pallach

with the lighter he used to start the fires. Detective Pallach showed the Defendant the still shots from the surveillance video and the Defendant acknowledged that the male in the photographs was him. The Defendant admitted he was wearing all of the same clothes as he had on when he started the fire with the exception of a jacket.

9. Detective Vanuka asked the Defendant if the events of that morning were the same thing that happened two years ago. The Defendant stated that back in 2012 when the first fire occurred, he was drinking and pissed off and drove by the School. The Defendant could not remember exactly where he was going but stated "the anger just set it in again, and I couldn't push it away, and, gave in, and there, you know, whoop de doo." The Defendant agreed this occurred back in August of 2012. The Defendant had some difficulty remembering all the details of the 2012 fire, but believed he had a gas can in his vehicle and remembered breaking into the School, but could not recall which door he had entered through. The Defendant stated he stacked up material that was in the gym, like fake trees, dumped gas on all of it and lit it on fire. The Defendant stated he could not deal with his anger.

10. Detectives Pallach and Vanuka asked the Defendant some additional questions about the fire that occurred the morning of October 24, 2014. The Defendant stated he went to his old

locker, but he could not remember the locker number. The Defendant admitted urinating on and near the locker. Detective Vanuka asked the Defendant about the jacket he was wearing that morning when he was at the School. The Defendant stated the jacket was at his house. The Defendant gave verbal and written consent for the Detectives to go to his house, taking the Defendant with them, and retrieve the jacket. The Defendant also consented to a search of his car and signed a consent to search form.

11. The first fire occurred at Heritage Christian School on August 25, 2012. At approximately 10:51 p.m., Deputies and Rae Sourdough Fire Department were dispatched to an active fire alarm at Heritage Christian School, located at 4310 Durston Road, Gallatin County, Montana. Upon arriving at the School, Deputy Justin Schnelbach observed heavy smoke on the west side of the School. Deputy Schnelbach located a glass door on the west side that had been broken with a large rock. No other windows or doors were found to be damaged. After the fire had been extinguished and the building was deemed safe to enter, an investigation was started.

12. Deputy Kristine Larsen contacted Special Agent CFI Jeffery Laverman, ATF, to assist with the investigation and provide any other resources he had. The on-scene investigation began on August 27, 2012. The hallways around the gym showed

soot damage. The heat and fire damage in the gym was fairly uniform throughout, with floor to ceiling smoke and soot damage. The most severe damage was observed on the northeast end of the bleachers and the south end of the stage area. The south end of the gym and stage area showed heavy fire damage with the contents of the stage heavily damaged and the roof collapsed. The north end of the gym had a second story mechanical mezzanine open to the gym which showed uniform fire damage with the heaviest damage to the northeast corner. Items such as curtains, rugs, artificial plants, curtain stands and rods were found burned and charred in front of the east end of the bleachers. After law enforcement completed their walk through of the building, Fire Marshal Doug Bennyhoff with the Great Falls Fire Department ran his accelerant detection canine, "Yancy", inside the gym. "Yancy" conducted a search of the entire gym and Marshal Bennyhoff stated "Yancy" alerted to debris in front of the east side of the bleachers and also to a mat that had been removed from the weight room area by firefighters. Also located near where "Yancy" alerted was a red piece of plastic which was burned and suspected of being the remnants of a gas can.

13. Detective Pallach interviewed a number of witnesses and potential suspects following the fire in August of 2012, but was unable to identify an individual responsible for the fire at the School, at that time. The Defendant was not contacted in

regard to the August 25, 2012, until he was contacted by Detectives on October 24, 2014. The estimated damage caused to Heritage Christian School as a result of the August 25, 2012 fire exceeded Four Million Dollars. The estimated damage to Heritage Christian School caused by the fire on October 24, 2014 is approximately \$500,000.

Based on the foregoing facts, the undersigned moves the Court to find that probable cause exists to file an Information charging the defendant with the crime(s) of: Count I: Arson, a Felony, in violation of § 45-6-103, MCA; Count II: Burglary, a Felony, in violation of § 45-6-204, MCA; Count III: Arson, a Felony, in violation of § 45-6-103, MCA; and Count IV: Burglary, a Felony, in violation of § 45-6-204, MCA.

Dated this 5 day of November, 2014.

Erin R. Murphy
Erin R. Murphy
Deputy County Attorney
Gallatin County, Montana

SUBSCRIBED and SWORN to before me this 5 day of November, 2014.

Christine Richards
NOTARY PUBLIC FOR THE STATE OF MONTANA
Residing at: Manhattan, Montana
My commission expires: 2/15/16

