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AUG 07 2014

IN THE JUSTICE COURT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF MISSOULA
BEFORE _____ JUSTICE OF THE PEACE

Justice Court

STATE OF MONTANA
Plaintiff,
-vs-
KEVIN JOSEPH LINO
Defendant.

Cause No. CR-2014-12424-01

COMPLAINT

JASON MARKS, Assistant Chief Criminal County Attorney, deposes and says that on or about the 30th day of July, 2014, in Missoula County, the Defendant committed the offense of COUNT I: DELIBERATE HOMICIDE, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-102[1], punishable by death, life imprisonment, or not less than 10 or more than 100 years MSP.

The facts constituting the offense are:

COUNT I: On or about the 30th day of July, 2014, the above-named Defendant purposely or knowingly caused the death of Berry "Jack" Gilbert.

DATED this 7th day of August, 2014.

15/
JASON MARKS
Assistant Chief Criminal County Attorney

Subscribed and sworn to before me this 7th day of August, 2014.

[Signature]
JUSTICE OF THE PEACE

COMPLAINT 14-1728
Missoula County Sheriff's Office WALROD

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Justice Court

1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE Amy L Blixt, JUSTICE OF THE PEACE

4
5 STATE OF MONTANA,
6 Plaintiff,

7 -vs-

8 KEVIN JOSEPH LINO,
9 Defendant.

Cause No. CR. 2014-12424-C1

AFFIDAVIT OF PROBABLE CAUSE

10 STATE OF MONTANA)

: ss

11 County of Missoula)

12 JASON MARKS, Assistant Chief Criminal County Attorney, Montana, being first
13 duly sworn upon oath, deposes and says:

14 I have read the official law enforcement reports regarding the investigation of
15 KEVIN JOSEPH LINO for allegedly committing the offense(s) set forth in the complaint
16 and based upon the information contained in the reports, if true, believe probable cause
17 exists to justify charging the above-named defendant as specified in the accompanying
18 complaint.
19

20 On or about the 5th day of August, 2014, a body was found floating in the Clark
21 Fork River in Missoula County. The body was determined to be that of Berry "Jack"
22 Gilbert. An autopsy was performed at the Montana State Crime lab and it was
23 determined that the body had injuries that could not be explained by drowning or
24 subsequent movement in the water.
25

26 Investigators with the Missoula County Sheriff's Department interviewed Gilbert's
27 girlfriend Susan Prentkiewicz. She said that around July 30, 2014, a group showed up
28 at a camp she was sharing with Gilbert under the Reserve Street Bridge. She said that

1 the group consisted of a man she knew as Phoenix, another man she knew as Kenny,
2 and their girlfriends that she knew as Angie and Ginger. She said they were behaving
3 very aggressively toward those already camped in that area.
4

5 She reported that Gilbert and Phoenix got into a verbal confrontation. At that
6 point Kenny struck Gilbert in the head, knocking him to the ground. Phoenix and Kenny
7 then kicked and stomped Gilbert and cut gang symbols into his body with a knife. She
8 said that Kenny and Ginger then escorted her out of the area and left her at another
9 camp. Shortly thereafter she heard a gunshot. She did not see Gilbert again. The next
10 morning she encountered Phoenix who told her that Gilbert was "on a train back to
11 Pennsylvania."
12

13 Based on descriptions of the group, investigators were able to identify "Kenny" as
14 Kenneth Hickman. Susan subsequently picked him out of a photo lineup. Investigators
15 identified "Ginger" as Mechailah Trembruell. Hickman and Trembruell were located by
16 deputies at a camp near the Kim Williams trial. They were interviewed and identified
17 Phoenix as Kevin Lino. They said Lino and his girlfriend had left town the night before
18 after learning that deputies were investigating the homicide. They both reported that
19 Phoenix had severely beaten Gilbert, who they knew as "Jack" around July 30th.
20

21 Hickman admitted hitting Gilbert and knocking him to the ground, but said the rest of the
22 assault was done by Lino. Hickman claimed not to have been present when Gilbert was
23 killed. Trembruell contradicted this saying that both she and Hickman were present,
24 after escorting Susan from the camp, when Lino shot Gilbert in the head with a 9mm
25 pistol he carried and dumped the body in the river.
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3 JASON MARKS
Assistant Chief Criminal County Attorney

4
5 SUBSCRIBED AND SWORN TO before me this ____ day of August, 2014.

6
7 JUSTICE OF THE PEACE

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9
10 ORDER

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12 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to
13 believe the above-named Defendant committed the crimes charged.

14 DATED this ____ day of ____, 2014 at ____ a.m./p.m.

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17 JUSTICE OF THE PEACE
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