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9 DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE
 10 STATE OF MONTANA, IN AND FOR THE COUNTY OF FLATHEAD

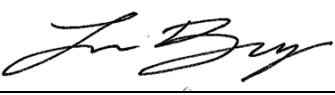
11	STATE OF MONTANA,	)	Case No.:
		)	
12	Plaintiff,	)	
		)	
13	vs.	)	MOTION FOR LEAVE TO
		)	FILE AN INFORMATION
14		)	
15	KALEB ANTHONY HILLIARD,	)	
		)	
16	Defendant.	)	

17 Pursuant to Section 46-11-201, the State hereby moves for leave to file an Information charging
 18 the Defendant with the offense of **Count I - DELIBERATE HOMICIDE, a Felony, in violation of**
 19 **Section 45-5-102(1)(a), MCA, Count II - ATTEMPT DELIBERATE HOMICIDE, a Felony, in**
 20 **violation of Section 45-4-103/45-5-102(1)(a), MCA, Count III - ATTEMPT DELIBERATE**
 21 **HOMICIDE, a Felony, in violation of Section 45-4-103/45-5-102(1)(a), MCA, and Count IV -**
 22 **CRIMINAL ENDANGERMENT, a Felony, in violation of Section 45-5-207, MCA.** In support of this
 23 motion, the State has attached for this Court's review an affidavit setting forth the facts which establish
 24 probable cause to believe that the Defendant has committed the offense(s) as alleged.

25 Dated this 15th day of October, 2026.

26 OFFICE OF THE COUNTY ATTORNEY
 27 Flathead County Attorney
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By: 

Lenore Bushey,
Deputy County Attorney

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10 DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE
11 STATE OF MONTANA, IN AND FOR THE COUNTY OF FLATHEAD

12	STATE OF MONTANA,	)	Case No.:
		)	
13	Plaintiff,	)	
		)	
14	vs.	)	AFFIDAVIT IN SUPPORT OF
		)	MOTION FOR LEAVE TO
15	KALEB ANTHONY HILLIARD,	)	FILE AN INFORMATION
		)	
16		)	
17	<u>Defendant.</u>	)	

18 Lenore Bushey is a Deputy County Attorney for Flathead County Montana. As such she is
19 empowered to initiate and prosecute persons charged with crimes committed in the State of Montana and
20 to initiate such prosecutions by Information filed in District Court.

21 Pursuant to Section 46-11-201, MCA, Lenore Bushey seeks leave to file an information charging
22 the Defendant with the offense of **Count I - DELIBERATE HOMICIDE, a Felony, in violation of**
23 **Section 45-5-102(1)(a), MCA, Count II - ATTEMPT DELIBERATE HOMICIDE, a Felony, in**
24 **violation of Section 45-4-103/45-5-102(1)(a), MCA, Count III - ATTEMPT DELIBERATE**
25 **HOMICIDE, a Felony, in violation of Section 45-4-103/45-5-102(1)(a), MCA, and Count IV -**
26 **CRIMINAL ENDANGERMENT, a Felony, in violation of Section 45-5-207, MCA.** More
27 specifically, those charges would allege the following:

28 **COUNT I – DELIBERATE HOMICIDE, a Felony**

1 The Defendant, KALEB ANTHONY HILLIARD, on or about October 13, 2026, in
2 Flathead County, Montana, purposely or knowingly caused the death of another human
3 being, AW, contrary to the provisions of § 45-5-102(1)(a), MCA, and punishable by a term
4 of imprisonment not less than 10 years and not to exceed 100 years or by life imprisonment.
5 Because a firearm/destructive device/dangerous weapon was used in the commission of
6 this offense, under the provisions of § 46-18-221(1), MCA, this offense is punishable by
7 an additional term in the state prison of not less than 2 years or more than 10 years.

8 **COUNT II – ATTEMPT DELIBERATE HOMICIDE, a Felony**

9 The Defendant, KALEB ANTHONY HILLIARD, on or about October 13, 2026, in
10 Flathead County, Montana, with the purpose to commit the offense of Deliberate
11 Homicide, Defendant did an act or acts toward the commission of the offense, namely by
12 shooting a firearm at ER, contrary to the provisions of § 45-4-103/45-5-102(1)(a), MCA,
13 and punishable by a term of imprisonment not less than 10 Years and not to exceed 100
14 years or by life imprisonment. Because a firearm/destructive device/dangerous weapon
15 was used in the commission of this offense, under the provisions of § 46-18-221(1), MCA,
16 this offense is punishable by an additional term in the state prison of not less than 2 years
17 or more than 10 years.

18 **COUNT III – ATTEMPT DELIBERATE HOMICIDE, a Felony**

19 The Defendant, KALEB ANTHONY HILLIARD, on or about October 13, 2026, in
20 Flathead County, Montana, with the purpose to commit the offense of Deliberate
21 Homicide, Defendant did an act or acts toward the commission of the offense, namely by
22 shooting a firearm at BH, contrary to the provisions of § 45-4-103/45-5-102(1)(a), MCA,
23 and punishable by a term of imprisonment not less than 10 years and not to exceed 100
24 years or by life imprisonment. Because a firearm/destructive device/dangerous weapon
25 was used in the commission of this offense, under the provisions of § 46-18-221(1), MCA,
26 this offense is punishable by an additional term in the state prison of not less than 2 years
27 or more than 10 years.

28 **COUNT IV – CRIMINAL ENDANGERMENT, a Felony**

The Defendant, KALEB ANTHONY HILLIARD, on or about October 13, 2026, in
Flathead County, Montana, knowingly engaged in conduct that created a substantial risk
of death or serious bodily injury to another(s), contrary to the provisions of § 45-5-207,
MCA, and punishable by a fine not to exceed \$50,000 and a term of imprisonment not to
exceed 10 years. Because a firearm/destructive device/dangerous weapon was used in the
commission of this offense, under the provisions of § 46-18-221(1), MCA, this offense is

1 punishable by an additional term in the state prison of not less than 2 years or more than
2 10 years.

3 As reported in Kalispell Police Department (KPD) in report number 2026-00026401, the
4 facts establishing probable cause to believe the Defendant had committed the foregoing
5 offenses are as follows:

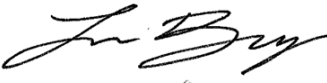
- 6 1. On or about October 13, 2026, at approximately 1:15 am, law enforcement officers
7 responded to a disturbance with a weapon at PJ Rentals located at 190 7th Avenue West
8 North in Kalispell, Montana. Officers located multiple individuals who had been shot at a
9 party outside of one of the apartments. The party was reported to have begun sometime in
10 the evening of October 12, 2026. The suspect was identified as KALEB ANTHONY
11 HILLIARD.
- 12 2. Witnesses that law enforcement interviewed on scene described escalating tension between
13 HILLIARD and his girlfriend, H.C. throughout the evening of October 12th into the 13th.
14 Witnesses described this tension in varying manners, from abuse by HILLIARD, a possible
15 break up, to suspicions of infidelity.
- 16 3. Later in the evening, on October 13th, HILLIARD returned to the apartment complex
17 where H.C. was hanging out with friends. According to reports and captured by
18 surveillance video, two males, identified as E.R. and A.W. approached HILLIARD's
19 driver's side window. HILLIARD produced a firearm and discharged it multiple times,
20 hitting E.R., A.W., and another resident of the apartment complex, B.H. Three (3) other
21 individuals, including H.C., S.W., and another male were standing near the rear end of the
22 vehicle when the shots were fired.
- 23 4. HILLIARD immediately accelerated the vehicle and left the scene, while HILLIARD's car
24 dragged H.C. along the pavement. Surveillance indicates E.R. returned fire at HILLIARD
25 as he fled the scene.
- 26 5. Despite law enforcement's life-saving efforts, A.W. was pronounced deceased on scene.
27 A.W. sustained an apparent gunshot wound to his chest region. E.R. sustained apparent
28 gunshot wounds to his abdomen and elbow. B.H. sustained an apparent gunshot wound to
her right shoulder. H.C. sustained road rash injuries across her body and injuries to her
head.
6. After the shooting, law enforcement located HILLIARD at his home in his bed. His mother
who was present when law enforcement arrived at HILLIARD's home, reported that
HILLIARD said the incident was related to H.C. cheating on him.
7. According to HILLIARD's interview with law enforcement, HILLIARD had shown up to
the party to retrieve H.C. HILLIARD admitted to pointing and firing his weapon at the
people that were standing in front of his window threatening him. HILLIARD stated he
feared for his life.

- 1 8. The investigation is ongoing. Multiple items of evidence will be sent to the crime lab for
2 testing. This incident involves multiple digital devices that are in the process of being
3 analyzed.

4 I declare under penalty of perjury that the foregoing is true and correct to the best
5 of my knowledge and belief.

6 Dated this 15th day of October, 2026.

7 OFFICE OF THE COUNTY ATTORNEY
8 Flathead County Attorney

9 By: 
10 Lenore Bushey,
11 Deputy County Attorney
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