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*Pro se*

**FILED**

JUN -7 2021

ANGIE SPARKS, Clerk of District Court  
By *[Signature]* Deputy Clerk

MONTANA FIRST JUDICIAL DISTRICT COURT  
LEWIS AND CLARK COUNTY

<p>BOARD OF REGENTS OF HIGHER EDUCATION OF THE STATE OF MONTANA,</p> <p>Petitioner,</p> <p>v.</p> <p>THE STATE OF MONTANA, by and through Austin Knudsen, Attorney General of the State of Montana in his official capacity,</p> <p>Respondent.</p>	<p>Cause No. BDV-2021-598</p> <p>PETITION OF INTERVENOR</p> <p><i>(email)</i></p>
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COMES NOW Intervenor David W. Diacon (hereinafter David), *pro se*, and hereby petitions the Court to deny the permanent injunction requested by the Board of Regents to stay HB 102 and dissolve the temporary injunction to stay HB 102. David also challenges the constitutionality of Part B of Board of Regents Policy 1006 and seeks a permanent injunction barring the Board of Regents and the campuses of the Montana University System from enforcing Part B of BOR Policy 1006.

David alleges and avers the following:

The Montana Legislature (hereinafter Legislature) passed HB 102 during the 2021 session which subsequently took effect across the State on February 18, 2021, after being signed by Governor Gianforte. The bill included a separate implementation date of June 1, 2021, for the Montana University System (hereinafter MUS). The Office of the Commissioner of Higher Education and the component campuses of the MUS began developing implementation policies in or around March 2021. The Board of Regents (hereinafter Regents) of the MUS were set to hold public hearing on adoption of MUS policy relating to implementation of HB 102 during its May 23-24 meeting, however, the Regents removed the item from its agenda within a day or two prior to the meeting. Additionally, prior to the May 23-24 meeting, the Regents held a meeting to determine whether to challenge the Legislature's authority. The Regents filed an original action with the Montana Supreme Court challenging the constitutionality of HB 102 and seeking a stay of the implementation. The Court declined to accept the case under original jurisdiction and the Regents then filed the current action.

#### Parties

The State of Montana (hereinafter State) represents the legal interest of legislative authority of the Montana Legislature. The Montana Legislature, along with the Executive and Judicial branches, is one of the three distinct branches of

the Montana government. Mont. Const. Art. III, Section 1. The elected members of the Legislature establish the laws and public policies of the State of Montana through the laws they collectively enact.

The Board of Regents (hereinafter Board) is established by Article X, Section 9(1) of the Montana Constitution, with the seven appointed board members given government and control of the university system by Article X, Section 9(2). Although the framers of the Montana Constitution insulated supervision, management, coordination, and control of the Montana university system from the Legislature by establishing the Board, they specifically avoided creating a fourth branch of government that would be completely insulated from the powers of the Part III branches of government. *Sheehy v. Comm'r Political Practice for Mont.*, 2020 MT 37, ¶ 36, 399 Mont. 26, 458 P.3d 309 (McKinnon, J, concurring, citing *See 6 Montana Constitutional Convention*, at 2124-32).

David W. Diacon is a law student at the Alexander Blewett III School of Law at the University of Montana. He is a citizen of Montana and a resident of Missoula who has individual rights guaranteed by the Montana Constitution and the United States Constitution.

#### Facts

On April 10, 2020, Jared Kuntz (hereinafter Kuntz) viciously attacked and severely injured Jennifer Gress and assaulted her minor child. The attack occurred

mere yards from the University of Montana's main campus shortly before 2:30 on a Friday afternoon when classes were in session. The University of Montana Police Department (hereinafter UMPD) responded to the incident and the responding officer found that "Jennifer had serious injuries to the side of her face. She acknowledged her husband when he spoke to her, but she was otherwise barely conscious." Affidavit of Probable Cause, Missoula Cnty. Justice Ct., CR-610-2020-1097, April 13, 2020 (attached hereto as Exhibit I-1). It was found that "Jennifer had some fractures to the left side of her skull and her left eye was swollen shut." *Id.*

Jennifer's son, J.G., had been ahead of her on the trail when he heard her scream. *Id.* He returned up the mountain in time to see a man standing over his mother "with blood on his hands" which "really scared [J.G.];" the man chased and threatened J.G. inflicting more terror. *Id.*

Approximately two hours after his vicious attack on Jennifer and her son, Kuntz, who had meanwhile moved across Mount Sentinel and had stripped naked, approached two other hikers, Stephen and Carl Blotski, demanding they give him some clothing. *Id.* When the brothers denied his demand, Kuntz rushed barefoot across rocky ground to enforce his demand and picked up a rock with which he battered one of the hikers. *Id.* One of the brothers stood his ground to defend the pair from the horrible assault, utilizing a knife to successfully end the attack by

stabbing Kuntz at least twice, and thus protecting his life and that of his brother.

*Id.* Kuntz was soon incapacitated from his wounds and apprehended by authorities.

On April 14, 2020, Jacob Kuntz (hereinafter Jacob) published an open letter on Facebook which is attached hereto as Exhibit I-2. Jacob outlined repeated attempts, over nearly a month, by himself and his mother to alert Missoula Probation and Parole (who had supervision of Kuntz), Missoula Police Department, and mental healthcare professionals to danger posed by Kuntz to his family and the public. According to the letter, Missoula Police Department and mental health professionals were adequately forewarned of the danger to the Missoula community. Even with forewarning, Missoula Probation and Parole, Missoula Police Department, Missoula mental health professionals, and UMPD were unable to save Jennifer from serious physical injury, J.G. from severe trauma, or the Blotski brothers from being threatened, terrified, and battered by Kuntz. Had one of the Blotskis not had the wherewithal to protect himself when he was attacked, Kuntz would certainly have continued his delusional rampage on University of Montana property. Nothing but chance prevented him from going down the mountain to a helpless campus, however, the students, faculty, staff, and visitors were fortunate that Kuntz stayed on the mountain. Learning of these events profoundly impacted David.

David grew up in a law enforcement family and has knowledge and understanding of the legal application of force when necessary to defend himself from assault or severe bodily injury. At seventeen years old, he experienced an assault in his home by a person armed with a Ruger .357 Magnum pistol at which time he experienced immediate apprehension of death. After surviving that experience, David made the choice as an adult to be prepared to defend himself and his family and friends from violent assault. He educated and trained to respond appropriately to any given scenario, in any location, with a measured application of appropriate and necessary force. David legally carried his firearm most of his adult life to defend himself and others should he experience another violent assault. After his children grew up, and with the passage of many years since surviving his own traumatic assault, David decided to not carry his firearm except when travelling.

David has hiked and continues to hike with friends on various trails around western Montana, including several located near the University of Montana such as the "M" trail, Pattee Canyon, and the Kim Williams Trail, all of which are on the same mountain that Jennifer, J.G., and the Blotskis were attacked. Seeing news reports of Kuntz's vicious attack on Jennifer, J.G., and the Blotski brothers, then later reading the Facebook post by Jacob and seeing a Go-Fund Me page to set up to aid Jennifer with her medical bills and recovery, David's sense of safety and

security in Missoula and at the University of Montana was diminished so that he once again decided to carry his weapon in all lawful places.

When David resumed carrying his firearm while hiking, he asked his hiking partners – a fellow classmate as well as several of his long-time Missoula friends – whether they felt uncomfortable with his firearm. His fellow hikers opined that they felt safer with him carrying his weapon, knew that he was competent and safe, and believed that he was proficient in utilizing the weapon appropriately. With the implementation of HB 102, David expanded carrying his firearm in the newly-made-legal locations and looked forward to the freedom to carry to, on, and from campus while pursuing his life.

David begins summer law school classes beginning on June 7, the day of the hearing on the temporary restraining order in this action. A permanent injunction would prevent David from consistently carrying his weapon in the community of Missoula, and to, from, and on campus, and to areas in which he may recreate adjacent to campus. Despite knowing, or should have known, of the danger Kuntz posed to the community of Missoula, Missoula Police Department was unable to prevent Kuntz's assault on Jennifer and J.G. Despite the most valiant efforts by UMPD to locate Kuntz after the attack on Jennifer and J.G., they were unable to locate and apprehend Kuntz before he attacked the Blotskis. Kuntz's violent offenses occurred next to and within mere yards of the UM campus and Kuntz

could have easily turned his attention toward the campus community rather than hikers on the mountain. Further, the law school building at UM is not architecturally secure in that it has large glass doors with sidelights and massive ground floor windows; an assailant could easily bash in the windows or doors to gain access to the building. Similarly, other campus locations that David frequents on campus, including the University Center and various food courts, also have large glass doors and windows which are equally vulnerable. Finally, the campus is spacious and open with unlimited and uncontrolled access.

Claim I – Permanent Injunction as requested by the Board of Regents will cause David harm.

David incorporates the preceding paragraphs as if set forth fully herein.

The vicious attack on Jennifer Gress, J.G., and the Blotskis demonstrates that government and law enforcement agencies, including UMPD, cannot protect citizens at all times when they go about their daily lives. The attack also demonstrates that an assault can occur at any place and any time including Montana university system property on a Friday afternoon.

The elected representative of Montana citizens determined that the public policy of the State is to allow law abiding people to exercise their right to self-protection guaranteed to them under the Montana and United States constitutions with as little interference by the government as possible.



The Board of Regents seeks to set itself apart from the general government of Montana and continue to categorically deny David his right to self-protection.

HB 102 has been in effect across Montana, except on MUS campuses, for nearly three months with no indication of harm to citizens of Montana resulting from the removal of limitations where law-abiding citizens may carry concealed firearms. The Board's assertion of harm to the educational setting is nebulous and not specific.

A permanent injunction will harm David by denying his constitutional right to self-protection while he is on campus and leave him vulnerable to violent assault.

The Board of Regents request for a permanent injunction staying implementation of HB 102 should be denied.

Count II – BOR Policy 1006 constitutes an existing and continuing violation of David's right to carry a firearm for self-defense.

David incorporates the preceding paragraphs as if set forth fully herein.

Board of Regents Policy 1006, Part B constitutes an existing and continuing violation of David's constitutional right to carry a firearm for self-defense.

The Board has categorically denied the citizens of Montana and United States citizens from other states, including faculty, staff, graduate students, undergraduate students, and visitors to campus the right to carry a firearm for self-defense for years with BOR Policy 1006.

BOR Policy 1006 violates David's rights under Article II, Section 3 of the Montana Constitution which states in relevant part: "All persons are born free and have certain inalienable rights. They include the right to ... rights of pursuing life's basic necessities, enjoying and **defending their lives** and liberties, acquiring, possessing and **protecting property, and seeking their safety**, health and happiness in all lawful ways. Mont. Const. Art. II Sec. 3 (emphasis added).

BOR Policy 1006 violates David's rights under Article II, Section 12 of the Montana Constitution which states in relevant part: "The right of any person to keep or bear arms in **defense of his** own home, **person**, and property ... shall not be called in question." Mont. Const. Art. II Sec. 12 (emphasis added).

BOR Policy 1006 violates David's right to possess a firearm for self-protection under the Second Amendment to the United States Constitution and *District of Columbia v. Heller*, 544 U.S. 570, 128 S.Ct. 2783 (2008), as incorporated under the Due Process Clause of the Fourteenth Amendment and applicable to the States by *McDonald v. Chicago*, 561 U.S. 742, 120 S.Ct. 3020 (2010).


David suffers existing and continuing harm to his constitutionally protected rights while Board of Regents Policy 1006, Part B, is in effect, thereby leaving him vulnerable to violent assault.

A permanent injunction should be issued to stay and enjoin Part B of Board of Regents Policy 1006 until the authority of the Board of Regents to set public policy concerning the carrying of firearms for self-protection is determined at trial. The Board of Regents, MUS, and campuses and locations of MUS should be restrained and enjoined from enforcing Part B of Board of Regents Policy 1006 until and unless order by the Court.

WHEREFORE, David requests that the Court:

1. dissolve the temporary injunction and deny the permanent injunction staying enforcement of HB 102, and
2. stay and enjoin enforcement of Part B of Board of Regents Policy 1006 until determination of the constitutionality of Part B is determined by the Court.

Respectfully submitted this 7th day of June, 2021.

  
\_\_\_\_\_  
David W. Diacon  
*Pro se*

Certificate of Service

I, the undersigned, hereby certify that I have served a true and correct copy of the foregoing Petition of Intervenor by email and USPS, 1st-class postage prepaid, upon the following:

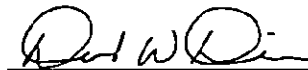
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Respectfully submitted this 7th day of June, 2021.



David W. Diacon  
*Pro se*

**MATT JENNINGS**  
Deputy County Attorney  
**KIRSTEN H. PABST**  
Missoula County Attorney  
Missoula County Courthouse  
Missoula, Montana 59802  
(406) 258-4737  
ATTORNEYS FOR PLAINTIFF

IN THE JUSTICE COURT OF RECORD OF MISSOULA COUNTY,  
STATE OF MONTANA

<p>STATE OF MONTANA, Plaintiff,  -vs-  JARED ROBERT KUNTZ, Defendant.</p>	<p>Department No. Cause No.  <b>COMPLAINT</b></p>
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MATT JENNINGS, Deputy County Attorney, deposes and says that on or about April 10th, 2020, in Missoula County, the Defendant committed the offenses of:

COUNT I: AGGRAVATED ASSAULT - BODILY INJURY, a Felony, in violation of § 45-5-202, MCA, punishable by 20 years MSP and \$50,000 fine;

COUNT II: ASSAULT ON A MINOR, a Felony, in violation of § 45-5-212, MCA, punishable by 5 years MSP and/or \$50,000 fine;

**COUNT III: AGGRAVATED ASSAULT - REASONABLE APPREHENSION, a Felony, in violation of § 45-5-202, MCA, punishable by 20 years MSP and \$50,000 fine; and**

**COUNT IV: ASSAULT WITH WEAPON, a Felony, in violation of § 45-5-213, MCA, punishable by 20 years MSP and/or \$50,000 fine.**

**The facts constituting the offense are:**

**COUNT I: On or about April 10th, 2020, Defendant purposely or knowingly caused serious bodily injury to Jennifer Gress.**

**COUNT II: On or about April 10<sup>th</sup>, 2020, Defendant purposely or knowingly caused reasonable apprehension of bodily injury in J.G. and at the time of the offense, J.G. was under 14 years of age and the Defendant was 18 years of age or older.**

**COUNT III: On or about April 10th, 2020, Defendant purposely or knowingly, with the use of physical force or contact, caused reasonable apprehension of serious bodily injury or death in Carl Blotsky.**

**COUNT IV: On or about April 10<sup>th</sup>, 2020, Defendant purposely or knowingly caused bodily injury to Stephen Blotsky with a weapon, to wit: Defendant attached victim with a rock, hitting him in the back and injuring him.**

DATED this 12th day of April, 2020.

/s/ Matt Jennings  
MATT JENNINGS  
Deputy County Attorney

COMPLAINT 20-987

TYLER TROWBRIDGE, Missoula City Police Dept  
Samuel Leyba, Missoula City Police Dept  
45-5-202 ~ Aggravated Assault - Bodily Injury

**MATT JENNINGS**  
Deputy County Attorney  
**KIRSTEN H. PABST**  
Missoula County Attorney  
Missoula County Courthouse  
Missoula, Montana 59802  
(406) 258-4737  
ATTORNEYS FOR PLAINTIFF

IN THE JUSTICE COURT OF RECORD OF MISSOULA COUNTY,  
STATE OF MONTANA

<p>STATE OF MONTANA, Plaintiff,  -vs- JARED ROBERT KUNTZ, Defendant.</p>	<p>Dept. Cause No.  <b>AFFIDAVIT OF PROBABLE CAUSE</b></p>
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STATE OF MONTANA        )  
  : ss  
County of Missoula        )

MATT JENNINGS, Deputy County Attorney, Montana, being first duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of JARED ROBERT KUNTZ for allegedly committing the offenses of:

COUNT I: AGGRAVATED ASSAULT - BODILY INJURY, a felony, in violation of § 45-5-202, MCA;



COUNT II: ASSAULT ON A MINOR – REASONABLE APPREHENSION, a Felony, in violation of § 45-5-212, MCA;

COUNT III: AGGRAVATED ASSAULT - REASONABLE APPREHENSION, a felony, in violation of § 45-5-202, MCA;

COUNT IV: ASSAULT WITH WEAPON, a felony, in violation of § 45-5-213, MCA.

I believe that the facts as set forth in the law enforcement reports, if true, constitute sufficient probable cause to justify the filing of the charges.

Those facts are as follows:

#### **FIRST INCIDENT**

On April 10, 2020 at approximately 1430 hours, University of Montana Police Officers were dispatched to the "M" Trailhead off the University of Montana campus in the City of Missoula, for a report of an assault and/or accident on the trail.

On arrival, UMPD Officer Brodie met with a male hiker by the name Eric Donovan who was tending to 13-year-old J.G. at the bottom of the trail. Donovan stated that he was near the bottom of the trail and he heard some yelling higher up on the trail. J.G. came running down the hill and he saw a larger male farther up the trail who appeared to be punching something on the ground. That male then appeared to run farther up Mt.

Sentinel and out of sight.

J.G. was upset and told Donovan words to the effect that J.G.'s mother, Jennifer Gress, had been attacked by some male and that when J.G. turned to see why his mother was screaming, the male then started to chase him. J.G. was frightened and ran down the mountain.

J.G. told Officer Brodie the same story. He and his mother had hiked up the "M" trail via the switch backed, zig-zag trail, then were coming down the ridge trail to the North of the "M." He was 30-40 yards ahead of his mother and heard her screaming. He turned back and started back up the trail to where his mother was and as he got close enough to see where she was at, J.G. saw an adult male standing over her "with blood on his hands." The blood really scared J.G. and when the adult male suspect saw him, the male began to chase after him. J.G. turned and ran as fast as he could down the hill. He heard the male yell at him words to the effect, "Yeah, you better run kid!" At the bottom he encountered Donovan and his wife.

J.G. described the suspect male as being a white, adult male between 30-40 years of age. J.G. said the male was wearing a black long sleeve shirt of some kind with white lettering on it. He said the male was wearing pants rather than shorts but he could not remember the color.

While this was going on, Fire and Medical Crews had climbed up the mountain to where Jennifer had been assaulted and were tending to her. It took them almost an hour to get her stabilized and onto a stretcher and then manipulate her down the mountain to a waiting ambulance. Jennifer's husband and J.G.'s father responded to the scene.

Officer Brodie observed that Jennifer had serious injuries to the left side of her face. She acknowledged her husband when he spoke to her, but she was otherwise barely conscious.

At St. Patrick Hospital, Officer Brodie observed that J.G. was clearly in shock about what happened to his mother and subsequently being chased by the suspect male on the mountain.

Meanwhile, a black shirt was located on the mountain by another hiker after the assault incident had occurred. J.G. confirmed by looking at a photo of the shirt that it appeared to be the same one the suspect male he saw had been wearing.

Jennifer had some fractures to the left side of her skull and her left eye was swollen shut.

## **SECOND INCIDENT**

Also on April 10, 2020 at approximately 1635 hours, officers were dispatched back onto Mount Sentinel following a report of two hikers who got assaulted by a naked male suspect above the "M."

Officer Brodie hiked to near the top of Mount Sentinel to the scene and met with a Forest Service Officer and two Missoula City Police Officers who had driven a vehicle up the Crazy Canyon road up the back side of Mount Sentinel and hiked downward a quarter mile from the windsock area at the top.

The Forest Service Officer was standing over a completely naked, handcuffed adult male lying on his back near the trail. The naked male had at least two stab wounds. The male had dried blood on his hands and on his left side but was conscious and breathing and talking. The naked suspect male provided his name as Defendant Jared Kuntz. Multiple people assisted in getting Defendant on a stretcher and brought to a Life Flight helicopter that was able to land on the mountain above them.

Other officers contacted two male victims and some other people in the vicinity. The male victims were brothers, Carl Blotsky and Stephen Blotsky. Carl explain that he and his brother, Stephan had earlier climbed up the north trail from the Kim Williams trail in the Hellgate Canyon to get to the top of Mount Sentinel. They were both aware of the earlier assault that had

occurred below the 'M' because they spoke to Officers before they started their hike and they were also aware of the UM Timely Warning that had gone out.

Carl explained that they were walking down from the top of the mountain when they saw a "naked" guy creeping out from some bushes. They immediately thought this might be the suspect from the earlier assault but before they could react, the male sprung out of the bushes with a rock in his hands and charged at them. Carl and his brother tried to run away, but he caught up with them, threw the rock and attacked them with a stick. At some point, Carl got knocked to the ground and struck the back of his head on a rock and/or the suspect hit him. Carl and his brother were afraid for their lives and the suspect male would not stop attacking them. Carl then pulled out a buck knife he had been carrying in a scabbard on his belt and he struck out and stabbed the suspect male with it. The male kept fighting and chasing them even after Carl had stabbed and/or cut him with his knife. Carl and Stephen ran uphill and called 911 on a cell phone.

Later, Carl told UMPD Detective Moore that when Defendant approached them, he had demanded clothes. He was completely naked holding his genitals. Carl said at first, he and his brother were like, "Hey,

get away from us." Carl said the male climbed over some rocks and started walking towards them. Carl said he had a 5" knife at the ready because they had been warned that there was somebody around. He said the knife had previously been in his backpack. Carl said he took the knife and unsheathed it and he yelled at the male, "Don't come close to us, get away from us!" Carl said the male kept walking toward them slowly and Carl couldn't remember what he said, but he said some "other stuff... I need clothes." Carl said the male bent over and grabbed a pretty big rock, like a "fist sized rock" and started coming at them pretty fast, but not a full sprint. Carl said he and his brother ran downhill for about twenty yards, he said that "their first instinct was to run away from this guy." Carl said he looked behind and the guys was "kind of hauling butt chasing us." He said the male was chasing them and kind of gaining on them and it was "insane because he was barefoot." Carl said he didn't want this guy tacking him with his back turned to him and that is why he turned and faced him. He said he was holding his knife in his right hand when he turned around and "stood his ground." Also, Carl said the way the male was staggering toward them like a "zombie" was odd but then he ran fast toward them. Carl said he turned around and prepared himself and the male threw the rock and hit his brother in the back and that is how his brother got the laceration on his

back. Carl said the male tackled him and they rolled on the ground for about ten yards downhill. Carl hit his head "pretty good." As this was happening, Carl was trying to stab the male in the abdominal area and he "thinks he got him pretty good." Carl said they got up and the male lunged at Stephen and "this is where things kind of get fuzzy." Carl said the male was "doing some stuff with my brother" and then he turned around and came at him again and Carl stabbed him again.

Carl said at that point he and his brother were in the same grouping so he said, "Run!" He said they ran uphill and the male was still chasing them after being stabbed two or three times. Carl said the male chased them for another twenty yards and the male started slowing down. Carl said he turned around and the male limped off the righthand side of the ridgeline and disappeared. Carl said he and his brother were screaming, "Help, help, help!" He said they ran uphill trying to get as much distance as they could from the guy.

Carl had lacerations on his right and left knees and shins and a laceration on the back of his head. His head was wrapped in gauze. Carl said he got the "gash" on the back of his head from when the male tackled him and they were rolling on the ground. He said as they were rolling on the ground, he saw stars for a bit but didn't go unconscious.

Stephen provided a statement to Detective Moore consistent with that of his brother in all substantive respects. Stephen added that when the Defendant threw a rock at them, it hit him in the back causing injury. While the Defendant was attacking Carl, Stephen grabbed a tree branch and struck the male with the tree branch. While Stephen and Carl were running away, Stephen threw his shirt at the male and told the male to get away from them. Stephen advised that his back is pretty uncomfortable. Detective Moore asked Stephen what was one thing that stuck out to him the most that he can't shake. Stephen advised the look in the male's eye. Stephen stated, "He had that look like he wanted to fucking kill us." Stephen confirmed that this is what was going through his mind that the male wanted to kill them. Stephen confirmed that he was in fear for his life.

DATED this 12th day of April, 2020.

/s/ Matt Jennings  
MATT JENNINGS  
Deputy County Attorney

SUBSCRIBED AND SWORN TO before me, a Justice of the Peace, in and for the State of Montana, County of Missoula.

Electronically Signed By:  
Hon. Judge Landee Holloway  
Mon, Apr 13 2020 10:31:40 AM

**Exhibit I-1**



Department No.  
Missoula County Justice Court  
Missoula County Courthouse  
200 W. Broadway  
Missoula MT 59802  
(406) 258-3474

IN THE JUSTICE COURT OF RECORD OF MISSOULA COUNTY,  
STATE OF MONTANA

STATE OF MONTANA, Plaintiff,  -vs- JARED ROBERT KUNTZ, Defendant.	Dept. Cause No.  <b>ORDER OF PROBABLE CAUSE</b>
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The Court has reviewed the Affidavit of Probable Cause filed by the State and finds that there is probable cause to believe the Defendant committed charged offense(s).

Electronically Signed and Dated Below.

April 12, 2020 at 1:45 p.m.

Electronically Signed By:  
Hon. Judge Landee Holloway  
Mon, Apr 13 2020 10:31:40 AM

## **Jacob Kuntz to Q2 News**

April 14, 2020 ·

My name is Jacob Kuntz. The perpetrator of the heinous and senseless acts of violence committed on the "M" hiking trail in Missoula, MT on Friday April 10th, 2020 is my brother, Jared Kuntz. I am writing this in the hopes that the victims, their families, friends, and the community of Missoula, Montana will find true justice.

Jared Kuntz was under the supervision of Missoula Probation and Parole. Three to four weeks prior to April 10th, 2020, I called and left a detailed message for his Probation officer. I expressed to his voice machine that I felt my brother's condition was "deteriorating", and that if left un-checked serious problems would arise. I notified my mother as well, who also called and left messages of concerns with Missoula Probation and Parole. After not hearing back for multiple weeks, I checked in with Kalispell Probation and Parole (we share an office) and got contact information for Missoula Probation and Parole Officer Supervisor. I was told by the Kalispell Probation officer that all calls made to Probation and Parole must be responded to in 24 hours. I called and left a detailed message for Missoula Probation Officer Supervisor on Friday 4/3/2020 exactly 1 week before these unspeakable events happened, expressing my strong concern for my brothers deteriorating condition and that something needed to be done for fear that he and/or someone would be harmed and that he was violating the terms of his Probation, my mother also made contact attempts. Out of growing fears of serious harm to the community, I contacted Missoula Police Department on Saturday 4/4/2020. Given the nature of my concerns I was placed immediately to dispatch (911) and connected to a Missoula Police Department officer. I explained the nature of my concerns and my brother's history and that if nothing is done there would be potential for significant harm to members of the community and/or himself. I explained that Jared was under the supervision of Missoula Probation and Parole and emailed the Police officer the threatening messages he posted on Facebook. My mother again reached out to Missoula Probation and Parole, getting the opportunity to speak with his Probation Officer. She expressed sincere concern for his mental health as it was deteriorating rapidly and expressed sincere concern for the public safety and again asked him to get in touch with me. Finally, on Wednesday 4/8/2020, 2 days before the atrocious crimes and several weeks after my first contact attempts, Jared's Probation officer called me back. On this very day, my brother contacted me and was completely delusional, and I knew that harm was imminent. I explained everything to the Probation officer about my brother's condition, history, and that once at this point it ends terribly and always has. I pleaded that something must be done. At this time Jared had threatened me and anyone else that came to his door to check on him, which I also notified the Probation officer of. I proceeded to contact Missoula Providence Psychiatry (emergency mental health provider with the hospital in Missoula, MT). I expressed my sincere concern about my brother's mental state, that I was certain there was imminent harm to the community and himself, and my efforts to engage Missoula Probation and Parole and the Missoula Police Department. I was told that patients cannot be involuntarily committed, they must be court ordered or volunteer to come in, this is accessed through the hospital ER. I communicated with my brother and offered that I will drive to Missoula and we would go together to the ER to get him help. He refused.

**DAY OF THE INCIDENT.** At 1:00pm on 4/10/2020, My mother called me explaining a terrible call she received from Jared and that he was completely delusional and had threatened my life as well as harm to her and my father. Prior to calling me she called and left a detailed message for his Probation officer explaining the threat and that harm was imminent and that something must be done. Around 5:30 pm on 4/10/2020 I began to see the reports of the incident at the "M" Hiking Trail in Missoula, MT that began around 2pm.

My family I did everything we could to stop this horrific situation, and our numerous desperate pleas for help to Missoula Probation and Parole, Missoula Police Department and emergency Psychiatric care were ignored. The victims on the "M" Trail experienced tremendous trauma and suffering from horrible acts of violence that could have been avoided had these agencies responded appropriately. What's not included in this report is the countless hours we spent as a family encouraging/demanding Jared to get

help and support, and I offered multiple times to go with him to treatment in Missoula despite his threats against my own life. I urge anyone who reads this to pursue action, whether you're a journalist, a victim, a victim's relative/friend, an attorney, an officer paid to protect and serve our communities, or any community member who feels they can help. Our hearts go out to all the victims, their families, friends and the community of Missoula, MT for this truly senseless tragedy that could have been avoided.

Jacob Kuntz

<https://www.facebook.com/Q2News/posts/10151208873324982>  
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