

FILED SEP 30 2022

1 Missoula County Sheriff's Department
2 200 W Broadway St
3 Missoula, MT 59802
4 Tel: (406) 258-4810

SHIRLEY E. FAUST Clerk
By 
Deputy

5 MONTANA FOURTH JUDICIAL DISTRICT COURT

6 IN RE THE SEARCH OF:	Case No.: SW- <u>22</u> - <u>932</u>
7 The person of Diane Field	8 APPLICATION FOR SEARCH WARRANT

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11 I, Stephen Deibert, a duly sworn law enforcement officer of the Missoula County Sheriff's Department, hereby state under penalty of perjury:

12
13 THAT I have reason to believe that the following crime has been committed in Missoula County, Montana:

14
15 Deliberate Homicide (§ 45-5-102, MCA);

16
17 THAT the evidence, contraband, or persons connected with the aforementioned crime(s) include:

18
19 - Deoxyribonucleic acid (DNA) evidence from the person, clothing, or item identified herein, to include saliva, semen, blood and/or other bodily fluids, transferred during direct or indirect physical contact.

20
21 - Examination of the person, clothing, or other items identified herein for evidence of direct or indirect physical contact.

22
23 - Blood and/or urine samples from the person, clothing, or items identified herein.

24 - A DNA reference standard from the person, clothing, or item identified herein.

25 - Buccal Swab

26 Clothing to include shoes, socks, shirts, under garments, pants and outer wear

27 Blood evidence

28 THAT I have reason to believe that the evidence, contraband, or persons connected with the aforementioned crime(s) may be found:

29 Upon the body of Diane Field or collected from the staff at St Patrick's Hospital removed during medical evaluation.

THAT the facts which establish probable cause to believe that the aforementioned crime(s) have been committed are attached hereto:

On September 25, 2022, Monte Field called 911 to report that his sister (Diane Field) beat

1 their mother. Monte reported that his mother was badly beaten and bleeding from the
2 head. Monte also reported that his mother was unconscious.

3 At approximately 1226 hours Deputy Merrill and Deputy Weber arrived at the address
4 5675 Donovan Creek Road. When Deputy Merrill entered the residence he noted the
5 victim, Delphine Field laying on the floor with blood on her head and on the floor
6 underneath her. Deputy Merrill rolled Delphine over and checked for a pulse. He was
7 unable to locate one. He then attempted CPR and hooked up an AED to her. Shortly
8 after this medical arrived at the residence. A short time after medical arrived they
9 announced that Delphine was deceased.

10 While deputies were at the address, they were able to speak with Monte. Monte told
11 deputies that Diane had beaten their mother with an antler. Deputy Merrill stated that he
12 noticed an antler in the residence. Prior to deputies' arrival Diane Field left the incident
13 address and went to her other brother, Shane's, residence. While at that residence she
14 removed her outer shirt that had blood on it. Deputy Merrill got consent from the people
15 at Shane's residence to retrieve the bloody garment. It was also reported to deputies that
16 Diane had a small cut on her forehead. Deputy Merrill relayed to me that Diane does not
17 communicate well. She communicates a little through ASL but mostly uses writing.

18 THAT I have received the following training:

19 I am a Detective for the Missoula County Sheriff's Office In Missoula MT currently
20 assigned to investigate crimes against persons as well as property crimes. I have been
21 assigned to the Detective Division for approximately 7 years. I have been a deputy sheriff
22 since July of 2001. I have successfully completed a Basic Police Academy at the Montana
23 Law Enforcement Academy and I hold a Montana Basic, Intermediate, Advanced,
24 Instructor and Supervisory Certifications governed by Montana's Police Officer
25 Standard's and Training. I have successfully completed additional training throughout
26 my career to total more than 1000 hours of law enforcement training. I have received
27 specific training in crime scene processing and crime scene reconstruction, sexual assault
28 investigations, domestic abuse investigations, digital evidence recovery, drug
29 investigations as well as numerous other trainings that pertain to my current position in
 law enforcement. I have also served as a deputy coroner and had on the job training
 related to death investigations.

1 THAT I know from training and experience that:

2 **Deoxyribonucleic Acid (DNA") is the hereditary material in humans**

3 **DNA can be left as evidence at a crime scene in many forms, including in tissue, hair,
blood, saliva, urine, sweat, mucus, ear wax, semen, and from vaginal or rectal cells.**

4 **DNA can be obtained and compared to evidence from the crime scene. The results of the
comparison may establish whether a suspect committed the crime.**

5 **DNA can be obtained and compared to profiles contained in DNA registries and
databases to help identify a perpetrator. DNA can also be used to link together multiple
crime scenes.**

6 **DNA can be transferred from the victim to the suspect during the commission of a crime.**

7 **DNA can be transferred from the suspect onto the victim during the commission of a
crime.**

8 WHEREFORE, I respectfully request that the District Court issue a *Search Warrant* as
9 described herein.

10 DATED this 25 day of September, 2022

11 Electronically signed by Stephen Deibert 09/25/2022 16:23

12

Stephen Deibert
13 Missoula County Sheriff's Department

14 SUBSCRIBED AND SWORN to before me this 25 day of September, 2022

15 Digitally signed by HON. JASON MARKS
Date: 2022.09.25 16:24:20 MDT
Reason: Application for Search Warrant Approval
Location: MONTANA FOURTH JUDICIAL DISTRICT COURT - Missoula, MT

16

Hon. Jason Marks

1 Hon. Jason Marks
2 Fourth Judicial District Dept. 4
3 200 W. Broadway
4 Missoula , MT 59802
5 Tel: 406-258-4774
6 Fax: 406-258-4852

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MONTANA FOURTH JUDICIAL DISTRICT COURT

IN RE THE SEARCH OF: The person of Diane Field	Case No.: SW- _____ SEARCH WARRANT
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**THE STATE OF MONTANA TO STEPHEN DEIBERT AND MISSOULA COUNTY
SHERIFF'S DEPARTMENT:**

An *Application for Search Warrant* having been made before me, under penalty of perjury, stating that the Missoula County Sheriff's Department has reason to believe that the following crime has been committed in Missoula County, Montana:

Deliberate Homicide (§ 45-5-102, MCA);

AND further providing that the evidence, contraband, or persons connected with the aforementioned crime(s) include:

- Deoxyribonucleic acid (DNA) evidence from the person, clothing, or item identified herein, to include saliva, semen, blood and/or other bodily fluids, transferred during direct or indirect physical contact.

- Examination of the person, clothing, or other items identified herein for evidence of direct or indirect physical contact.

- Blood and/or urine samples from the person, clothing, or items identified herein.

- A DNA reference standard from the person, clothing, or item identified herein.

- Buccal Swab

Clothing to include shoes, socks, shirts, under garments, pants and outer wear

Blood evidence

AND further providing that evidence, contraband, or persons connected with the aforementioned crimes may be found:

Upon the body of Diane Field or collected from the staff at St Patrick's Hospital removed during medical evaluation.

IT IS HEREBY FOUND that sufficient probable cause exists to believe that the aforementioned crime(s) have been committed in Missoula County, Montana, and that the

1 identified evidence, contraband, or persons connected with the crime(s) may be found at the
2 location specified herein.

3 THEREFORE you are hereby commanded to serve this Search Warrant and to search the above
4 described location for the property specified; and if the property is found there, to seize it, give a
5 receipt for it, prepare a written inventory verified by you of the property seized, and bring the
6 property before me, all in the manner required by law.

7 IT IS FURTHER ORDERED that all necessary and reasonable force may be used to serve this
8 Search Warrant or to effect an entry into any building, property, or object to serve this Search
9 Warrant, but any restraint or detention of the person served must be in the least restrictive manner
10 that is consistent with the safety of the person serving the warrant and anyone assisting that
11 person.

12 IT IS FURTHER ORDERED that the Missoula County Sheriff's Department, may reasonably
13 detain and search any person on the premises being searched at the time of the search, but must do
14 so in the least restrictive manner that is consistent with the safety of the person serving the warrant
15 and anyone assisting that person. The search of persons on the premises is: (1) for protection of the
16 person serving the warrant and anyone assisting that person; or (2) to prevent the disposal or
17 concealment of any evidence, contraband, or persons particularly described in the warrant.

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20 DATED this 25 day of September, 2022
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23 Digitally signed by HON. JASON MARKS
24 Date: 2022.09.25 16:24:34 MDT
25 Reason: Search Warrant Approval
26 Location: MONTANA FOURTH JUDICIAL DISTRICT COURT - Missoula, MT

27
28 Hon. Jason Marks
29

1 Missoula County Sheriff's Department
2 200 W Broadway St
3 Missoula, MT 59802
4 Tel: (406) 258-4810

5 **MONTANA FOURTH JUDICIAL DISTRICT COURT**

6 IN RE THE SEARCH OF: 7 The person of Diane Field	Case No.: SW- _____ 8 9 10 SEARCH WARRANT RECEIPT
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11 Pursuant to the *Search Warrant*, I searched:

12 **Upon the body of Diane Field or collected from the staff at St Patrick's Hospital removed
13 during medical evaluation.**

14 The following is an inventory of the items taken pursuant to the *Search Warrant*.

15 **1-Swab left hand four fingers and under nails
1-Swab left pointer finger and under nail
1-Swab right hand and under nails
1-Buccal swab right side
1-Buccal swab left side
1-Swab of hair near ponytail
1-Swab of hair to of head
1pair- Charged Impulse 8.5 shoes Teal and White
1pair- black socks
1-ViCorrect beige
1-Bra black and red
1-White T Shirt large
1-pants Xhileration black xlarge**

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2 I verify that this inventory is a true and detailed account of all property taken by me pursuant to
3 the aforementioned *Search Warrant*.

4 DATED this 28 day of September, 2022

5 Electronically signed by Stephen Deibert 09/28/2022 10:21

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Stephen Deibert
Missoula County Sheriff's Department

8 DATED this 28 day of September, 2022

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10 Digitally signed by HON. JASON MARKS
11 Date: 2022.09.28 10:51:24 MDT
12 Reason: Search Warrant Receipt Approval
13 Location: MONTANA FOURTH JUDICIAL DISTRICT COURT - Missoula, MT

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Hon. Jason Marks

1 Missoula County Sheriff's Department
2 200 W Broadway St
3 Missoula, MT 59802
4 Tel: (406) 258-4810

5 **MONTANA FOURTH JUDICIAL DISTRICT COURT**

6 IN RE THE SEARCH OF: 7 The person of Diane Field	Case No.: SW- _____ 8 9 10 SEARCH WARRANT RETURN
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11 Pursuant to the *Search Warrant*, I searched:

12 **Upon the body of Diane Field or collected from the staff at St Patrick's Hospital removed
13 during medical evaluation.**

14 The following is an inventory of the items taken pursuant to the *Search Warrant*.

15 **1-Swab left hand four fingers and under nails
1-Swab left pointer finger and under nail
1-Swab right hand and under nails
1-Buccal swab right side
1-Buccal swab left side
1-Swab of hair near ponytail
1-Swab of hair to of head
1pair- Charged Impulse 8.5 shoes Teal and White
1pair- black socks
1-ViCorrect beige
1-Bra black and red
1-White T Shirt large
1-pants Xhileration black xlarge**

1 I verify that I provided a copy of the aforementioned *Search Warrant*, together with a receipt
2 for the foregoing items seized to the following individual:
3

4 **With the person Diane Field. Receipt for clothing collected at hospital will be provided as
part of the discovery process.**

5 I verify that this inventory is a true and detailed account of all property taken by me pursuant to
6 the aforementioned *Search Warrant*.

7 DATED this 28 day of September, 2022

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9 Electronically signed by Stephen Deibert 09/28/2022 10:24
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12 Stephen Deibert
13 Missoula County Sheriff's Department
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15 DATED this 28 day of September, 2022
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Digitally signed by HON. JASON MARKS
Data: 2022.09.28 10:50:55 MDT
Reason: Search Warrant Return Approval
Location: MONTANA FOURTH JUDICIAL DISTRICT COURT - Missoula, MT

Hon. Jason Marks