

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

FILED SEP 30 2022

SHIRLEY E. FAUST, CLERK
By: Jim A. Falcon
Deputy

MONTANA FOURTH JUDICIAL DISTRICT COURT

IN RE THE SEARCH OF:

The Wheel Chair belonging to Monte Field

Case No.: SW- 22 - 521

APPLICATION FOR SEARCH WARRANT

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

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

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

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.
- Blood droplets
- Photographs of blood droplets
- Items used to clean blood droplets

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

Upon the wheelchair identified as being used by Monte Field

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 their mother. Monte reported that his mother was badly beaten and bleeding from the

1 head. Monte also reported that his mother was unconscious.

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

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

17 Monte Field was brought to the Missoula County Sheriff's Office to be interviewed.
18 During the interview Detective Larson and Detective Sullivan noted a significant amount
19 of red liquid consistent with blood on Monte's clothing. Of note there was a red liquid
20 consistent with blood on his wheelchair and blood on his shoes. The blood on his shoes is
21 consistent with high velocity blood spatter. Some of the visible red liquid on his
22 wheelchair was swabbed. With consent from Monte, the clothing he was wearing was
23 taken as evidence.

24 Detective Deibert applied for and received a search warrant for the residence located
25 at 5675 Donovan Creek Road. During the search of the residence, blood spatter
26 consistent with high velocity blood spatter was located in the kitchen, dining room,
27 hallway and living room.

28 THAT I have received the following training:

29 I am a Detective for the Missoula County Sheriff's Office In Missoula MT currently
assigned to investigate crimes against persons as well as property crimes. I have been
assigned to the Detective Division for approximately 7 years. I have been a deputy sheriff
since July of 2001. I have successfully completed a Basic Police Academy at the Montana
Law Enforcement Academy and I hold a Montana Basic, Intermediate, Advanced,
Instructor and Supervisory Certifications governed by Montana's Police Officer
Standard's and Training. I have successfully completed additional training throughout
my career to total more than 1000 hours of law enforcement training. I have received
specific training in crime scene processing and crime scene reconstruction, sexual assault
investigations, domestic abuse investigations, digital evidence recovery, drug
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,**
4 **blood, saliva, urine, sweat, mucus, ear wax, semen, and from vaginal or rectal cells.**

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

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

10 **Blood can be transferred from the victim to the suspect during the commission of a crime.**

11 **Blood can be transferred from the victim to items used by or worn by the suspect during**
12 **the commission of a crime.**

13 **Chemicals can be used by investigators to identify the presence of blood.**

14 **Chemicals used by investigators to identify the presence of blood react with certain**
15 **compounds within the blood and provide a visual indication of the positive presence of the**
16 **blood.**

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

19 **DATED this 27 day of September, 2022**

20 Electronically signed by Stephen Deibert 09/27/2022 10:07

21 **Stephen Deibert**
22 **Missoula County Sheriff's Department**

23 **SUBSCRIBED AND SWORN to before me this 27 day of September, 2022**

24 Digitally signed by HON. JASON MARKS
25 Date: 2022.09.27 12:05:29 MDT
26 Reason: Application for Search Warrant Approval
27 Location: MONTANA FOURTH JUDICIAL DISTRICT COURT -- Missoula, MT

28 **Hon. Jason Marks**

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

MONTANA FOURTH JUDICIAL DISTRICT COURT

IN RE THE SEARCH OF:

The Wheel Chair belonging to Monte Field

Case No.: SW- _____ - _____

SEARCH WARRANT

**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.
- Blood droplets
- Photographs of blood droplets
- Items used to clean blood droplets

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

Upon the wheelchair identified as being used by Monte Field

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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19
20 DATED this 27 day of September, 2022

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22 Digitally signed by HON. JASON MARKS
Date: 2022.09.27 12:05:51 MDT
Reason: Search Warrant Approval
Location: MONTANA FOURTH JUDICIAL DISTRICT COURT - Missoula, MT

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Hon. Jason Marks

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

MONTANA FOURTH JUDICIAL DISTRICT COURT

IN RE THE SEARCH OF:

The Wheel Chair belonging to Monte Field

Case No.: SW- _____ - _____

SEARCH WARRANT RETURN

Pursuant to the *Search Warrant*, I searched:

Upon the wheelchair identified as being used by Monte Field

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

7- photographs documenting the application of Blu Star to the wheelchair

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

Copy of Warrant was left with Monte Field. No receipt was made.

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

DATED this 28 day of September, 2022

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

Stephen Deibert
Missoula County Sheriff's Department

DATED this 28 day of September, 2022

Digitally signed by HON. JASON MARKS
Date: 2022.09.28 10:53:39 MDT
Reason: Search Warrant Return Approval
Location: MONTANA FOURTH JUDICIAL DISTRICT COURT -- Missoula , MT

Hon. Jason Marks

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

MONTANA FOURTH JUDICIAL DISTRICT COURT

IN RE THE SEARCH OF:

The Wheel Chair belonging to Monte Field

Case No.: SW- _____ - _____

SEARCH WARRANT RECEIPT

Pursuant to the *Search Warrant*, I searched:

Upon the wheelchair identified as being used by Monte Field

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

7- photographs documenting the application of Blu Star to the wheelchair

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

DATED this 28 day of September, 2022

Electronically signed by Stephen Deibert 09/28/2022 10:27

Stephen Deibert
Missoula County Sheriff's Department

DATED this 28 day of September, 2022

Digitally signed by HON. JASON MARKS
Date: 2022.09.28 10:54:10 MDT
Reason: Search Warrant Receipt Approval
Location: MONTANA FOURTH JUDICIAL DISTRICT COURT - Missoula, MT

Hon. Jason Marks