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COUNSEL FOR STATE

MONTANA TENTH JUDICIAL DISTRICT COURT
 JUDITH BASIN COUNTY

STATE OF MONTANA, <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> TYSON DAVID KOLAR, <p style="text-align: right;">Defendant.</p>	Cause No. <i>The Honorable Heather Perry</i> STATE'S MOTION FOR LEAVE TO FILE AN INFORMATION AND AFFIDAVIT IN SUPPORT
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STATE OF MONTANA)
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 County of Lewis and Clark)

The State of Montana, through Assistant Attorneys General and Special Deputy Judith Basin County Attorney, Daniel M. Guzynski, moves the Court for leave to file an Information charging the Defendant, TYSON DAVID KOLAR with the offense of DELIBERATE HOMICIDE, a felony, as specified in Mont. Code Ann. § 45-5-102(1)(a) committed in Judith Basin

County, Montana. Pursuant to Mont. Code Ann. § 46-18-221, the State has further alleged that the above offense was committed with a firearm.

Assistant Attorney General Daniel M. Guzynski, after first being sworn upon oath, deposes and says, based on information and belief through personal knowledge and investigative information developed and provided to him by Montana Department of Justice, Division of Criminal Investigation Agent Bruce McDermott contained within a probable cause statement, demonstrates probable cause to believe that the Defendant, TYSON DAVID KOLAR, has committed the offense of Deliberate Homicide, committed with a firearm.

The facts establishing probable cause are as follows:

1. On October 2, 2023, at approximately 1632, Central Montana Dispatch received a 911 call from Megan Michelle Fiechtner DOB: 07/28/1990. She reported that she just showed up at her ex-husband's house, and she couldn't find him. She reported there was blood on the steps and door. She tried calling him and he wouldn't answer. Their 2-year-old daughter was home alone in the house and their 6-year-old just showed up from school. She reported no vehicles missing. Deputy Christopher Wagner made an entry and located Matthew Dean Fiechtner DOB: 06/26/1988, deceased. Matthew was lying face down in the hallway.

2. Deputy Wagner spoke with Megan, and she stated that she and Tyson David Kolar, DOB 10/14/1982, came out to Matthew's residence to see her son, who would be coming home from school on the bus about the time they showed up. Megan stated she arrived at 1615 hours.

3. Christopher Aune, the school bus driver, stated he dropped the 6-year-old son off at 1610 hours. Aune stated Megan was already at the property when he dropped off their 6-year-old son.

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4. Megan stated Kolar was on the property in the pastures looking for Matthew. Megan called Kolar to have him come to the house; Kolar left the property.

5. At 1901 hours, Kolar arrived at the property of 215 Red Barn Rd, in a 2018 Blue Toyota RAV4 bearing Montana License plate 36-9398A. Megan and Matthew Fiechtner are the vehicle owners of the Toyota RAV4. Judith Basin County Undersheriff Richard Hayes approached Kolar and asked who he was. Kolar attempted to walk into the house and did not respond to Undersheriff Hayes. Undersheriff Hayes asked again, he said his name was Tyson. Undersheriff Hayes informed Kolar that he, Megan and the kids would not be leaving until Department of Criminal Investigation (DCI) agents Bruce McDermott and Craig Baum arrived. Nicole Fiechtner arrived on scene. Nicole stated she just received a snapchat from her brother Matthew at 1559 hours, approximately 15 minutes before he was shot, confirming he was alive at the time.

6. DCI Agent McDermott interviewed Megan who initially reported to have shown up at the property for a prearranged visit with her children, who resided with Matthew. She indicated that her 2-year-old daughter was outside playing, and Matthew was nowhere to be seen. Megan claimed she saw blood evidence trailing into his residence and could not enter because the house was locked and could not see Matthew anywhere inside or outside of his home. Megan indicated Kolar drove around to look for Matthew but ultimately just drove away and left her on scene. When confronted with this apparent lie, Megan then confessed that she was present when Kolar shot Matthew. She was then Mirandized and continued to answer questions. She claimed that Matthew reached behind his back and that Kolar shot Matthew because he believed Matthew was going for a weapon. Megan reported that

Kolar shot Matthew three times with a revolver that he had concealed upon his person. She said Kolar immediately left the area and left her stranded with her 2-year-old daughter and her 6-year-old son who had arrived on the school bus.

7. DCI Agent McDermott read Kolar his Miranda rights and Kolar agreed to speak with him and signed the consent form. Kolar denied knowing anything about Matthew's death. Kolar denied shooting Matthew but then recanted and admitted he shot Matthew in self-defense. He maintained that Matthew started to assault him by punching him in the chest, abdomen, and legs. At this time, Kolar pulled his handgun from his right Carhartt jacket pocket and fired into Matthew within six feet. Kolar stated that he fired two additional shots at Matthew who was fleeing from him, at approximately fifteen feet. Kolar stated that, following the shooting, he drove to his residence in Lewistown (205 Park Ave) and hid the murder weapon (a Taurus silver/stainless .357 mag revolver) in his master bedroom closet.

8. A follow-up interview with Megan revealed that there had been no physical altercation or assault before the shooting between Matthew and Kolar. She was adamant that there had only been a verbal altercation between the two when Matthew reached behind his back. Kolar pulled his handgun and pointed it at Matthew, and Matthew put his hands in the air in a 'surrender' fashion and said there was no need to resort to or bring out the handgun. Despite no clear threat to Megan or Kolar, Kolar fired his handgun at Matthew, and Megan could see blood on Matthew's upper body as he turned to run. She reported that Kolar shot a second time at Matthew and then ran after him as Matthew fled toward his house. Megan reported she heard a third shot after Kolar pursued Matthew. She said there was no threat and no self-defense in this situation, as Matthew was unarmed and

posed no threat with his hands in the air. Her description of the firearm used matched the description given by Kolar of his handgun, that it was a silver short barrel revolver.

9. On 10/3/23 while searching the crime scene, investigators located a surveillance system which recorded the crime and the arrival of the suspect(s) moments before the shooting occurred. The surveillance system was determined to be only 10 seconds slower than the actual time. They arrived in a red Ford pickup which appeared to be a 1990's era model. A search of MT vehicle registration records revealed that Tyson Kolar had a currently registered 1993 Ford F150 pickup, red in color, bearing MT plate DBV 829. It was located at 890 Rock Cr Road, near Moore, MT at the ranch property of Tyson Kolar's parents. The pickup located at 890 Rock Cr Road, Moore, MT, is an exact match to that of the suspect vehicle seen on surveillance video.

10. The surveillance video shows Matthew Fiechtner arriving home in his water truck on 10/2/23 at 4:06:17 p.m. Kolar's vehicle is seen driving in front of Matthew Fiechtner's house at 4:07:02 p.m. The video shows a bloody Matthew Fiechtner running to his front door at 4:09:22 p.m. followed by a running male yelling profanities who enters the screen at 4:09:27 p.m. The male reaches the front door at 4:09:30 p.m. to find it locked behind Matthew. The male suspect, who appears to be Kolar wearing a green Carhartt jacket and tan ballcap, is carrying a short-barreled silver color revolver and places it into his right jacket pocket.

11. Another surveillance camera system was operating 100+ yards from the crime scene at Matthew's house. This surveillance system recorded the encounter after Matthew pulled in driving his water truck. Both Matthew and Tyson Kolar can be seen in the video, talking for a short time. Suddenly, Kolar fired his handgun at Matthew, who runs north out of camera

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view. Kolar calmly starts to walk after him. There had been no physical altercation or contact before Kolar shot Matthew Fiechtner.

13. Megan walks into view after the shooting and gets her 2-year-old daughter from the parked water truck. Megan Fiechtner, a nurse, is seen walking about the front yard and up to the house and appears to be examining the blood. She is seen calmly walking about carrying her 2-year-old daughter, and it is confirmed that she does not call 911 until 4:31:55 p.m., over 20 minutes after the shooting. In the 911 call, she lies and tells the 911 dispatcher that she arrived at the residence and found blood on the ground and door and found her 2-year-old child alone. She said she didn't want to get in trouble for taking her 2-year-old and 6-year-old (who just got home from school) because she didn't know where their father was. She specifically stated, "We're in the middle of a divorce, and I don't want to get in trouble for taking my kids.... but I don't know where he's at". She knew where he was, and that he had been shot. She is a registered nurse and failed to render aid or immediately summon help.

14. Megan told Agent McDermott that this is the first time she attempted a show-up-visit at Matthew's house in the nearly 2 months that Matthew had the children at the ranch property. Megan stated that she just showed up to see the kids. She also told Judith Basin County Sheriff Deputy Wagner that she knew Matthew's parents were away from the property. Matthew's parents live in a house only a matter of yards from Matthew's house. Megan also stated to Deputy Wagner and Agent McDermott that she tried calling Matthew's parents to tell them she couldn't find him when she arrived at the property. This was found to be untrue, and this lie was also told to arriving law enforcement and dispatch. Further, Megan makes no attempt to go to or make contact at the main house where Matthew's parents live. This supports Megan knew Matthew's parents were not home.

15. On the day of the shooting, Megan received news that her parenting plan had been rejected. This information was provided to Megan by a mailed letter to her.

16. Megan and Kolar also were aware that Matthew's father planned to give a statement against the pair (Megan and Kolar) to Matthew's civil attorney. It was anticipated that Matthew's father would provide information related to Kolar's unfit and unstable behavior.

17. Kolar confirmed the jacket and hat he wore at the time of the shooting are now located in this 2018 Blue Toyota RAV4. This vehicle, MT License plate 36-9398A, was parked at the Hobson property at the time of the interviews. It has been impounded and towed to Lewistown. It was searched per SW and his hat and jacket were recovered and a match to those seen worn in surveillance footage.

18. During the interviews, it was determined that Kolar went back to their residence in Lewistown, 205 Park Ave, and hid his firearm at the residence. A Taurus .357 magnum was recovered via SW where Kolar said it would be found. It was lying on a leather holster cartridge belt rig described by Megan. The firearm was loaded with 38 special ammunition as described by Kolar. Three cartridges had been fired as reported by Kolar and Megan. Two live rounds remained in this handgun.

Based on the above information, the affiant believes probable cause exists that the Defendant has committed the alleged offense of Deliberate Homicide with the use of a firearm.

Accordingly, the affiant moves the Court for leave to file the requested Information.

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DATED this 10th day of October 2023.

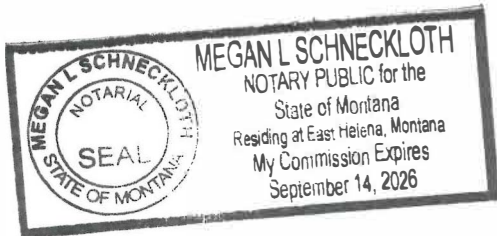
Daniel Guzynski

DANIEL M. GUZYNSKI
Assistant Attorney General
Special Deputy County Attorney
for Judith Basin County

SUBSCRIBED AND SWORN to before me this 10th day of October 2023,
by, Daniel M. Guzynski.

Megan L. Schneckloth

NOTARY PUBLIC
Megan L. Schneckloth



MONTANA TENTH JUDICIAL DISTRICT COURT JUDITH BASIN COUNTY

<p>STATE OF MONTANA,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>TYSON DAVID KOLAR,</p> <p style="text-align: center;">Defendant.</p>	<p>Cause No. DC-2023-9</p> <p><i>The Honorable Heather Perry</i></p> <p>ARREST WARRANT</p>
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THE STATE OF MONTANA TO: Any Peace Officer of this State.

On this day, an Information was filed in the District Court by Daniel M. Guzynski, Assistant Attorney General and Special Deputy Judith Basin County Attorney. The Information charges the above-named Defendant, TYSON DAVID KOLAR (DOB: 10/14/1982), with committing the offense of:

DELIBERATE HOMICIDE, a felony, as specified in Mont. Code Ann. § 45-5-102(1)(a) with a firearm.

You are, therefore, **ORDERED** to arrest and bring the Defendant, TYSON DAVID KOLAR, to this Court, or in my absence or inability to act, before the nearest or most accessible judge in this county without unnecessary delay.

Bail is fixed at: \$5,000,000.

The Defendant shall not be released until conditions are set by the Judge.

*****ELECTRONICALLY SIGNED AND DATED BELOW*****

