

Leo J. Gallagher, County Attorney
Melissa Broch, Deputy
Katie Jerstad, Deputy
Jeremy Gersovitz, Deputy
Ann Penner, Deputy
Fallon Stanton, Deputy
Stephanie Robles, Deputy
Charles Lane, Deputy
Daniel Baris, Deputy
Nicho Hash, Deputy
Peter Delmoe, Deputy
Josh Nemeth, Deputy
Benjamin Langford, Deputy
Jacob Griffith, Deputy



Lewis and Clark County
Courthouse
228 Broadway
Helena, MT 59601
Telephone 406-447-8221
Fax 406-447-8268

Lewis and Clark County
COUNTY ATTORNEY OFFICE

January 24, 2020

Allan Blutstein
America Rising Corporation
1500 Wilson Blvd, 5th Floor
Arlington, VA 22209

Mr. Blustien,

You have asked our office pursuant to Montana public records law for copies of available incident reports prepared by the Sheriff's office concerning the drowning death of Mr. Hubbell in June of 2019.

Montana's public records laws provide that while a person has the right to examine public information of this state the definition of "public information" is limited in that "confidential information" must be protected against public disclosure under applicable law. Mont. Code Ann. § 2-6-1003 and Mont. Code Ann. § 2-6-1002 (11). "Confidential Information" includes information that is constitutionally protected from disclosure because an individual privacy interest clearly exceeds the merits of public disclosure as well as designated as confidential by statute. Mont. Code Ann. § 2-6-1002 (1). While there is certainly a privacy interest held by the decedent and family members, furthermore, the information you seek is also designated as "Confidential Criminal Justice Information" pursuant to Mont. Code Ann. § 44-5-103.

At this time, the only public records we can release to you are contained in this production packet.

Best Regards,

A handwritten signature in blue ink, appearing to read "C. Nicholas Hash".

C. Nicholas Hash
Deputy County Attorney

		HELENA POLICE DEPT CFS INFORMATION REPORT	CFS Number 61719-96
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CFS# 61719-96 **Call Taker:** JWAITES **DR#** LC191009 **Priority:** 2
Date/Time Received: 6/17/2019 1:49:03 PM **Date/Time Sent:** 6/17/2019 1:50:08 PM **Date/Time Completed:** 6/18/2019 5:53:12 PM
Day: Monday **In Prog:** **Inc.Code:** MISS **Ph. Line:** _____
Address: @ 46.63515 @ 111.70658 **Apt:** _____ **City:** _____

Complainant: FRANK ETHAN **Phone:** _____
Comp.Address: @ 46.63458 @ 111.70753 **Res.Phone:** 3366243717

Officer Contact: _____ **Weapon:** _____ **How Recvd:** C **Alarm:** _____

Person: ETHAN,FRANK **Phone:** _____
Address: _____ **DOB:** _____ **Age:** _____
Race: _____ **Hgt:** _____ **Eyes:** _____ **DL#** _____
Sex: M **Wgt:** _____ **Hair:** _____ **SSN#** _____

Veh. Type: **License:** BPS627 **Make:** **Model:**
State: **Year:** **VIN:** 41YAB2523D2038277 **Color:**

Veh. Type: PC **License:** BEG592 **Make:** **Model:**
State: MT **Year:** **VIN:** **Color:**

Comments:
 6599 NORTH RISING MOON ROAD
 INC ADDR CHANGED TO @46.6219 @111.6892 AT 13:49
 DIVER DOWN IN WATER, UNK LOCATION, LEFT FROM KIMS 1 MILE STRAIGHT OUT???

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SUCCESSFULLY PAGED: LCSO-WATEREMERGENCYTEAM@LISTS.LCCOUNTYMT.GOV

SUCCESSFULLY PAGED: 501PAGER, 502PAGER, 503PAGER, 505PAGER, 525PAGER, 5551234-5550526, 559, 563PAGER

PAGES FAILED: 524PAGER

SUCCESSFULLY PAGED: SAREMAIL

SUCCESSFULLY PAGED: SARPAGER

SUCCESSFULLY PAGED: STPHACTIVE911

SUCCESSFULLY PAGED: STPHPAGER

SUCCESSFULLY PAGED: 5033-EPQTCF5HGZUXWJCR@ALERT.ACTIVE911.COM, TLRFEMAIL

SUCCESSFULLY PAGED: TLRFPAGER

SUCCESSFULLY PAGED: STPHACTIVE911

SUCCESSFULLY PAGED: STPHPAGER

SUCCESSFULLY PAGED: LCSO_PTL

INC ADDR CHANGED TO @ 46.63515 @ 111.70658 AT 13:53

SUCCESSFULLY PAGED: LCSO_PTL

SUCCESSFULLY PAGED: 534CELL

SUCCESSFULLY PAGED: LCSO_PTL

SUCCESSFULLY PAGED: CIB@LISTS.LCCOUNTYMT.GOV

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552 -CODE 3

ALI UPDATE. COMPADDRESS CHANGED FROM @ 46.63515 @ 111.70658 TO @ 46.63458 @ 111.70753 WHICH IS 96.037201 FEET AWAY.

DIVER IS OUT OF WATER, IN A BOAT, PONTOON RENTAL ALUMN, THIS DIVER IS BLUE BREATHING

OTHER DIVER IN WATER, 40FT, LOST SIGHT OF HIM, 10 MIN HAS BEEN DOWN

SUCCESSFULLY PAGED: 550CELL

SUCCESSFULLY PAGED: LCSO_PTL

MILE FROM KIMS, BOAT LAUNCH 50FT AT CEMETARY ISLAND WIND IS BLOWING THEM THERE

16FT BOAT, GETTING MALE OUT OF HIS WET SUIT HE IS BREATHING AND RESPONSIVE

528- MEDICAL RESPOND TO YACHT BASIN

COMP ADV SUBJS IN SPEED BOAT BLU WHI GOING TO YACHT BASIN TO MEET WITH RESPONDERS

5 SUJS TOTAL ON PONTOON BOAT INCLUDING THE ONE DIVER

OTHER DIVER IN WATER IN CURRENT, DRIFTED PROBABLY 200 YRDS FROM CURRENT BOAT LOCATION

552- ENROUTE WITH ONE JET SKI

559 AND 529 - TWO JET SKIS IN WATER

FG330- 548 SPEAKING WITH OPERATOR OF BOAT MT4121BB

SUCCESSFULLY PAGED: STPHACTIVE911

SUCCESSFULLY PAGED: STPHPAGER

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SUCCESSFULLY PAGED: LCSO_PTL

SECOND DIVER WAS IN BETWEEN CEMETARY ISLAND AND SMALLER ISLAND TO NE THEN STARTED DRIFTING FROM THERE

M4- TPORT TO VA HOSPITAL

528, REQ CHAPLAIN RESP 2765 W SHORE CABIN 208, MEET W/ CASEY MCCABE, FRIENDS W/ MISSING DIVER

LT VM FOR CHAPLAIN JEFF ULLREY

CHAPLAIN JEFF IN BLK CHEVY SLV, DRIVE TIME FROM EVAF STATION

FROM THE NWS: 60-90 MINUTES FROM NOW EXPECT THUNDERSTORMS TRACKING SE // POSS LIGHTENING, GUSTY WINDS & SMALL HAIL // NO SEVERE WARNING IS BEING ISSUED FOR THE AREA.

NWS CAN PROVIDE A SPOT FORCAST IF NEEDED LATER // 406-952-3790

528 ADV WEATHER MSG

552, BOAT/TRLR BY KOLAR TIRE TO EVIDENCE

KOLAR ADV ETA 20-25

PRIMARY UNIT CHANGED FROM STPH1 TO 528

DR NUMBER LC191009 ASSIGNED FOR AGENCY LEWIS AND CLARK CO SHERIFF

552, FOLLOWING KOLAR TO CO IMPOUND

SAR 444 ADV PER 548, RESP ON ACTIVE 911 FOR A 2ND OPERATIONAL PERIOD ON 6/18/19 FOR THE LAKE INCIDENT

ANY QUESTIONS CALL SAMMIE

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FRANK NOTTINGHAM EATON DOB:1/30/1975 PHONE NUMBER 336-624-3717

SENT THE SAR PAGE

552, ENRT CO IMPOUND

CHAPLAIN ULLREY CLR'D @ 1713 HRS

552, HULL # ST4421BB, SUN CATCHER PONTOON BOAT

BOAT AND TRAILER ARE SECURED AT THE COUNTY IMPOUND LOT. HULL #MT4421BB

TRACY HRONEK, 475-9625, HAS A COUPLE OF THE BOATERS @ HER HSE, 2765 W SHORE CABIN 208, REQ PH CALL FROM 528

LT VM FOR 528

552, 1 SET OF JET SKIS BACK @ SAR BLDG

KELLEY HUBBELL 703-609-7534, IS THE MISSING DIVER'S SISTER, STATES SHE & PARENTS ARE FLYING OUT FROM DC TOMORROW, REQ'ING TO SPEAK W/ WHOEVER IS IN CHG OF THIS INCIDENT

KELLEY & FAMILY'S FLIGHT LANDS @ 1615 HRS

SUCCESSFULLY PAGED: 505CELL

SUCCESSFULLY PAGED: 505PAGER

548, ALL UNITS CLR YACHT BASIN FOR NIGHT, WILL RETURN 0600-0630, WILL MET @ SAR BLDG 0700, WILL BE BACK ON-SC @ 0800

LEAVE THIS OPEN UNITS WILL BE RETURNING IN THE MORNING

INC CODE CHANGED FROM MEDICAL TO MISS AT 02:06

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SUCCESSFULLY PAGED: 550CELL

SUCCESSFULLY PAGED: LCSO_PTL

BOAT HULL NUMBER MT4421BB//2020029563//A00321107

NWS SPOT FORECAST FOR THE LAKE FORWARDED TO 548'S E-MAIL.

548 - DISPATCH ON CALL CHAPLIN TO SCENE

ATTEMPTED TO CONTACT JEFF, PHONE IS OFF AND OTHER PHONE JUST RINGS

SPOKE WITH CHAPLIN RUSS, WILL RESPOND FROM DETENTION CENTER

CHAPLAIN RUSS ETA DRIVE TIME FROM E HLN

SUCCESSFULLY PAGED: 505CELL

SUCCESSFULLY PAGED: 505PAGER

CHAPLIN ON SC 1530

CHAPLAIN RUSS CLR'D THE LAKE

CLEAR OF LOCATION

EN TO SAR

Zones:

EMS

LCSO

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P12
SOPTRL
SPHA
SPTL
STPH
TLF
TLRF
TLRFG

Unit:	Status:	Time:
505	DISPATCH	3:00:13 PM
505	DISPATCH	8:02:26 PM
505	ON_SCENE	8:15:10 PM
505	AVAILABLE	5:53:12 PM
505	AVAILABLE	9:04:10 PM
505	ENROUTE	8:15:09 PM
528	DISPATCH	1:52:08 PM
528	AVAILABLE	4:44:56 PM
529	DISPATCH	1:53:31 PM
529	AVAILABLE	9:04:09 PM
533	DISPATCH	2:34:51 PM
533	ON_SCENE	2:34:56 PM
533	AVAILABLE	3:59:38 PM
534	DISPATCH	1:52:44 PM
534	AVAILABLE	1:52:58 PM

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548	DISPATCH	6:49:11 AM
548	DISPATCH	2:15:42 PM
548	DISPATCH	2:34:11 PM
548	ON_SCENE	2:15:44 PM
548	AVAILABLE	12:05:17 PM
548	AVAILABLE	5:53:12 PM
548	AVAILABLE	9:04:09 PM
550	DISPATCH	6:46:57 AM
550	DISPATCH	1:58:39 PM
550	AVAILABLE	5:53:12 PM
550	AVAILABLE	9:04:09 PM
552	DISPATCH	1:52:45 PM
552	DISPATCH	1:53:00 PM
552	ON_SCENE	2:24:07 PM
552	AVAILABLE	1:52:58 PM
552	AVAILABLE	6:27:11 PM
559	DISPATCH	1:53:51 PM
559	AVAILABLE	9:04:09 PM
904	DISPATCH	7:06:51 AM
904	AVAILABLE	5:53:12 PM
DIVE	DISPATCH	1:50:49 PM
DIVE	AVAILABLE	5:53:11 PM
FG330	DISPATCH	1:59:13 PM
FG330	ON_SCENE	2:13:42 PM
FG330	AVAILABLE	9:04:09 PM
INC1	DISPATCH	1:58:13 PM

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INC1	AVAILABLE	9:04:12 PM
M1	DISPATCH	2:34:09 PM
M1	ON_SCENE	3:07:33 PM
M1	AVAILABLE	3:57:02 PM
M1	ENROUTE	2:34:11 PM
M4	DISPATCH	1:51:51 PM
M4	ON_SCENE	2:11:30 PM
M4	AVAILABLE	3:19:01 PM
M4	AT_HOSP	3:06:43 PM
M4	ENRT2HOSP	2:32:48 PM
STPH1	DISPATCH	1:50:49 PM
STPH1	AVAILABLE	1:51:57 PM
TLRFR	DISPATCH	1:51:05 PM
TLRFR	AVAILABLE	3:48:38 PM
WET	DISPATCH	1:50:49 PM
WET	AVAILABLE	5:53:12 PM
WET	ENROUTE	1:46:24 AM