

1 LAKE COUNTY ATTORNEY'S OFFICE
2 Lake County Courthouse
3 106 Fourth Avenue East
4 Polson, MT 59860
5 (406) 883-7245

LYN FRICKER
CLERK OF DISTRICT COURT
FILED BY _____
2022 MAY 17 A 8:09

6 MONTANA TWENTIETH JUDICIAL DISTRICT COURT, LAKE COUNTY

7 STATE OF MONTANA,

8 Plaintiff,

9 vs.

10 CRAIG ALLEN MCCREA,

11 Defendant.

Cause No.: DC-22- 18U

MOTION AND AFFIDAVIT FOR LEAVE TO
FILE AN INFORMATION
JAMES A. MANLEY

12 COMES NOW, JAMES LAPOTKA, Chief Deputy County Attorney, and pursuant to MCA 46-
13 11-201, moves the Court for leave to file an Information against the Defendant for the offenses of:
14 COUNT 1: Arson, a Felony, under MCA 45-6-103, COUNT 2: Arson, a Felony, under MCA 45-6-
15 103, and COUNT 3: Arson, a Felony, under MCA 45-6-103.

16 The State further moves the Court, pursuant to MCA 46-15-323 et seq. and *State ex rel.*
17 *Carkulis, Relator, v. District Court*, 229 Mont. 265, 746 P.2d 604 (1987), for an Order requiring the
18 Defendant, his counsel and his agents, to make available for examination and reproduction without
19 delay all discovery.

This Motion is based upon the attached Affidavit.

DATED this 16th day of May, 2022.



JAMES LAPOTKA
Chief Deputy County Attorney

1 AFFIDAVIT

STATE OF MONTANA)

2) ss.
County of Lake)

3 COMES NOW, JAMES LAPOTKA, Chief Deputy County Attorney, and being a person of
4 lawful age, duly sworn upon his oath, hereby deposes and says:

5 I have reviewed the reports supplied to me by the Lake County Sheriff's Office. From these
6 sources, it appears that, on or about July 31, 2021, in Lake County, Montana, around 2 a.m. in the hills
7 of the Mission Mountains above Finely Point a fire spread up the hillside from the Boulder 2700 road.
8 The fire grew rapidly and severe winds pushed the fire down the mountain side to Highway 35. The
9 fire quickly grew to over a thousand acres and eventually destroyed more than a dozen homes and
many more outbuildings and structures.

10 Detective Dan Yonkin began an investigation into the cause of the fire and two other similar
11 smaller fires that were started in the preceding weeks, the Jette Hill fire and the Boulder 2800 fire.
12 Detective Yonkin collected more than a hundred hours of video footage from local businesses and
13 residents in an attempt to identify or exclude suspects. Yonkin eventually obtained a warrant for
14 cellular data and location information for a phone belonging to CRYSTAL M KLINE. The data from
15 the device and various service providers indicated that the Kline was present at the location for the
start of each of the three fires shortly before the fires were reported. The location of these fires are all
remote, lightly traveled forest roads and the fires were all started in the middle of the night.

16 Regarding the Jette Hill fire on July 9, 2021, Kline arrived at the Big Arm Resort around
17 midnight, made a video with her phone and sent some messages to a friend before leaving the resort
18 shortly after 3 a.m. and then driving to the remote location where the fire was set. Kline stayed in that
19 area for approximately 25 minutes before leaving for a residence belonging to Bob McCrea. The fire
was reported a little more than an hour after she left the scene. Firefighters quickly put the fire out but

1 it caused damage. Fire investigators documented the scene, suspected possible arson as the cause, and
2 recovered items of fresh drug paraphernalia and a package of cigarettes at the start of the fire. A straw
3 used to insufflate drug vapors was sent to the State Crime Lab and DNA was located on the mouth
4 piece of the straw. The straw also tested positive for fentanyl, a schedule II dangerous drug.

5 Regarding the Boulder 2800 fire on July 16, 2021, two days prior Kline took a selfie with the
6 Defendant and then appears to have traveled to Spokane to purchase drugs with the Defendant based
7 off of her text messages and GPS location data. Kline's phone left Bob McCrea's residence before
8 midnight, she appears to be texting someone to meet on Backroad, and then arrives at the Kwa-Taq-
9 Nuk Casino shortly after midnight. Video footage shows a vehicle known to be used by Craig McCrea
10 (hereinafter Defendant) drive past the intersection of Highway 93 and 35 about 1:45 a.m. on July 16,
11 2021 and Kline's phone data shows her at the scene of the Boulder 2800 fire start about 15 minutes
12 later, around 2 a.m. . This fire was reported to authorities at 8 a.m. later that morning and it was also
13 put out quickly by fire fighters and produced some damage.

14 Regarding the Boulder 2700 fire on July 31, 2021, Kline's phone data shows her being in
15 Spokane on July 29 and then at Bob McCrea's residence around 10 pm July 30th, and again going to
16 the Kwa-Taq-Nuk Casino for about an hour before the same camera picked up the same vehicle
17 driving by the same highway 93/35 intersection shortly before midnight. Video obtained of the start of
18 the fire shows a single set of headlights creep up the mountain road, switching back as it ascends to the
19 scene of the fire start fifteen minutes later. Phone data shows Kline was at the scene for over an hour
before descending down the same switch back logging road. Video shows the headlights descend the
road as the fire blows up behind them around 2:24 a.m. . The cell phone information shows Kline's
phone back on the highway at 2:31 a.m., video shows the same vehicle at the aforementioned
intersection at 2:40, and cell data shows Kline returned to Bob McCrea's residence about 3 a.m. . This

1 fire burned for more than a month, destroyed thousands of acres of forest and dozens of buildings, and
2 forced the emergency evacuation of hundreds of families.

3 Detective Yonkin interviewed Kline and after being advised of her rights Kline admitted to
4 being at the scene of each fire with the Defendant and said that the Defendant would hop out of the car
5 and start a fire with a torch. Kline stated that she thought they were just going into the woods to get
6 high and didn't know the Defendant intended to start a fire. Kline stated that she is unfamiliar with the
7 remote roads where the fires were started as she is not from this area. Kline stated that the Defendant
8 had told his father, Bob McCrea about starting the fires. The Defendant lives with his father, Bob
9 McCrea, who at the time was employed by the Tribal Division of Fire. Kline stated that she was afraid
10 to tell anyone about the fires because the Defendant was physically abusive to her.

11 Officers obtained a Buccal swab from the Defendant and sent it to the State Crime Lab.
12 Forensic DNA analyst Jamie Bray was able to match the sample obtained from the aforementioned
13 straw with the Defendant's DNA profile, to a likelihood of 1 in 425 trillion.

14 The State requests a warrant in the amount of \$1,000,000 due to the seriousness of the offense.

15 From those facts, I believe there is probable cause to believe that within the jurisdiction of this
16 Court, the Defendant, CRAIG ALLEN MCCREA, committed the offenses of: COUNT 1: Arson, a
17 Felony, under MCA 45-6-103, COUNT 2: Arson, a Felony, under MCA 45-6-103, and COUNT 3:
18 Arson, a Felony, under MCA 45-6-103.

19 

JAMES LAPOTKA
Chief Deputy County Attorney

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 16th day of May, 2022, at the Lake County Courthouse in Polson, Montana.



JAMES LAPOTKA

1 **JAMES A MANLEY**
2 **District Court Judge**
3 **Lake County Courthouse**
4 **106 Fourth Avenue East**
5 **Polson, MT 59860-2171**

CLERK OF DISTRICT COURT
LYN FRICKER

MAY 17 2022

FILED BY _____
CLERK/DEPUTY

MONTANA TWENTIETH JUDICIAL DISTRICT COURT, LAKE COUNTY

STATE OF MONTANA,

Plaintiff,

vs.

CRAIG ALLEN MCCREA,

Defendant.

Cause No.: DC-22-126

ORDER

Upon reading the Affidavit accompanying the foregoing Motion and Affidavit for Leave to File an Information, LEAVE is hereby granted and IT IS ORDERED that Arraignment on this Information be and is set for the first Wednesday following the Defendant's arrest, at 9:00 o'clock a.m. in the District Courtroom, Lake County Courthouse, Polson, Montana.

The State's Motion for Discovery is GRANTED.

The State's Motion for a \$1,000,000.00 bond is GRANTED. Pending resolution of this matter, the following conditions shall apply:

1. The Defendant shall not possess nor consume alcoholic beverages, nor drugs, nor enter any bars or casinos or other places where alcohol is the chief item of sale.
2. The Defendant shall submit to a breath, blood or urine test upon request of law enforcement.
3. The Defendant shall not possess and/or consume intoxicants (alcohol or non-Rx drugs).
4. The Defendant shall complete the Office of Public Defender (OPD) application and return or mail to OPD within one week of initial appearance in Justice Court.

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5. The Defendant shall contact OPD at 883-6080 after ten (10) days if no letter for appointment of attorney has been received.
6. The Defendant shall keep in contact with Defendant's attorney.
7. The Defendant shall make all court appearances in person.
8. The Defendant shall obey all laws.
9. The Defendant shall have no direct, indirect or third-party contact with any witnesses in the case.
10. Upon verified petition, filed ex parte by the County Attorney, establishing probable cause of any violations of law or violation of these conditions, the Defendant's bond, if any, and release shall be immediately revoked and a warrant shall be issued.

DATED this 17 day of May, 2022.

JAMES A. MANLEY

JAMES A MANLEY, District Judge

1 **LAKE COUNTY ATTORNEY'S OFFICE**
2 **Lake County Courthouse**
3 **106 Fourth Avenue East**
4 **Polson, MT 59860**
5 **(406) 883-7245**

CLERK OF DISTRICT COURT
LYN FRICKER

MAY 17 2022

FILED BY _____
CLERK/DEPUTY

6 **MONTANA TWENTIETH JUDICIAL DISTRICT COURT, LAKE COUNTY**

7 STATE OF MONTANA,
8 Plaintiff,

9 vs.

10 CRAIG ALLEN MCCREA,
11 Defendant.

Cause No. DC-22-124
INFORMATION

JAMES A. MANLEY

12 In the District Court of the Twentieth Judicial District of the State of Montana, the Defendant is
13 charged by Plaintiff with committing the offenses of:

14 COUNTS 1-3: Arson, a Felony, under MCA 45-6-103, with a maximum penalty provided by
15 law of imprisonment in the state prison for a term not to exceed 20 years or a fine in an amount not to
16 exceed \$50,000, or both for each COUNT.

17 COUNT 1: On or about July 9, 2021, in Lake County, Montana, the Defendant CRAIG
18 ALLEN MCCREA, by means of fire, knowingly damaged or destroyed a forest, and other real
19 property.

20 COUNT 2: On or about July 16, 2021, in Lake County, Montana, the Defendant CRAIG
ALLEN MCCREA, by means of fire, knowingly damaged or destroyed a forest, and other real
property.

1 COUNT 3: On or about July 31, 2021, in Lake County, Montana, the Defendant CRAIG
2 ALLEN MCCREA, by means of fire, knowingly damaged or destroyed Structures that exceed \$1,500,
3 a forest, and other real property.

4 NAMES OF WITNESSES FOR THE STATE:

4 Dan Yonkin, Deputy
106 4th Ave E Polson, MT 59860, (406) 249-3011

5 Ben Woods, Deputy
106 4th Ave E Polson, MT 59860, (406) 249-3002

6 Erwin Lobdell, Deputy
7 106 4th Ave E Polson, MT 59860, (406) 249-3015

8 Glenn Miller, Deputy
106 4th Ave E Polson, MT 59860, (406) 249-3017

9 John W McCullough, Witness

10 Christopher Clary, Deputy
106 4th Ave E Polson, MT 59860, (406) 249-3020

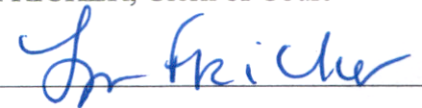
11 Devlin LaFromboise, Witness

12 Any witnesses called by the Defendant
Names of additional witnesses to be added when known.

13 Presented upon leave granted upon motion to file an Information direct.

14 
15 _____
JAMES LAPOTKA
Chief Deputy County Attorney

16 Filed this 17 day of May, 2022.

17 LYN FRICKER, Clerk of Court
18 

19 By: _____
20 Deputy