

**MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY**

THE STATE OF MONTANA,

Plaintiff,

v.

ROBERT JOHN HARVEL,

Defendant.

Cause No.: DDC-2022-40

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

This matter came before the Court for a bench trial on September 16, 2025, through September 19, 2025. The State was represented by Kevin Downs and Kathleen Jensen. Defendant Robert Harvel appeared in person, dressed in street clothes, with his counsel Shandor Badaruddin.

The Court heard testimony from Helena Police Department (HPD) Officer Sean Schoenfelder, William Brewer, Charlene Scholey, Lewis and Clark County Sheriff's Office (LCSO) Detective Sergeant William Pandis, Montana Division of Criminal Investigation (DCI) Agent Jess Metcalf, Montana Highway

1 Patrol (MHP) Trooper Adam James, Darcy Norris, Isabella White, DCI Agent
2 James Ward, DCI Agent Jared Piilola, Lynette Lançon, Rachel Beddall, Joe
3 Pasternak, Andrew Bishop, Dr. Sunil Prashar, Carrie Shellhorn, and Harvel. The
4 Court received Exhibits 1 through 114. The Court considered the parties’
5 stipulations (Dkts. 152, 153, 155) and heard the arguments of counsel. Based on
6 the testimony and evidence presented, the Court enters the following findings of
7 fact, conclusions of law, and order adjudicating Harvel guilty of Counts II
8 (felony murder deliberate homicide) and III (tampering with or fabricating
9 physical evidence), and not guilty of Count I (deliberate homicide).

10 **FINDINGS OF FACT¹**

11 1. Robert John Harvel, an adult, is charged by Information with
12 Count I—deliberate homicide under Mont. Code Ann. § 45-5-102(1)(a); an
13 alternative Count II —deliberate homicide under Mont. Code Ann.
14 § 45-5-102(1)(b) (the “felony murder” rule); and Count III—tampering with or
15 fabricating physical evidence, all in connection with the January 13, 2022, death
16 of Michael Biggs. Harvel’s not guilty plea was entered on February 1, 2022.

17 **A. Discovery of Michael Biggs’s Body**

18 **i. Charlene Scholey**

19 2. On the afternoon of Friday, January 14, 2022, Charlene
20 Scholey and her husband decided to look for promising snowmobiling areas in
21 the Helena area after she left work that day. They decided to drive up Rimini
22 Road to look at possible snowmobiling trailheads.

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25 ¹ The failure to mention specific testimony or evidence in these findings does not mean the Court ignored or otherwise failed to consider that evidence, but rather that the Court did not deem the evidence sufficiently material to the contested issues in the case to warrant mention.

1 3. Rimini Road is a remote, paved road that connects the town
2 of Rimini, Montana, to U.S. Highway 12 just before McDonald Pass. It runs
3 north-south, is several miles west of Helena, and is sparsely populated.

4 4. On the west side of the road partway up Rimini Road
5 (approximately four and a half miles) is the Moose Creek campground.
6 Immediately to the north of the campground is the Moose Creek trailhead, which
7 provides snowmobiling access in the winter. The trailhead is accessed by a
8 turnoff drive on the west side of Rimini Road which leads to a parking area a
9 short distance from the main road. Between Rimini Road and the parking area is
10 a small snowmobile trail that runs north and south between the campground and
11 Minnehaha Road.

12 5. In January 2022, the parking area at the Moose Creek
13 trailhead was covered in deep snow. The weather had been very cold on
14 Thursday, January 13, but on Friday, January 14, the temperature had risen in the
15 afternoon and some of the snow was melting in the sunlight.

16 6. Scholey and her husband turned into the Moose Creek
17 trailhead area along the short turnoff drive, but they did not drive all the way into
18 the parking area because of the deep snow. When Scholey exited her vehicle, she
19 noticed that a bright red color was seeping through the slush beneath her feet as
20 she walked.

21 7. Scholey's husband walked towards the small north-south
22 trail to their left. Scholey's husband quickly returned and informed her they
23 needed to call the police because he found a dead body. Scholey saw the body,
24 who appeared to be a man face-down and partially covered with snow. A blanket

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1 appeared to cover the top half of the person's body. Scholey drove to the
2 highway to get cellphone service and call 911.

3 8. Detective Sergeant William Pandis heads the Lewis and
4 Clark County Sheriff's Office Criminal Investigation Bureau. Around 3:00 p.m.
5 on January 14, he was notified a dead body had been discovered at the Moose
6 Creek trailhead. He responded to the scene along with then-Detective Jared
7 Piilola and evidence technician Dan Beadle.

8 9. When the detectives arrived, they began processing the
9 crime scene. They procured a drone to take aerial photographs of the scene, many
10 of which were admitted at trial. They also began photographing the scene,
11 marking items of interest, and collecting evidence.

12 **ii. Biggs's Body**

13 10. Detectives identified the body as Michael Biggs using
14 identification found in his wallet and a comparison of documented scars, marks,
15 and tattoos. Biggs's body was immediately to the right of the north-south
16 snowmobile trail.

17 11. Biggs was face down with an obvious bullet entry wound in
18 the back of his head. His face had evidence of profuse bleeding from his nose,
19 bleeding from his ears, and a large bulge in his skin over his right eyebrow.

20 12. Biggs's upper body was covered with a blanket, and his
21 lower body was mostly covered with a small layer of snow. It appeared to
22 detectives that someone had partially spread snow over his body to conceal it.

23 13. Detectives found a substantial pool of freezing blood under
24 the snowpack approximately 34.5 feet south of Biggs's body on the north side of
25 the turnoff drive. In the investigators' experience, the amount of blood found was

1 consistent with a fatal injury. A blood trail was found connecting this large pool
2 of blood and the location of Biggs's body.

3 14. Sunil Prashar, M.D., was the state medical examiner in
4 January 2022. He conducted Biggs's autopsy. Dr. Prashar indicated that Biggs
5 indeed had an entry gunshot wound to the back of his head. There was no exit
6 wound, and the spent bullet was located underneath the bulge on the right side of
7 Biggs's forehead. Dr. Prashar testified it is not unusual to recover bullets just
8 under the skin. Dr. Prashar opined that this gunshot wound caused Biggs's death.

9 15. Dr. Prashar noted that the apparent bleeding from Biggs's
10 nose and ears was consistent with the gunshot injury. The autopsy also showed
11 blood in Biggs's lungs, suggesting he continued to breathe a short time after
12 being shot. Dr. Prashar noted, however, that he was likely instantly paralyzed
13 upon being shot.

14 16. Dr. Prashar described the wound trajectory as back to front,
15 left to right, and upward.

16 17. The entry wound had nearby gunpowder stippling, which is
17 evidence of a relatively close-range shot from as near as two inches to as far as
18 two to three feet.

19 18. At the time of his death, Biggs suffered from acute
20 methamphetamine intoxication, as demonstrated by toxicology reports showing
21 the presence of methamphetamine and amphetamine (in context, the
22 amphetamine was likely present as a metabolite of methamphetamine). Biggs
23 also had bupropion, a prescription medication, in his bloodstream.

24 19. Detectives inspected Biggs's body. They noticed he was
25 missing a boot, and his left jean pocket appeared to have been turned out.

1 20. The Crime Lab later conducted DNA analysis of Biggs's left
2 jean pocket. The developed profile was a mixture of at least two individuals. The
3 major contributor was a partial profile matching Michael Biggs's profile. The
4 frequency of occurrence among unrelated individuals is 1 in 6.06 septillion (1 in
5 6.06×10^{24}). Brandon Beckman and Robert Harvel were excluded from the major
6 contribution profile, meaning they could not have been the source of that major
7 profile.

8 21. The foregoing DNA analysis results do *not* mean that neither
9 Beckman nor Harvel turned out the pocket. Rather, the results simply mean that
10 if they did, they did not leave behind sufficient genetic material to amplify for
11 analysis.

12 22. In Biggs's right front jean pocket was a bag with a
13 crystalline substance consistent with methamphetamine. The Crime Lab
14 conducted DNA analysis of the bag and obtained a partial DNA profile consistent
15 with Biggs's DNA profile. The frequency of occurrence of that profile among
16 unrelated individuals would be 1 in 13.6 quadrillion (1 in 1.36×10^{16}). Harvel and
17 Beckman's profiles were excluded.

18 23. The Crime Lab conducted DNA analysis of Biggs's right
19 jean pocket, and developed a profile consisting of a mixture of at least two people.
20 The major contribution was a partial profile matching Michael Biggs. The
21 frequency of occurrence of that partial major profile among unrelated individuals
22 would be 1 in 5.42 septillion (1 in 5.42×10^{24}). Beckman and Harvel's profiles
23 were excluded from the partial major profile.

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1 **iii. .38 Caliber Bullet Recovered from Biggs's Body**

2 24. Lynette Lançon is a firearms and toolmarks examiner for the
3 Montana State Crime Lab. She testified that the bullet recovered from Biggs was
4 a .38 caliber bullet (with a diameter of 0.3543 inches), was a full metal jacket
5 bullet, and had characteristics consistent with being fired from either a 9mm
6 Luger or .380 Auto cartridge.

7 25. Neither the firearm that shot Biggs nor the spent cartridge
8 casing were located at the scene, and law enforcement never located either.

9 26. Lançon testified that without the cartridge casing, she could
10 not narrow down the type of ammunition or the specific firearm used. She could
11 say only that it was a firearm that could fire .380 Auto or 9 mm Luger
12 ammunition. Lançon testified that most firearms that would have fired the bullet
13 recovered from Biggs would be handguns (including some that might be or
14 resemble a Glock semi-automatic pistol), but there are some rifles on the market
15 that can fire those cartridges as well.

16 **iv. Other Crime Scene Evidence**

17 27. A cigarette butt was found slightly below (i.e., to the east) of
18 the heavy pooled blood on the turnoff drive. The cigarette butt was sent to the
19 crime lab, and the DNA profile developed from the butt matched Biggs's DNA
20 profile with a frequency of occurrence of 1 in 474 septillion (1 in 4.75×10^{26}).

21 28. Numerous tire tracks traversed the area where the primary
22 blood pooling was located. The tracks suggested some traffic likely both before
23 and after Biggs had been shot. Detectives could not match the tracks to any
24 particular vehicle.

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1 29. Photographs of the turnoff drive taken by law enforcement
2 showed ruts consistent with a vehicle getting stuck on multiple occasions in the
3 snow.

4 30. DCI Agent Jared Piilola was a Lewis and Clark Sheriff's
5 Office detective in January 2022. Agent Piilola assisted Pandis with the primary
6 search and processing of the crime scene.

7 31. Agent Piilola located a baseball-style cap to the north of
8 Biggs's body and the turnoff driveway. The ballcap was in an area of deep snow
9 with no evident disturbance around it, suggesting the cap had been thrown there.

10 32. Agent Piilola testified that closer inspection of the hat
11 showed a small hole in the elastic band on the back. Additionally, after law
12 enforcement collected the cap, some red/brown discoloration near where the back
13 of the cap had been located could be seen on the snow.

14 33. Agent Piilola located a boot that had been apparently thrown
15 into deep snow. The boot appeared to match the boot missing from Harvel's
16 body.

17 34. DCI Agent Jess Metcalf was a Lewis and Clark County
18 Sheriff's Office detective in January 2022. Metcalf returned to the Moose Creek
19 trailhead on the morning of Saturday, January 15, to conduct an independent
20 secondary search of the crime scene.

21 35. Agent Metcalf located a cellphone generally by trees to the
22 north of the turnoff driveway. Like other items recovered, it was found in deep
23 snow with no surrounding disturbance, suggesting it had been thrown.

24 36. The phone was a black Samsung phone with a charging cord
25 still connected to it.

1 37. Agent Metcalf retrieved the phone, swabbed the phone for
2 any potential “touch” DNA (e.g., DNA in epithelial cells deposited while
3 handling or touching the object), and placed the phone in a bag of rice in the
4 hopes of being able to access it later for digital data. Agent Metcalf determined—
5 reasonably—that it was more important to prioritize preserving the phone’s
6 digital contents over preserving the phone for DNA and serological analysis.

7 38. The Crime Lab ultimately analyzed the phone, but it could
8 not develop an amplifiable DNA profile from it.

9 39. Metcalf also located in deep snow to the south of the turnoff
10 drive and to the east of Biggs’s body a black cellphone case with an “Angry
11 Birds” sticker and a hypodermic needle of the type commonly used to inject
12 dangerous drugs. The black cellphone case did not appear to match the model of
13 the phone found. Like the other items, these appeared to have been thrown there.

14 40. The Crime Lab did not detect any indications of blood on
15 the hypodermic needle, and they were unable to detect a sufficient quantity of
16 amplifiable DNA on the hypodermic needle to conduct DNA analysis.

17 41. Taken together, the evidence at the crime scene suggests
18 Biggs had gotten out of a vehicle and was standing on the north side of the
19 turnoff drive, possibly smoking a cigarette. He was then shot in the back of the
20 head from someone standing behind him, and he fell forward. Biggs likely landed
21 face-down in the snow, where he bled for some period of time there. He was then
22 dragged 34.5 feet from where he fell and pushed off the side of the snowmobile
23 trail into a small ditch.

24 42. Bigg’s left boot fell off, either because it was purposely
25 removed (possibly to look for money) or because it fell off while he was being

1 dragged or moved. One or more of the defendants may have gone through at least
2 his left pocket looking for money. One or more of the defendants picked up the
3 spent casing from the single round fired, and threw a hypodermic needle and
4 cellphone case and Biggs's cellphone, boot, and hat, into the deep snow.

5 **B. William Brewer**

6 43. On the evening of January 14, detectives were contacted by
7 William Brewer, who heard about the discovery of the body on the news and
8 indicated he might have relevant information.

9 44. William Brewer lives about ten miles up Rimini Road. On
10 Thursday, January 13, 2022, he had an appointment at approximately 11 a.m.
11 with the Helena Police Department to discuss a matter involving his son, Ben
12 Brewer. William, Ben, and William's wife left roughly 75 minutes in advance to
13 arrive on time for the appointment, which was customary to allow for travel time
14 from his home to downtown Helena. Given the appointment was at 11 a.m., he
15 likely left his home around 9:45 a.m.

16 45. While driving north on Rimini Road past the Moose Creek
17 trailhead, William saw a man waving his arms frantically in the roadway. A
18 vehicle with front-end damage and a missing back bumper piece appeared to be
19 stuck in the turnoff drive facing a post, with its rear end facing Rimini Road.
20 William thought based on its position that the vehicle had hit the post. William
21 stopped to help.

22 46. William struggled at trial to describe the vehicle, and he
23 gave some descriptions inconsistent with prior testimony. This did not appear to
24 result from deception (William has no evident bias or motive to offer false
25 testimony in this matter), but rather the natural fading of memory. In any event,

1 William described the vehicle as something similar to a Honda Civic (i.e., a
2 sedan-type passenger car) with front-end damage and a partially missing back
3 bumper.

4 47. William noticed the man along the roadway had curly hair
5 and was not dressed appropriately for the winter, wearing only a t-shirt. The man
6 appeared to be near the driver's side of the vehicle, and throughout the interaction
7 acted as if he were the driver. William identified the driver in court as Robert
8 Harvel.

9 48. William also noticed a second man, who was wearing a
10 "long mohawk-type hat." He described it as a winter hat with a prominent
11 mohawk on it. This man was frantically attempting to dig snow and ice from the
12 back tire.

13 49. Ben hooked up a tow strap to the back of the sedan, although
14 they had difficulty finding a place to hook the strap. At one point, they tried to
15 hook the strap to the trunk latch at Harvel's suggestion, but the latch broke.

16 50. Eventually, they were able to pull the vehicle onto Rimini
17 Road. Once they did, in a "matter of seconds, they were gone." Harvel drove
18 away at a high rate of speed, so much so that William recalls being concerned
19 about their safety.

20 51. At trial, William denied any recollection of the men
21 conversing.²

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25 ² Later in the trial, the parties appeared to assume that William had testified to Harvel telling Beckman to clean up his "mess." The Court does not recollect this being part of William's testimony in this trial.

1 52. Helena Police Department Corporal Sean Schoenfelder was
2 the officer with whom the Brewers had an appointment. He recalled that his
3 meeting with the Brewers began at approximately 10:59 a.m. on January 13,
4 2022. This matched the timestamp on retained video of that appointment.

5 **C. Retracing Biggs’s Last Days**

6 53. In January 2022, DCI Agent James Ward was a detective
7 with the Lewis and Clark County Sheriff’s Office. Once Biggs was identified,
8 Agent Ward began tracing his movements and associations to reconstruct what
9 led to his death at the Moose Creek trailhead.

10 **i. Stockman Bank**

11 54. Agent Ward learned that Biggs had been in various
12 placements within the Department of Corrections (DOC). Specifically, Biggs had
13 recently been housed at the Great Falls Prerelease Center before being revoked
14 and incarcerated in the Cascade County Detention Facility.

15 55. Agent Ward reviewed Biggs’s recorded phone calls from his
16 time in custody, which enabled Ward to identify several associates familiar with
17 Biggs’s activities in recent days.

18 56. On Saturday, January 15, Ward went to Great Falls to
19 interview witnesses. Ward learned that Biggs had been incarcerated both on a
20 warrant and a DOC detainer. Biggs was released on his own recognizance on the
21 warrant, and he was erroneously released from jail when they failed to catch the
22 existing DOC detainer.

23 57. Biggs had been working during his time at the Great Falls
24 Prerelease Center, and he had accrued a substantial amount of savings. On
25 January 10, 2022, a friend, Jacob Crebs, took Biggs to the Great Falls Prerelease

Center. The Prerelease Center, unaware of Biggs's detainer, issued Biggs a check for \$12,610.60, representing his earnings at prerelease.

58. That same day, Biggs went to a Stockman Bank branch in Great Falls and cashed the check for \$12,610.60. It appears the entire amount was given to Biggs in cash.

59. Stockman Bank had surveillance footage that documented the transaction with Biggs. Biggs was handed the currency in a relatively small white rectangular envelope. Based on the size of the envelope, it is likely that the cash was distributed primarily in \$100 bills: Had the teller disbursed the cash in \$50 bills, Biggs would have received over 250 bills, and had the teller disbursed the cash in \$20 bills, Biggs would have received over 600 bills, neither of which would have reasonably fit into the envelope he was provided.

60. After leaving Stockman Bank, Biggs's friend drove him to Helena and said he dropped him off at a casino in East Helena.

ii. Casino Video Footage

61. Based on the information from Biggs's associates, Agent Metcalf determined it was likely Biggs would be seen on surveillance video at one or more casinos in East Helena. Law enforcement worked on gathering footage. There is a cluster of three casinos at the east end of East Helena near U.S. Highway 12—Drae's Casino, a Magic Diamond Casino, and a Montana Lil's Casino (the latter two are each part of a chain of casinos commonly associated with Town Pump convenience stores). Agent Metcalf contacted these casinos and obtained footage of Biggs at Drae's Casino and Montana Lil's between January 10 and January 13.

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1 62. Using casino footage, Agent Metcalf and the other
2 detectives determined that upon arriving in East Helena, Biggs gambled for an
3 extended time that evening at Montana Lil's before leaving by himself.

4 63. Agent Metcalf also obtained casino footage of Biggs on the
5 afternoon of January 12 at Drae's Casino. The videos showed Biggs arriving at
6 3:14 p.m., passing by a face camera at the casino entrance. (Ex. 51.) Biggs was
7 wearing a black ballcap and a sweatshirt similar to the clothing his body was
8 found wearing.

9 64. Four minutes earlier, a man with a distinctive black mohawk
10 beanie entered the casino. The footage showed Biggs and the man socializing and
11 gambling for approximately an hour before they both left and walked across the
12 street to a nearby casino. The man was also captured on the entryway face
13 camera.

14 65. Agent Metcalf spoke with an employee at Drae's Casino
15 who identified the man as Brandon Beckman. Beckman also had a player's card,
16 which corroborated his identity.

17 66. Based on witness interviews, Agent Metcalf obtained
18 surveillance footage from a Magic Diamond Casino located on the north side of
19 Helena near Lowe's. Agent Metcalf began reviewing the Magic Diamond Casino
20 video on Sunday, January 16.

21 67. The Magic Diamond cameras showed that three men pulled
22 up to the Magic Diamond Casino on Thursday, January 13, 2022, at 8:07 a.m.
23 (roughly two hours before William Brewer saw the men at the Moose Creek
24 trailhead) in an older blue sedan consistent with a 2002 Saturn. Agent Metcalf
25 ultimately identified the three men as Biggs, Beckman, and Robert Harvel.

1 Harvel exited the driver's seat, Biggs exited the front passenger seat, and
2 Beckman exited the rear passenger seat.

3 68. Biggs was wearing the same clothing his body was found
4 wearing. He is also wearing a black ballcap consistent with the hat found at the
5 crime scene.

6 69. Harvel was wearing a gray and black hooded sweatshirt,
7 some sort of dark knit winter cap, and jeans.

8 70. Beckman was wearing brown boots, dark pants, a dark
9 hooded sweatshirt with light-colored drawstrings, and a distinctive black and
10 green mohawk beanie.

11 71. The video showed Beckman, Harvel, and Biggs gambling
12 for approximately an hour.

13 72. The State drew the Court's attention to a portion of the
14 surveillance video at 8:13 a.m. The video showed a corner of the casino.
15 Beckman and Harvel were closest to the camera. Both received food from casino
16 runners, and they appeared to be conversing. At 8:12:44, Biggs sat down in a
17 machine facing generally away from Harvel and Beckman. At 8:12:46, Harvel
18 appeared to look in Biggs's direction, and then looked at Beckman and (possibly)
19 said something. Beckman then swiveled in his chair and looked back at 8:12:52.
20 His beanie obscured his head, but he appeared to turn and look briefly at Biggs.
21 While Beckman was swiveling towards Biggs, Harvel was looking in Beckman's
22 direction.

23 73. At 8:13:09, Harvel looked at Beckman and beckoned with
24 his hand. Beckman fished out of his coat a cellphone and tossed it to Harvel, who
25 briefly tossed it to Beckman again before it was tossed back to Harvel at 8:13:44.

1 74. Harvel then appeared to type on the phone, using both
2 thumbs, for an extended time. At 8:16:00, he handed the phone to Beckman.
3 When Beckman looked at it, the video captured a grainy image of the screen. The
4 screen appeared to be consistent (though not definitively) with something like a
5 dark-colored (or possibly blue) box above text on a white background, possibly
6 text bubbles from a text or messaging app. Beckman left the phone on the
7 machine in front of him, screen up. At 8:16:51, both Harvel and Beckman
8 appeared to look towards Biggs.

9 75. At 9:00 a.m., Biggs remained playing a machine while
10 Harvel and Beckman walked away. They appeared to leave before returning from
11 the attached Town Pump store. At 9:13 a.m., all three left—first Harvel, then
12 Biggs, and finally Beckman.

13 76. Exhibits 66 through 68 are screenshots capturing the exterior
14 of the casino where the blue sedan was parked. Agent Metcalf testified that he
15 had watched the video closely over an extended period of time, and it appeared to
16 show Harvel driving, Biggs sitting in the front passenger seat, and Beckman
17 sitting in the rear passenger seat. The screenshots showed them pulling away
18 from the Magic Diamond Casino at 9:13:35 a.m. These screenshots are the last
19 time Biggs was seen alive.

20 **iii. Darcy Norris**

21 77. Darcy Norris was an acquaintance of Biggs and Beckman
22 who was interviewed by law enforcement in 2022 and testified at trial.

23 78. Darcy Norris testified that she had known Michael Biggs as
24 a teenager, that they attended Broadwater County High School together for a

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1 time, and that they briefly “slightly” dated. She reestablished contact with Biggs
2 when he moved to Helena in approximately 2018.

3 79. In January 2022, Biggs contacted her via Facebook
4 Messenger to say he was getting out of prerelease and asked her to come pick
5 him up. She recalled picking him up from a gas station.

6 80. Norris also was an acquaintance of Brandon Beckman.
7 Around the time of Biggs’s death, Beckman offered her a room to rent at his
8 place. Beckman lived at 2310 McDonald Drive, which is relatively close to
9 Drae’s casino on the east side of East Helena.³ Norris was also acquainted with
10 Robert Harvel over the course of several years.

11 81. Norris claimed that she gambled with Beckman and Biggs
12 (the exact date this occurred was somewhat unclear to the Court). She recalled
13 Biggs had a large amount of money on him and that he had just been released
14 from the prerelease. She claimed they went to Home Depot to buy a flashlight,
15 and afterwards they went gambling.

16 82. Norris testified that the last time she saw Biggs, he was at
17 Beckman’s residence. She claimed that Biggs was acting “manic,” and that she
18 needed to leave because it was hard to see. She claimed Harvel and Beckman
19 were both present.

20 83. Norris testified that she knew Biggs had a history of mental
21 health problems, including hallucinations.

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24 ³ Norris offered some testimony suggesting that Harvel was staying at the same place. The evidence on this point
25 was unclear, and the claim relied on inadmissible hearsay statements of Beckman. The Court therefore gives no
weight to Norris’s testimony on this point.

1 84. Norris described seeing Harvel and Beckman at an
2 apartment in East Helena “a couple of days later” (again, the timelines were hazy
3 and unclear). She testified that Brandon was on the couch when she arrived under
4 some covers and that Harvel had been in the bathroom, and he remained in there
5 for a while.

6 85. According to Norris, Harvel came out of the bathroom,
7 seeming excited, “lovey dovey,” and “huggy.” Harvel told her Beckman had
8 taken him shopping and he had purchased a new Tupac shirt. Norris claimed
9 Harvel or Beckman referenced a “lick,” and said something about jewelry. She
10 understood a “lick” to be slang for an “illegal job to get money.”

11 86. Norris claimed that afterwards, Harvel, Beckman, and
12 Norris went to Ross together for approximately 90 minutes.

13 87. Harvel denied going to Ross and stated that he encountered
14 Norris that afternoon not at Beckman’s residence, but at Jim Cooper’s residence.
15 Overall, the Court gave only limited weight to Norris’s testimony. Much of her
16 testimony was vague and marked by lack of memory. Additionally, on cross-
17 examination, she admitted that she had previously claimed that Biggs was shot in
18 Beckman’s trailer, a claim firmly refuted by all available evidence.

19 **D. Harvel’s Arrest**

20 **i. Magic Diamond Casino Video – Evening of January 13**

21 88. On the evening of January 13, 2022, at approximately
22 9:00 p.m., Harvel returned to the Magic Diamond Casino with an acquaintance,
23 Kayla Seilinger, in tow.

24 89. Harvel could be seen on the Magic Diamond Casino video,
25 which includes a “doorbell camera” that patrons must use to access the casino

1 after a certain time in the evening. The doorbell camera video showed Harvel was
2 wearing different clothes than he had been wearing earlier that morning. Harvel
3 appeared now to be wearing a black hooded sweatshirt with a print on it. When
4 Harvel arrived, he was smoking a cigarette. His demeanor was nonchalant.

5 90. Harvel and Seilinger gambled at the casino for about 45
6 minutes. Harvel gave Seilinger money about a half-dozen times, and the video
7 showed he gave her a “high five” at one point during the time they were there.
8 Nothing about Harvel’s body language suggested he was distressed.

9 91. At 9:46 p.m., Beckman and Darcy Norris arrived, with
10 Beckman driving the red Nissan Xterra. Beckman encountered Harvel at the
11 entrance to the casino, where Harvel rang him in. Harvel did not exhibit any
12 visible discomfort when Beckman arrived.

13 92. Beckman was also wearing different clothing than earlier
14 that day. He now wore a regular black knit cap (no mohawk) and a plain black or
15 dark grey hooded sweatshirt. Beckman appeared now to be wearing white-soled
16 shoes. Metcalf observed that the white of the shoes appeared very white on the
17 video, which could suggest they were newly purchased and clean.

18 93. Beckman entered the casino, but Harvel did not. Instead,
19 Harvel drove his Saturn to park it closer to the casino entry door (and also closer
20 to the Xterra). He spoke to another patron in the parking lot, and at 10:03 p.m., he
21 drove away.

22 94. According to the casino video, Beckman remained at the
23 Magic Diamond Casino with Norris until 10:44 p.m., when they left.

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1 **ii. Highway Patrol Arrest**

2 95. At approximately 12:15 a.m., January 14, 2022, the blue
3 Saturn, driven by Harvel, was stopped by the Montana Highway Patrol for minor
4 traffic violations. During the stop, the troopers learned that Harvel and Seilinger
5 had active arrest warrants for unrelated matters, that Harvel was driving with a
6 suspended driver's license, and that he did not have insurance for the vehicle.

7 96. Montana Highway Patrol Trooper Adam James responded as
8 a backup officer to the traffic stop. He assisted with the arrest of Harvel and
9 Seilinger on their warrants.

10 97. Trooper James described Harvel's demeanor as reserved. He
11 did not exhibit any more fear or nervousness than Trooper James would expect to
12 encounter for a similar type of stop.

13 98. The troopers did not administer *Miranda* warnings nor ask
14 Harvel any incriminating questions.⁴

15 99. After Harvel was stopped, he recorded a short video on his
16 phone in which he said, "This might be the end, you guys." (Ex. 112.) The blue
17 lights of the Highway Patrol cruiser can be seen in the background.

18 **iii. Search of Blue Saturn**

19 100. Law enforcement later located the blue Saturn driven by
20 Harvel at the Days' Inn parking lot in Helena. The vehicle was impounded and a
21

22
23 ⁴ At trial, the State asked whether Harvel expressed any fear of anyone, the implication being his failure to report
24 Biggs's murder was inconsistent with his compulsion claim. Harvel lodged a *Doyle* objection and the Court reserved
25 ruling. Upon further review, it is unnecessary to resolve that objection. The Court does not find Harvel's failure to
affirmatively tell anyone about Biggs' murder inconsistent with a compulsion defense. As witnesses agreed,
individuals in the drug world, like Harvel, are commonly distrustful of law enforcement, and there is a strong "no
snitching" culture where drug users do not involve law enforcement in their affairs. The Court therefore gives
Harvel's failure to affirmatively report Biggs' murder no significant weight.

1 search warrant was obtained. Consistent with William Brewer's description, the
2 vehicle appeared to have a partially missing back bumper, damage to the trunk
3 latch, and front-end damage.

4 101. Inside Harvel's vehicle, detectives located a long,
5 unvarnished wooden stick, similar to a walking stick, with a red/brown smudge
6 roughly the size of a fingerprint on it.

7 102. The smudge was swabbed and sent to the Crime Lab for
8 analysis. The Crime Lab found indications of blood. DNA analysis was
9 conducted, and the profile developed matched the profile of Beckman. The
10 frequency of occurrence of that profile among unrelated individuals would be 1
11 in 457 octillion (1 in 4.57×10^{29}). The profile excluded Harvel and Biggs.

12 103. Detectives identified possible blood staining on the inside
13 panel of the driver's side door panel. They swabbed the staining and sent the
14 swabs to the Crime Lab for analysis. DNA analysis was conducted, and the
15 profile developed was a mixture of at least three individuals. The major profile
16 was a partial profile that matched to an unidentified male. Biggs, Harvel, and
17 Beckman were excluded as contributors to the major profile. No conclusions
18 could be made about the remaining genetic material.

19 104. The Crime Lab later conducted a Y-STR analysis on the
20 door panel swabs. A Y-STR test is a form of DNA profiling that focuses on loci
21 along the Y-chromosome, and it therefore isolates male DNA in the sample. It is
22 a more sensitive test than standard STR DNA analysis. Y-STR profiles are less
23 unique to an individual because a male will have the same STR profile as their
24 father and son.

25 /////

1 105. The Y-STR profile was also a mixture of at least three
2 individuals. The partial major profile developed matched the profile of Robert
3 Harvel. The Crime Lab calculated a likelihood ratio, and determined the major
4 profile was 3,777 times more likely to be from Harvel or one of his male paternal
5 relatives than from an unknown contributor. Biggs and Beckman could be
6 excluded from the partial major profile. No conclusions could be reached
7 regarding the other contributors due to the complexity of the mixture.

8 106. Given the facts of the case—Harvel had the Saturn for only
9 a short time and no relatives of Harvel have any involvement in the case—the
10 blood on the door panel almost certainly came from Harvel.

11 107. The presence of Beckman’s blood on the walking stick is
12 consistent with Brewer and Harvel’s testimony that Beckman was attempting to
13 dig out the Saturn. It is also consistent with reports of Beckman having cuts or
14 sores on his hands. It establishes as well that Beckman was indeed likely in
15 Harvel’s car.

16 108. In the back seat of the Saturn, detectives found a blanket on
17 the floorboard. They also located a green and black mohawk-style beanie
18 consistent with the one Beckman was wearing in casino footage and the hat
19 described by William Brewer. This, too, tends to confirm Beckman’s
20 involvement and establish his presence at the Moose Creek trailhead.

21 **iv. Cash Found on Harvel**

22 109. Harvel was booked into the jail during the early morning
23 hours of January 14, 2022. On his person was \$1,640 in cash. The bills included
24 sixteen \$100 notes and two \$20 notes.

25 /////

1 110. The \$100 bills all appeared to be in excellent condition.
2 They were relatively crisp and unwrinkled, with only a few having bent corners.
3 They did not appear to have been heavily circulated.

4 111. On the back of one of the \$100 notes was a reddish/brown
5 smudge that appeared to contain a partial fingerprint. Detectives ultimately sent
6 this bill to the Crime Lab.

7 112. The Crime Lab found indications of blood on the \$100 bill
8 and conducted DNA analysis. The DNA profile developed was a mixture of at
9 least three individuals. The partial profile developed of the major contributor to
10 the mixture matched the DNA profile of Brandon Beckman. The frequency of
11 occurrence among unrelated individuals was 1 in 26 octillion (1 in 2.6×10^{28}).

12 113. Because \$100 bills circulate less frequently in day-to-day
13 retail transactions, the Court would expect them to be in generally better
14 condition than a more commonly used bill in daily transactions like a \$1, \$5, or
15 \$20 note. Nevertheless, the bills were consistent with the condition of notes one
16 might expect to be issued by a bank. Given that \$100 bills are less common than
17 lower denominations in daily use, the most natural inference to draw is that the
18 \$100 bills came from the ones Biggs withdrew from Stockman Bank.

19 114. The Court recognizes that it is also possible the bills came
20 from casino winnings. There is insufficient admissible evidence in the record for
21 the Court to say how commonly \$100 notes are disseminated at local casinos or
22 the condition of such notes. None of the law enforcement witnesses who testified
23 regularly gamble or exhibited any expertise or experience with local casino
24 operations. Harvel, of course, has an incentive to say that casinos regularly dole
25 out \$100 bills. Ultimately, the Court cannot draw any conclusions about how

1 consistent these bills would be with what one would expect if Harvel had indeed
2 earned \$1,600 mostly in casino winnings.

3 115. The Court is much more skeptical, however, of the notion
4 that these bills are consistent with what one would get by selling tools to a private
5 party, especially a drug dealer. The good condition of the bills and the lack of
6 mixed denominations does not seem consistent with obtaining money from a
7 private person, particularly one engaged in a cash business like drug distribution
8 where customers are also relatively unlikely to be paying in \$100 bills.

9 116. The presence of Beckman's blood on a note in Harvel's
10 possession demonstrates that at least one—and quite possibly more—of the bills
11 were initially handled by Beckman before being given to Harvel. This tends to
12 support the theory that these are the stolen proceeds of Biggs's death, and not
13 casino winnings or proceeds from sales of stolen goods.

14 **v. Search of Harvel's Phone**

15 117. When Harvel was arrested, he had two phones. One was an
16 LG "burner" phone, and the other was a Google Pixel.

17 118. Agent Piilola obtained a search warrant and used
18 Cellebrite's Uniform Forensic Extraction Device (UFED) to extract data from the
19 Pixel. The phone appeared to be fairly new and did not have much information
20 on it. Additionally, Piilola performed a manual handscroll of apps on the device.
21 As a result, Piilola obtained several relevant communications from January 12
22 and January 13.

23 119. At 2:00 a.m. on January 13, Harvel contacted multiple
24 acquaintances asking if they wanted to go on a "lick" with him:

25 /////

1 a. Harvel sent messages to Kayla Seilinger beginning at
2 2:34 a.m. At 2:46 a.m., he sent a message, “Can u do a lick” followed by a
3 thumbs up emoji.

4 b. At 2:58 a.m., Harvel attempted to call Kayla James,
5 followed by a text message: “U want to go on a lick with me”.

6 c. At 2:59 a.m., Harvel sent a message to Isabella White:
7 “U want to go on a lick with me”.

8 120. The next afternoon, January 13, Harvel sent numerous
9 messages showing off money or seeking to make substantial purchases. These
10 messages began at 4:20 p.m. At that time, he sent a message to “Mike” about a
11 1999 Toyota Camry for sale online. Harvel offered to pay “600 cash today.”
12 “Mike” declined the offer.

13 121. At 5:06 p.m., Harvel attempted to call Austin Hagman and
14 followed up with a text message asking to meet him. After some brief
15 conversation by text message, Harvel sent a photo of him fanning a significant
16 amount of cash including numerous \$100 bills and several other bills behind
17 them, including several \$1 bills. Hagman asked how much it was, and Harvel
18 responded “1100.”

19 122. At 5:12 p.m., Harvel sent a photo of fanned cash, again with
20 multiple \$100 bills, what appears to be at least one \$20 bill, and other currency,
21 to Isabella White, along with a thumbs-up emoji. He also called her at 5:21 p.m.

22 123. At 5:14 p.m., Harvel sent similar images of fanned cash,
23 also with a significant number of \$100 bills, to Heather Ward. Their conversation
24 appeared to be about two different subjects—whether Harvel had been spending

25 /////

1 time with “Kolbie”, and the cash in Harvel’s picture. The conversation proceeded
2 as follows:

3 Heather: Wyd??
4 Heard ya was around my Kolbie

5 Robert: <sends two images of fanned cash, which appear
6 modestly different from the image sent to Hagman>

7 Heather: The other night

8 Robert: Now

9 Heather: Lordy child what you doing
10

11 Robert: Yea I saw him
12 He is a tripper
13 Lol

14 Heather: Lol ya he is
15 He doesn’t know how good he got it with me luv him
16 face lol
17 He told me that last night hey seen ya boy Reckless
18 and I was like oh ya what he have to say &he was
19 saying something about giving you a ride or
20 something

21 Robert: Yea I pulled a lick but prick said no on ride

22 Heather: Oh fuk he didn’t tell me anything about it just that he
23 seen ya
24

25 124. At 5:30 p.m., Harvel sent one of the photos of fanned cash to
Ashley Hardie, telling her: “Getting ready to go get bus ticket” Hardie responded:
/////

1 “Yay! Thank you so much” and asked how he was going to get her gas money.
2 Hardie called Harvel at 5:32 p.m.

3 125. The photo of cash sent to most of these recipients, in the
4 record at Exhibit 111, was taken at 5:14 p.m. according to its metadata. The other
5 photos were created at a similar time.

6 126. Exhibit 111 appears to the Court to have at least 16-17 \$100
7 bills. There is also at least one \$20 bill. The remaining bills are not visible. A
8 slightly different photo sent to Austin Hagman shows several \$1 bills.

9 127. Agent Piilola also extracted Harvel’s search history. There
10 are no times associated with the searches located. The most recent two searches
11 were “Greyhound Bus Station” and “buses from Geraldine montana to Helena
12 montana.” These are consistent with his statements to Hardie that he was looking
13 into purchasing a bus ticket.

14 128. Taken together, these messages demonstrate Harvel likely
15 obtained a significant amount of cash sometime between 2:30 a.m., when he was
16 apparently desperate to find someone to go on a “lick” with him, and 4:00 p.m.,
17 when he started inquiring into large purchases, and showing off a large amount of
18 money.

19 129. The “lick” referenced in messages sent during the early
20 morning hours of January 13 may not pertain to Biggs:

21 a. First, the frequency of the messages sent between 2:30
22 and 3:00 a.m. suggest Harvel was desperate to find someone *right then* to do a
23 “lick” with him. There is no testimony Harvel was anywhere near Biggs at that
24 time; to the contrary, it appears Harvel met up with Biggs and Beckman much
25 later that morning.

1 b. Second, the remainder of Harvel’s search history
2 shows a number of searches consistent with trying to dispose of stolen goods,
3 suggesting Harvel was actively committing thefts during this time period. The
4 searches for “pixel 6,” “Panasonic wireless adapter dy-wf10,” “how to frp bypass
5 Samsung s10+”⁵, and “schosche solchat manual” are most likely consistent with
6 Harvel researching items he had stolen from others.

7 c. Third, methamphetamine users are commonly up late
8 at night, and many thefts and other property crimes occur during the early
9 morning hours.

10 130. The reference to a “lick” to Heather Ward is not cleanly an
11 admission to having obtained the cash from the robbery of Biggs. The difficulty
12 with interpreting the conversation between Ward and Harvel is that they are
13 having two parallel conversations at the same time. The “lick” came up in a
14 reference to “Kolbie,” who Ward said had seen “Reckless” (Harvel) and that
15 Harvel had asked him for a ride, to which Harvel responded that he pulled a
16 “lick” but “prick said no on ride.” This seems to suggest Harvel was talking
17 about a “lick” other than the shooting involving Biggs.

18 131. Regardless of whether the “lick” mentioned pertains to
19 Biggs, the messages are incriminating for two main reasons. First, the early
20 morning text messages demonstrate that Harvel was looking to get easy money,
21 which supports the existence of a motive to rob a source of easy money a few
22 hours later. Second, the messages undermine the credibility of Harvel’s testimony
23 that he was upset and scared of Beckman. The repeated messages showing
24

25 ⁵ Agent Piilola indicated that this did not appear to be the model of Biggs’s phone.

1 fanned out cash suggest a certain pride in having come into some money. They
2 are not consistent with any fear, distress, or empathy for the death of Biggs.
3 Combined with Harvel's demeanor on the Magic Diamond casino footage that
4 evening, this evidence tends to cast doubt on Harvel's claimed compulsion
5 defense.

6 **E. Beckman's Arrest**

7 **i. Arrest and Interview**

8 132. After reviewing the casino video showing Beckman with
9 Biggs and wearing the same distinctive mohawk-style beanie described by
10 William Brewer, detectives determined to locate, detain, and question Beckman.
11 Agent Metcalf looked for Beckman at casinos in East Helena, finding Beckman
12 at one of those casinos.

13 133. Beckman left the casino and approached a red Nissan
14 Xterra. At that time, Beckman was arrested and taken to the Law and Justice
15 Center for questioning. The detectives learned Harvel's name for the first time
16 during their interview of Beckman.

17 134. Beckman did not appear to be in good physical health when
18 he was arrested. He appeared consistent with someone who was actively abusing
19 drugs, with a sunken face and poor color. He had open sores, most notably a large
20 weeping sore on his stomach. To Agent Metcalf's recollection, Beckman also had
21 cuts or similar wounds on his hands, which may explain his blood being found on
22 several objects recovered during the investigation.

23 135. When Beckman was arrested, he had \$455 in cash on his
24 person.

25 /////

1 136. Beckman had a phone on his person when he was arrested.
2 The phone was password protected, however, and law enforcement lacked the
3 capability to bypass the password and recover data from the phone.

4 **ii. Search of Nissan XTerra**

5 137. Law enforcement seized the Nissan Xterra and obtained a
6 search warrant. They searched the vehicle and documented its contents.

7 138. The Nissan appeared as if it had just been packed for a
8 relocation or lengthy road trip. The backseat was full of folded bedding. The
9 trunk area contained four large plastic storage bins containing clothing and
10 groceries. The glove box was full of convenience store “road snacks.” It would
11 be reasonable to infer that Beckman was imminently planning to leave the area.

12 139. Law enforcement also determined that Beckman had just
13 purchased the Xterra on January 13, 2022, the same day Biggs was murdered,
14 from a man named Jim Cooper. Beckman paid \$1,200 cash up-front and agreed
15 to make additional payments.

16 **iii. Search of 2310 McDonald Drive**

17 140. Detectives obtained a search warrant for Beckman’s
18 residence at 2310 McDonald Drive. The search was conducted after the interview
19 of Beckman and before the interview of Harvel. The residence was released after
20 the search was conducted, and no secondary search was conducted after Harvel’s
21 interview.

22 141. There were no indications of any recent cleaning at the
23 residence. Law enforcement did not locate any property they determined to be
24 connected to Harvel.

25 /////

1 142. No weapon or bloody clothing was located. No property of
2 Biggs was located.

3 **F. First Interview of Harvel (January 16, 2022)**

4 143. After law enforcement learned about Harvel from Beckman,
5 they discovered Harvel was already in custody. Agent Ward and Agent Piilola
6 interviewed Harvel the same day, January 16. The interview (Exhibit 113)
7 consisted of two segments interrupted by a break. Harvel received *Miranda*
8 warnings and executed a waiver. There are numerous redactions to Exhibit 113,
9 and the Court is not privy to what the redacted portions included.

10 144. As of January 16, Biggs’s death had been publicized – the
11 Court knows this because William Brewer had contacted law enforcement after
12 seeing the death reported on the news. Thus, Harvel likely knew by then that
13 Biggs’s body had been discovered.

14 145. After Harvel waived *Miranda* and some amount of redacted
15 conversation took place, Agent Ward began by asking Harvel about how he got
16 the blue Saturn. Harvel discussed the number of hands through which the Saturn
17 had passed and also discussed his arrest with Kayla Seilinger. Harvel told law
18 enforcement he had obtained the vehicle from a friend on Tuesday, January 11.

19 146. Agent Ward then asked Harvel about his employment and
20 income. Harvel stated he had worked for Taco Bell “back in the day,” but that he
21 was not currently working.

22 147. Agent Ward, then asked about Harvel’s income. The
23 following exchange transpired:

24 Ward: I do too, but Taco Bell don’t love me. So what do you
25 do for – for money? You sellin’?

1 Harvel: No, I don't sell drugs. Um, usually whatever I could
2 do to just sell stuff or, [redacted]
3
4 Piilola: [redacted]
5 Harvel: I – I hit really big at Dotty's on Thursday.
6 Piilola: Dotty's? What one's Dotty's?
7
8 Ward: It's on—
9 Harvel: Well I hit at Dotty's and then I also hit at – I hit at two
10 separate ones. I don't remember what the other one
11 was. But I think it was the Twins casinos.
12 Piilola: Twins casinos.⁶
13 Harvel: The ones over there on Prospect. I'm almost sure
14 that's where it was. I hit somewhere.
15 Ward: And that's on Thursday too?
16 Harvel: Yeah, durin' the day. So I was broke and I had like 50
17 bucks to my name. And I hit for, like, 300 at one
18 casino. Went to another one. Hit for, like, probably
19 another 300. And then I went to Dotty's, and I hit for,
20 like, 800.
21 Ward: Wow.
22 Harvel: Yeah.
23 Ward: So you hit 1400 bucks in a day.

⁶ Later testimony established that this was likely a slang reference to two Town Pump-affiliated casinos located immediately next to each other on Prospect Avenue (U.S. Highway 12) in Helena.

1 Harvel: Oh, I hit 16 total. **It was like 1640 when I was done.**

2
3 (Ex. 113A, Tr. 14:586–621 (emphasis added).) This exchange was
4 noteworthy in several respects. First, Harvel brought up the casino
5 winnings voluntarily. Agent Ward did not ask him where he got the money
6 found on him at his arrest, or even if he had been at casinos.

7 148. Second, Harvel provided Agents Ward and Piilola with
8 verifiable leads: if what he was saying was true, they likely could capture him on
9 video at Dotty’s Casino or either of the “Twins” casinos and speak to employees
10 on shift to try to determine whether Harvel had earned anything. If Harvel was
11 not on camera, they would establish a falsehood, particularly with respect to
12 Dotty’s Casino. If he were on camera at either location on January 13, they could
13 attempt to get payout data or use staff interviews to verify the amounts allegedly
14 won. Agents Ward, Piilola, and Metcalf acknowledged, however, that they did
15 not investigate whether Harvel had been at Dotty’s Casino or the “Twins”
16 casinos.

17 149. Third, Harvel volunteered that he had won \$1,640, the exact
18 amount found on his person. That Harvel was specific about this amount while
19 being vague elsewhere about his winnings could be suggestive of Harvel’s
20 knowledge that he needed to explain the large amount of cash on his person.
21 Thus, his mention of the exact amount of \$1,640 is probative of a consciousness
22 of guilt.

23 150. Agents Ward and Piilola questioned Harvel about his
24 activities in the days leading up to his arrest. Harvel discussed spending time with
25 Darcy Norris’s roommate and another man, and gambling with them. Agent

1 Ward questioned Harvel about damage to the trunk latch and whether he had
2 been up in the mountains recently or gotten the car stuck in the mountains.
3 Harvel initially denied it.

4 151. Agent Ward pressed Harvel again, and he confessed to
5 knowledge of Biggs's death:

6 Harvel: I don't remember it getting stuck in the mountains.

7 Ward: Okay. This is the honesty portion, Robert. So I want
8 you to think long and hard about that.

9 Harvel: What do you want me to say?

10 Ward: The truth, man.

11 Harvel: (with agitated speech) Dude told me if I didn't take
12 him out there that he was gonna kill me. Dude took
13 him out there. Dude shot him in the fuckin' head.
14 Scared the fuck outta me. Put the gun in my face. Told
15 me to leave. I couldn't fuckin' leave. I was stuck in
16 the and there it is.

17 Ward: Okay.

18 Harvel: Then he pulled me outta the snow and I left. I don't
19 wanna get killed over this dude. If- now that I told
20 you guys, he's probably gonna fuckin' kill me.

21 (Ex. 113A, Tr. 28:1240-29:1258.)

22 152. Harvel told Agents Ward and Piilola that Biggs and
23 Beckman were passengers in his car. Beckman asked Biggs to get out so they
24 could switch seats (Biggs was in the front and Beckman was in the back). When
25 ////

1 Biggs stepped out, Harvel said Beckman, who was wearing a black beanie, shot
2 Biggs.

3 153. Harvel claimed that Beckman then threatened to kill Harvel
4 if he did not help Beckman. Harvel claimed Beckman made him help drag Biggs'
5 body about 50 feet. Harvel claimed that he started throwing up. Harvel told them
6 that Beckman then went through Biggs's pockets and took the money he found.

7 154. Harvel asserted that he was very bothered by what he
8 witnessed:

9 Dude, he [Beckman] can fuck me up bad. That's all I have dreams
10 about now. It's like that fucking poor guy, he wasn't even mentally
11 there. It was just the way—the way he slumped over. It fuckin'
12 replays in my head all day, dude. It fucked me up bad, man. I have
13 dreams about it. I can't—the reason I wasn't honest, 'cause he told
14 me he was gonna kill me, dude. Fuck. He already killed somebody
15 right in front of me, or he's gonna kill me.

16 155. Harvel told Agents Ward and Piilola that Beckman had a
17 “black gun,” and that he figured it must be a “large caliber” gun because it was
18 “loud as hell.”

19 156. Harvel stated at several junctures that Biggs appeared not
20 mentally well.

21 157. Harvel described seeing Biggs “slumped.” Notably, there is
22 little likelihood that Biggs remained in an upright position after he was shot
23 because despite the large amount of bloodflow from his nose and head, there was
24 no significant amount of blood found on his sweatshirt. At the same time,
25 memories of traumatic incidents are often imprecise, and people will
misremember immaterial details without any intention of misleading. Many

1 people commonly embellish small details or speak imprecisely without intention
2 of misleading, particularly when emotionally elevated.

3 158. After a break in the interview, Harvel gave a more
4 detailed—and also somewhat inconsistent—account of Biggs’s murder. Harvel
5 stated that on Wednesday night, he went driving with Darcy Norris to help find
6 her car keys, which a third person (Carissa Soltis) had allegedly taken. At some
7 point, they went back to Norris’s place, where Biggs was. He indicated that Biggs
8 “freaked out” over “owing money or something.” He said Biggs was “super
9 paranoid,” was acting “mental,” and “said there was something like, chasing him
10 or something.” (Ex. 113A, Audio 2 Tr. 2:88–3:106.) Harvel said he and Biggs
11 went to Walmart together and did a “shot” of “dope” (presumably
12 methamphetamine).

13 159. Harvel told the detectives that after they left Walmart, they
14 returned to Norris’s place. Beckman (whose name Harvel claimed not to know)
15 wanted to go pick up a “quarter pound” of methamphetamine. Harvel, Beckman,
16 and Biggs went to the Magic Diamond Casino (Harvel identified it as the “casino
17 by Lowe’s”) from 8 to 9 in the morning. Then they left for the pickup location.

18 160. In this telling, Harvel did not claim that Beckman threatened
19 him prior to driving out to the campground. Instead, Harvel stated the mood in
20 the car was “perfectly fine.” (Ex. 113A, Audio 2 Tr. 5:186–188.) Harvel did
21 indicate it started to feel “weird” and “really off” because Biggs “felt really off.”
22 (*Id.* 4:175–179.)

23 161. Harvel told detectives that Biggs called Beckman a “bitch”
24 during the car ride and was asking “why do we gotta go all the way the fuck out
25 here for this?” Beckman explained they were going to a remote location so

nobody would see the deal and the only law enforcement in the area might be fish and game. (Ex. 113A, Audio 2 Tr. 6:233–245.)

162. Harvel said that Beckman directed him to pull into the parking area. Beckman told Biggs to switch spots in the car. Biggs got out of the car and stood beside it, with the front passenger door still open. Beckman then shot him.

163. Harvel indicated that Beckman drug the body in front of the vehicle. Beckman told Harvel to put the car in reverse and go. Harvel tried to back up, but the vehicle got stuck about three feet back. Harvel claims he started throwing up.⁷ Beckman demanded Harvel help him move the body. This time he claimed they drug the body fifteen feet⁸.

164. Harvel alleges that during this time, Beckman threatened to kill him if he did not help or if he talked to the police.

165. After being confronted by Agents Ward and Piilola about inconsistencies, Harvel denied knowing what happened to Biggs's phone and boots, and he said that Beckman must have gotten any cash on Biggs's person when he went through Biggs's pockets.

166. Agents Ward and Piilola confronted Harvel about the money, stating they found it implausible that he happened to win \$1,600 that day. They contended then, consistent with the State's theory now, that Beckman and

⁷ Law enforcement did not note any places where it appeared that anyone had vomited. This does not mean it did not happen. Just like blood, the relatively warm vomit (particularly if not accompanied with solids) would likely seep through the snow and pool. Law enforcement had no reason to be looking for vomit specifically. Given how easily snow discolors to a yellowish appearance and how hard it would be to distinguish yellow from vomit from discolored snow due to foot traffic, tires, dirt from vehicles, etc., the Court cannot say law enforcement's inability to locate vomit at the scene contradicts Harvel's statements, particularly if Harvel is correct in claiming it was mostly water, acid, and bile.

⁸ Given how poorly most laypersons estimate distance, the Court does not attach any significance to imprecision or inconsistencies in Harvel's various estimates of distance or length.

1 Harvel murdered Biggs and split the money obtained from his person. Harvel
2 insisted he indeed earned the money on his person from casinos and encouraged
3 law enforcement to review surveillance at the casinos. Harvel did not mention a
4 burglary. Harvel repeatedly denied taking or accepting any cash recovered from
5 Biggs's person or property after his murder.

6 167. Agents Ward and Piilola also confronted Harvel about
7 Beckman's apparent⁹ statement denying that Beckman shot Biggs. Harvel
8 suggested they check Beckman for gunshot residue. Harvel later offered to take a
9 polygraph and said he would testify to everything he had said.

10 168. Harvel indicated that they got stuck approximately three
11 times as they attempted to leave. Each time, Beckman would try digging out the
12 tires and then they would rock the vehicle. The third time, "some old guy"
13 (Brewer) pulled over and helped them get unstuck.

14 169. Harvel was asked (after law enforcement informed him they
15 had already impounded his vehicle) if they had a walking stick. Harvel indicated
16 there was a piece of wood that Biggs had used to dig out the vehicle.

17 170. Harvel stated that upon their return to town, he dropped off
18 Beckman. He told detectives that Beckman then went and purchased a red SUV,
19 which Harvel specifically described as an Xterra. Harvel indicated he was with
20 Beckman for the transaction with Jim Cooper, and when they arrived, Norris was
21 there taking a shower. Harvel said this transaction happened anywhere between
22 11 and 2.

23
24 ⁹ The State represented that Beckman, through counsel, indicated his refusal to cooperate with the trial. Beckman
25 therefore did not testify, and his prior statements were not admitted. The Court has no independent recollection from
Beckman's trial of the substance of his statements to law enforcement, and the Court has not considered any of the
testimony from the Beckman trial except to the limited extent it was introduced at the Harvel trial.

1 171. Harvel described going out with Seilinger to casinos that day
2 after he returned. Harvel claimed he went to three or four different casinos that
3 night. He claimed to have won \$600-\$800 at one or more casinos, including \$600
4 payouts twice at Dotty's, although the specifics of his claims were vague and
5 inconsistent with his earlier claims about his earnings.

6 172. Harvel denied getting any blood on him during the
7 encounter. Law enforcement asked why there would be blood on the inside of his
8 car (which was later determined to be Harvel's blood, and not Biggs's blood).
9 Harvel denied there would be any blood in the vehicle even after being
10 confronted, and said if there was blood, it was likely from him shooting up drugs.
11 This, of course, turned out to be corroborated by the DNA analysis.

12 173. Harvel initially claimed not to know or recall Beckman's
13 name. As the interview progressed, however, he began referring to Beckman as
14 Brando, suggesting a greater familiarity with him than the impression Harvel
15 initially seemed to convey.

16 174. In the interview, Harvel gave few details about the gun. He
17 said it was black, it was not a revolver, and he thought it was "like a Glock or
18 something like that." Harvel believed it was a large caliber bullet because of how
19 loud the gunshot was.

20 175. Harvel stated that as they were driving back, Beckman threw
21 the spent casing outside the window in the vicinity of the intersection of Green
22 Meadow Drive and Sierra Road, which is located in the west Helena valley to the
23 north of the city.

24 176. Law enforcement attempted on several occasions to locate
25 the spent casing but were unsuccessful. Given its relative size, the snowy

1 conditions at the time of Biggs’s murder, and the passage of time, this is
2 unsurprising.

3 **G. Second Interview of Harvel (May 23, 2023)**

4 177. Over a year later, in May 2023, Harvel agreed to give a
5 second statement to law enforcement in advance of Beckman’s trial. Agents
6 Metcalf and Ward conducted the interview on May 23, 2023. Harvel’s counsel
7 was present. During the interview, they took Harvel out to the crime scene and
8 Harvel showed them the route they drove.

9 178. The most significant change in Harvel’s story in this
10 interview was his explanation how the \$1,640 came into his possession. Harvel
11 claimed that the “lick” he wanted to go on the early morning of January 13 was a
12 burglary. Harvel knew an individual named Shane Williams and attempted to
13 break into the garage of Williams’s stepfather and steal tools from him. Harvel
14 claimed he got money from selling some nailguns to Biggs, pawning some, and
15 selling some tools to a drug dealer.

16 179. Metcalf did not follow up on this claim. Metcalf noted that
17 he learned Williams and Harvel had been housed in the same pod for several
18 weeks in early 2023. Metcalf testified that in his experience, claims that a
19 podmate would vouch for the defendant have low investigative value.

20 180. Because law enforcement had been unaware of the claim
21 that Harvel sold tools to Biggs, they were unable at the time of the search of
22 Beckman’s residence to attempt to verify that information. By the time Harvel
23 provided this account, too much time had passed to reliably verify Harvel’s
24 claim.

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1 181. Law enforcement did attempt to verify whether Harvel
2 pawned tools using LeadsOnline (a database where pawn shops list sales to
3 facilitate recovery of stolen property). Law enforcement found no evidence that
4 Harvel sold the tools to a pawn shop.

5 182. There was no evidence presented that Shane Williams's
6 stepfather (whose name is not in the record) reported a theft of tools from his
7 garage to law enforcement.

8 183. Carrie Shellhorn testified at trial. She is an ex-girlfriend of
9 Shane Williams. She testified that she recalled that Williams's stepfather indeed
10 had a break-in to his garage in approximately January 2022. She testified that the
11 stepfather's garage was completely emptied over the course of a single night.

12 184. The Court has no reason to discount Shellhorn's credibility.
13 Nevertheless, Shellhorn could not provide a specific date this happened, and had
14 little first-hand information of the break-in itself. It is, of course, possible that the
15 break-in did occur, but it did not occur on the morning of January 13, 2022. It is
16 also possible Harvel could have incorporated a real burglary that he knew to have
17 occurred during January 2022 into his statement to conceal the true source of the
18 cash he acquired.

19 **H. Harvel's Trial Testimony**

20 185. Harvel testified at trial that he had lived in Helena off and on
21 in the past. He most recently moved to Helena in late 2020 or early 2021. He was
22 addicted to drugs and living on the street. He knew almost all of the third parties
23 mentioned in this case—Darcy Norris, Kayla Seilinger, Isabella White, and
24 Carissa Soltis—through drug use.

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1 186. Harvel recalled gambling with Darcy Norris and driving
2 around with her to search for her keys on the night of Wednesday January 13 and
3 early morning of Thursday, January 14. Norris was staying with Beckman.
4 Harvel related going back to the 2310 McDonald residence after they finished.
5 Biggs was there, and Harvel told him Norris had borrowed money from Harvel to
6 gamble, and Biggs needed to pay her debt. Biggs was irate and left, and Harvel
7 and Norris got high together before Harvel left around 2:00 a.m.

8 187. Harvel claimed he met with Shane Williams about trading
9 tools for drugs. He then messaged various people about helping him obtain the
10 tools. He claims this was the “lick” mentioned in his messages.

11 188. Harvel asserted that between approximately 3:00 a.m. and
12 4:00 a.m., he broke into the garage and stole numerous tools. He then went to a
13 local drug dealer on North Montana Avenue and sold the tools for cash and
14 drugs.

15 189. Later that morning, when he went back to Beckman’s
16 residence, he sold two nail guns to Biggs. He claims he, Beckman, and Biggs got
17 high, and Norris left for someone else’s house. Beckman told him he had an
18 opportunity to purchase a large amount of methamphetamine from acquaintances
19 from Spokane, but he needed a car ride. Harvel was willing to do so if he was
20 compensated for the inconvenience and risk.

21 190. Harvel stated that at the Magic Diamond Casino, Biggs
22 offered to pay for them to gamble. Harvel was willing not to spend his own
23 money gambling. Harvel stated Biggs gave him around \$200.

24 191. Harvel testified that he and Beckman passed Beckman’s
25 cellphone between each other so they could exchange messages about when his

1 dealer would be arriving. It is somewhat unclear why this would be necessary as
2 opposed simply to talking in quiet tones. One reason to send messages instead of
3 talking, of course, would be to keep Biggs out of the loop. The Court is thus
4 skeptical of Harvel's explanation.

5 192. Harvel stated that Beckman won \$400 or \$500 at the casino
6 that morning. He cashed out his ticket and they went to the Town Pump
7 bathroom, where they did a shot of meth. After Beckman purchased some
8 cigarettes, Harvel stated Beckman gave Harvel some cash. Harvel stated this
9 might be where the blood ended up on the cash.

10 193. Harvel claimed that before they left he played a reel game
11 and won about \$300/\$400 with a \$20 buy-in.

12 194. Harvel's account of the drive out to Rimini Road and the
13 shooting largely mirrored his earlier statements.

14 195. Harvel explained that he did not tell the Brewers what had
15 happened because, quite reasonably, he believed if Beckman had been willing to
16 shoot Biggs, he could just as easily shoot both Harvel and the Brewers. Harvel
17 stated that Beckman claimed at one point during this event that he had "three
18 bodies under his belt."

19 196. Harvel clarified that when they returned, they did not go
20 back to Beckman's residence but instead went to Jim Cooper's residence. That is
21 the residence where Norris came out of the shower. Harvel claimed Beckman
22 "instructed" him not to leave, and Harvel knew he still had the gun. Harvel stated
23 after Beckman and Cooper finalized the vehicle purchase, Beckman looked at
24 Harvel and said, "you can go."

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1 197. Harvel claimed that he sent pictures of cash because he was
2 trying to hit up people for buying drugs. He ended up purchasing some “blues”
3 (slang for fentanyl pills that are made to resemble counterfeit oxycodone pills).

4 198. Harvel stated that he went out gambling with Kayla
5 Seilinger that evening. According to Harvel, they went to the Laibation Station
6 and Magic Diamond Casino, and he indeed ended up ahead. Harvel noted that
7 surveillance footage from the Magic Diamond Casino that night showed a runner
8 picking up a cashout ticket and returning with cash.

9 199. Harvel claimed that after he and Seilinger left the Magic
10 Diamond Casino, they went to Dotty’s Casino, which is immediately off an I-15
11 exit between Custer Avenue (where the Magic Diamond Casino is) and Prospect
12 Avenue (where Harvel was later arrested).

13 **I. Analysis**

14 200. Because Harvel is the only witness to Biggs’s death who
15 testified, his credibility is among the significant factors the Court must consider.

16 201. Harvel had a generally believable demeanor in the
17 courtroom and in the audio of his interview. The Court is aware, however, that
18 demeanor should not be solely relied upon to assess credibility. Outward
19 demeanor—particularly of relative strangers—can be misleading and should be
20 interpreted with caution.

21 202. Harvel was under the influence of methamphetamine and
22 was, at a minimum, a witness to an inherently traumatic event (in the Court’s
23 experience, even perpetrators of crime often suffer some degree of distress or
24 trauma from the results of their actions, whether they outwardly display that
25 trauma or not). Even truthful accounts will often shift in details from one telling

1 to another, and small non-material details may be entirely wrong. Accordingly,
2 Harvel’s varying accounts—about exactly how much money he won at each
3 casino, timelines, distances, or the exact sequence of events the day before or the
4 afternoon after—do not necessarily indicate deception. The Court expects some
5 degree of inconsistency in truthful testimony.

6 203. Likewise, contrary to the State’s argument, the Court did not
7 find Harvel’s description of the gun to be suspicious. A person unfamiliar with
8 guns who has seen popular television programs would still understand basic
9 differences between the appearance of a revolver and other types of handguns,
10 and there is a popular impression of what a Glock handgun looks like. Likewise,
11 a layperson unfamiliar with guns could be expected to equate the sound of the
12 gunshot to the caliber, whether that is true or not.

13 204. As noted above, the Court concludes the “lick” references in
14 Harvel’s messages may not be about Biggs at all. Harvel appears to have engaged
15 frequently in petty thefts and break-ins during this period of time, and there
16 would be no reason to contact multiple casual acquaintances in the middle of the
17 night to go on a “lick” that would not be happening until the next morning. It is
18 also somewhat implausible to the Court that if Harvel contemplated Biggs would
19 be robbed or shot—both very serious violent crimes—he would just hit up
20 anyone who was interested to tag along.

21 205. The Court concludes that Harvel’s account of the sequence
22 of events at the Moose Creek trailhead is largely credible. It has been mostly
23 consistent across each retelling. It is also entirely consistent with the available
24 crime scene evidence:

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1 a. The evidence from both the disruption in tire tracks at
2 the scene (which was consistent with a vehicle getting repeatedly stuck), and the
3 Brewers' description of the vehicle's orientation when they came up (facing into
4 the trailhead) suggests the vehicle was facing the parking area when they pulled
5 in, meaning the passenger side of the vehicle lined up with the north side of the
6 turnoff drive and the driver's side lined up with the south side.

7 b. When they left the Magic Diamond Casino, Harvel
8 was depicted on cameras in the driver's seat, with Biggs entering the front
9 passenger seat and Beckman in the rear passenger seat. The placement of the
10 large pool of blood and Biggs' cigarette butt is entirely consistent with Harvel's
11 account of Beckman asking them to switch seats, and shooting Biggs in the back
12 of the head after Biggs got out of the vehicle.

13 c. There is no blood from Biggs on the driver's side of
14 the vehicle.

15 d. Biggs's body was drug in approximately the manner
16 and for the distance described by Harvel in his multiple statements.

17 e. Biggs's methamphetamine intoxication is consistent
18 with Harvel's description of their drug use that morning.

19 f. The bloody print on the walking stick is consistent
20 with Harvel's account that Beckman used it to dig out the car.

21 g. Harvel's account of what happened is largely
22 consistent with the Brewers' account of what they saw.

23 h. There is no evidence in the record that Harvel ever
24 owned or had access to a firearm, and nothing linking him to a firearm was
25 disclosed.

1 i. Harvel’s suggestion that law enforcement check
2 Beckman for gunshot residue is consistent with a belief that doing so might
3 demonstrate Beckman was the shooter.

4 206. The totality of the available evidence suggests that
5 Beckman, not Harvel, is likely the person who shot Biggs.

6 207. That the Court finds Harvel’s account of what happened at
7 the trailhead largely credible does not mean the Court necessarily finds the rest of
8 Harvel’s account to be credible. It is not uncommon even for deceptive accounts
9 to blend truth and fiction.

10 208. Indeed, the Court does not find Harvel’s account of how he
11 came into possession of the \$1,640 to be credible for the following reasons:

12 a. While Harvel professed that much of what happened
13 was a “blur” and gave inconsistent and vague accounts of which casinos he went
14 to and how much he won is understandable, Harvel also told law enforcement
15 specifically that he won “\$1,640,” which is exactly the amount that Harvel had
16 on his person when he was arrested. This suggests to the Court that Harvel
17 already anticipated having that much money on him was a problem and required
18 an explanation.

19 b. Harvel’s account has changed each time he has given
20 a statement. Initially, the money was entirely casino winnings in the January
21 2022 interview. Then, he got the cash from stealing and then selling or pawning
22 tools in the May 2023 statement. In his September 2025 testimony, he claimed
23 both to have sold stolen tools *and* earned money at casinos.

24 c. Although it is entirely possible that Shane Williams’s
25 stepfather experienced a burglary at some point in January 2022, Harvel’s

1 account that it happened between 3:00 a.m. and 4:00 a.m. on January 13, 2022, is
2 uncorroborated. It is implausible that Harvel could have “emptied” a garage of
3 tools into his tiny and untidy sedan during that time *and* offloaded all of the tools
4 in the less than 24 hours between the supposed burglary and his arrest. One
5 would expect either that the vehicle had been largely cleared out to make room
6 for these many tools—and the condition of the vehicle at the time of the search is
7 not consistent with this—or that there might have been some stray tools still in
8 the vehicle.

9 d. Although possible, Harvel’s claim that he
10 immediately went to a drug dealer—at 4:00 a.m., no less—to sell the tools is
11 implausible. The Court did not find Harvel’s claims about the need to urgently
12 sell the tools in the middle of the night to get drugs—rather than, for example,
13 hitting up Biggs or Beckman for drugs or drug money—to make much sense. The
14 fit of the timeline is also an overly convenient mechanism for attempting to
15 explain the evidence.

16 e. Harvel claimed in his May 2023 statement to have
17 pawned some tools, but law enforcement found no evidence to support this. It is
18 also unclear when in the sequence of events Harvel would have visited a pawn
19 shop, and he did not allege to have given the tools to someone else to pawn.

20 f. The cash found on Harvel is not consistent with
21 selling tools to a drug dealer or pawning them. The bills in Harvel’s possession
22 were almost entirely \$100 bills, and those bills were pristine. Only a few notes
23 had bent corners, and the notes largely had no significant creases, wrinkles, or
24 tears. The one known likely source of pristine \$100 bills in this case is Biggs’s
25 withdrawal of cash from Stockman Bank.

1 g. Although Harvel claims he sold some nail guns to
2 Biggs, Biggs was homeless. He had no use for a nail gun, and because he already
3 had plenty of cash, it would make little sense to purchase a nail gun just to resell
4 it.

5 h. Perhaps one of the more significant pieces of evidence
6 is Beckman's blood on the note found in Harvel's possession. The simplest and
7 most obvious explanation is that these are the bills Biggs withdrew from
8 Stockman Bank on January 10, and on January 13, Beckman took them from
9 Biggs's dead body and divided them between Beckman and Harvel.

10 i. In his trial testimony, Harvel suggests he had a big hit
11 at Dotty's Casino in the \$500 to \$1,000 range *after* leaving the Magic Diamond
12 Casino with Seilinger on the night of January 13. Harvel suggested he went
13 gambling in the "evening" on January 13 after contacting Seilinger, and that he
14 went to, among other places, the Laibation Station. Harvel, however, already had
15 a large amount of money in the \$1,600 to \$1,800 range by 5:15 p.m. that day.
16 Even if he spent some of that on a bus ticket and purchasing "blues," his account
17 of how much he won that night would have likely resulted in even more money
18 on his person. Thus, his explanation of when he "hit" at the casinos is
19 inconsistent with the objective evidence showing he had already amassed a
20 significant amount of cash by 4:00 or 5:00 p.m.

21 j. Harvel's changing explanations of where he gambled,
22 when, and how much he won is sufficiently different from statement to statement
23 that it casts doubt on the veracity of his assertion that it constituted casino
24 winnings.

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1 k. Finally, the Court can consider the number of
2 coincidences required for Harvel's testimony to satisfactorily explain the \$1,640
3 in cash at the time of his arrest. The Court would be required to accept that in a
4 24 hour span, Harvel: (1) pulled off a successful lick that required him to empty a
5 man's garage entirely of tools; (2) sold all of the stolen tools almost immediately;
6 (3) had a very good day of gambling, winning hundreds of dollars at several
7 different casinos; and (4) collected almost all of this in pristine \$100 bills.
8 Moreover, it requires the Court to accept this lucrative day had nothing to do with
9 Harvel's admitted presence at the murder of a man that same day who was
10 carrying a very large amount of money, largely in crisp \$100 bills.

11 1. Even though law enforcement did not button up
12 Harvel's casino winnings claim by tracking down evidence from the casinos
13 mentioned in Harvel's statements in January 2022, the overall circumstances still
14 rebut any reasonable notion that the amount of money in Harvel's possession was
15 unrelated to Biggs's death that morning. Rather, the evidence convincingly
16 demonstrates that Harvel had a lot of cash on him because Beckman shot Biggs,
17 robbed him, and gave Harvel some of Biggs's cash.

18 209. The Court did not find Harvel's testimony about Beckman's
19 threats to be credible. First, Harvel's description of Beckman directing him to
20 wait at Jim Cooper's home before telling him to leave did not have the ring of
21 truth. Second, the text messages and Harvel's conduct on January 13 are not that
22 of a man haunted by what he had seen. Rather, Harvel appears proud if anything
23 of his windfall, which is the more plausible explanation behind his many text
24 messages to acquaintances showing off his cash. The Court has watched the
25 Magic Diamond casino footage from that evening, and Harvel appeared jovial,

1 giving Seilinger a “high five” at one point, and reacting very casually at the
2 doorbell camera when Beckman and Norris show up to the casino. Harvel did
3 leave, but he did not rush out, instead re-parking his car and spending several
4 minutes in the parking lot.

5 210. The Court cannot say beyond a reasonable doubt that Harvel
6 knew or intended that Beckman would shoot Biggs until it happened. The core
7 factual question, however, is whether Harvel intended to assist or did assist
8 Harvel in committing a felony directed at Biggs that morning.

9 211. The Court concludes that the State has proved beyond a
10 reasonable doubt that Harvel, at a minimum, intended to facilitate a robbery of
11 Biggs, for the following reasons:

12 a. Harvel was clearly interested in scoring quick cash,
13 either to purchase drugs or for other reasons, as evidenced by his late-night
14 efforts to recruit someone to assist him in a “lick.”

15 b. Harvel knew Biggs was carrying a large amount of
16 cash because Biggs had been doling out money for gambling at a steady clip the
17 last few days.

18 c. The Court has carefully scrutinized the video footage
19 of Harvel and Beckman the morning of Biggs’s murder. When Harvel motions
20 for Beckman to give him his phone, Harvel and Beckman both appear to look in
21 Biggs’s direction. Harvel’s explanation in his trial testimony is that he wanted to
22 know when the drug dealer would be arriving, but this explanation makes little
23 sense. Given the entire context, this exchange was most likely a discussion
24 between the two about Biggs, and they conversed by phone so Biggs would not
25 be aware of it. Notably, Harvel initiated this exchange.

1 d. The location chosen for this exchange seems
2 unnecessarily remote even for a large drug exchange. Again, it is possible that
3 this is simply to keep it away from prying eyes, but when considered in context
4 of all other evidence, the remote location was more likely chosen to isolate and
5 intimidate Biggs into handing over his cash.

6 e. In his initial statement to law enforcement, Harvel
7 attempted to create the impression of distance between him and Beckman. Harvel
8 claimed not to know his name, but he later seemed to have slipped and called him
9 “Brando,” suggesting Harvel’s attempt to disclaim knowledge of Beckman was
10 disingenuous. That Harvel would try to do this is indicative of a consciousness of
11 guilt.

12 f. For the reasons given, the Court has concluded
13 beyond a reasonable doubt that the cash Harvel had at the time of his arrest was
14 cash Beckman gave him after shooting Biggs. To be sure, Harvel’s after-the-fact
15 acceptance of this money does not necessarily mean he intended a crime be
16 committed prior to that point. Indeed, had Harvel testified at trial that he had
17 accepted money from Beckman but had no part in Beckman’s plan to rob or kill
18 Biggs, the Court might have found that a plausible explanation of the evidence.
19 But that was not Harvel’s testimony, nor was that what Harvel said in any of his
20 prior statements. Rather than own up to the source of the money, Harvel gave an
21 account for acquiring the cash that has changed each time and, in every telling, is
22 a highly unlikely explanation. Harvel’s continued insistence that he did not take
23 Biggs’s money after his death suggests a consciousness of guilt and undermines
24 the credibility of his disavowal of participation in Beckman’s plan. Harvel’s

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1 evident pride in his earnings further supports the inference that he was a part of
2 the plan to take money from Biggs all along.

3 212. The Court recognizes that Harvel's account of what
4 happened is *possible*, that is, nothing in the record suggests that things could *not*
5 have happened the way Harvel said. The burden of proof, however, does not
6 require the State to disprove all *possible* alternative explanations of the evidence.
7 In other words, the State is not required to prove Harvel's guilt beyond a shadow
8 of a doubt. Rather, the State meets its burden if it shows there is no reasonably
9 plausible alternative to the State's view of the evidence. That is the case here.
10 There are simply too many pieces of the puzzle that must fall neatly in place, and
11 too many improbable contingencies that must coincide, for the Court to reject the
12 State's theory and instead accept Harvel's account of his role in Biggs's death.

13 213. The State has proven beyond a reasonable doubt the
14 following ultimate facts:

15 a. Brandon Beckman and Robert Harvel drove Biggs to the
16 Moose Creek trailhead with the conscious object of inflicting or threatening to
17 inflict injury on him to obtain control over the large amount of cash in his
18 possession. Their conscious object was to deprive him of that cash permanently.

19 b. Harvel's conscious object was to facilitate Beckman's
20 commission of a robbery against Biggs, and he facilitated the offense by planning
21 the robbery, assisting Beckman in luring Biggs to a remote location where he
22 could be assaulted or intimidated into parting with his cash, and driving Biggs
23 and Beckman to the trailhead.

24 c. In the course of committing this crime, Beckman shot
25 Michael Biggs, a human being, causing his death.

1 d. Harvel’s conduct to facilitate the crime causally contributed
2 to Biggs’s death.

3 e. Beckman and Harvel both knew that because Beckman had
4 shot Biggs, a law enforcement investigation would likely commence into Biggs’s
5 disappearance or death.

6 f. Harvel and Beckman concealed Biggs’s body by dragging it
7 with the purpose of impairing its availability in the impending investigation into
8 Biggs’s disappearance or death.

9 g. Harvel did not participate in the plan to rob Biggs because
10 he was compelled to do so by Beckman or because he reasonably believed he
11 would suffer death or serious bodily injury if he did not assist Beckman.

12 h. Harvel helped conceal Biggs’s body not because he was
13 compelled to do so by Beckman or because he reasonably believed he would
14 suffer death or serious bodily injury if he did not do so. Rather, like Beckman,
15 Harvel moved the body because he did not want to be arrested and prosecuted for
16 his complicity in Biggs’s murder.

17 **CONCLUSIONS OF LAW**

18 1. This Court has jurisdiction, and venue is proper in Lewis
19 and Clark County.

20 2. A person commits the offense of deliberate homicide if “the
21 person purposely or knowingly causes the death of another human being.” Mont.
22 Code Ann. § 45-5-102(1)(a).

23 3. Additionally, Montana has adopted the felony murder rule.
24 Under that provision, a person also commits the offense of deliberate homicide if
25 “the person attempts to commit, commits, or is legally accountable for the

1 attempt or commission of robbery. . . or any other forcible felony and in the
2 course of the forcible felony or flight thereafter, the person or any person legally
3 accountable for the crime causes the death of another human being.” Mont. Code
4 Ann. § 45-5-102(1)(b).

5 4. The felony murder rule requires a causal connection
6 between the underlying felony and the death. *State v. Kills on Top*,
7 241 Mont. 378, 387, 787 P.2d 336, 342 (1990). The victim’s death must be “a
8 natural and probable consequence of the commission or attempt to commit the
9 felony.” *State ex rel. Murphy v. McKinnon*, 171 Mont. 120, 126–127,
10 556 P.2d 906, 910 (1976). Additionally, while the felony murder doctrine
11 relieves the State of the burden of proving the defendant had the mental state
12 necessary to commit a homicide, the State must still prove the defendant’s mental
13 state with respect to the predicate felony. *State v. Nichols*, 225 Mont. 438, 450,
14 734 P.2d 170, 177 (1987).

15 5. A person commits the offense of robbery “if in the course of
16 committing a theft, the person” either “inflicts bodily injury upon another,”
17 “threatens to inflict bodily injury upon any person or purposely or knowingly
18 puts any person in fear of immediate bodily injury,” or “commits or threatens
19 immediately to commit any felony other than theft.” Mont. Code Ann.
20 § 45-5-401(1).

21 6. The phrase “in the course of committing a theft” applies to
22 “acts that occur in an attempt to commit or in the commission of theft or in flight
23 after the attempt or commission.” Mont. Code Ann. § 45-5-401. The course of
24 conduct continues “until such time as the criminal purpose, including carrying
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1 away of the spoils of the crime, is completed.” *State v. Case*, 190 Mont. 450, 455,
2 621 P.2d 1066, 1069 (1980).

3 7. A person commits the offense of theft if the person
4 “purposely or knowingly exerts unauthorized control over property of the owner
5 and. . . has the purpose of depriving the owner of the property.” Mont. Code Ann.
6 § 45-6-301(1)(a). A person also commits the offense of theft if the person
7 “purposely or knowingly obtains by threat or deception control over property of
8 the owner and. . . has the purpose of depriving the owner of the property.” *Id.*
9 § 45-6-301(2)(a).

10 8. A person acts purposely with respect to the offense of
11 deliberate homicide under Mont. Code Ann. § 45-5-102(1)(a) if “it is the person’s
12 conscious object. . . to cause” the death. Mont. Code Ann. § 45-2-101(65); *see*
13 *State v. Rosling*, 2008 MT 62, ¶ 37, 342 Mont. 1., 180 P.3d 1102 (relevant mental
14 state for deliberate homicide is result-based).

15 9. A person acts knowingly with respect to the offense of
16 deliberate homicide if the person is “aware that it is highly probable that the
17 result”—here, Biggs’s death—“will be caused by the person’s conduct.” Mont.
18 Code Ann. § 45-2-101(35); *Rosling*, ¶ 37.

19 10. A person commits the offense of tampering with or
20 fabricating physical evidence if, “believing that an official proceeding or
21 investigation is pending or about to be instituted,” the person “alters, destroys,
22 conceals, or removes any. . . thing with purpose to impair its verity or availability
23 in the proceeding or investigation.” Mont. Code Ann. § 45-7-207(1)(a).

24 11. With respect to the offense of tampering, a person acts
25 purposely with respect to impairing the verity or availability of evidence in the

1 proceeding if the person’s conscious object is to cause that result. *See* Mont.
2 Code Ann. § 45-2-101(65). A person acts knowingly with respect to whether an
3 official proceeding or investigation is pending or about to be instituted if the
4 person is aware that circumstance exists. *See id.* § 45-2-101(34) (knowingly with
5 respect to circumstance described by a statute defining the offense).

6 12. A person is legally accountable for the conduct of another if
7 “either before or during the commission of an offense with the purpose to
8 promote or facilitate the commission, the person solicits, aids, abets, agrees, or
9 attempts to aid the other person in the planning or commission of the offense,”
10 subject to some exceptions that are inapplicable here. Mont. Code Ann.
11 § 45-2-302(3).

12 13. Mere presence at the scene of a crime or failure to oppose or
13 disapprove of the crime does not establish accountability. At the same time, the
14 defendant can still be legally accountable without taking any active part in any
15 overt criminal acts, provided they otherwise satisfy the requirements for legal
16 accountability. *State v. Chafee*, 2014 MT 226, ¶ 20, 376 Mont. 267,
17 332 P.3d 240.

18 14. Harvel has offered the affirmative defense of compulsion. A
19 person is not criminally liable for their actions if they engage in the criminal
20 conduct “under the compulsion of threat or menace of the imminent infliction of
21 death or serious bodily harm if the person reasonably believes that death or
22 serious bodily harm will be inflicted upon the person if the person does not
23 perform the conduct.” Mont. Code Ann. § 45-5-212. To establish a compulsion
24 defense, the defendant must show the following elements:

25 /////

1 [F]or a defendant to avail himself of the defense of compulsion, he
2 must show that: (1) he was *compelled* to perform the offensive
3 conduct (2) by the threat or menace (3) of the *imminent* infliction (4)
4 of *death* or *serious* bodily harm, and that (5) he believed that death
5 or serious bodily harm would be inflicted upon him if he did not
6 perform such conduct, and (6) his belief was reasonable.

7 *State v. Owens*, 182 Mont. 338, 597 P.2d 72 (1979) (emphasis in original).

8 15. The State did not prove beyond a reasonable doubt that
9 Harvel intended or knew that Biggs would be shot and killed at the Moose Creek
10 trailhead. Accordingly, the State failed to prove the offense of deliberate
11 homicide under Mont. Code Ann. § 45-5-102(1)(a) beyond a reasonable doubt.

12 16. The State did prove beyond a reasonable doubt that
13 Beckman and Harvel purposely took Biggs to a remote location to get control
14 over the large amount of cash in his possession, either by assaulting him or
15 intimidating him. The State proved beyond a reasonable doubt that Harvel knew
16 this was the purpose of the trip, that by driving Biggs out there he was assisting
17 Beckman in committing a robbery, and that it was Harvel's purpose in doing so
18 to facilitate that robbery. The State therefore proved that Harvel was legally
19 accountable for the offense of robbery.

20 17. The State proved beyond a reasonable doubt that Beckman
21 caused Biggs's death and that Biggs's death was the natural and probable
22 consequence of Harvel's participation in the robbery. Accordingly, the State has
23 proven beyond a reasonable doubt the elements of deliberate homicide under
24 Mont. Code Ann. § 45-5-102(1)(b), the "felony murder" rule.

25 18. The State proved beyond a reasonable doubt that Beckman
and Harvel moved Biggs's body, partially covered it with a blanket, and moved

1 snow on top of the body to help conceal it. Their purpose in doing so was to
2 prevent law enforcement from discovering the body and ultimately arresting them
3 for Biggs's death.

4 19. Harvel did not establish a compulsion defense because he
5 did not establish he was "compelled" by Beckman to do anything. The large
6 amount of money in Harvel's possession, which the Court finds beyond a
7 reasonable doubt was Biggs's money, shows he was an active participant in the
8 plot and that he did not move the body because Beckman compelled him, but
9 because Harvel, too, did not want to get caught.

10 20. The State therefore proved beyond a reasonable doubt the
11 elements of tampering with or fabricating physical evidence under Mont. Code
12 Ann. § 45-7-207(1)(a).

13 CONCLUSION

14 Based on the foregoing findings of fact and conclusions of law,

15 IT IS ORDERED:

16 1. Robert Harvel is adjudicated **NOT GUILTY** of Count I,
17 deliberate homicide, a felony, as defined in Mont. Code Ann. § 45-5-102(1)(a).

18 2. Robert Harvel is adjudicated **GUILTY** of Count II,
19 deliberate homicide, a felony, as defined in Mont. Code Ann. § 45-5-102(1)(b).

20 3. Robert Harvel is adjudicated **GUILTY** of Count III,
21 tampering with or fabricating physical evidence, a felony, as defined in Mont.
22 Code Ann. § 45-7-207(1)(a).

23 4. Harvel's bail is **REVOKED** pursuant to Mont. Code Ann.
24 § 46-9-107, and he is remanded to the custody of the Lewis and Clark County
25 Detention Center without bail pending sentencing.

1 5. The Court orders a presentence investigation. The State shall
2 ensure Probation and Parole is notified of the Court's order. The presentence
3 investigation will be due **two weeks** prior to sentencing.

4 6. A status hearing will be held **November 13, 2025, at**
5 **9:00 a.m.** for the purpose of scheduling a sentencing hearing in this matter.

6 DATED this 17th day of October 2025.

7
8
9 /s/ Christopher D. Abbott
10 CHRISTOPHER D. ABBOTT
11 District Court Judge

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14
15 cc: Kevin Downs, County Attorney, via email
16 Kathleen Jensen, Deputy County Attorney, via email
17 Shandor Badaruddin, via email

18 CDA/tt/DDC-2022-40 State v. Harvel – FFCL and Order.doc
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