

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Dustin Stroble, being first duly sworn, depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am a Task Force Officer (“TFO”) with the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), currently assigned to the Billings Field Office. I have been employed by the ATF as a TFO since January of 2023. While working as a TFO in Billings, Montana, I received specialized training from ATF concerning violations of the Gun Control Act within Title 18 of the United States Code and violations of the National Firearms Act within Title 26 of the United States Code. As such, I am an investigative or law enforcement officer of the United States, within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States empowered by law to conduct investigations and make arrests for offenses enumerated by 18 U.S.C. § 2516. In addition to working as a TFO, I have been employed by the City of Billings as a Billings Police Officer since September 2016, until present and I have completed the Montana Law Enforcement Academy in Helena, Montana.

2. Your Affiant is involved in the investigation of a suspected violation of Federal laws by Gabriel Cowan METCALF.

II. DESCRIPTION

3. This Affidavit is submitted in support of a Criminal Complaint requested for Gabriel Cowan METCALF, charging him with Possessing a Firearm within a School Zone in violation of Title 18, United States Code, Section 922(q)(2)(A). The statements in this Affidavit pertain to the investigation described below and are based in part on information provided by my own observations and experience as an ATF Task Force Officer, and the observation and experiences of other fellow law enforcement officers participating in the investigation. This Affidavit does not purport to contain all the facts related to this investigation, but only those facts necessary to establish probable cause with respect to the aforementioned offenses.

III. PROBABLE CAUSE

4. On August 2, 2023, at approximately 1258hrs, Billings Police Department (BPD) Dispatch received a call concerning a male pacing in front of his house with a rifle. The subject would later be identified as Gabriel Cowan METCALF. The caller stated they were safe inside of a home and last saw METCALF walking westbound on the sidewalk on Broadwater Avenue.

5. A BPD Detective arrived and conducted surveillance of METCALF.

METCALF was observed by the BPD Detective walking onto the property of 607 5th Street West carrying a firearm. Per dispatch narrative, METCALF lives at 430 Broadwater and patrols his yard due to a protection order he believes is in place and he is trying to protect his mother.
6. Billings Police would receive multiple calls regarding METCALF's behavior over the next few weeks. On August 11, 2023, METCALF was observed walking on the sidewalk with a rifle.
7. On August 14, 2023, at 1315hrs, METCALF was observed at the intersection of 4th Street West and Broadwater Avenue with a firearm. Another caller reported METCALF walking westbound on Broadwater Avenue. A BPD officer arrived after METCALF was back on his property and did not make contact.
8. METCALF's residence is located at 430 Broadwater Avenue in Billings, Montana. Broadwater Elementary School is directly across the street from METCALF's residence and is a "school" that provides elementary education in the State of Montana. Broadwater Elementary School is a "school" as defined in Title 18 U.S.C. 921(a)(27). The sidewalk and streets in front of METCALF's residence are public property within 1,000 feet from the school and are a "school zone," as defined in Title 18 U.S.C. 921(a)(26). The

school zone is marked with school zone speed limit signs and flashing lights at the corners of 4th Street W and Broadwater Avenue and at 5th Street W and Broadwater Avenue. 607 5th Street West is within the school zone.

9. On August 14, 2023, at 2236hrs, Billings Police was dispatched to a weapons complaint at the intersection of 5th St. West and Broadwater Avenue. The complainant advised that METCALF was walking around the area with a firearm. BPD Officers contacted METCALF who was armed with a firearm and a can of bear spray and wearing camouflage pants.
10. METCALF told officers that he was securing his perimeter due to being “gang stalked” by a male named David Carpenter. METCALF told the Officer that he had walked from his property of 430 Broadwater Avenue with the firearm to the corner of 5th Street West and Custer to record an SUV parked there as he believed David Carpenter once drove a similar vehicle.
11. METCALF states he must clear his corners outside of the house to ensure David Carpenter is not on scene to assault him. METCALF also states that he patrols his property numerous times throughout the day to ensure no one has planted incendiary devices in his yard.
12. A BPD Lieutenant arrived and attempted to explain to METCALF the danger of his actions for himself and others. METCALF became

argumentative. Per the Officer's observations, METCALF suffered from a mental ailment.

13. METCALF has a Billings Police Department "Officer Caution" dating back to 2013 for becoming agitated with officers while carrying a loaded .22 caliber rifle on two separate occasions. The officer caution also states that METCALF suffers from a mental ailment and to use caution when dealing with him.
14. The Officer observed that METCALF's behavior is escalating as he has gone from sitting on his porch to following cars while being directly across from Broadwater Elementary School.
15. On August 15, 2023, a Billings Police Sergeant for the School Resource Officer (SRO) program heard officers were being dispatched to 430 Broadwater for a weapons complaint. The SRO Sergeant was aware of the multiple calls from this location regarding METCALF and that he lives across from Broadwater Elementary where staff, students, and parents have found his behavior frightening.
16. The SRO Sergeant made contact METCALF regarding his behavior. METCALF explained that a male named David Carpenter has made threats to him and his family. METCALF believes that David Carpenter has sprayed METCALF with pesticides and herbicides and tried to kill his trees.

METCALF stated he did not want to hurt kids and patrols his yard to prevent crime from happening to him.

17. METCALF was made aware of the concerns from school staff and was asked if he would consider not patrolling during school hours. METCALF would not commit to this compromise.
18. On August 17, 2023, a Billings Police Patrol Sergeant was dispatched to METCALF who was reported to be at 5th Street West and Broadwater Avenue with a firearm. METCALF was contacted at his property by the Patrol Sergeant. METCALF was not in possession of a firearm at the time of contact. METCALF was advised of being within 1,000 feet of a school zone. METCALF stated that he was currently on private property.
19. On August 17, 2023, TFO Dustin Stroble and Special Agent (SA) Andrew Martian made phone contact with METCALF after being informed that METCALF had called the Federal Bureau of Investigation (FBI) stating that the Billings Police are harassing him and wished to speak to a Federal Officer.
20. TFO Stroble and SA Martian called a phone number which was provided by Billings Police which was believed to be METCALF's. A female, identified as Vivian Scott, who is METCALF's mother answered the phone. She provided TFO Stroble with METCALF's phone number. She was

adamant that TFO Stroble listen to METCALF's entire story and alleged the Billings Police Department was telling METCALF he was violating law which did not exist.

21. TFO Stroble and SA Martian then contacted METCALF via the provided phone number and conducted a phone interview. TFO Stroble and SA Martian identified themselves as federal officers from the ATF and acknowledged his request to speak to federal officers per his contact. METCALF began by stating he has a decade worth of experiences to explain for the situation to be fully understood. He mentioned to TFO Stroble that he has been "gang stalked" for over a year and that there were police actions and inactions to explain. He then stated that he believes he is in danger and needs to tell his story because he may not be alive to tell it soon.

22. METCALF started by explaining how he came to Montana and then relayed how he has researched the law pertaining to firearms. METCALF went to great lengths to articulate that he follows the law and spoke of how he had packed a bicycle and went on a hunting trip. METCALF said that in his journey, he came across Billings Police Officers and stated that the officers were scrutinizing him as he rode by. He goes on to say that he was stopped by an unmarked police car. METCALF stated he was armed with a .22LR rifle during this instance and went on to say that the police vandalized

this rifle, and it no longer works. The aforementioned interaction with law enforcement is where METCALF received his officer caution.

23. SA Martian then directed METCALF to more current events with the Billings Police. METCALF stated that he is in constant fear of the police when contacted and believes the contact is due to the police not wanting him to exercise his constitutional rights. METCALF then abruptly switched from this topic to being gang stalked. He went on to say how he had called for police service many times and there was either an improper investigation or no action at all.
24. TFO Stroble was a BPD night shift patrol officer during this period METCALF is referring. TFO Stroble can recall many instances of contact where there was a dispute between David Carpenter and METCALF and Vivian Scott. Carpenter had an officer caution for being anti-law enforcement and is known to carry a firearm and phone contact was often made in lieu of an officer safety situation from in-person contact.
25. METCALF believed the lack of physical presence from law enforcement was due to his property being “bombarded” with chemicals. He then alleged that the Billings Police hold extreme prejudice against him for the incident where he received his officer caution. METCALF believes the police department is trying to “brush that incident under the rug.”

26. METCALF then spoke of a neighbor who moved in next to him which he would later identify as David Carpenter. METCALF stated that he would see Carpenter smoking a cigarette by his shed, while glaring at him.
27. SA Martian then redirected METCALF by asking explicitly about the reports of him walking up and down the street off his property. METCALF then stated that he has never gone into any private property but has utilized the “right of way” which he states is his right and clarified was the sidewalk. He said he does go to his mother’s shop at the corner of 5th Street West and Broadwater. METCALF confirmed he has walked down the sidewalk from his property with a firearm. The sidewalk at this location is public area within the Broadwater Elementary School “school zone.”
28. METCALF then stated that he will occasionally walk around the block and survey down the streets to see if he can identify any of the vehicles he believes to be associated with the “gang stalkers.” METCALF says he does this surveillance to secure his property and protect his loved ones. TFO Stroble asked what firearm METCALF carries while conducting surveillance. METCALF stated the firearm is a Rossi, Model Trifecta, .20-gauge break-action shotgun.
29. METCALF then talked about how since he has moved to Montana, he has begged his mother to buy him a handgun to protect her property. He stated

that she refuses to with numerous excuses as to why. He then said that her refusal is going to lead to him being shot.

30. METCALF then articulated that an officer had advised him to keep the firearm out of sight from the public. METCALF believed that this was an officer's attempt to make him look suspicious to set him up so that the police could show up and shoot him. He then said that he is not a "trigger happy gun nut" like the police are trying to do to him.
31. METCALF clarified that he patrols his property daily, however, goes around the block occasionally which is once or twice or week but has been several times a day at one point recently. He said the frequency of the block patrols are dictated by the atmosphere and vehicle presence. METCALF said that he has encountered his stalker recently without further detail.
32. SA Martian then asked METCALF specifically about how neighbors are becoming more concerned about his presence and the fact that there is a school very near him. METCALF agreed with this statement. SA Martian asked for METCALF to clarify how he is mitigating people feeling unsafe with him walking around the block and being in a school zone. SA Martian also noted that this is why METCALF has garnered so much attention from the police.

33. METCALF dismissed the school zone statement and said that he believes people are calling only because they see a person with a firearm.

METCALF did not directly answer the question and went back to how David Carpenter was the reason for arming himself. METCALF detailed a situation where he said was the first time, he spoke with Carpenter in person he knew that Carpenter was “crazy.” METCALF then started speaking about how Carpenter would mow his own lawn but also encroached onto his property. METCALF said that this was by Carpenter’s design to instigate conflict. This confrontation would lead to Vivian calling Carpenters landlord. Later Carpenter would confront METCALF over calling his landlord. METCALF further detailed neighbor disputes between himself and Carpenter.

34. TFO Stroble then asked about how METCALF would check his yard for incendiary devices. He stated that he stands watch during the night and gets just a few hours of sleep in the morning. He said the first thing he does when he leaves his front door is to sweep his property for anyone lying in wait and to make sure no one has left incendiary devices and explosives around the house. METCALF said that Carpenter set up an elaborate trap with gasoline and a leaf blower. He said that Carpenter also left his lawnmower on high-idle to what METCALF assumed would mask any


screams. It should be noted that during this time, Carpenter owned Broadwater Lawn Care, which he ran out of his address of 426 Broadwater Avenue.

35. METCALF denied any drug use or mental health issues. He stated he is not on any medications. He deferred any drug use to Carpenter or his friend.
36. TFO Stroble then asked METCALF if he knew he was in a school zone. METCALF replied by saying the gun free school zone act was unconstitutional. TFO Stroble made METCALF aware that there is in fact a federal firearm law prohibiting firearms possession in a school zone.
37. TFO Stroble then told METCALF that the school would be locked down due to his actions. METCALF did not acknowledge this statement and began to speak to Billings Police actions.
38. TFO Stroble advised METCALF that his actions have gained negative public attention due to patrolling around the block with a firearm in a school zone. METCALF became angry with TFO Stroble, and the phone interview became unmanageable. This concluded the phone interview.
39. TFO Stroble spoke with SA Matthew Schieno regarding the Rossi, Model Trifecta, .20-gauge break-action shotgun METCALF stated he carries, and SA Schieno confirmed Rossi firearms are manufactured outside of the state

of Montana and travelled in or affected Interstate Commerce to be in the State of Montana.

IV. CONCLUSION

40. Based on the above information, observations and investigation, on August 2, to August 17, 2023, in Yellowstone County, Montana, in the State and District of Montana, Gabriel Cowan METCALF committed the crimes of Possession of a Firearm within a School Zone in violation of Title 18, United States Code, Section 922(q)(2)(A). I swear that the facts presented herein are true and accurate to the best of my knowledge.




Dustin Stroble, ATF Task Force Officer

8-21-23

Date

SUBSCRIBED TO AND SWORN BEFORE ME THIS 21 DAY OF AUGUST 2023.



Honorable Judge Timothy J. Cavan
United States Magistrate Judge
District of Montana