

**OFFICE OF THE SHERIFF / CORONER****GALLATIN COUNTY, MONTANA**

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Report of Investigation**AGENCY CASE NUMBER: 1705240007****DATE: May 26, 2017****CHARGES: Misdemeanor Assault****VICTIM(S): Benjamin C. Jacobs (DOB [REDACTED])****OFFENDER(S): Greg R. Gianforte ([REDACTED])****OFFICER MAKING REPORT: Matthew D. Boxmeyer #669**

On May 24, 2017 at approximately 1800 hours, Detective Captain Arlyn Greydanus contacted me. Det. Capt. Greydanus informed me of an assault that had occurred at a location within Gallatin County. Det. Capt. Greydanus requested that I respond to the office, to meet with him and start conducting witness interviews.

I arrived at the office and met with Det. Capt. Greydanus who informed me on the specifics of the call. Det. Capt. Greydanus stated he had people in the interview rooms and lobby and he asked me to start with the FOX News crew that were eye witnesses to the event.

I interviewed Alicia Anna Acuna (also goes by last name Orozco and Boyd) at 1848 hours. Alicia is a reporter for FOX News; Alicia scheduled an interview with Greg Gianforte, a candidate for the US House of Representatives. Alicia stated they were setting up the camera and equipment, so they could conduct the interview, and were engaged in small talk with Gianforte. Alicia stated while they were talking a "guy" (later identified as Ben Jacobs) came in with a recorder and put it in Gianforte's face. Alicia stated Jacobs asked Gianforte if he had any reactions to the CBO report on the Republican Healthcare Plan because it was just released. Alicia stated Gianforte responded to Jacobs, saying something to the effect of not right now. Alicia stated Jacobs just kept going. Alicia stated Jacobs said something about being from the Guardian, but stated she did not get his name.

Alicia stated Jacobs had glasses, dark hair, facial hair, dark pants, and dark coat on. Alicia stated Jacobs kept asking him questions and was being persistent. Alicia stated Gianforte told Jacobs to go check with Shane who is a member of Gianfortes campaign. Alicia stated she was not sure if Jacobs asked again or not but around that time Gianforte grabbed Jacobs.

Alicia stated Gianforte grabbed Jacobs it seemed by both sides of his neck or his head. Alicia stated Gianforte moved Jacobs and "slammed him on the ground and jumped on top of him". Alicia stated Gianforte was not "straddling" Jacobs but "kind of jumped on top of him and started punching him". Alicia stated Gianforte stated, "He was sick and tired of this".

Alicia stated Jacobs "scrambled to his knees" and seemed in shock and stated, "You broke my glasses". Alicia stated Jacobs asked them for their names and then stated he wanted the cops called. Alicia stated Gianforte apologized to them (FOX News crew).

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Alicia stated the only people in the room at the time of the assault were Gianforte, Jacobs, and her crew. Alicia stated the door was open and people could have seen inside the room.

I asked Alicia to go into further detail about when Gianforte grabbed Jacobs. Alicia stated it was up by the neck and by was not sure if he was grabbing him by the clothes or the body. Alicia stated they thought they were being "punked" for a minute but they realized it was real "rage happening". I asked if Alicia remembered hearing anything during the assault, Alicia only remembered hearing Gianforte say "I'm sick and tired of this". Alicia stated it seemed as though Jacobs was on his side on the ground when Gianforte was punching him. Alicia stated Gianforte punched at Jacobs 2-3 times until Jacobs scrambled to his knees. Alicia stated Jacobs looked "Roughed up" and was red but so was Gianforte.

Alicia stated she told everyone she needed a minute alone. Alicia stated they contacted their bosses to tell them what had happened. Alicia stated they called their Bureau Chief, Nancy Harmeyer and Assistant Bureau Chief, Don Fair. Alicia stated she has covered many campaigns and been around many aggressive reporters. Alicia stated Jacobs was doing his job and was just obnoxious but not physically aggressive. Alicia stated she did not see Jacobs ever touch Gianforte with his hands or the recorder. Alicia stated it was so "out of nowhere" and it did not seem like Gianforte was defending himself.

I then conducted an interview with Faith Mangan at 1916 hours, who works for FOX News as a field producer. Faith stated they were at Gianfortes Campaign Headquarters to conduct an interview with him. Faith stated they were talking with Gianforte about local restaurants and Bozeman. Faith stated she was against the windows in the room and was farthest away from Gianforte and was not fully engaged. Faith stated Jacobs entered into the room and started asking Gianforte questions. Faith thought Jacobs was a staffer and did not know he was a reporter at the time, as she was not fully engaged in the conversation.

Faith heard Gianfortes voice noticeably go up and he told Jacobs something like "talk to Shane". Faith stated the "exchange got more intense". Faith stated she saw movement and they went down on the ground. Faith stated Gianforte was on top of Jacobs and she saw movement of his arms, which made her believe Gianforte was punching Jacobs. Faith stated they went down in the middle of their equipment and Faith was worried they would knock over the camera or that Alicia would be knocked down.

Faith stated Jacobs started complaining that Gianforte broke his glasses and stated he wanted police called and wanted their names. Faith stated they asked to have the room to themselves to settle down and to notify their bosses about the incident. Faith stated Gianforte left and they did not see his again. Faith stated they were under the impression they were the only reporters that were going to be there.

Faith stated she has covered two Presidential elections and covered a lot of political stuff. Faith stated she had never seen anything so shocking like this.

I interviewed Keith Railey who is the FOX News photographer at approximately 1940 hours. Keith stated he was setting up for the interview and was making trips back and forth to the car for other equipment. Keith stated he did not know who Gianforte was or what he looked like. Keith stated he returned from a trip to the car and was setting up when a person (Gianforte) walked into the room. Keith stated they were engaged in small talk before the interview was supposed to start.

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Keith stated another person (Jacobs) came in the room and started asking Gianforte questions and put a microphone in his chest. Keith stated he still did not know he was talking with Gianforte but figured Jacobs was a reporter at that time. Keith stated Gianforte started screaming at Jacobs because he wanted Jacobs to go away. Keith stated Gianforte "grabbed him around the neck and body slammed him down to the ground". Keith stated approximately two punches were thrown but he could not see where they were landing. Keith stated he had a table between him and the fight and was trying to get around it when they released from each other.

Keith stated it all happened very quickly and he stated he was within three feet of Gianforte and Jacobs when they went to the ground. Keith stated Jacobs asked Gianforte maybe two questions before the altercation. Keith stated Jacobs stated Gianforte broke his glasses and said something about the police being called. Keith stated Gianforte left and that was the last time he saw them.

I asked Keith how many interviews he has done and what his thoughts were about the incident. Keith stated he has been doing this for 25-30 years. Keith stated he has never seen anything like this before. Keith stated he has seen violence before but everything was mellow and went to 10 in the blink of an eye. I asked Keith if Jacobs was being an aggressive reporter and Keith stated he was not really listening to the questions being asked. I asked Keith if the altercation was mutual or one sided. Keith stated it was one sided with Gianforte being the aggressor.

I then interviewed a Buzz Feed News reporter, Alexis Levinson. Alexis stated she works out of DC as a reporter covering the US House of Representatives and was in Montana to cover the upcoming Special Election for our vacant US House seat. Alexis explained she had been all over the state the last few days covering speaking events in different cities for the Gianforte Campaign.

Alexis stated she had been in touch with Shane Scanlon and Brock Laurence regarding the possibility of getting an interview with Gianforte. Alexis stated the campaign told her there might be time for an interview; Alexis explained a colleague of hers wrote a story that did not make the Gianforte campaign happy. Alexis stated Anne Helen Petersen, a culture writer, wrote a story about Montana politics and this race.

Alexis stated she and Jacobs asked the campaign for time tonight to ask Gianforte questions. Alexis stated she knows Jacobs from covering events together. Alexis stated at the noon event in Helena a reporter walked up to Gianforte and put a recorder in his face and started asking him questions. Alexis stated Gianforte very clearly did not want to continue interviews with reporters. Alexis stated that is when Jacobs and she asked Shane if they could get some time later that day. Alexis stated Shane told Jacobs "you're just going to tweet whatever you want anyways".

Alexis stated she picked Jacobs up and brought him with her to the campaign headquarters. Alexis stated she could see a camera crew set up in the side room. Alexis stated she received a text from Shane asking if she was there, Alexis replied that she was. Alexis stated Shane came up to her after Gianforte arrived and told her they were going to be able to give her a few minutes for an interview after he finished with the FOX News crew. Alexis stated she started to write down some of the questions that she wanted to ask Gianforte.

Alexis stated Jacobs flagged down Shane and asked him if he could get some time with Gianforte as well. Alexis stated Shane told Jacobs no probably not or something to that effect and intimated that there was some past issue. Alexis stated Gianforte went into the room with the FOX News crew and all of a sudden, there was a large very audible crash. Alexis stated the door was partly closed and she did not see what happened. Alexis stated she heard a lot of yelling and she thought it sounded like Gianforte. Alexis stated all she could see was feet flying in the air. Alexis stated Gianforte was saying "get the hell out of here, are you with the Guardian the

other reporters did the same damn thing". Alexis stated Jacobs came out to where she was and held up his glasses which were broken and stated "he just body slammed me".

Alexis stated Shane came out and told Jacobs he needed to leave. Alexis stated Gianforte and Shane walked into another room and closed the door. Alexis stayed to see if she was going to be able to get a comment from Gianforte. Alexis stated a bunch of people started coming outside and she figured police had arrived.

Det. Capt. Greydanus informed me that two people had arrived from the Gianforte campaign headquarters and were saying Alexis had come back into the building after the incident and was passing herself off as if she was taking pictures for our office. I asked Alexis about passing herself off as working for our office. Alexis stated she did not record or take pictures after going back in the building. Alexis stated she went in to take some pictures so she could better explain the incident to Deputies on scene. Alexis showed me her phone and I looked at recordings, video, and pictures. Alexis had one recording, which she emailed me that she started right after the incident in case she was able to get a statement from someone regarding the incident. Alexis stated she had been originally invited as a reporter. Alexis informed me she knew Montana was a two party consent state.

I interviewed Holly Howard-Wolf next who is a volunteer for the Gianforte campaign. Holly did not see the altercation between Gianforte and Jacobs but was one of the staffers who had issues with Alexis. Holly stated she was concerned about Alexis entering the office after the incident, Holly stated Alexis had her phone and was panning it around the room. Holly stated Alexis told them she had an interview with Gianforte and they questioned her on it. Holly stated Alexis told them she was there to take pictures for the Sheriff's Office investigation. Holly stated she told Alexis no and asked her to leave. Holly stated Alexis was getting mad at her and as they were walking out, she saw Alexis with her finger on her phone. Holly stated Alexis was recording her and so she confronted her with that fact. Holly stated Alexis told her she was not recording her. Holly asked Alexis for her card and she gave it to her. Holly believes Alexis misrepresented herself as working for us.

This concludes my involvement in the case.

A handwritten signature in black ink, appearing to read 'Matthew Boxmeyer', with the number '669' written to the right of the signature.

Detective Matthew Boxmeyer #669
Gallatin County Sheriff's Office

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