

Ravalli County Sheriff's Office
205 Bedford Street, Suite G
Hamilton, MT 59840



Chris Hoffman, Sheriff

Stephen Holton, Undersheriff

Special Press Release

March 18, 2014

Ravalli County Sheriff Chris Hoffman has released the name of the man killed Monday morning during an apparent burglary of a private Victor area residence. Hoffman said that 39-year-old **Tobias Ian Bishop**, of Missoula, was shot by the homeowner after entering the residence through a window that he had broken.

Hoffman reported that the investigation to date shows that Bishop had apparently burglarized at least one other home in the vicinity prior to being shot, and that he had already gathered several chainsaws and other items near his van from outside of the second residence. Hoffman said that all evidence to date points to the following facts:

Bishop drove several miles up a private road in a borrowed van, parked the van between two homes, and began moving items from the two homes to the van. Hoffman believes the evidence shows that Bishop had been in the area for at least an hour prior to attempting to enter the occupied home where he was shot. Hoffman said that the homeowner initially thought that snow was falling from his roof and hitting the ground, but got up to investigate as the noise continued. As Bishop broke a window and entered the house, the homeowner encountered Bishop inside his home. Bishop's actions then threatened the homeowner, placing him in fear of his life, resulting in the homeowner discharging his handgun at Bishop. After being shot, Bishop exited the home through the same broken window, and fled a short distance into the yard where he collapsed.

Hoffman said that records from Arizona, Idaho and Montana reveal that Bishop had a long history of illegal activity, including burglary, assault and drug-related arrests, was currently wanted on an arrest warrants in Arizona and Flathead County, Montana for theft and forgery, and had prior law enforcement alerts for violent tendencies and drug abuse. Further, Hoffman said that the homeowner has no criminal history, and at this point in the investigation is classified as a victim in this matter.

The Sheriff said that in this case he has been asked by members of the press to explain that the crime of burglary is not predicated on items being stolen, but is the act of entering an occupied structure, like this victim's home, with the intent of committing any other crime. A copy of Montana's burglary statute, §45-6-204, is included below in this release.

Hoffman also referred to Part 1 of Chapter 3 of Title 45 in the Montana Code Annotated, which describes when legal use of deadly force is justified.

Hoffman said that the investigation is ongoing, and that more information will be released as it becomes available.

2011 Montana Code Annotated

TITLE 45. CRIMES

CHAPTER 6. OFFENSES AGAINST PROPERTY

Part 2. Criminal Trespass and Burglary

45-6-204. Burglary.

Universal Citation: [MT Code § 45-6-204 \(1993 through 62d Legis Reg Sess\)](#)

45-6-204. Burglary. (1) A person commits the offense of burglary if the person knowingly enters or remains unlawfully in an occupied structure and:

- (a) the person has the purpose to commit an offense in the occupied structure; or
- (b) the person knowingly or purposely commits any other offense within that structure.

(2) A person commits the offense of aggravated burglary if the person knowingly enters or remains unlawfully in an occupied structure and:

- (a) (i) the person has the purpose to commit an offense in the occupied structure; or
- (ii) the person knowingly or purposely commits any other offense within that structure; and
- (b) in effecting entry or in the course of committing the offense or in immediate flight after effecting entry or committing the offense:

- (i) the person or another participant in the offense is armed with explosives or a weapon; or
- (ii) the person purposely, knowingly, or negligently inflicts or attempts to inflict bodily injury upon anyone.

(3) A person convicted of the offense of burglary shall be imprisoned in the state prison for any term not to exceed 20 years or be fined an amount not to exceed \$50,000, or both. A person convicted of the offense of aggravated burglary shall be imprisoned in the state prison for any term not to exceed 40 years or be fined an amount not to exceed \$50,000, or both.

History: En. 94-6-204 by Sec. 1, Ch. 513, L. 1973; amd. Sec. 1, Ch. 260, L. 1975; R.C.M. 1947, 94-6-204; amd. Sec. 7, Ch. 198, L. 1981; amd. Sec. 1, Ch. 357, L. 1987; amd. Sec. 1665, Ch. 56, L. 2009; amd. Sec. 1, Ch. 263, L. 2009.

END--