

FILED

FEB 25 2014

RAVALLI COUNTY, MT
JUSTICE OF THE PEACE

BY _____ Clerk

RAVALLI COUNTY ATTORNEY
Bill Fulbright, County Attorney
Ravalli County Courthouse
205 Bedford Street, Suite C
Hamilton, Montana 59840-2853
(406) 375-6750

COPY

Attorneys for Plaintiff

IN THE JUSTICE COURT OF RAVALLI COUNTY, STATE OF MONTANA
BEFORE ROBIN CLUTE, JUSTICE OF THE PEACE

STATE OF MONTANA,
Plaintiff,

vs.

RICHARD MICHAEL SULLIVAN,
Defendant.

Case No.: CR 2014- 63

Dept. No.: 1

FELONY COMPLAINT

State of Montana)
: ss.
County of Ravalli)

Ravalli County Attorney Bill Fulbright, being first duly sworn, accuses RICHARD MICHAEL SULLIVAN of the following crimes, committed in Ravalli County, Montana:

CHARGE 1 – DELIBERATE HOMICIDE, a Felony, in violation of §45-5-102(1)(a), M.C.A.:

On or about January 28, 2014, in Ravalli County, Montana, Defendant RICHARD MICHAEL SULLIVAN committed the offense of Deliberate Homicide by purposely or knowingly causing the death of another human being, Robert Thaut, in violation of the above statute.

or, in the alternative,

CHARGE 1 (alternative) – DELIBERATE HOMICIDE, a Felony, in violation of §45-5-102(1)(b), M.C.A.:

On or about January 28, 2014, in Ravalli County, Montana, Defendant RICHARD MICHAEL SULLIVAN committed the offense of Deliberate Homicide by committing or

1 attempting to commit the offense of Aggravated Assault and/or Assault with a Weapon, and in
2 the course of committing or attempting to commit said offense Defendant caused the death of
3 another human being, Robert Thaut, in violation of the above statute.

4 DATED: February 25th, 2014

5 
6 Bill Fulbright, County Attorney

7 SUBSCRIBED AND SWORN to me this 25 day of February, 2014.

8 
9 Justice of the Peace

FILED

FEB 25 2014

RAVALLI COUNTY, MT
JUSTICE OF THE PEACE

BY _____
Clerk

1 RAVALLI COUNTY ATTORNEY
2 Bill Fulbright, County Attorney
3 Ravalli County Courthouse
4 205 Bedford Street, Suite C
5 Hamilton, Montana 59840-2853
6 (406) 375-6750

COPY

Attorneys for Plaintiff

7 IN THE JUSTICE COURT OF RAVALLI COUNTY, MONTANA
8 BEFORE ROBIN CLUTE, JUSTICE OF THE PEACE

9 STATE OF MONTANA,

10 Plaintiff,

11 vs.

12 RICHARD MICHAEL SULLIVAN,

13 Defendant.

) Case No.: CR 2014-603

) Dept. No.: 1

) AFFIDAVIT FOR PROBABLE CAUSE

14 STATE OF MONTANA)
15 : ss
16 County of Ravalli)

17 Bill Fulbright, being first duly sworn, deposes and says:

18 I am the County Attorney for Ravalli County, Montana. I have reviewed an investigation
19 conducted by the Hamilton Police Department, led by Lt. Steve Snaveley, and rely thereon in
20 filing the accompanying felony complaint.

21 On January 28, 2013, at 11:20 pm, the Ravalli County 911 Center received a call from
22 Candace Sullivan reporting an assault and an unresponsive male. Hamilton Police Officers and
23 Ravalli County Deputies were dispatched to the Hamilton residence, and arrived moments later
24 to find the unresponsive body of Richard L. Thaut (hereafter "Thaut"), a 25 year old male, laying
on the living room floor of his home. Upon the officers' arrival, Candace Sullivan, a 28 year old
female, was found in the house near Thaut's body. Deputies then located Candace Sullivan's
husband, 25 year old Richard Sullivan, reclined in the driver's seat of the Sullivan's car parked at

1 the curb in front of the house, purportedly sleeping. Thaut was pronounced dead at the scene
2 following resuscitation efforts.

3 The investigation determined that the victim, Thaut, resided in the home in question, and
4 that the Sullivans were acquaintances of Thaut, living elsewhere in Hamilton. The initial
5 assessment of the scene, and subsequent search of the home pursuant to a warrant, revealed a
6 significant amount of damage within the home, including a large amount of broken glass strewn
7 throughout the living room and kitchen, broken furniture and fixtures, spilled sticky substances
8 on the floor, and bloodstains and smears on various walls and floors. Thaut's body was found
9 laying on his back near the doorway from the living room to the kitchen, with his pullover t-shirt
10 pulled off of his body with the head opening still bunched around the back of Thaut's head
11 against the floor. HPD Officer Koppes, one of the first officers on scene and also a trained EMT,
12 noted in his initial assessment of Thaut that Thaut's left eye was severely bruised and swollen
13 shut, that Thaut had an open linear wound on his upper right forehead, and that upon touch
14 Thaut's body felt cooler than normal body temperature.

15 A number of interviews were conducted, including interviews of Richard Sullivan and
16 Candace Sullivan during the same night as the 911 call. However, Richard Sullivan and
17 Candace Sullivan then each separately contacted Lt Snavelly from the Ravalli County Detention
18 Center (where they were then being held on unrelated drug charges) two days later, and asked to
19 speak further about this case. As described below, in those second separate interviews, both
20 Richard and Candace Sullivan significantly changed the stories they had previously given.

21 The investigation was able to reconstruct a timeline of events that occurred on January
22 28, 2014. First, Thaut's grandmother, Judith Mendoza, visited Thaut's home at approximately
23 6:00 p.m. that evening. Ms Mendoza paid the rent on Thaut's home, but did not live there. Ms
24 Mendoza reported that she had occasion to walk all of the way through the home at the time of

1 her visit, and that nothing was amiss at that time. Ms Mendoza, as was her custom, also
2 delivered some of Thaut's medications, divided into baggies identifying when they should be
3 taken. Ms Mendoza noted that Thaut was intoxicated during her visit.

4 Richard Sullivan and Candace Sullivan did both admit to a number of items, including
5 that they arrived at Thaut's house shortly after 8:00 p.m., at which time they consumed alcohol;
6 that they were the only individuals in the home with Thaut; that Richard Sullivan and Thaut
7 engaged in a physical fight; and that when the altercation was over, Thaut was on the ground
8 unresponsive in the spot where he was ultimately found dead.

9 Montana State Medical Examiner Gary Dale determined that the cause of Thaut's death
10 was blunt force trauma to the abdomen, which resulted in a large tear to the mesentery
11 (connective tissue to the intestines containing a blood supply) and caused Thaut to internally
12 bleed to death. Dr. Dale noted that this type of injury takes a large amount of force, that this was
13 an injury that would not lead to immediate death, taking a period of time to become fatal, and
14 would have been repairable with prompt medical attention. Dr. Dale noted a substantial bruise,
15 in the shape of a semi-circle, on the right side of Thaut's abdomen. The bruise and injury are
16 consistent with an individual who has been stomped on with great force. Dr. Dale also noted that
17 Thaut had significant injuries to his head and face, including a hard impact injury across his
18 eyebrows and bridge of his nose, resulting in a broken nose, abrasions, and bruising to his
19 eyelids and skin. These injuries are also consistent with a stomping impact. Dr. Dale discovered
20 a significant amount of bruising under Thaut's scalp, evidencing multiple blows to Thaut's head.
21 Dr. Dale examined the linear wound on Thaut's upper right forehead, and determined that the
22 injury was an impact injury that had split the skin, but was not a fatal injury.

23 At some point after Thaut was unresponsive on the floor, Richard Sullivan broke a
24 window in the front door to regain entry into the home. Responding officers did find a small

1 window in the door broken. Richard Sullivan described this in detail in his first interview, and
2 reported that he had called Ms Mendoza after breaking the window to tell her he "owed her a
3 window." Ms Mendoza reported that she received a call from Richard Sullivan, which she did
4 not answer, at 9:41 p.m. Later review of Richard Sullivan's cell phone call log confirmed a call
5 to Ms Mendoza's phone was initiated at 9:40 p.m.

6 During Candace Sullivan's second interview, she reported that sometime *after* Thaut was
7 unresponsive on the floor, she and Richard Sullivan called Richard Sullivan's half brother,
8 Steven Senical. A review of the Richard Sullivan's cell phone call log revealed that the attempts
9 to call Mr Senical started at 10:34 p.m. when there were three apparent misdials of Mr Senical's
10 phone number, mistakenly calling a phone belonging to Andy and Debbie Burwig, in Thompson
11 Falls, Montana. Mrs. Burwig's cell phone number is one digit different than Mr Senical's phone
12 number.

13 Mr Burwig reported that his wife's cell phone received three calls from Richard
14 Sullivan's phone number, the first two of which they ignored. When the third call came in
15 immediate succession, Mr Burwig answered the call, on which a female caller asked for "Steve."
16 Mr Burwig noted that the female sounded very intoxicated and agitated, and repeatedly asked for
17 "Steve" even after being told that there was no Steve present. Mr Burwig reported that a male
18 then got on the phone, who sounded intoxicated, agitated, and "amped up," and asked for
19 "Steve." Mr Burwig again replied that they had the wrong number and that they should not dial
20 drunk, to which the male responded the female hadn't had anything to drink but he had. Mr
21 Burwig reported that the male then said something about "beating up" someone, and that he was
22 sorry for calling the wrong number. When Mr Burwig told the male "no worries" and "have a
23 good night," the male responded that he was "having a great night," that he "was on top of the
24 world," and that he was "Mohammad F***ing Ali!"

1 Richard Sullivan's cell phone call log revealed that after speaking with Mr Burwig, there
2 were four calls made to Mr Senical's correct phone number from 10:38 p.m. to 10:46 p.m.
3 Candace Sullivan reported in her second interview that after calling Mr Senical she and Richard
4 Sullivan drove in their car to Lewis Lane, outside of Hamilton, and picked up Mr Senical,
5 bringing him back to Thaut's house. Candace Sullivan further reported that upon seeing how
6 bad the situation was, Mr Senical left on foot. Mr Senical later contacted HPD Chief Oster, but
7 upon receiving a *Miranda* warning, declined to speak further.

8 Candace Sullivan reported that after Mr Senical left, Richard Sullivan told Candace
9 Sullivan that she could only call 911 if she said that she "did it," and that when she called 911
10 from the house phone Richard Sullivan ran out to the car where he remained until discovered by
11 the deputies. The 911 call was received in the 911 center at 11:20 p.m. While speaking with
12 officers at the scene, Candace Sullivan estimated that Thaut had been unconscious for only 10
13 minutes before her 911 call. During her first interview, Candace Sullivan revised that estimate to
14 20 minutes. However, given her statements in her second interview, and the other evidence, it is
15 apparent that a minimum of 1-2 hours, or more, passed between Thaut becoming unresponsive
16 and the 911 call being made.

17 When Defendant was found in his car outside of the house, the deputies found a number
18 of blood transfers on the interior of the vehicle, particularly in the driver's compartment. Richard
19 Sullivan also had a significant amount of bloodstains and dried blood on his pants and right
20 cheek. No injuries were observed on Richard Sullivan that would explain the amount of various
21 bloodstains and transfers in his vehicle, on his clothes, or in the home.

22 Both Richard Sullivan and Candace Sullivan significantly changed their stories during
23 their successive interviews. When interviewed immediately after the first response, Richard
24 Sullivan denied any knowledge of how Thaut was injured, claiming that after everyone was

1 drinking things started to "get out of control" so he went outside to lay down in his car, only to
2 be awoken by the deputies shining lights in his eyes. Richard Sullivan changed his account
3 multiple times during that interview, finally claiming that Candace Sullivan had come to get him
4 from the car, at which time he had to break the window in the door, observed Thaut on the floor
5 and actually tried to pick him up into the chair, but finally told Candace Sullivan that she
6 "needed to call the cops," before returning to his car and falling asleep. During the course of this
7 interview, Richard Sullivan attempted to slip into his mouth and consume a Xanax medication
8 pill from a plastic baggie, consistent with the baggies and medications delivered to Thaut earlier
9 that evening by Ms Mendoza.

10 When re-interviewed at Richard Sullivan's request two days later, Richard Sullivan
11 changed his story to report that he actually had been involved in a prolonged fight with Thaut on
12 the night of January 28th, which ended with Thaut on the floor unresponsive. Richard Sullivan
13 reported that the fight started over Thaut "sniffing" Candace Sullivan, to which Richard Sullivan
14 took affront. Richard Sullivan described various details of the fight, including that he had
15 punched Thaut multiple times in the face and nose, that Thaut had chased him with a round
16 tipped "cleaver" type knife, but acknowledged that he had not left the home at any time despite
17 the fact that he had the opportunity to do so, that he had shoved Thaut into the wall by the front
18 door causing a hole in the wall (no such hole was present during the search), and that he finally
19 picked up a stereo speaker and threw it at Thaut, striking Thaut in the head, causing Thaut to fall
20 to the ground. Richard Sullivan demonstrated a two-handed overhead throw when describing the
21 stereo speaker.

22 Richard Sullivan reported that Candace Sullivan told him at that time that she thought
23 Thaut "was dead," so Richard Sullivan went into the bedroom and found a towel, which he gave
24 to Candace Sullivan while telling her "where the phone was," and went and laid down in the car.

1 Richard Sullivan later modified his statement somewhat, adding that after being struck by the
2 speaker Thaut had attempted to get up off the ground holding a butter knife, so Richard Sullivan
3 had "punched him" three or four more times, after which Thaut did not get up. Richard
4 Sullivan's hands were viewed, and no injuries consistent with such a use of his fists were noted.

5 Richard Sullivan denied stomping on Thaut, although he admitted to stomping on Thaut
6 in a recent prior fight between the two.

7 During Candace Sullivan's first interview on the same night as her 911 call, Candace
8 Sullivan gave an account of getting mad at Thaut because he grabbed her buttocks, which
9 culminated with her pushing Thaut over a chair, Thaut incurring the head wound, and Thaut
10 thereafter collapsing on the floor. When asked if Richard Sullivan had struck Thaut at any time,
11 Candace Sullivan replied "not to my knowledge."

12 Candace Sullivan was re-interviewed at her request two days later, when she admitted
13 that the first story was not true, but was actually a variation of a fight between Richard Sullivan
14 and Thaut that had taken place the prior Friday night, January 24, 2014. Candace Sullivan
15 reported that the January 28th fight had been between Richard Sullivan and Thaut, but claimed to
16 have no memory of the actual fight details, just what happened before and after the fight.
17 Candace Sullivan reported that after the fight she remembered Thaut ending up on the floor and
18 Richard Sullivan "taking off." Candace Sullivan stated that she had chased after Richard
19 Sullivan and told him that Thaut was seriously injured, at which time she decided to call Mr
20 Senical, because Mr Senical had helped out during previous altercations between Richard
21 Sullivan and Thaut.


22 Candace Sullivan was confronted by Lt Snavelly with the information that Thaut died
23 from blunt force trauma to the abdomen, not the head wound, and Lt Snavelly described the semi-
24 circle bruise found on Thaut's abdomen. Candace Sullivan immediately stated, "maybe Richard

1 stomped on him, is that what you are implying?" Candace Sullivan reiterated that she did not
2 remember the actual fight, but disclosed that Richard Sullivan had "stomped" Thaut's head
3 during the previous Friday night's fight, also in Thaut's home in the living room.

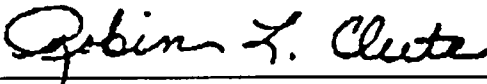
4 Ms Mendoza confirmed that Richard Sullivan had called her on January 24th to let her
5 know that he had just "beat up" Thaut over an issue with Candace Sullivan, and that maybe
6 Thaut should go to the hospital. Ms Mendoza reported that she had checked on Thaut, and
7 observed injuries and swelling to his mouth, but that they decided he did not need to see a doctor.
8 Ms Mendoza reported that Richard Sullivan said he wanted Thaut to go to the convenient care
9 facility because he felt "bad for beating him up."

10 Candace Sullivan admitted during her second interview that while in the Ravalli County
11 Detention Center she and Richard Sullivan had managed to surreptitiously speak for a few
12 minutes, during which time she told Richard Sullivan that she was not going to take
13 responsibility for this, and that Richard Sullivan told her he "knew." Further, Candace Sullivan
14 reported that Richard Sullivan said Thaut fell and hit his head on a speaker, and that the cause of
15 the fight was that Thaut had "smelled" Candace Sullivan's hair.

16 DATED: February 25th, 2014

17 
18 Bill Fulbright, County Attorney

19 SUBSCRIBED AND SWORN to me this 25 day of February, 2014.

20 
21 Robin L. Clute
22 Justice of the Peace
23
24