

RECEIVED
JUL 05 2016
Justice Court

IN THE JUSTICE COURT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF MISSOULA
BEFORE Karen A. Orzech, JUSTICE OF THE PEACE

COPY

Cause No. *CR-2016-633*

STATE OF MONTANA,

Plaintiff,

-VS-

ARREST WARRANT

MARC PALMER,

Defendant.

The State of Montana to any Peace Officer of this State:

Complaint, upon oath, having been this day made before me by JASON MARKS, Chief Deputy County Attorney for Missoula County, that the crime of COUNT I: DELIBERATE HOMICIDE, a Felony, has been committed and accusing MARC PALMER, thereof:

You are therefore ordered, forthwith, to arrest the above-named Defendant and bring him/her before this Court or in the case of my absence or inability to act, before the nearest and most accessible Judge in this County,

**WARRANT CANCELLED
JUSTICE COURT**

JUL 06 2016

DEPARTMENT 2
MISSOULA COUNTY, MT

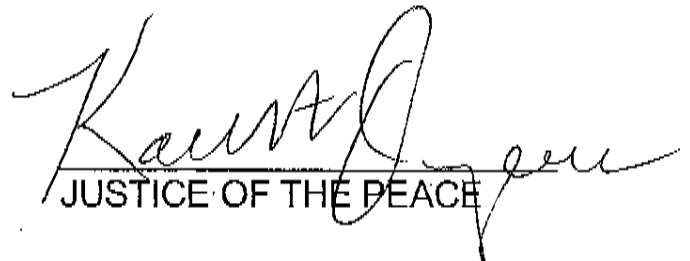
in custody

BENCH WARRANT

or if the arrest is made in another county, before a Judge of the County without unnecessary delay. This warrant may be served day or night.

The Defendant is to be admitted to bail in the sum of \$ 500,000.

DATED this 5th day of July, 2016.


JUSTICE OF THE PEACE

I arrested the above-named Defendant by virtue of this warrant on the _____ day of _____, _____, at _____.

TITLE

JUL 05 2016

Justice Court

JASON MARKS
Chief Deputy County Attorney
KIRSTEN H. PABST
Missoula County Attorney
Missoula County Courthouse
Missoula, Montana 59802
(406) 258-4737
ATTORNEYS FOR PLAINTIFF

IN THE JUSTICE COURT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF MISSOULA
BEFORE, Karen A. Orzech, JUSTICE OF THE PEACE

STATE OF MONTANA,

Plaintiff,

-VS-

MARC ALLEN PALMER,

Defendant,

Department No. 2

Cause No. CR-2016-633

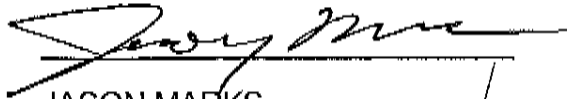
COMPLAINT

JASON MARKS, Chief Deputy County Attorney, and BRIAN LOWNEY, Deputy
County Attorney, depose and say that on or about the 30th day of March, 2016, in
Missoula County, the Defendant committed the offense of COUNT I: DELIBERATE
HOMICIDE, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-102[1],
punishable by life imprisonment or not less than 10 or more than 100 years MSP.

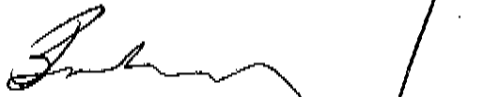
The facts constituting the offense are:

COUNT I: On or about the 30th day of March, 2016, the above-named
Defendant purposely or knowingly committed a forcible felony, Assault on a Minor, by
purposely or knowingly causing bodily injury to Brayden Beal, an infant, and in the
course of the forcible felony the Defendant caused the death of another human being,
Brayden Beal.

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2 DATED this 4th day of July, 2016.

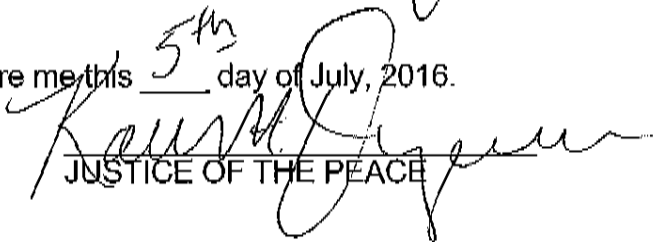
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5 JASON MARKS
6 Chief Deputy County Attorney

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8 

9 BRIAN LOWNEY
10 Deputy County Attorney

11 Subscribed and sworn to before me this 5th day of July, 2016.

12 
13 JUSTICE OF THE PEACE

14 COMPLAINT 16-780

15 DEAN CHRESTENSON, Missoula City Police Dept
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JUL 05 2016

Justice Court

1 JASON MARKS
2 Chief Deputy County Attorney
3 KIRSTEN H. PABST
4 Missoula County Attorney
5 Missoula County Courthouse
6 Missoula, Montana 59802
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9
10 IN THE JUSTICE COURT OF THE STATE OF MONTANA
11 IN AND FOR THE COUNTY OF MISSOULA
12 BEFORE, Karen A. Orzech, JUSTICE OF THE PEACE

13 STATE OF MONTANA,

14 Plaintiff,

15 -vs-

16 MARC ALLEN PALMER,

17 Defendant,

Department No. 2
Cause No. CR-2016-633

AFFIDAVIT OF PROBABLE CAUSE

18 STATE OF MONTANA)
19 : ss
20 County of Missoula)

21 JASON MARKS, Chief Deputy Missoula County Attorney and BRIAN LOWNEY,
22 Deputy Missoula County Attorney, being first duly sworn upon oath, depose and say:

23 I have read the official law enforcement reports regarding the investigation of
24 MARC PALMER for allegedly committing the offense(s) set forth in the complaint and
25 based upon the information contained in the reports, if true, believe probable cause exists
26 to justify charging the above-named defendant as specified in the accompanying
27 complaint.

28 On or about the 30th day of March, 2016, shortly before 8:00 a.m., law
enforcement and medical personnel responded to 1839 Sherwood Street in Missoula

1 after 911 received a call reporting that there was an infant at that address that was not
2 breathing. Upon arrival they were met by Marc Palmer who was holding 5 month old
3 Brayden Beal under the armpits. Brayden was unresponsive. Also present were
4 Brayden's mother, Ginny Peck, and Marc's mother Mary Palmer. Brayden was
5 transported to St. Patrick's Hospital where he was pronounced dead.
6

7 Officers and medical personnel noted suspicious bruising around Brayden's
8 mouth and a tear inside his mouth in the area between his upper lip and front teeth.
9 Missoula City Police began an investigation into Brayden's death. Interviews were
10 conducted with Ginny Peck, Marc Palmer, and Mary Palmer. The residence was
11 searched and baby wipes, with what appeared to be blood on them, were found in in the
12 trash. There was also what appeared to be blood on a pair of pants that had been used
13 for padding in Brayden's car seat.
14

15 Detectives learned that Ginny and Marc, who is not the father of Brayden, had
16 been staying with Mary in her trailer at 1839 Sherwood. The trailer only has one
17 bedroom so Ginny and Marc had been sleeping on a futon in the front room and
18 Brayden had been sleeping in his car seat on the floor near the futon. Everyone agreed
19 that Brayden was alive when they went to bed on the very early morning hours of March
20 30, 2016, and did not have injuries to his mouth. It was also clear from the interviews
21 that the bloody baby wipes had not been in the trash and the pants in Brayden's car
22 seat had been recently washed.
23

24 Ginny told detectives that she went to sleep approximately 1:00 a.m. and that
25 Brayden was seemingly fine at that time. She said she woke sometime around 2:00
26 a.m. and heard Marc saying "knock it off Brayden" and she could hear Brayden fussing.
27
28

1 She said she asked Marc if he wanted her to take over but he told her "I got this." She
2 said he was over Brayden's car seat and she heard what she thought was the sound of
3 the car seat rocking back and forth. She said the next time she woke up it was around
4 7:30 and Marc was telling her that Brayden was not breathing.
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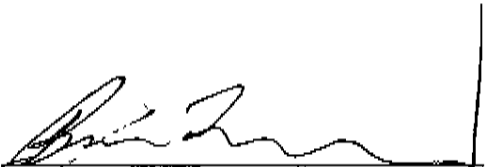
6 Marc was interviewed and told detectives that Brayden had been alive when he
7 went to sleep with Ginny at approximately 1:00 a.m. on the morning of March 30, 2016.
8 He initially claimed that he had slept the whole night and awoke at 7:30 a.m. to find
9 Brayden unresponsive. When asked about the bloody baby wipes, he said that he
10 woke up between 2:00 and 2:30 a.m. with a bloody nose. He said he used the wipes to
11 clean the blood off of his face and went back to sleep.
12

13 An autopsy on Brayden was performed at the Montana State Crime lab. The
14 autopsy confirmed bruising under Brayden's nose and around his mouth as well as the
15 tear inside of the upper lip. There was also bruising discovered on the back of his head
16 that could be consistent with the back of his head being pressed against a hard object.
17 The medical examiner determined that the cause of death was asphyxia by smothering.
18


19 On June 28, 2016, the Montana State Crime Lab completed DNA analysis of the
20 bloody baby wipes that Marc Palmer had told detectives had come from Marc's bloody
21 nose. The blood was in fact a DNA match to Brayden. One of the baby wipes had a
22 second minor source of DNA that could be from Marc Palmer, however, that could not
23 be determined conclusively.
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JASON MARKS
Chief Deputy County Attorney


BRIAN LOWNEY
Deputy County Attorney

SUBSCRIBED AND SWORN TO before me this 5th day of July, 2016.


JUSTICE OF THE PEACE

ORDER

Upon reading the foregoing Affidavit, the Court finds that there is probable cause to believe the above-named Defendant committed the crimes charged.

DATED this 5th day of July, 2016 at 2⁴⁵ a.m./p.m.


JUSTICE OF THE PEACE