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AUG 29 2014

Justice Court

IN THE JUSTICE COURT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF MISSOULA
BEFORE Amy L Blixt JUSTICE OF THE PEACE

STATE OF MONTANA
Plaintiff,

-vs-

SEAN LEE MARCEAU
Defendant.

Cause No. CR-2014-12489-01

COMPLAINT

ANDREW W. PAUL, Deputy County Attorney, deposes and says that on or about the 24th day of August, 2014, in Missoula County, the Defendant committed the offense of:

COUNT I: AGGRAVATED ASSAULT - BODILY INJURY, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-202, punishable by 20 years MSP and \$50,000 fine.

The facts constituting the offense are:

COUNT I: On or about the 24th day of August, 2014, the above-named Defendant purposely or knowingly caused serious bodily injury to Les Gapay by striking him in the eye.

DATED this 29th day of August, 2014.



ANDREW W. PAUL
Deputy County Attorney

Subscribed and sworn to before me this 2nd day of Sept. 2014.


JUSTICE OF THE PEACE

COMPLAINT 14-1877
Missoula City Police Dept DET. FRANKE

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STATE OF MONTANA,
Plaintiff,

-vs-

SEAN LEE MARCEAU,
Defendant.

Cause No. CA-2014-12489-01

AFFIDAVIT OF PROBABLE CAUSE

STATE OF MONTANA)
County of Missoula) : ss

ANDREW W. PAUL, Deputy County Attorney, Montana, being first duly sworn upon oath, deposes and says:

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

On or about the 24th day of August, 2014, police officers responded to Walmart on North Reserve for a report of assault. On scene, Officer Woods made contact with a couple who had witnessed the incident from their car in the parking lot. They both reported that an older man (Gapay) was attacked by a male who pulled Gapay and then punched him in the face. They honked their car horn and the attacker took off running.

Woods then made contact with the victim named Les Gapay. Gapay was about to be transported to the hospital for medical treatment. Woods proceeded to St. Patrick's Emergency Room to speak with Gapay. Woods observed that Gapay had a

1 severe injury to his eye. The eye was dark, completely swollen shut and bleeding down
2 his face. Gapay had abrasions to both his right knee and his right elbow. Woods took
3 photos of the injuries. Gapay said that he was walking out of the Walmart when he saw
4 two males pushing shopping carts. He said that they sounded drunk. One of the males
5 came over and slugged Gapay in the chest. Gapay told the males that he was going to
6 call 9-1-1 and began to walk away. The males grabbed Gapay but he was able to dial
7 9-1-1. When he did so, the two males ran away.
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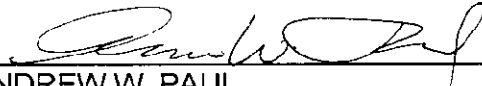
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10 Then, a third male came up from behind Gapay and punched him in the eye,
11 knocking him to the ground. Gapay said his attacker seemed crazed and kept punching
12 him in the face. Gapay described the third male as stocky, about 5'10" and was
13 wearing a white shirt.

14
15 Officer Craigen reviewed video surveillance of the incident. He and other officers
16 were able to identify Sean Marceau (Defendant) as the third attacker who came up from
17 behind Gapay and punched him in the eye. The other two males who initially made
18 contact with Gapay were identified as Eric Thomas and Albert Thomas. Defendant is
19 known to associate with Eric and Albert. Craigen has observed Defendant driving a
20 blue sedan and witnesses to the attack said that Defendant left in a blue car.
21

22 On the 25th day of August, 2014, Detective Franke conducted a follow up
23 investigation. Franke spoke with Gapay at the hospital. Gapay reported that he had a
24 95% chance of losing all vision in his injured eye. Gapay had a ruptured eye globe.
25 Gapay said he might not just lose his eyesight but might lose the eye, altogether.
26

27 Franke reviewed the surveillance footage and found that it was consistent with
28 Gapay's account. On the video, Franke observed Defendant, wearing a white shirt,

1 come up from behind Gapay and punching Gapay in the face. Gapay was knocked to
2 the ground.

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5 ANDREW W. PAUL
6 Deputy County Attorney

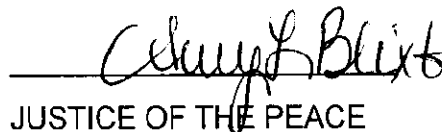
7 SUBSCRIBED AND SWORN TO before me this 2nd day of Sept, 2014.

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9 
10 JUSTICE OF THE PEACE

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12 ORDER

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

16 DATED this 2nd day of Sept, 2014 at 9:50 a.m./p.m.

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20 JUSTICE OF THE PEACE