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APR 04 2017

Justice Court

1 SELENE M KOEPKE
2 Deputy County Attorney
3 KIRSTEN H. PABST
4 Missoula County Attorney
5 Missoula County Courthouse
6 Missoula, Montana 59802
7 (406) 258-4737
8 ATTORNEYS FOR PLAINTIFF

9
10 IN THE JUSTICE COURT OF THE STATE OF MONTANA
11 IN AND FOR THE COUNTY OF MISSOULA
12 BEFORE, Marie A Andersen, JUSTICE OF THE PEACE

13 STATE OF MONTANA,
14
15 Plaintiff,
16
17 -VS-
18
19 MARC BRIAN LAYNE,
20
21 Defendant,

22 Department No. 1
23 Cause No. CR 2017-359

24 **COMPLAINT**

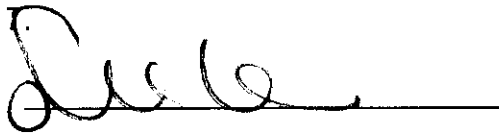
25
26 SELENE M KOEPKE, Deputy County Attorney, deposes and says that on or about
27 the 2nd day of April, 2017, in Missoula County, the Defendant committed the offenses of
28
29 COUNT I: AGGRAVATED ASSAULT - REASONABLE APPREHENSION, a Felony, in
30 violation of Montana law, namely: Mont. Code Ann. 45-5-202, punishable by 20 years
31 MSP and \$50,000 fine; COUNT II: PARTNER OR FAMILY MEMBER ASSAULT - 2ND
32 OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-5-
33 206[2nd], punishable by not less than 72 hours or more than one year MCDF and a fine
34 not less than \$300 or more than \$1000.

35 The facts constituting the offense are:

1 COUNT I: On or about the 2nd day of April, 2017, the above-named Defendant
2 purposely or knowingly, with the use of physical force or contact, caused reasonable
3 apprehension of serious bodily injury or death in Jane Doe by strangulation.
4

5 COUNT II: On or about the 2nd day of April, 2017, the above-named Defendant
6 purposely or knowingly caused bodily injury to Jane Doe, a partner, to wit: pushing his
7 thumbs into her eye sockets, causing injury to the corner of her left eye.
8

9
10 DATED this 4th day of April, 2017.



11
12 SELENE M KOEPKE
13 Deputy County Attorney

14 Subscribed and sworn to before me this ____ day of April, 2017.

15
16 JUSTICE OF THE PEACE

17 COMPLAINT 17-853

18 BOB FRANKE, Missoula City Police Dept
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13 STATE OF MONTANA,
 14 Plaintiff,
 15 -vs-
 16 MARC BRIAN LAYNE,
 17 Defendant,

18 Department No. 1
 19 Cause No. CR-2017-359
 20 **AFFIDAVIT OF PROBABLE CAUSE**

21 STATE OF MONTANA)
 22 : ss
 23 County of Missoula)

24 SELENE M KOEPKE, Deputy County Attorney, Montana, being first duly sworn
 25 upon oath, deposes and says:

26 I have read the official law enforcement reports regarding the investigation of
 27 MARC BRIAN LAYNE for allegedly committing the offense(s) set forth in the complaint
 28 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 2nd day of April, 2017, Missoula City Police Officers Berger,
 Smith, and Gorman responded to Stoddard Street in Missoula for a report of a physical

1 disturbance. Upon their arrival, Officer Berger spoke with the victim, Jane Doe, who
2 reported that her boyfriend, Marc Layne ("Defendant"), assaulted her. Doe stated that
3 she and Defendant were in a verbal argument, and he jumped on her, tackled her off
4 the bed and causing both to fall between the bed and the wall. At that time, Doe
5 described Defendant as all over her, hitting her. Doe described Defendant as then
6 "choking" her, saying "he was literally grabbing me by my esophagus trying to dig in and
7 rip my throat out." Defendant then had his hands around the side of her head and was
8 pushing his thumbs into her eye sockets. Doe stated she tried to push him away, but he
9 started all over again, moving back to her throat. After some time, her roommates, S.P.
10 and G.E. came into the room and pulled Defendant off of her. Doe stated that while she
11 was being strangled, she couldn't breathe and almost lost consciousness. Officers
12 observed redness around Doe's throat and an injury to Doe's left eye socket. Officers
13 also observed that Doe is a petite woman, while Defendant is substantially larger, at
14 approximately 6'4" and 225 pounds.
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18 Officers spoke with S.P. and G.E, who gave very similar statements. Both stated
19 that they heard the argument between Doe and Defendant. S.P. stated that she heard
20 Defendant tell Doe to hit him, and witnessed Doe hit Defendant. S.P. then stated that
21 Defendant went after Doe and started strangling her. S.P. stated that she went to get
22 G.E. and G.E was able to pull Defendant off Doe. G.E. stated that he also observed
23 Defendant with his hands around Doe's neck.
24

25 Defendant was interviewed and told Officer Gorman that he and Doe had been in
26 a relationship for approximately 5 months. Defendant stated that they were in a verbal
27 confrontation about financial issues, and that Doe became increasingly aggressive
28

1 towards him. Defendant stated Doe struck him two times. Defendant said he then
2 pushed Doe off the bed, and Doe tried to hit him again. Defendant stated he was able
3 to block Doe's punch, but she was able to scratch him. Defendant stated he pushed
4 Doe several times and "may have" pushed Doe in the neck region several times
5 Defendant acknowledged that S.P. and G.E. intervened and separated the two.
6

7 Missoula Police Detective Bob Franke met with Doe on April 3, 2017. Doe stated
8 to Det. Franke that she believed she was going to die while Defendant was assaulting
9 her.
10

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12 
13 _____
14 SELENE M KOEPKE
15 Deputy County Attorney

16 SUBSCRIBED AND SWORN TO before me this ____ day of April, 2017.

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18 _____
19 JUSTICE OF THE PEACE
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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 _____ day of _____, 2017 at _____ a.m./p.m.

JUSTICE OF THE PEACE

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