

RECEIVED
FEB 08 2010
Justice Court

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

Cause No. CR-2010-7053-C7

STATE OF MONTANA,

Plaintiff,

-vs-

ROCKY LEE MARCEAU,

Defendant.



COMPLAINT

Betty Wing, Deputy Missoula County Attorney, being duly sworn, deposes and says that on or about the 8th day of February, 2010, at Missoula County, the Defendant committed the offenses of **COUNT ONE: AGGRAVATED ASSAULT**, a Felony, in violation of Montana law: Mont. Code Ann. §45-5-202, punishable by not to exceed 20 years MSP and a \$50,000 fine; **COUNT TWO: ASSAULT - BODILY INJURY**, a Misdemeanor, in violation of Montana law: Mont. Code Ann. §45-5-201, punishable by 6 months MCDF and/or \$500 fine; **COUNT THREE: ASSAULT - BODILY INJURY**, a Misdemeanor, in violation of Montana law: Mont. Code Ann. §45-5-201, punishable by 6 months MCDF and/or \$500 fine.

The facts constituting the offenses are:

COUNT ONE:

On or about the 8th day of February, 2010, the Defendant purposely or knowingly caused serious bodily injury to Wayne Rodriguez by punching and/or kicking him the face and breaking his jaw.

COUNT TWO:

On or about the 8th day of February, 2010, the Defendant purposely or knowingly

caused bodily injury to Frank Rodriguez, Sr. by pushing him to the ground.

COUNT THREE:

On or about the 8th day of February, 2010, the Defendant purposely or knowingly caused bodily injury to Frank Rodriguez, Jr. by hitting him.

DATED this 8th day of February, 2010.



Betty Wing
Deputy Missoula County Attorney

Subscribed and sworn to before me this 8th day of February, 2010.

JUSTICE OF THE PEACE

COMPLAINT 10-293
MCPD Bouchee

RECEIVED

FEB 08 2010

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

Cause No. CR 2010-7053-C2

STATE OF MONTANA,

Plaintiff,

-vs-

ROCKY LEE MARCEAU,

Defendant.

AFFIDAVIT OF PROBABLE CAUSE

STATE OF MONTANA)
 : ss
County of Missoula)

Betty Wing, Deputy County Attorney of Missoula County, Montana, being first duly sworn upon oath, deposes and says:

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

On February 8th 2010, police were called to the parking lot of 150 Grandview. They found three injured and bleeding men and pieces of broken beer bottles on the ground, with pools of blood.

Wayne Rodriguez complained to the police about a broken jaw. He was difficult to understand and was bleeding from the mouth. Frank Rodriguez Sr. had a bleeding cut to his right hand. Frank stated he was waiting for his two sons, Frank Jr. and Wayne, to drive them somewhere when he witnessed a truck back up near the complex. He said "the man in the black shirt" began to argue with Wayne. The man was later

identified as Rocky Marceau. He was with two other people. Frank said he got between Wayne and Rocky but Rocky pushed him down to the ground, and when he tried to get back up they pushed him down again. He was injured from the glass on the ground. Frank stated he watched as Wayne was knocked down. Frank Sr. stated the men were kicking Wayne and Frank Jr. The landlord come out and tried to break up the fight.

Frank Rodríguez Jr. appeared disoriented and had a fresh cut on his head. He also had a small cut on his right elbow and a skid mark on his left forearm with small cuts and dirt on it. Frank appeared to be intoxicated. He stated he was inside the apartment when his young nephew came in and told him "grandpa and dad need your help". When Frank Jr. came out, he saw "the man in the black shirt" (pointing at Rocky) swing and hit Wayne Rodriguez. Frank yelled "What the hell is going on?" The people came at him next, knocked him down and started kicking him. Frank also stated he was hit with a beer bottle but was not sure who did it. He got up, but was knocked down again. Frank stated he did not see much else of what happened because he was curled up on the ground when he was being kicked. The truck left.

Officer Harrington spoke with Rocky Marceau. Rocky had blood on his clothes and would not say how anyone got injured or how he got the blood on his clothes.

Officers found that two women were also involved. Rhonda Morigeau stated she was by the laundry facility when a verbal confrontation about a parking space started. She stated "Brian" was the other male in the truck with Rocky. She had gotten into an argument with a woman. She said she witnessed Brian kick the old man in the face.

Officer Woods responded and talked with Rocky Marceau. Marceau was standing outside the apartment with his girlfriend, Rhonda Morigeau. He had blood on his shirt and on his arms and his knuckles were slightly red. Marceau stated he did not

know how the blood ended up on his shirt. Marceau stated that he was being dropped off at his residence in the complex by his friend, Brian Tucker, from a Super Bowl Party they just had. Marceau explained that he has been having problems with one of his neighbors regarding a parking space at the apartment complex. Marceau stated that a few days before, he was unloading groceries and was parked behind his neighbor. Marceau explained that his neighbor became irate about it, and was "calling [Rocky] out" of his apartment. Marceau stated he moved his vehicle without further incident.

Marceau explained that Tucker had parked behind his neighbor to drop him off. Marceau stated that his neighbor became angry over being "blocked in," and started shouting at Marceau over the issue. Marceau stated that he did not want any problems and was again going to let the issue go. Marceau stated he had his arms full with a pot of hamburger chili and a couple of beers in his hand. Marceau stated that before he turned to go inside his apartment, his neighbor slapped the pot of chili and beers out of his hands. Marceau stated that a female who was with his neighbor started shouting at him, calling him a "Prairie Nigger." Marceau stated he was not really sure what happened after that, but that "people started fighting." Marceau stated that Tucker had driven off by this time and was no longer on seen. Again Marceau said he did not know how he got blood on his shirt or how his neighbors received their injuries.

Darlene Rohn, a resident and employee at Grandview Place Apartments, reported she first heard yelling, and then she heard glass break. Rohn stated that after the glass broke, she heard a female calling someone a "Prairie Nigger." She didn't observe any of the fighting.

Rocky was taken to the detention center. Officer Lang interviewed him. He stated he was approached by his neighbor after parking the truck. His neighbor

accused him of saying something about his wife which the neighbor didn't like. Rhonda attempted to pull him away. Rocky then stated it was "just like chaos." He said one of the ladies picked up a beer bottle and threw it and was not sure if it hit someone. Rocky continued stating they began to push him and call him names such as "spear chucker," and "prairie nigger." From there his landlord came out and broke things up and Brian left the scene. Rocky stated Brian did not get out of the truck. He did not know how he got the blood on his clothes and did not know how anyone got the injuries.

Later the officers interviewed Brian Tucker. He stated he was at 150 Grandview and saw men come up to Rocky and started arguing. Brian said he watched as Rocky made them fall to the ground by punching them. He got out of the truck and went over to Rocky but denied physically participating in the fight.

Betty Wing

Betty Wing
Deputy Missoula County Attorney

SUBSCRIBED AND SWORN TO before me this 8th day of February, 2010.

JUSTICE OF THE PEACE

ORDER

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

DATED this 8th day of February, 2010 at _____ a.m./p.m.

JUSTICE OF THE PEACE