

1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE _____ JUSTICE OF THE PEACE
4

5 STATE OF MONTANA
6 Plaintiff,
7 -vs-
8 EUGENE ALBERT STATELEN
Defendant.

Cause No.

COMPLAINT

9
10 KIRSTEN H. PABST, County Attorney, deposes and says that on or about the 31st
11 day of December, 2014, in Missoula County, the Defendant committed the offenses of
12 COUNT I: ASSAULT ON A PEACE OR JUDICIAL OFFICER, a Felony, in violation of
13 Montana law, namely: Mont. Code Ann. 45-5-210, punishable by not less than 2 years or
14 more than 10 years MSP and \$50,000 fine; COUNT II: ASSAULT ON A PEACE OR
15 JUDICIAL OFFICER, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-
16 5-210, punishable by not less than 2 years or more than 10 years MSP and \$50,000 fine;
17 COUNT III: ASSAULT WITH WEAPON, a Felony, in violation of Montana law, namely:
18 Mont. Code Ann. 45-5-213, punishable by 20 years MSP and/or \$50,000 fine; COUNT IV:
19 PARTNER OR FAMILY MEMBER ASSAULT - 1ST OFFENSE, a Misdemeanor, in
20 violation of Montana law, namely: Mont. Code Ann. 45-5-206[1st], punishable by not less
21 than 24 hours or more than one year MCDF and/or a fine not less than \$100 or more than
22 \$1000; COUNT V: CRIMINAL DESTRUCTION OF OR TAMPERING WITH A
23 COMMUNICATION DEVICE, a Misdemeanor, in violation of Montana law, namely: Mont.
24 Code Ann. 45-6-105, punishable by 6 months MCDF and/or \$1000 fine.
25
26
27
28

The facts constituting the offense are:

COUNT I: On or about the 1st day of January, 2015, the above-named Defendant purposely or knowingly caused bodily injury to Deputy Rio, a peace officer.

COUNT II: On or about the 1st day of January, 2015, the above-named Defendant purposely or knowingly caused reasonable apprehension of bodily injury to, Deputy Dicken, a peace officer by use of a weapon, a motor vehicle.

COUNT III: On or about the 1st day of January, 2015, the above-named Defendant purposely or knowingly caused reasonable apprehension of serious bodily injury in Deputy Rio by use of a weapon, to wit: a motor vehicle.

COUNT IV: On or about the 31st day of December, 2014, the above-named Defendant purposely or knowingly caused bodily injury to Nancy Statalen, a partner.

COUNT V: On or about the 31st day of December, 2014, the above-named Defendant purposely or knowingly destroyed or tampered with a telephone or other communication device to obstruct, prevent, or interfere with: the report to any law to wit: Defendant disconnected Nancy Statalen from 911 when she called to report that he had assaulted her.

DATED this 2nd day of January, 2015.

KIRSTEN H. PABST
County Attorney

Subscribed and sworn to before me this ____ day of January, 2015.

JUSTICE OF THE PEACE

COMPLAINT 15-8

1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE _____, JUSTICE OF THE PEACE

4
5 STATE OF MONTANA,
6 Plaintiff,

Cause No.

7 -vs-

AFFIDAVIT OF PROBABLE CAUSE

8 EUGENE ALBERT STATELEN,
9 Defendant.

10 STATE OF MONTANA)

: ss

11 County of Missoula)

12 KIRSTEN H. PABST, County Attorney, Montana, being first duly sworn upon oath,
13 deposes and says:

14 I have read the official law enforcement reports regarding the investigation of
15 EUGENE ALBERT STATELEN for allegedly committing the offense(s) set forth in the
16 complaint and based upon the information contained in the reports, if true, believe
17 probable cause exists to justify charging the above-named defendant as specified in the
18 accompanying complaint. The following is taken from the report of Missoula City Police
19 Detective Guy Baker:
20

21 On December 31, 2014 at approximately 11:35 pm, Sheriff's Deputies Uriarte
22 and Dicken responded to 7305 Grooms Rd to a report of a partner family member
23 assault. Upon arrival, they contacted the complainant, NS who appeared very shaken
24 up. Deputies noticed the home was in shambles with multiple pieces of furniture
25 upended and apparently thrown around the residence. They noted beer cans thrown
26 around and spilled on the kitchen floor. NS was crying and said that the defendant, her
27 husband, had been drinking and had become violent.
28

1 NS said that the defendant started drinking earlier in the day. He became upset and
2 began throwing things around the house, at one point throwing beer cans at her. At one
3 point he grabbed her by the lapel of her jacket, picked her up and slammed her into a
4 wall three times and told her he was going to kill her.
5

6 NS described the defendant banging her head against a wall and attempting to stop her
7 from calling 911 by taking her phone away and disconnecting the call. She said she
8 had bumps on her head but did not want to be taken to the hospital. She recalled him
9 asking her to tell his parents that she killed their son.
10

11 The defendant left the residence in the couple's vehicle. NS said she was in fear for her
12 life and that after he left, she was concerned that he would kill her or someone else.

13 Deputy Birket was dispatched, along with other deputies, to 7305 Grooms Road, in
14 Missoula County to respond to the domestic disturbance. Because the male had left the
15 home in a vehicle, Birket was able to reach him by phone. She noticed that he was
16 slurring his words and sounded intoxicated. He told her he was walking and gave
17 different versions of where he was supposedly walking. He admitted to drinking and
18 admitted to being in a fight with his wife. The defendant then disconnected the call and
19 neither Birket nor 911 could get him back on the line.
20
21

22 A moment after midnight, Deputy Jace Dicken reported the he had located the
23 suspect's vehicle.

24 At 4 minutes after midnight, Rio radioed that the defendant attempted to run him
25 over and that shots had been fired. Sergeant Rio had shot the suspect, Eugene
26 Statelan, twice after Statelan had attempted to strike Sergeant Rio with his vehicle.
27
28

1 Statelan had sustained gunshot wounds to the shoulder and the head and he had been
2 transported to Saint Patrick Hospital.

3 Sgt. Rio said that his left leg was sore and painful. Deputy Prather saw redness,
4 bruising and a minimal amount of blood on Rio's left leg above the boot line. Rio's pant
5 legs were covered in burs and there was snow packed inside his holster and between
6 the holster and belt. Rio was examined at the hospital and then released.

7 According to procedure, because the case involved a Sheriff's deputy, the Missoula
8 Police Department has been handling the investigation. The case was assigned to
9 lead-Detective Guy Baker. Baker reported the following, in part:
10

11 On January 1, 2015, at about 0100 hours, I was contacted by Detective Captain Mike
12 Colyer and advised of an officer involved shooting involving the Missoula County
13 Sheriff's Department. Captain Colyer advised the incident had occurred in the Evaro Hill
14 area of Missoula County after deputies had responded to a domestic disturbance and
15 then the suspect had been involved in a pursuit. Captain Colyer advised the shooting
16 occurred at the end of the pursuit after the suspect had attempted to strike one of the
17 deputies with his vehicle. Captain Colyer advised the sheriff had requested the police
18 department investigate the incident and that I would be the lead investigator assigned
19 the case.
20
21
22

23 On January 1, 2015, at about 0150 hours, I arrived at the police department and I
24 met with Detective Lieutenant Bob Bouchee, Detective Sergeant Jim Klawitter and
25 Captain Colyer and was briefed about the incident. I was advised there were two
26 deputies, Sergeant Tony Rio and Deputy Jace Dicken, involved in the pursuit and
27 subsequent shooting at 7473 Grooms Road and that Sergeant Rio had shot the
28

1 suspect, Eugene Statelan, twice after Statelan had attempted to strike Sergeant Rio
2 with his vehicle. I was advised Statelan had sustained gunshot wounds to the shoulder
3 and the head and he had been transported to Saint Patrick Hospital. It was also learned
4 the domestic disturbance had occurred at Statelan's residence at 7305 Grooms Road.
5

6 On January 1, 2015, at about 0215 hours, Captain Colyer and I went to the Missoula
7 County Sheriff's Department and met with Sergeant Rio and Deputy Dicken. . . It should
8 be noted that at 0001 hours on January 1, 2015 Sergeant Rio became the Professional
9 Standards Captain. I asked Captain Rio and Deputy Dicken if they would be willing to
10 provide a brief statement regarding what had occurred and both agreed to do it.
11

12 . . .

13 While we were at the sheriff's department, Captain Colyer and I also viewed the
14 recorded video from Deputy Dicken's patrol unit that documented the pursuit and
15 subsequent shooting. Captain Rio's video was unavailable because his vehicle was still
16 at the crime scene. I noted the video documented Captain Rio and Deputy Dicken
17 pursuing Statelen's 2003 GMC Yukon on Grooms Road and then into the driveway of
18 7473 Grooms Road. At the end of the long driveway Statelan turned around and then
19 drove towards Captain Rio, who had stopped and exited his vehicle and then pointed
20 his duty weapon at Statelen's vehicle as it approached him. Statelan does not stop and
21 Captain Rio moves from the front of the vehicle towards the passenger side of the
22 vehicle as it drives past him. Captain Rio moves alongside the vehicle as it approaches
23 Deputy Dicken's vehicle. Statelen's vehicle drives off the plowed portion of the road and
24 passes Deputy Dicken on the driver side of his vehicle. As Statelen's vehicle drives past
25 Deputy Dicken's vehicle, Captain Rio fires the first shot and then after Statelen's vehicle
26
27
28

1 is no longer in view, Captain Rio fires the second shot. The two shots are fired within
2 about 2-3 seconds of each other. Captain Rio is not within view of the camera when the
3 first shot is fired because Statelen's vehicle is between him and Deputy Dicken's
4 vehicle, but Captain Rio is in view of the camera when the second shot is fired.
5

6 . . .

7 On January 1, 2015, at about 0457 hours, Captain Colyer and I conducted an audio
8 recorded interview with Captain Rio in the Family Room of the Emergency Department.
9 Captain Rio stated he had responded to the area of Grooms Road to assist Deputy
10 Dicken after he located Statelen's vehicle on Mercer Lane near its intersection with
11 Highway 93 North. Captain Rio stated a pursuit resulted after Statelen attempted to flee
12 from them. Captain Rio stated they pursued Statelen onto Grooms Road and he passed
13 his residence and then turned left at a "Y" intersection west of his residence. Captain
14 Rio stated Statelen continued to the end of the road and then he turned around. Captain
15 Rio stated because his wife was riding with him, he did not block the road with his
16 vehicle and instead parked his vehicle and then exited it in an attempt to apprehend
17 Statelen.
18
19

20 Captain Rio stated he positioned himself in front of Statelen's vehicle and as he
21 pointed his duty weapon at Statelen, he ordered him to stop his vehicle. Captain Rio
22 stated Statelen did not obey his command and drove the vehicle directly at him. Captain
23 Rio stated he recalled touching the front of the vehicle's hood as it came at him and
24 then he lost his footing due to the icy surface. Captain Rio stated he moved towards the
25 passenger side as the vehicle continued towards him and attempted to open the
26 passenger door. Captain Rio stated he was then dragged by the vehicle as it continued
27
28

1 towards Deputy Dicken's vehicle and he became concerned that he was going fall down
2 and be run over by the vehicle. Captain Rio stated he fired his duty weapon through the
3 passenger door window before he fell to the ground. Captain Rio stated he quickly got
4 to his feet and fired a second round through the rear window of Statelen's vehicle.
5

6 Captain Rio stated prior to exiting his patrol vehicle, he pulled to the left side of the
7 driveway because he thought Statelen was going to cause a head-on collision as he
8 was turning around. Captain Rio stated he was concerned about Statelen getting back
9 out on Grooms Road and that prompted him to exit his vehicle and confront Statelen in
10 an attempt to stop him. Captain Rio stated while he was being dragged he was fearful
11 he was going to be run over by the vehicle's rear tire and concerned that he could die
12 as a result. Captain Rio stated he was positive Statelen saw him while he was
13 positioned in front of the vehicle because they looked at each other and it was his
14 opinion that Statelen had no regard for his safety. Captain Rio stated he was
15 experiencing pain in his left wrist, left hip, left shin and stomach area as a result of the
16 incident.
17
18

19 The investigation continues.
20
21

22 _____
23 KIRSTEN H. PABST
24 County Attorney

25 SUBSCRIBED AND SWORN TO before me this ____ day of January, 2015.
26
27

28 _____
JUSTICE OF THE PEACE

1
2 ORDER
3

4 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to
5 believe the above-named Defendant committed the crimes charged.
6

7 DATED this _____ day of _____, 2015 at _____ a.m./p.m.
8

9 _____
10 JUSTICE OF THE PEACE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28