

Affidavit in Support of WARRANTLESS ARREST

Golden Police Case # 11-0108

COPY

Officer P O'Leary (06/22/78)
Defendant

Our Affiant, Detective Stacy Galbraith, of the Golden Police Department, being duly sworn upon oath says that the facts stated herein are true.

Our Affiant is a detective with the Golden Police Department and has been a sworn peace officer with Golden Police Department since 8/2003. Your Affiant is currently assigned to the Investigations Section since 1/2007. Your Affiant's primary responsibilities include investigation of crimes against persons, as well as property. Your Affiant has personal knowledge of the facts contained within this affidavit based upon personal involvement, and personal conversation with witnesses, informants, and other police officials, and by reading official police reports.

On 01/05/11 at 1309 hours, Golden Police officers responded to [REDACTED] on report of a cold sexual assault. Detective Galbraith spoke many times with the victim, [REDACTED] (06/18/84). [REDACTED] was awoken by a masked man displaying a silver and black handgun in her bed at about 0750 hours. The man told her he would shoot her if she screamed. He sat on her back to gain control of her. [REDACTED] told me the perpetrator initially used the "f-word" a lot, but then stopped after control was established. [REDACTED] opted to fully cooperate and was subsequently sexually assaulted by the unknown perpetrator until about 1200 hours.

The perpetrator told [REDACTED] he had been watching her since August 2010 when he saw her through her patio door. He told her he had been in her apartment without her there several times. He knew she was a [REDACTED] and what her major was, as well as her name, DOB, vehicle and vehicle plate. The perpetrator also knew info about [REDACTED] roommate who was in [REDACTED] at the time of the sexual assault.

[REDACTED] described the perpetrator as being a white male appearing to be "35-ish" in age. She estimated he was 5'02"/180 lbs. During the interview conducted with [REDACTED] 01/06/11 she reported the perpetrator to be chubby. She had previously spoken of a small belly that protruded to about the size of a 2-3 month pregnant belly. He wore a black wrap-like mask that covered his head and face, though exposing his eyes. His eyes were hazel or possibly brown with green in them. [REDACTED] thought one eye appeared to possibly be higher or larger than the other. His eye brows were possibly light brown or blonde. His arms and legs were not very hairy and any hair was light brown or blonde in color. His pubic area was shaved, but appeared to have also been blonde in color. Though the perpetrator never fully removed his mask, [REDACTED] could tell, due to the thin fabric, that his lips were more full in shape versus thin.

During a latter part of the assault, the perpetrator had his pants completely off as he assaulted [REDACTED] recalled an egg-shaped birthmark on his right leg. The mark was on the outside of his calf and right below the knee. The mark was brown in color, but not the same color throughout. [REDACTED] drew the mark during interview and it was oval in shape, about 2" by 3".

[REDACTED] made it her goal to obtain as much information about the perpetrator as possible. She talked with him and asked him questions. [REDACTED] got the impression he was an educated man. He expressed an interest in mathematics and talked about others believing it to be logical and code, though he found it to be chaos. The perpetrator talked about people in society wearing masks to not reveal who they really are. [REDACTED] got the impression the perpetrator may have been military. He talked about his world consisting of "bravos and wolves," but [REDACTED] had no reference for these terms. She asked him if he was in the military and he replied, "You can say that." He told [REDACTED] he spoke multiple languages and has traveled to many different countries. He did not speak any language other than English during his contact with [REDACTED]

The victim reported that the perpetrator attacked her as she slept. He presented himself through a surprise attack

displaying a handgun. He threatened the victim that he would shoot if she screamed. The victim did not resist and complied. The perpetrator used items he brought with him in a large black backpack to facilitate the assaults. In the backpack were high heeled shoes, thigh high stockings, lubrication, wet wipes and bottled water. She was loosely bound at the wrists with a silk band she identified as her own, which had been assumedly misplaced about a month prior.

The perpetrator spent about 4 hours alone with the victim sexually assaulting her in phases. He dressed her in thigh highs and high heels he brought with him and had her apply eye shadow and lipstick, as well as put her hair into pigtails on the sides. He photographed her in provocative poses as he directed with a pink Sony camera. He fondled her breasts and vagina. He digitally penetrated her rectum. She was made to perform oral sex on him and then vaginal intercourse without use of a condom. This series of assaults cycled twice, though he photographed throughout the assault. He then covered the bed with plastic and a towel and had the victim lay her head on the area while he masturbated himself and ejaculated on her face.

The perpetrator used a wet wipe from his own kit to clean the semen from the victim's face. He then showed her how to better secure her sliding glass patio door by using a wood stick on the track. He then instructed her to shower and wash herself with soap, also brush her teeth with toothpaste. He made sure she followed these instructions.

The last time the perpetrator checked on the victim in the shower he told her he was hiding her phone and to stay in the shower for ten more minutes. When the victim exited the shower she found the perpetrator was gone. With him he took her bed sheets, pajamas and panties, as well as the items he brought in with him. The victim located her cell phone under her living room couch cushion and called her boyfriend and the Police.

A tip led to the investigation of [REDACTED] (07/20/75), a [REDACTED] student fitting the suspect description. [REDACTED] viewed a Facebook photo of [REDACTED], which showed a mark on his leg. [REDACTED] recalled the dim lighting and felt it was a birthmark or possibly a tattoo on the perpetrators leg. The picture had poor lighting and a bad angle on the mark on [REDACTED]. [REDACTED] found the mark to be consistent in size, shape and color, but thought it might be a little lower than she recalled the mark being. Your Affiant applied for and was granted a search warrant to put a tracking device on the vehicle of [REDACTED].

The tracker was installed on 01/20/2011 and did not render any activity suspicious in nature. [REDACTED] was interviewed by Your Affiant on 02/10/11 on CSM campus. He cooperated with the interview, allowed photographs of his face and his mark on his right leg, which is a blue circular flame tattoo.

[REDACTED] cell phone call and cell site location records were obtained by Your Affiant. They were analyzed per the GPS coordinates. They indicate the cell phone was in Vail, CO at the time of the Golden assault, in Golden at the time of the Lakewood and Westminster assaults. [REDACTED] reported he was in Vail, CO skiing on 01/05/11 and injured his knee to the degree he will require surgery. He provided a DNA sample to Your Affiant, which was submitted to CBI for comparison. The tracking device was removed from [REDACTED] vehicle on 02/10/11. On 02/12/11 I received a report from CBI Crime Lab reporting [REDACTED] as been excluded as a donor for the partial DNA profile developed from the facial swabs from the face of the Golden victim, [REDACTED].

Golden Police Department recovered shoe prints from the snow on the patio and the bedroom of Golden victim, [REDACTED]. The photos were submitted to www.crimeshoe.com and a likely identification was made. There were shoe prints in damp soil recovered from the Lakewood crime scene, which appear consistent with the prints in the Golden case. Westminster Police Department recovered what they believe to be a glove print from the railing of the Westminster victim's patio railing. The honeycomb pattern appears consistent with the pattern collected from the Lakewood crime scene.

Aurora Police Department had a similar sexual assault on 10/04/09 with a similar suspect description. The case is documented in Aurora CR 09-40532. The victim in the Aurora case, [REDACTED] (081944), did not see the perpetrator's legs to potentially identify the mark as [REDACTED]. The assault occurred at [REDACTED] residence located at [REDACTED]. Details of the assault included:

- Threatened gun, none seen
- Suspect description: White male, 20's in age, 6'00", stocky, well-endowed, soft-spoken, polite, clean smell
- Suspect clothing: White t-shirt, green khakis pants, gloves, unknown jacket, mid-thigh boxer briefs
- Suspect mask: Black wrapped scarf, not balaclava
- Suspect body hair: Shaven/fine hair
- Victim was sleeping at night, Suspect sat on her back
- Suspect kit: Large black backpack, flashlight, dildo, lubricant, ribbon binding
- Bindings: Loose in front
- Sex acts: Digital, dildo, penile/vaginal, oral on suspect, did not ejaculate
- Photographed and threatened to post on internet in victim reported
- Suspect took bedding, victim's clothes and cell phone with him
- Victim was cold and was covered by the victim's blankets by the suspect
- Victim ordered to shower and brush teeth
- Suspect left while victim was bathing

██████████ reported to Aurora Detective Scott Burgess that she is missing the following items, which she believes were taken by the perpetrator:

- A solid pink fitted sheet and two matching pillow cases
- A white t-shirt with ██████████ letter in purple and gold colors
- A pair of white "granny panties"

Westminster Police Department had a similar sexual assault on 08/10/10 with a similar suspect description. The case is documented in Westminster CR 10-13707. The victim in the Westminster case ██████████ (08/05/51), did not see the perpetrator's legs to potentially identify the mark as ██████ did.

- Threatened gun, none seen
- Suspect description: white male, 30-35 in age, 5'10", muscular arms, well-endowed, clean smell
- Suspect clothing: White t-shirt, gray sweat pants with holes in knees
- Suspect mask: Black ski mask, watch cap, uncertain
- Suspect body hair: Light in color
- Victim was sleeping at night, Suspect sat on her back
- Suspect kit: Zippered bag, dildo, wet wipes, thigh high stockings, twine, lubricant, bottles water
- Bindings: Loose in front with twine or string
- Sex acts: Vaginally and anally- numerous, ejaculated on victim's face
- Photographed and threatened to post on internet if victim reported
- Items taken of victims: pink Sony Cybershot camera, bedding, clothing, used wet wipes, a used wash cloth and money from her safe
- Dressed victim in thigh highs and high heels
- Ordered victim to shower and brush teeth
- Suspect left while victim was bathing

Victim ██████████ reported to Aurora Detective Edna Hendershott that she is missing the following items, which she believes were taken by the perpetrator:

- Pink Sony Cybershot camera
- Nightgown with blue and yellow floral pattern
- Women's panties
- Green satin pillow cases, green sheets

Both the Westminster and Aurora victims provide the same basic description of the perpetrator, though the Golden victim provided much more detail as provided above.

All three agencies have submitted their cases to Violent Criminal Apprehension Program's (ViCAP) national database for data analysis and comparison to a string of 13 serial sexual assaults on Kansas college students from 2000 to 2008.

issues are outstanding/open and have not been solved.

Colorado Bureau of Investigations Crime Lab analyzed items submitted by each agency. Partial male DNA profiles were found on the face swabs of the Golden victim, a teddy bear handled by the perpetrator in the Aurora case and a kitchen timer recovered in the Westminster case. Deoxyribonucleic acid (DNA) analysis utilizes polymerase chain reaction technology (PCR) to analyze short tandem repeats (STRs). It may also be used to analyze STRs on the Y chromosome (YSTRs). The Y chromosome is present in male DNA. These partial profiles have been compared to one another and match. The partial profiles cannot be entered into the DNA computer, CODIS, for potential identification, but can be used for elimination purposes and paternal DNA comparison purposes.

An additional similar case has been identified as occurring at [REDACTED] in the early morning hours of 07/06/10. This is documented in Lakewood Police CR 10-68275. On 01/31/2011, Federal Bureau of Investigation (FBI) Special Agent (SA) Jonathan Grusing and Lakewood Police Department (LPD) Agent Gregg Slater interviewed [REDACTED] age 47, who resides [REDACTED]. The purpose of the interview was to determine [REDACTED] activities prior to the assault that occurred at her residence on 07/06/10. [REDACTED] recounted the details of the assault that occurred in her bedroom at approximately 2:33 am. [REDACTED] was awakened by a noise and confronted by her bedside by a man wearing a black mask and threatening her with a curved knife. The man, hereafter referred to as the attacker, told [REDACTED] "Shut up. Shut the fuck up or I'm going to hurt you." He ordered [REDACTED] to lie down on her stomach on the bed and he straddled her back. The attacker ordered her to give him her right arm. When [REDACTED] gave the attacker her right arm, he began tying it with some type of rubber cord. [REDACTED] began calling for [REDACTED] her spiritual advisor, and the attacker again ordered her, "Shut the fuck up." When [REDACTED] complied with the attacker's orders, he became calm. The attacker then asked [REDACTED] if someone else was in the house and he got up from the bed before he continued binding her. When the attacker left the bedroom [REDACTED] opened her window and screen and dove into her yard. She ran to the house of her next door neighbor, [REDACTED] and [REDACTED] called the police.

[REDACTED] recounted her activities on 07/05/10 and 07/06/10 to the interviewing Agents. She stated that she left her garage door slightly open so her cat could enter when she left the house on 07/05/10 at around 8:00 pm. [REDACTED] returned from a social function in Boulder to her residence at about 10:30 pm. She noticed the garage door had been closed. [REDACTED] went to bed at around midnight before she remembered that she left a bag of ice in her car that was parked in the driveway. When [REDACTED] attempted to operate the garage door with her remote, she found the door did not operate. [REDACTED] entered through the front door and made certain the doors were locked. [REDACTED] could not force the door from her house to the garage to fully engage the lock. She went to bed and was awakened by the attacker.

[REDACTED] described her attacker as a white male in his late twenties, about six feet tall, with muscular shoulders, blue or possibly green eyes, light-colored eyebrows and a swimmer's build. He wore a shiny black mask, possibly made of silk or satin, which left an opening for his eyes and hung loosely down past his neck. The attacker had smooth, tan skin around his eyes. [REDACTED] had the impression that the attacker was either military or police based upon his demeanor and the way he held the knife.

[REDACTED] told interviewing Agents that she believed the attacker had stalked her for the past few months. She had a feeling for about two months prior to the attack that she was being watched through her bedroom window from the backyard. When LPD officer Sheri Shimamoto processed the crime scene on 07/06/10, she recovered footprints from an athletic shoe on the ground under the northwest bedroom window of [REDACTED] which faced her backyard, on the garage floor and the kitchen floor. LPD Officer Shimamoto also observed impressions with a honeycomb shape on the windows of the sunroom that faced the backyard and on the northwest bedroom window.

[REDACTED] further stated that when she attempted to log on to the internet on her laptop computer for two months prior to the attack, the sign-on "Pure evil" popped up to replace her normal sign-on. She asked friends to remove the signal from her computer, but they advised they could not. After [REDACTED] returned from the hospital, she found the "Pure evil" signal to be gone.

On 02/08/11, SA Grusing and other FBI Agents conducted a neighborhood survey on [REDACTED]

hat broadcasted a signal of "Pure evil" in July 2010.

also stated during her interview that she suffered broken ribs, a punctured lung and fractured vertebrae from the attack. She spent three weeks in the hospital before returning home. When returned to her residence, she walked through her backyard and found her kitchen knife stuck in the ground near her back fence. last knew that knife to be in her kitchen drawer in April or May 2010. returned to check her kitchen drawer and determined that her knife was missing. The knife was collected by LPD officers on 08/16/10 and sent to the Colorado Bureau of Investigation for analysis.

On 02/10/11, LPD Analyst Danelle Digioso informed SA Grusing that LPD received a call of a suspicious vehicle being parked at 06/14/10 at 10:49 pm. The reporting party advised LPD that a white pickup, Colorado license plate was a suspicious vehicle parked on the street. LPD dispatch queried the plate and found the white 1993 Mazda pickup to be registered to Marc OLeary, listing an address of , Lakewood, Colorado. Digioso further informed that an LPD officer responded to the address and found the truck unoccupied and cleared the license plate. Through the neighborhood survey, SA Grusing knows that within one-half block of residence and is adjacent to the field that opens to backyard.

There were shoe prints in damp soil recovered from the Lakewood crime scene, which appear consistent with the prints in the Golden case. Westminster Police Department recovered what they believe to be a glove print from the railing of the Westminster victim's patio railing. The honeycomb pattern appears consistent with the pattern collected from the Lakewood crime scene.

There are no known items missing and presumed taken by the perpetrator in the Lakewood case. A knife was located on a later in the backyard of the victim, which she said she did not put there, but did identify as one of hers. It was collected and has been submitted to CBI for DNA analysis.

On 02/10/11, Analyst Digioso further supplied information that the Mazda truck owned by OLeary was captured on film by an automatic license plate-reading (LPR) device on 09/08/10 at 2:13 pm at Lakewood, Colorado. The LPR also captured the truck on 08/10/10 at 8:49 am at 1st Avenue and Wadsworth Boulevard and on 11/19/10 at 6:52 pm at 10th Avenue and Sheridan Boulevard. An LPR is a device a patrol vehicle is equipped with to read and run license plates automatically for the potential detection of stolen vehicles and plates. It reads all plates within the equipment's sight, as well as captures a photograph.

A surveillance camera was in the area of the entrance to at the time of the Golden assault. Footage was reviewed by Golden Detective Matt Cole. He located a white Mazda pickup in the footage at least 10 times between the hours of 0000 – 0600 hours on 01/05/11. "MAZDA" appears in dark letters on the right side of the tailgate. At this point the plate has not been enhanced to provide the digits for identification. In the footage the right side-view mirror on the white truck is bent inward and slightly upward.

Colorado Department of Motor Vehicle (DMV) records indicate that CO plate is on a white 1993 Mazda pickup truck and is registered to Marc OLeary (06/22/78) at . The Vehicle Identification Number (VIN) is . Law enforcement accessible public record databases show OLeary's residence at . On 02/10/11 Colorado Bureau of Investigations Agent Doug Pearson and FBI SA Jonny Grusing drove by , Lakewood, CO and observed the Mazda truck bearing CO plate in the driveway of the house. Both noted that the right side-view mirror was pushed inward and upward just as the Mazda truck mirror in the surveillance footage captured at the time of the Golden assault.

Random surveillance through apartment complex has not located a vehicle similar to the white Mazda with the bent in side mirror on the surveillance footage.

Your Affiant, with the assistance of FBI, CBI, Aurora PD, Westminster PD and Lakewood PD conducted research into Marc Patrick OLeary (06/22/78). OLeary holds a Colorado drivers license under CO . The

Records described him as [redacted], 220 lbs, [redacted] [redacted] [redacted] [redacted]. He was in the reserves from 2006-2009. At this time more research is being done into his training and deployment locations from 2002-2009. He has been to Korea twice. He was associated with 11 Bravo-Infantry and E5-Sergeant. He is eligible for reenlistment.

Online searches for "Mark O'Leary porn" turned up a cached page under www.teensexhub.net. The domain name TEENSEXHUB.NET has a registrar listed as Marc O'Leary, 23503 47th Pl W, Mountlake Terrace, WA 98043. It shows to be registered through RED BUS DOMAIN NAMES and was created on "18-Sep-08." The administrative and technical contact is listed as Marc O'Leary 23503 47th Pl W, Mountlake Terrace, WA 98043 ([redacted]). Law enforcement accessible public record searches list this address for Marc O'Leary in Snohomish County from November 2006-July 2009. Domain servers are "NS1.COLO-CATION.COM" and "NS2.COLO-CATION.COM." Information available on the cached page provides that both domain servers are on the same IP network and has one IP address, 66.244.152.167. Additional research is being conducted by investigators with specialized training in computer evidence.

Marc O'Leary's current address at [redacted] Lakewood, CO was checked for O'Leary's vehicle on 02/10/11 and it was in the driveway. The passenger side-view mirror was consistent with that of the one in the surveillance footage in the image from the plate reader. A warrant for a tracking device was obtained by Your Affiant on 02/11/11 and a tracker was installed on 02/11/11. The tracking device and additional surveillance efforts place Marc O'Leary coming and going routinely from the residence at [redacted].

On 02/11/11 a surveillance team followed a male and female from [redacted] to a restaurant where 2 drinking cups were collected after the couple left. The male and female drank from them. They were submitted to CBI on 02/11/11 for analysis and comparison to the partial DNA collected from the Aurora, Westminster and Golden crime scenes. A surveillance team knocked on the door of [redacted] St after the couple left. A male, identifying himself as Marc O'Leary answered the door. The true nature of the contact was not revealed by agents. Marc O'Leary reported he and his brother, [redacted], have shared the residence since July 2010. Surveillance agents have seen two males and one female associated with the residence.

On 02/12/11 Your Affiant was provided a report from CBI Crime Lab. The report states that a large cup submitted on 02/11/11 reports male DNA. YSTR analysis was conducted to compare the YSTR result to the previously developed YSTR result obtained from the face swabs from Golden victim, [redacted]. The YSTR profile from the cup matched the profile developed from the face swabs at 7 loci. Therefore, the donor of the YSTR profile developed from the cup and all of his paternal male relatives are not excluded as potential DNA donors to this partial YSTR profile. CBI used a published YSTR DNA database to determine the partial profile observed as the following: 3 in 4114 Caucasians (99.8% excluded), 2 in 1931 African Americans (99.7% excluded) and 0 in 1601 Hispanics (99.8%).

[redacted] O'Leary has been identified as [redacted] O'Leary (091580), standing 6'2", weighing 230 lbs, with sandy and blonde hair and green eyes. This is from his valid Colorado drivers license documented under license number [redacted]. Law enforcement accessible records indicate [redacted] O'Leary has lived in Colorado mostly, but also in Florida and Nebraska. His most current address is [redacted] on the address report, however Marc O'Leary reports him to reside at [redacted] with him. To date there have been no records located indicated he has ever been in the military.

The father of [redacted] and [redacted] O'Leary has been identified through records as [redacted] O'Leary (101548). He holds a current Arizona driver's license. His DOB puts him at 52 years of age, much older than the description of the perpetrator of the crimes in these cases.

Your Affiant believes material evidence for exists within the residence, vehicles and potential storage and trash receptacles on premises at [redacted], Lakewood, Jefferson County, CO. This premise is a single family dwelling. Jefferson County Property Assessor website reported the dwelling as having 2 bedrooms and 1 bath. Active surveillance reports the residence has a fence around the property. There is a chain-link gate that can close the property from entrance and exit which extends across the driveway. The house itself has light gray siding and a one-car attached garage. A mailbox in front of the residence displayed in black the numbers [redacted] on it. The vehicle

██████████ Your Affiant requests the search not be limited to only the vehicle registered Marc O'Leary, but to include search of any and all vehicles on the premises of ██████████, Lakewood, Jefferson county, Colorado.

our Affiant respectfully requested a warrant to be issued to search the locations for the following evidentiary items including, but not limited to:

- Material evidence developed by thorough crime scene investigations, including but not limited to: Still and video photographing, trace material of every kind such as fibers, hair, body fluids including semen, latent prints and objects on which they are found; documentary evidence tending to establish identification and residency including but not limited to lease agreements, keys, bills, receipts and other indicia for Marc O'Leary.
- Indicia with the names: ██████████ or other documentation or records pertaining to them or their addresses; photographs, memory cards or electronic media containing their images or images of other potential unknown victims.
- Items missing from the victims in the cases described above: Pink Sony Cybershot camera, nightgown with blue and yellow floral pattern, women's panties, green satin pillow cases, green sheets, a solid pink fitted sheet and two matching pillow cases, white t-shirt with ██████████ letter in purple and gold colors, a pair of white "granny panties," hot pink sheet, snowflake pajamas, black silk-like bindings
- White t-shirt (possibly with coloring on the front), gray sweatpants with holes in the knees, green-ish khaki pants, gray hoodie, black mask, cap or combination thereof, gloves or other item with a honeycomb pattern or imprint, black Adidas shoes with white stripes
- Zippered bag or backpack, items of rope, string, twine or other material that could be fashioned as a ligature; dildo, personal/sexual lubricant, water bottle, wet wipes, thigh high nylons or stockings, vibrator, black camera.
- Cameras, video recording equipment, storage media, photographs or sexually explicit movies, cellular telephones, CD's, DVD's.
- Electronic data processing and storage devices, computers, and computer systems including central processing units; internal and peripheral storage devices such as fixed disks, external hard disks, floppy disk drives and diskettes, compact discs, DVD discs, ZIP discs, Super disks, tape drives and tapes, cartridges, optical storage devices or other memory storage devices; peripheral input/output devices such as keyboards, printers, video display monitors, optical read/write devices, and related communications devices such as modems; together with system documentation, operating logs and documentation, software and instruction manuals and possible written password information; and all correspondence, e-mail, including letters, notes, and other communications in written or oral form, documents, digital images, digital video stored on the computer systems previously described.
- Firearms (real, toy, air-soft, pellet, bb, paintball, etc) and any ammunition,
- Knives
- Any records of pornographic domain name association to tenants, no matter the storage medium.

Your Affiant received a signed search warrant from Jefferson County Judge Randall Aip on 02/12/11 at about 2200 hours. The warrant was executed at [REDACTED], Lakewood, Jefferson County, CO on 02/13/11 at about 0815 hours by sworn law enforcement officers and agents legally authorized to execute search warrants. Marc Oleary was at the location alone and stepped outside after search warrant was announced. Marc Oleary was wearing a gray zip-up hoody, a t-shirt, gray jersey material pants and gray slip-on house shoes. Your Affiant patted Marc Oleary down for officer and scene safety. During the put down Your Affiant raised both baggie pant legs. On the side of Oleary's left calf was a dark brown birthmark consistent with the mark recalled being on the right leg of the perpetrator by Golden victim, T [REDACTED]. The residence was cleared.

FBI SA J Grusing talked briefly with Marc Oleary to advise of the search warrant and asked for his cooperation. Marc Oleary-stated that he wanted an attorney present at about 0830 hours while standing in the drive way. Given the mark on the left leg of Marc Oleary he was placed in handcuffs and advised he was under arrest for Burglary and Sexual Assault, which occurred in Golden on 01/05/11. Marc Oleary did not make any statements. He was subsequently transported in a marked Lakewood Police car to CBI located at 710 Kipling St and placed in an interview room.

FBI SA J Grusing and Your Affiant responded to CBI to meet with Marc Oleary. Your Affiant explained the reason for the search warrant and general items being searched for. Marc Oleary again requested an attorney without making additional statements.

The search of [REDACTED] is still being conducted. As of 1000 hours on 02/13/11 agents on scene conducting the search have recovered a black duffle bag with many zippers on it. The bag contained ziploc baggies, a label maker and disinfecting items. Additionally, a pink SONY Cybershot 7.2 megapixel digital camera was located in the office. A brunette wig was located in a closet.

[REDACTED] Oleary showed up at [REDACTED] on 02/13/11 at about 1053 hours while the search warrant was still being executed. His leg was checked for a mark by Golden Officer Matt Cole and there is no mark on either leg.

Based on the facts stated above Your Affiant believes probable cause exists to support the arrest of MARC P OLEARY for the following charges:

<u>CRS 18-3-402(1)(a)(5)(a)(III)</u>	<u>FIRST DEGREE SEXUAL ASSAULT</u>	<u>F2</u>
<u>CRS 18-3-302 (1)(3)(a)</u>	<u>SECOND DEGREE KIDNAPPING</u>	<u>F2</u>
<u>CRS 18-4-202(1)</u>	<u>FIRST DEGREE BURGLARY</u>	<u>F3</u>
<u>CRS 18-3-206 (1)</u>	<u>MENACING</u>	<u>F5</u>

Your Affiant respectfully submits these facts to the Court in request MARC P OLEARY (062278), who is further described from his CO driver's license as a white male, with blonde hair, hazel eyes, standing 6'01" and weighing 220 lbs.

YOUR AFFIANT; Detective Stacy Galbraith #11158

DATE:

JUDGE

DATE:

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