

District Court Jefferson County, Colorado Court Address: 100 Jefferson County Parkway Golden, CO 80401-1070	
PEOPLE OF THE STATE OF COLORADO v. MARC PATRICK O'LEARY Defendant	
Scott W. Storey, District Attorney Robert A. Weiner, CDDA 500 Jefferson County Parkway Golden, CO 80401-6020 Phone Number: (303)271-6800 FAX Number: (303)271-6888 E-mail: Attorney Reg. #21572	COURT USE ONLY Case No. 11CR00430 Div: 12 Ctrm:
MOTION AND ORDER TO ADD TWENTY-NINTH TO THIRTY-NINTH COUNTS	

SCOTT W. STOREY, District Attorney in and for the First Judicial District, County of Jefferson, State of Colorado, respectfully requests this Honorable Court to Add Twenty-ninth to Thirty-ninth Counts to the above-entitled action, to-wit:

TWENTY-NINTH COUNT: SEXUAL ASSAULT - Section 18-3-402 (1) (a), (5) (a) (III), C.R.S. (F2) [04113]

On October 4, 2009, Marc Patrick O'Leary unlawfully, feloniously, and knowingly inflicted sexual intrusion or sexual penetration on [REDACTED], causing submission of the victim by means of sufficient consequence reasonably calculated to cause submission against victim's will.

Further, the defendant was armed with a deadly weapon or any article used or fashioned in a manner to cause a person to reasonably believe that the article was a deadly weapon or represented verbally or otherwise that the defendant was armed with a deadly weapon, namely: a gun, and used the deadly weapon, article, or representation to cause submission of the victim; in violation of Section 18-3-402(1)(a), (5)(a)(III), C.R.S.

**THIRTIETH COUNT: FIRST DEGREE BURGLARY - Section 18-4-202(1),
C.R.S. (F3) [06011]**

On October 4, 2009, Marc Patrick O'Leary unlawfully, feloniously, and knowingly entered or remained unlawfully after a lawful or unlawful entry in a building or occupied structure of [REDACTED] located at [REDACTED] with the intent to commit therein the crime of sexual assault, and while effecting entry or while inside or while in immediate flight therefrom, the defendant menaced [REDACTED] in violation of section 18-4-202(1), C.R.S.

**THIRTY-FIRST COUNT: AGGRAVATED ROBBERY - Section 18-4-302(1)(b),
C.R.S. (F3) [07023]**

On October 4, 2009, Marc Patrick O'Leary unlawfully, feloniously, and knowingly took a thing of value, namely: bed sheets and a pillow case, from the person or presence of [REDACTED] by the use of force, threats or intimidation and the defendant, during the robbery or during the immediate flight therefrom, and by use of force, threats or intimidation with a deadly weapon, namely: a gun, knowingly put victim or any other person in reasonable fear of death or bodily injury; in violation of section 18-4-302(1)(b), C.R.S.

THIRTY-SECOND COUNT: MENACING WITH A DEADLY WEAPON - Section 18-3-206(1)(a), (b), C.R.S. (F5) [02053]

On October 4, 2009, Marc Patrick O'Leary, by any threat or physical action, unlawfully, feloniously, and knowingly placed or attempted to place [REDACTED] in fear of imminent serious bodily injury by use of a deadly weapon or any article used or fashioned in a manner to cause a person to reasonably believe that the article was a deadly weapon by representing verbally or otherwise that he was armed with a deadly weapon, namely: a gun; in violation of section 18-3-206(1)(a), (b), C.R.S.

**THIRTY-THIRD COUNT: ASSAULT IN THE THIRD DEGREE - AT-RISK VICTIM
- Section 18-6.5-103(3)(c); 18-3-204(1)(a), C.R.S. (F6) [18523]**

On October 4, 2009, Marc Patrick O'Leary unlawfully, knowingly, or recklessly caused bodily injury to [REDACTED].

Further, the victim was an at-risk adult; in violation of sections 18-6.5-103(3)(c), C.R.S.

THIRTY-FOURTH COUNT: CRIME OF VIOLENCE - Section 18-1.3-406(2) (a) (I) (A), C.R.S. (SE) [36091]

On January 5, 2011, Marc Patrick O'Leary unlawfully used, or possessed and threatened the use of, a deadly weapon, namely: a handgun, during the commission of, attempted commission of, conspiracy to commit, or the immediate flight from, the offense of Aggravated Robbery, as charged in count five; in violation of section 18-1.3-406(2) (a) (I) (A), C.R.S.

THIRTY-FIFTH COUNT: CRIME OF VIOLENCE - Section 18-1.3-406(2) (a) (I) (A), C.R.S. (SE) [36091]

On August 10, 2010, Marc Patrick O'Leary unlawfully used, or possessed and threatened the use of, a deadly weapon, namely: a gun, during the commission of, attempted commission of, conspiracy to commit, or the immediate flight from, the offense of Aggravated Robbery, as charged in count nineteen; in violation of section 18-1.3-406(2) (a) (I) (A), C.R.S.

THIRTY-SIXTH COUNT: SECOND DEGREE KIDNAPPING - Section 18-3-302(1), (3), C.R.S. (F2) [0302H]

On October 4, 2009, Marc Patrick O'Leary unlawfully, feloniously, and knowingly seized and carried [REDACTED] from one place to another without the consent of the victim and without lawful justification.

Further, the victim was the victim of a sexual offense; in violation of section 18-3-302(1), (3) (a), C.R.S.

THIRTY-SEVENTH COUNT: CRIME OF VIOLENCE - Section 18-1.3-406(2) (a) (I) (A), C.R.S. (SE) [36091]

On October 4, 2009, Marc Patrick O'Leary unlawfully used, or possessed and threatened the use of, a deadly weapon, namely: a gun, during the commission of, attempted commission of, conspiracy to commit, or the immediate flight from, the offense of Second Degree Kidnapping, as charged in count Thirty-Six; in violation of section 18-1.3-406(2) (a) (I) (A), C.R.S.

THIRTY-EIGHTH COUNT: SECOND DEGREE KIDNAPPING - Section 18-3-302(1), (3), C.R.S. (F2) [0302H]

On October 4, 2009, Marc Patrick O'Leary unlawfully, feloniously, and knowingly seized and carried [REDACTED] from one place to another without the consent of the victim and without lawful justification.

Further, the victim was the victim of a robbery; in violation of section 18-3-302(1), (3) (b), C.R.S.

THIRTY-NINTH COUNT: CRIME OF VIOLENCE - Section 18-1.3-406(2) (a) (I) (A), C.R.S. (SE) [36091]

On October 4, 2009, Marc Patrick O'Leary unlawfully used, or possessed and threatened the use of, a deadly weapon, namely: a gun, during the commission of, attempted commission of, conspiracy to commit, or the immediate flight from, the offense of Second Degree Kidnapping, as charged in count Thirty-Eight; in violation of section 18-1.3-406(2) (a) (I) (A), C.R.S.

All offenses committed, or triable, in the county of Jefferson and against the peace and dignity of the People of the State of Colorado.

Respectfully submitted,

SCOTT W. STOREY
District Attorney

By: _____
ROBERT A. WEINER
Chief Deputy District Attorney
Registration No. 21572