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CLERK OF THE
DISTRICT COURT
CAROL MUESSIG
2012 JUN 10 PM 4 00
FILED
BY _____
DEPUTY

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

STATE OF MONTANA,

Plaintiff,

vs.

LIONEL SCOTT ELLISON,

Defendant.

CAUSE NO. DC: 11-767

JUDGE:

**AMENDED AFFIDAVIT AND MOTION
FOR LEAVE TO FILE AMENDED
INFORMATION**

The undersigned Special Deputy County Attorney of Yellowstone County, Montana, being first duly sworn upon his oath, moves the Court for Leave to File an Amended Information, based upon information developed through an investigation conducted by law enforcement officers, charging the above-named Defendant with the offenses of:

- COUNT I: THEFT BY INSURANCE FRAUD (FELONY)**
- COUNT II: THEFT BY INSURANCE FRAUD (FELONY)**

committed at county of Yellowstone, state of Montana, on or about February 14, February 15, and February 23, 2011.

That law enforcement officers have made a full and careful investigation of all the facts and circumstances surrounding the commission of said offense, so far as they are known or ascertainable; that he believes it a proper case for filing of an Information and that for this reason, and none other, the foregoing motion is made.

The Court is informed that the Yellowstone County Sheriff's Office (YCSO) and Office of the Commissioner of Securities and Insurance, Montana State Auditor's (CSI) investigation revealed the following:

On February 14, 2011, LIONEL SCOTT ELLISON, the Defendant herein, informed his insurance agent that his Ballantine, Montana, house had been vandalized. The Defendant stated that vandals wrote graffiti, plugged the upstairs sinks, and left the water running, causing the alleged damage. Defendant and the insurance agent then called Travelers Insurance (Travelers), the insurance company with which Defendant had a homeowner's policy. During this call, Defendant again stated that vandals had plugged the kitchen sink and master bathroom sink, causing water damage to the house.

On February 15, 2011, Defendant met with a representative from Travelers to inspect the damage. YCSO Deputy John Smith also arrived at the scene, responding to the theft/vandalism claim made by Defendant. The parties inspected the damage to the interior of the house. Defendant again explained that vandals plugged upstairs sinks, causing the water damage. However, the representative from Travelers and Deputy Smith did not find water damage in the upstairs of the house. What they did find, however, was water damage in the downstairs of the house. Specifically, the representative from Travelers noted a broken water pipe, which froze and burst. This appeared to be the cause of the water damage and not the alleged vandalism.

As part of Defendant's vandalism claim, he pointed out graffiti left on the walls of the home. Specifically, the Defendant noted one piece of graffiti which appeared to be a signature by the vandal. Defendant explained that this was likely signed his former tenant, who likely left the vandalism.

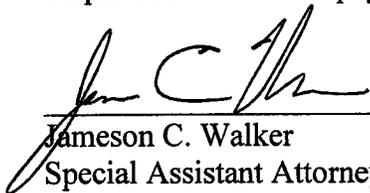
On February 23, 2011, Defendant gave pictures to his insurance agent. These pictures were taken by Defendant and documented the damage to his house. The pictures were time and date stamped, all of which were taken on February 13, 2011. This was the day Defendant claimed he discovered the damage. Defendant explained the alleged vandalism in each photograph to his insurance agent. Again, Defendant stated that vandals caused the water damage by plugging the upstairs sinks.

The February 13, 2011, photographs illustrate that Defendant staged the vandalism and no damage occurred from the plugged sinks. Not only do the photographs fail to prove that any water damage resulted from plugged sinks, but they also show that Defendant himself wrote the graffiti. The time-stamped photographs taken by Defendant demonstrated no graffiti in one portion of the house; however, a photograph taken by the Defendant minutes later showed new graffiti written on the walls.

On March 4, 2011, Detective Shane Bancroft obtained a search warrant for Defendant's residence. On March 9, 2011, Detective Bancroft and a plumber in the Billings area inspected the damage to the house. The plumber found that the damage to the house was the result of a broken pipe in the basement. He additionally found no indication of overflowing water in the upstairs of the house. The Plumber further opined that it would have been impossible for the upstairs sinks to have been plugged, as the pipe would not have broken if water was running through the sinks. He further

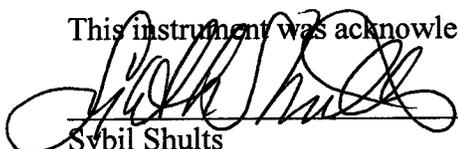
opined that if the alleged vandalism happened after the pipe burst, there would not have been sufficient water pressure to flood the house as Defendant claimed.

On March 9, 2011, Defendant spoke with an investigator with Travelers Insurance Company. Defendant explained that he estimated the total damages at \$130,000 to \$150,000. Travelers Insurance Company estimated the net claim to be \$11,315.32. The company deemed the claim suspicious and did not pay these amounts.

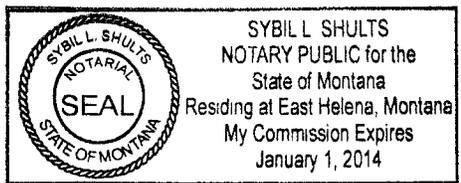


Jameson C. Walker
Special Assistant Attorney General
Special Deputy Yellowstone County Attorney

This instrument was acknowledged before me on January 4, 2012, by Jameson C. Walker.



Sybil Shults
Notary Public for the State of Montana.



Leave to file Amended Information by the Court GRANTED for LIONEL SCOTT ELLISON

Bail fixed at \$ _____.

JUDGE, District Court.

Dated: _____.