

1 LAKE COUNTY ATTORNEY'S OFFICE
Lake County Courthouse
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Polson, MT 59860
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LYN FRICKER
CLERK OF DISTRICT COURT

FILED BY 

2025 JAN -3 P 2:53

4 MONTANA TWENTIETH JUDICIAL DISTRICT COURT, LAKE COUNTY

5 STATE OF MONTANA,

6 Plaintiff,

7 vs.

8 ELIJAH CAJUNE,

Defendant.

Cause No.: DC-251

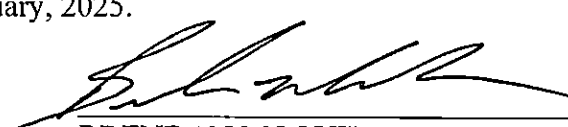
MOTION AND AFFIDAVIT FOR LEAVE TO
FILE AN INFORMATION

9 COMES NOW, BRENDAN MCQUILLAN, Chief Deputy Lake County Attorney, and
10 pursuant to MCA 46-11-201, moves the Court for leave to file an Information against the Defendant
11 for the offense of: COUNT 1: Deliberate Homicide, a Felony, under MCA 45-5-102(1)(a).

12 The State further moves the Court, pursuant to MCA 46-15-323 et seq. and *State ex rel.*
13 *Carkulis, Relator, v. District Court*, 229 Mont. 265, 746 P.2d 604 (1987), for an Order requiring the
14 Defendant, his counsel and his agents, to make available for examination and reproduction without
15 delay all discovery.

16 This Motion is based upon the attached Affidavit.

DATED this 3rd day of January, 2025.

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BRENDAN MCQUILLAN
Chief Deputy Lake County Attorney

1 AFFIDAVIT

STATE OF MONTANA)

2) ss.

County of Lake)

3 COMES NOW, BRENDAN MCQUILLAN, Lake County Attorney, and being a person of
4 lawful age, duly sworn upon his oath, hereby deposes and says:

5 I have reviewed the reports supplied to me by the Polson City Police Department and Lake
6 County Sheriff's Department and consulted with Polson Police Detective Cody Doyle. From these
7 sources, it appears that, on or about the early morning hours of December 25, 2024, in Lake County,
8 Montana, the Defendant, seventeen-year-old, ELIJAH CAJUNE, shot S.F. with a .45 ACP round, near
9 1002 4th Street West and 408 11th Avenue West, Polson, MT 59860, causing S.F.'s death.

10 More specifically, it appears from reports that Polson City Police responded to multiple reports
11 of shots fired and a report of a male down near 1006 11th Avenue West in Polson, Montana. Law
12 enforcement and emergency medical services responded to the scene and discovered a male, identified
13 at S.F., outside the residence who appeared to have been shot through the abdomen. Life saving
14 measures were attempted on the male while a crime scene perimeter was established. Emergency
15 medical intervention was unsuccessful, and the male's time of death was called at 3:53 A.M.

16 Subsequent investigations with witnesses and the collection of home security videos indicate
17 that in those early morning hours a house party involving drinking and numerous young adults was
18 underway at 1006 11th Avenue West in Polson. A neighbor's security video shows the decedent
19 approach the house where the party was located and engage in a verbal dispute with E.O., a male who
was attending the party. The decedent, who appears to be unarmed, then appears to challenge E.O. to
fight. E.O. then exits the house along with four more males, D.B., P.W., the Defendant, and J.M.. The
Five males all proceed to chase after the decedent, who retreats behind a house out view from the
camera. As the five males begin their chase, it appears in the video that the male identified as the

1 Defendant removes an object, which appears consistent with a pistol, from his person as he gives
2 chase. Approximately six seconds later, off camera, two gunshots are heard. Approximately eleven
3 seconds after the gunshots are heard three of the males including the Defendant run back toward the
4 house where the party was located and back into the view of the security camera, while the fifth runs
5 away from the area. The camera shows the Defendant run back to the house with both of his hands
6 concealed in the front pocket area of his hooded sweatshirt, before turning around and running to a
7 nearby vehicle. The camera shows that the other males' hands are in plain sight and do not appear to be
8 holding any objects which are consistent with a firearm.

9 As the Defendant, and numerous others who are at the party flee the house, security footage
10 recorded multiple excited utterances from several voices announcing, "Elijah shot a fool, Elijah shot a
11 fool...", "He popped that n...", and "Elijah shot Sheldon..." respectively. The Defendant and
12 numerous other witnesses and party goers piled into a Ford Expedition pickup and fled the scene. Law
13 enforcement has been unable to locate the weapon used in the shooting. However, found on the
14 decedent, law enforcement located a .45 ACP Hornady Critical Defense Round which appeared to
15 have penetrated the decedent's abdomen in the back of his person and exited the front of his abdomen
16 before being stopped by the decedent's sweatshirt.

17 Law enforcement through their investigation were able to identify, locate, and interview many
18 of the witnesses documented in the video. Those investigations revealed that the initial cause for the
19 verbal argument between E.O. and the decedent was likely a dispute regarding a female romantic
20 interest and that the decedent had come to the house party to visit his friend who resided in the home.
21 A witness disclosed that the group of males who chased after the decedent on the video had earlier
22 discussed, "jumping" the decedent when he arrived. One of the witnesses interviewed who would have

1 been in a location to see who fired .45 ACP round at the decedent, when asked by Detective Doyle,
2 "who was holding the gun?" responded, "Elijah."

3 From those facts, I believe there is probable cause to believe that within the jurisdiction of this
4 Court, the Defendant, ELIJAH CAJUNE, committed the offense of: COUNT 1: Deliberate Homicide,
5 a Felony, under MCA 45-5-102(1)(a).

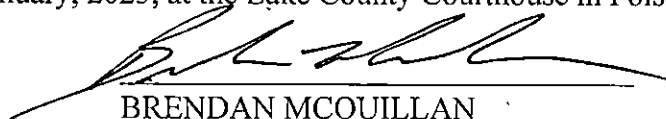
6 As the Defendant is seventeen years old, the State is required pursuant to MCA 41-5-206(2), to
7 file a petition for leave to file an information in district court if the youth was 17 years of age at the
8 time offense and the offense committed is listed under MCA 41-5-206(1), for which Deliberate
9 Homicide is included. Therefore, the State requests a transfer back hearing be set within 30 days after
10 leave to file the information is granted, pursuant to MCA 41-5-206(3).

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BRENDAN MCQUILLAN
Chief Deputy Lake County Attorney

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 3rd day of January, 2025, at the Lake County Courthouse in Polson, Montana.


BRENDAN MCQUILLAN
Chief Deputy Lake County Attorney