

SUZY BOYLAN
Assistant Chief Deputy County Attorney
FRED VAN VALKENBURG
Missoula County Attorney
Missoula County Courthouse
Missoula, Montana 59802
(406) 258-4737
Attorneys for Plaintiff

FILED JUL 31 2012

SHIRLEY E. FAUST, CLERK
By _____ Deputy

MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

STATE OF MONTANA,

Plaintiff,

-vs-

JORDAN TODD JOHNSON,

Defendant.

* * * * *

STATE OF MONTANA)
County of Missoula) ss.

Dept. No. 4 Karen S. Townsend
Cause No. DC- 12-352

AFFIDAVIT AND MOTION FOR
LEAVE TO FILE INFORMATION

SUZY BOYLAN, Assistant Chief Deputy County Attorney of Missoula County, Montana, being first duly sworn, moves the Court for Leave to File an Information charging the above-named Defendant with allegedly committing the offense of SEXUAL INTERCOURSE WITHOUT CONSENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. §45-5-503.

The Motion is based upon the following facts which have been obtained from reports of law enforcement officers which, if true, I believe, constitute sufficient probable cause to justify the filing of the charges. The facts from those reports are as follows:

1 Defendant and Jane Doe are University of Montana students who have known
2 each other since 2010. They had been texting each other over the winter holidays
3 between December 2011 and January 2012 and after they returned to school after the
4 holidays. On or about February 4, 2012, Defendant sent a text message to Jane Doe
5 suggesting they get together. They decided to watch a movie at Jane Doe's house.
6 Defendant asked Jane Doe to pick him up, as he had been drinking alcohol and did not
7 want to drive. When they arrived at her house, Jane Doe introduced Defendant to her
8 roommate, who was in the living room playing a video game. Her other roommate was
9 home but asleep.

10 Jane Doe selected a movie and they watched it together in her room. As they
11 watched the movie, Defendant started to kiss Jane Doe. She kissed him back but
12 disengaged, saying "Let's just watch the movie." She did not want to get physical that
13 night, but just wanted to relax. He stopped, but started kissing her again. He began
14 pulling her on top of him. She tried to keep things light and tried to discourage his
15 advances. He tried to take off her shirt. She pulled it back down and told him "no, not
16 tonight," to which he responded, "oh, come on." He subsequently tried again to take off
17 her shirt and she let him. She then took off his jacket and shirt. She then described a
18 change in his demeanor as going from playful to aggressive. He got on top of her and
19 started thrusting his hips into her. She started to get scared and told him "no, not tonight"
20 repeatedly. Defendant put his left arm across her chest and held her down as he pulled
21 her leggings and underwear off. She put her knees up and tried to push against him. He
22 then told her to turn over. He said "turn over or I will make you." Jane Doe said "no."
23 Defendant then flipped her over and held her head down with his hand. He pulled her
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1 legs apart, positioned himself between her legs, took off his belt and lowered his jeans.
2 He grabbed her hips and raised them towards him. He penetrated her vagina with his
3 penis. Jane Doe described this as being very painful. She felt scared and "shut down."
4 She stopped resisting at this point. She was afraid he would hit her if she resisted further.
5 He ejaculated, at least in part, on her blanket. She said "everything changed when he
6 flipped me over and held me down." She also stated that he said "you told me you
7 wanted it" several times, and stated she did not say anything besides "no" and "not
8 tonight."

9 Defendant grabbed his clothes and went into the bathroom. Jane Doe quickly
10 changed into a new set of clothes. She texted her roommate who was in the living room,
11 saying "Omg...I think I might have just gotten raped..he kept pushing and pushing and I
12 said no but he wouldn't listen...I just wanna cry...Omg what do I do!" He told her to come
13 out and sit with him. She grabbed her purse and phone and left the bedroom. Defendant
14 left his watch at Jane Doe's house. He did not contact her again after the night of
15 February 4.
16

17 Jane Doe was in shock and wanted him out so she drove him home. Neither
18 Defendant nor Jane Doe said anything on the ride to his home until he got out of the car
19 and said "well thanks." She then picked up a friend, as she had promised to be his
20 designated driver, and told him what had happened. She spoke to a close female friend
21 the next morning, went to the Student Assault Resource Center at the University, and
22 went to First Step for a medical examination. The medical examination showed some
23 genital pain and physical findings consisting of mild redness, swelling, and some small
24 abrasions; marks on her chest; and tenderness to the side of her head.
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1 The people Jane Doe disclosed the incident to described her emotional state as
2 very unlike her usual demeanor. She has sought counseling and has shown signs of
3 depression, panic, and Post-Traumatic Stress Disorder consistent with Rape Trauma
4 Syndrome.

5 Defendant was interviewed by Detectives Brueckner and Chrestenson of the
6 Missoula Police Department. Defendant described a consensual encounter initiated by
7 Jane Doe in which she was an active participant. He further stated that he stopped
8 communicating with her after he had sex with her because he liked another girl and
9 thought she would be upset if she knew he had sex with Jane Doe.

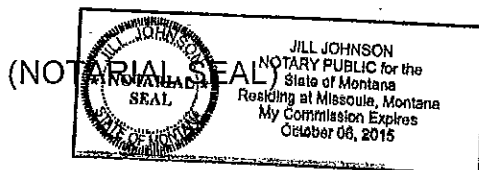
10 This Information is being filed direct into District Court. Bail has not been set. The
11 State is assured by Defendant's counsel that he will appear voluntarily pursuant to a
12 summons.
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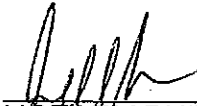
14 DATED this 31st day of July, 2012.

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SUZY BOYLAN

17 Assistant Chief Deputy County Attorney

18 SUBSCRIBED AND SWORN TO before me this 31st day of July, 2012.



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NOTARY PUBLIC FOR STATE OF MONTANA
Residing at Missoula, MT
My commission expires October 6, 2015

1 DISTRICT COURT JUDGE
2 Missoula County Courthouse
3 Missoula, Montana 59802

4 FILED JUL 31 2012

5 SHIRLEY E. FAUST, CLERK
6 By _____ Deputy

7
8 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

9 STATE OF MONTANA,

* Dept. No. 4 Karen S. Townsend

10 Plaintiff,

* Cause No. DC- 12-352

11 -vs-

* ORDER

12 JORDAN TODD JOHNSON,

13 Defendant.

14 * * * * *

15 Upon reading the foregoing Motion for Leave to File Information and it appearing
16 that there is probable cause that the Defendant above-named committed the crime(s)
17 charged,

18 IT IS HEREBY ORDERED that Leave be granted to the Deputy County Attorney to
19 file the Information as prayed for.

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21 DATED this 31st day of July, 2012

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23 
24 DISTRICT COURT JUDGE
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ORDER

1 SUZY BOYLAN
Assistant Chief Deputy County Attorney
2 FRED VAN VALKENBURG
Missoula County Attorney
3 Missoula County Courthouse
Missoula, Montana 59802
4 (406) 258-4737
Attorneys for Plaintiff

FILED JUL 3 1 2012

SHIRLEY E. FAUST, CLERK
By _____ Deputy

8 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

9 STATE OF MONTANA,

*

Dept. No. 4 Karen S. Townsend

10 Plaintiff,

*

Cause No. DC- 12-352

11 -vs-

*

INFORMATION

12 JORDAN TODD JOHNSON,

*

Total Possible MSP: 100 years/life

13 Defendant.

*

Total Possible MCJ: N/A

Total Possible fine: \$50,000

14 * * * * *

15 SUZY BOYLAN, Assistant Chief Deputy County Attorney of Missoula County,

16 Montana, deposes and says that on or about the 4th day of February, 2012, the

17 Defendant committed the offense of: SEXUAL INTERCOURSE WITHOUT CONSENT, a

18 Felony, in violation of Montana law, namely: Mont. Code Ann. §45-5-503, punishable by

19 no less than 2-4 years or more than 100 years or life MSP and a \$50,000 fine.

21 The facts constituting the offense are:

22 On or about the 4th day of February, 2012, the above-named Defendant

23 knowingly had sexual intercourse with Jane Doe, by penetrating her vagina with his


24 penis, without her consent.

25
26 INFORMATION

1 A list of the possible witnesses for the State now known to the prosecution is as
2 follows:

3 JANE DOE
4 SGT. TRAVIS WELSH, MPD
5 DETECTIVE CONNIE BRUECKNER, MPD
6 DETECTIVE DEAN CHRESTENSON, MPD
7 HANNA DELANEY
8 NEIL SAUER
9 BRIAN ODAY
10 KELSIE HANSON
11 DAVID ARONOFSKY,
12 EILIS OHERLIHY
13 CLAIRE FRANCOEUR
14 CHARLES COUTURE
15 LORI MORIN
16 HOLLEY M JOHNSON
17 JOSHUA S VAN DE WETERING
18 STEPHEN EVERETT GREEN
19 LOY BINK
20 ELIZABETH ALICYN BIERER
21 STEPHANIE LYNN WHITE,
22 DREW COLLING
23 KELLI MARIE FROLAND,
24 ALEX BIENEMAN
25 EXPERT WITNESSES, TO BE DISCLOSED
26

Dated this 31st day of July, 2012.


SUZY BOYDAN
Assistant Chief Deputy County Attorney

1 DISTRICT COURT JUDGE
2 Missoula County Courthouse
3 Missoula, Montana 59802
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8 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

9 STATE OF MONTANA,

* Dept. No. 4

10 Plaintiff,

* Cause No. DC- 12-352

11 -vs-

* ORDER FOR ARRAIGNMENT

12 JORDAN TODD JOHNSON,

*

13 Defendant.

*

14 * * * * *

15 TO: JORDAN TODD JOHNSON, and counsel for defendant, DAVID PAOLI:

16
17 An Information having been filed on the 31st day of July, 2012.

18 NOTICE IS HEREBY GIVEN that the Defendant above-named appear on the
19 14th day of August, 2012, at the hour of 9:30 a.m./p.m., for arraignment.

20 DATED this _____ day of _____, 2012.

21
22 Karen S. Townsend
23 District Judge
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25
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1 Fourth Judicial District
Missoula County Courthouse
2 Missoula, MT 59802
3 (406) 258-4780
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5
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8 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

9 STATE OF MONTANA,

10 Plaintiff,

11 Vs.

12 JORDAN TODD JOHNSON,

13 Defendant.

Dept. 4

Karen S. Townsend

Cause No. DC- 12-352

NOTICE OF PENDING
CRIMINAL CASES

14 The Office of the County Attorney has, prior to filing an Information against the
15 above-named Defendant, checked its records for any active District Court criminal cases
against said Defendant pertaining to this Defendant and has found that:

16 x No active cases found
17 The following case number(s) are active
(pending or probation):

18 Dept. No. , Cause No.
19 Dept. No. , Cause No.
20 Dept. No. , Cause No.

21 *[Signature]*
Attorney for the State of Montana

22 The Office of the Clerk of the District Court has, upon filing an Information against
23 the above named Defendant, checked its records for any active District Court criminal
cases against said Defendant pertaining to this Defendant and has found that:
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____ No active cases found
____ The following case number(s) are active and have been delivered to the Judge in jurisdiction for review:

Dept. No. _____, Cause No. _____
Dept. No. _____, Cause No. _____
Dept. No. _____, Cause No. _____

SHIRLEY E. FAUST, Clerk
By: _____
Deputy

PARTY INFORMATION SHEET

(Please complete a separate sheet for each party)

NAME: JORDAN TODD JOHNSON

STREET ADDRESS: 217 PATTEE CANYON DR

MAILING ADDRESS:

CITY: MISSOULA

STATE: MT

ZIP CODE: 59801

DATE OF BIRTH: **5/3/1992**

PHONE NUMBER: (541) 915-2723

FOR A BUSINESS, PLEASE PROVIDE THE TAX ID: