

IN THE JUSTICE COURT OF THE STATE OF MONTANA,  
IN AND FOR THE COUNTY OF MISSOULA  
BEFORE Karen A. Orzech, JUSTICE OF THE PEACE

Cause No. CR 2011-9185-02

STATE OF MONTANA,

Plaintiff,

-vs-

KENNETH EDWARD WHATLEY,

Defendant.

COMPLAINT

RECEIVED  
DEC 14 2011  
Justice Court

PATRICIA C. BOWER, Deputy Missoula County Attorney, being duly sworn, deposes and says that on or about the 5th day of December, 2003, at Missoula County, the above-named Defendant committed the offense(s) of SEXUAL INTERCOURSE WITHOUT CONSENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. §45-5-503. A person convicted of sexual intercourse without consent shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 2 years or more than 100 years and may be fined not more than \$50,000.

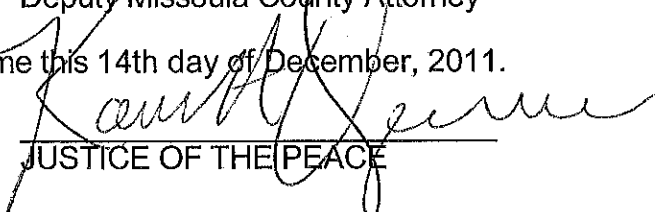
The facts constituting the offense(s) are:

On or about the 5th day of December, 2003, the above-named Defendant knowingly had sexual intercourse with Jane Doe without consent.

DATED this 14th day of December, 2011.

  
PATRICIA C. BOWER  
Deputy Missoula County Attorney

Subscribed and sworn to before me this 14th day of December, 2011.

  
JUSTICE OF THE PEACE

COMPLAINT 11-204; MCSO Maricelli

IN THE JUSTICE COURT OF THE STATE OF MONTANA,  
IN AND FOR THE COUNTY OF MISSOULA  
BEFORE Karen A. Orzech, JUSTICE OF THE PEACE

Cause No. CR-2011-9185-C2

STATE OF MONTANA,

Plaintiff,

-vs-

KENNETH EDWARD WHATLEY,

Defendant.

RECEIVED

DEC 14 2011

Justice Court

AFFIDAVIT OF PROBABLE  
CAUSE

STATE OF MONTANA     )  
                                      : ss  
County of Missoula     )

PATRICIA C. BOWER, Deputy County Attorney of Missoula County,  
Montana, being first duly sworn upon oath, deposes and says:

I have read the official law enforcement reports regarding the investigation of  
KENNETH EDWARD WHATLEY for allegedly committing the offense(s) set forth  
in the complaint and based upon the information contained in the reports, if true,  
believe probable cause exists to justify charging the above-named defendant as  
specified in the accompanying complaint.

On or about the 5th day of December, 2003, Missoula County Sheriff's  
Office deputies responded to 382 North Grove in Missoula County to conduct a  
sexual intercourse without consent investigation. According to the victim, the  
suspect entered her residence by removing the screen from the kitchen window

and forced her to have sex with him without her consent. The victim informed dispatch that the suspect left the scene in a small white colored truck.

The victim informed the deputies that when she returned home from church at approximately 9:00 p.m. on December 4, 2003, she did not notice anything suspicious. Sometime between 3:00 a.m. and 4:00 a.m. on December 5, 2003, she woke up to an unknown male on top of her. The room was dark and she could not see his face. She reported that the male was wearing jeans, a dark colored hooded sweatshirt and had a goatee.

The suspect held the victim down and ordered her to take off her clothes. After ordering her to perform oral sex on him, he ordered her to turn onto her stomach. The suspect attempted to penetrate her anus. He then penetrated her vagina with his penis. After he was finished, he tied the victim up with a piece of rope.

The victim was taken to St. Patrick Hospital for a forensic interview. The deputies processed the scene and located a baseball cap beside the bed. The victim indicated that the baseball cap did not belong to her.

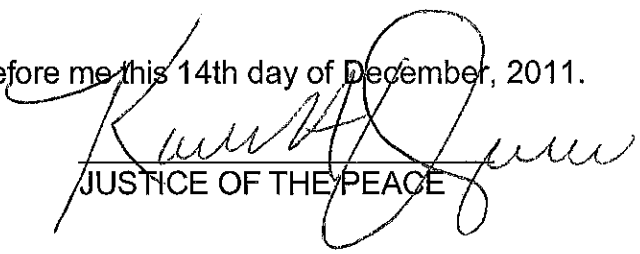
On December 30, 2010, Captain Rich Maricelli received a letter from the State Crime Lab. According to the Montana State CODIS Administrator, the DNA profile obtained from evidence in this case, the baseball cap, matches a convicted offender from Arizona, Kenneth Whatley.

Whatley did own a white truck at the time of the incident and was living in the area.



PATRICIA C. BOWER  
Deputy Missoula County Attorney

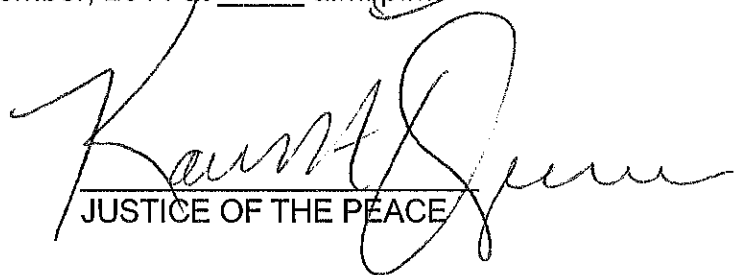
SUBSCRIBED AND SWORN TO before me this 14th day of December, 2011.

  
JUSTICE OF THE PEACE

ORDER

Upon reading the foregoing Affidavit, the Court finds that there is probable cause to believe the above-named Defendant committed the crimes charged.

DATED this 14th day of December, 2011 at 255 a.m./p.m.

  
JUSTICE OF THE PEACE