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1 IN THE JUSTICE COURT OF THE STATE OF MONTANA
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE John E. Odlin, JUSTICE OF THE PEACE

JAN 30 2013

Justice Court

4 STATE OF MONTANA,

Cause No. CR-2013-10534-C1

5 Plaintiff,

6 -vs-

7 **WARRANT FOR ARREST**

8 DANNY WAYNE JOHNSTON
9 Defendant,

COPY

10 THE STATE OF MONTANA TO ANY PEACE OFFICER OF THIS STATE:

11 The State of Montana to any Peace Officer of this State:

12 A Complaint, upon oath, having been this day made before me by Shawn Thomas,
13 Deputy Missoula County Attorney, that the crimes of COUNT I: SEXUAL INTERCOURSE
14 WITHOUT CONSENT and COUNT II: SEXUAL INTERCOURSE WITHOUT CONSENT
15 have been committed by Defendant.

16
17 You are therefore ordered, forthwith, to arrest the above-named Defendant and bring
18 him before this Court or in the case of my absence or inability to act, before the nearest and
19 most accessible Judge in this County, or if the arrest is made in another county, before a
20 Judge of the County without unnecessary delay.

21 The Defendant is to be admitted to bail in the sum of \$ 200,000

22 This warrant may be served at any time and at Defendant's place of residence.

23 DATED this 30th day of January, 2013.

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25
26 Kamra D. Jensen
JUSTICE OF THE PEACE

**WARRANT CANCELLED
JUSTICE COURT**

JAN 31 2013

DEPARTMENT 1
MISSOULA COUNTY, MT

JAN 30 2013

Justice Court

IN THE JUSTICE COURT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF MISSOULA
BEFORE John E. Odlin JUSTICE OF THE PEACE

STATE OF MONTANA
Plaintiff,

-vs-

DANNY WAYNE JOHNSTON
Defendant.

Cause No. CR-2013-10534-C1

COMPLAINT

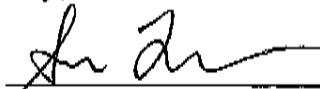
SHAWN THOMAS, Deputy Missoula County Attorney, deposes and says that on or about September 21, 2012, the Defendant committed the offense of COUNT I: SEXUAL INTERCOURSE WITHOUT CONSENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-503, punishable by no less than 2-4 years or more than 100 years or life MSP and \$50,000 fine; on or about September 22, 2012, the Defendant committed the offense of the COUNT II: SEXUAL INTERCOURSE WITHOUT CONSENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-503, punishable by no less than 2-4 years or more than 100 years or life MSP and \$50,000 fine.

The facts constituting the offense are:

COUNT I: On or about the 20th day of September, 2012, the above-named Defendant knowingly had sexual intercourse with Jane Doe without consent.

1 COUNT II: On or about the 21st day of September, 2012, the above-
2 named Defendant knowingly had sexual intercourse with Jane Doe without
3 consent.
4

5 DATED this 30th day of January, 2013.

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8 SHAWN THOMAS
9 Deputy Missoula County Attorney

10 Subscribed and sworn to before me this 30th day of January, 2013.

11 
12 JUSTICE OF THE PEACE

13 COMPLAINT 12-2549
14 Missoula County Sheriff's Office CONWAY
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RECEIVED

JAN 30 2013

Justice Court

IN THE JUSTICE COURT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF MISSOULA
BEFORE John E. Quinn, JUSTICE OF THE PEACE

STATE OF MONTANA,
Plaintiff,

Cause No. _____

-vs-

AFFIDAVIT OF PROBABLE
CAUSE

DANNY WAYNE JOHNSTON,
Defendant.

STATE OF MONTANA)
 : ss
County of Missoula)

SHAWN THOMAS, 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 DANNY WAYNE JOHNSTON 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 September 22, 2012, Missoula County Sheriff's Deputies
spoke to Jane Doe's mother who reported that Jane, her six year old
daughter, had stayed the night with her (Jane's) grandparents the night of

1 September 20th and 21st, 2012. When she returned to be with her mother,
2 she was acting strange, sucking on her thumb and acting cranky. Jane told
3 her mother that her step-grandfather, Danny Johnston had told her that she
4 had a cute butt. When her mother asked her if Johnston did anything else
5 to her, Jane at first said she couldn't tell because she was afraid her
6 mother would be mad at her and that Johnston would get in trouble. Jane
7 then told her mother that Johnston had put his penis in her mouth and had
8 her suck on it.
9

10 Jane was later interviewed at First Step and disclosed that during
11 this recent visit with her grandparents, Johnston kissed her on several
12 occasions and put his tongue in her mouth. He also placed his hand onto
13 her butt and vagina, underneath her clothing. Jane said it felt "bad" when
14 he touched her vagina, but felt "worse" when he touched her butt. Jane
15 stated that "Pappa" (Johnston) made her suck on his "private". Jane used
16 the word private for penis, and identified on a diagram a penis. Jane
17 reported that the first time Johnston made her suck on his penis was
18 outside next to his vehicle when it was dark outside. Jane said that
19 Johnston had "peed" in her mouth and that it was disgusting and tasted
20 really bad. The next day, Johnston took Jane to work with him, where he
21 was building a deck for someone. While there, they went into the kitchen
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1 and Johnston made Jane crawl under the kitchen table and perform oral
2 sex on him. However, this time, Johnston did not "pee" in her mouth.
3

4 On September 27, 2012, Johnston was interviewed by Missoula
5 County Sheriff's Detective David Conway. Johnston admitted that he and
6 Jane had been alone several times during her visit with them. According to
7 Johnston, during her visit Jane had kissed him, and put her tongue in his
8 mouth and moved it around. Johnston claimed this kiss caught him by
9 surprise, and that he asked Jane where she learned this behavior and she
10 refused to tell him. Johnston claimed later that evening he was sitting in
11 bed watching TV in his underwear. Jane came into the room and started
12 rubbing the nipple of her breast, then touched his nipple. Shortly
13 thereafter, Johnston claimed that Jane reached her hand up the leg of his
14 underwear and grabbed his penis. Johnston claimed that before he had
15 the chance to tell his wife or Jane Doe's mother what happened, Jane
16 made these allegations.
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22 Johnston denied he initiated any contact with Jane and continued to
23 assert that Jane initiated contact with him by French kissing him, touching
24 his nipple and grabbing his penis. Johnston claimed he had exercised bad
25 judgment for continuing to be alone with Jane as her sexually aggressive
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1 behavior continued and for neglecting to tell anyone about Jane's behavior
2 until he was confronted with her allegations.
3

4 On October 25, 2012, Detective Conway responded to the Missoula
5 office of probation and parole to ask Johnston some follow up questions.
6 Johnston is currently on probation for felony DUI and was scheduled to
7 come in that day to meet with his probation officer. Johnston was not aware
8 Conway was going to be there as well. When Conway arrived at the lobby,
9 Johnson was already in the lobby and when he saw Conway, he appeared
10 to have a very surprised look on his face. Conway proceeded back to
11 Johnston's probation officer's office, spoke to her briefly, then returned to
12 the lobby but Johnston had left. His probation officer has not seen
13 Johnston since, and has a warrant for his arrest for absconding probation.
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20 SHAWN THOMAS
21 Deputy Missoula County Attorney

22 SUBSCRIBED AND SWORN TO before me this 30th day of January,
23 2013.

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26 JUSTICE OF THE PEACE
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2 ORDER
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4 Upon reading the foregoing Affidavit, the Court finds that there is
5 probable cause to believe the above-named Defendant committed the crimes
6 charged.
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8 DATED this _____ day of _____, 2013 at _____ a.m./p.m.
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12 JUSTICE OF THE PEACE
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