

RECEIVED
DEC 11 2013
Justice Court

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

4
5 STATE OF MONTANA
6 Plaintiff,
7 -vs-
8 RUSSELL WHITFIELD SMITH II
9 Defendant.

Cause No. CR-2013-11605-C1

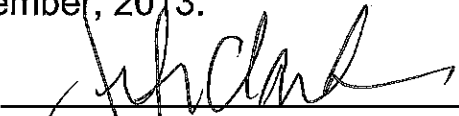
COMPLAINT

10 JENNIFER CLARK, Chief Deputy County Attorney, deposes and says
11 that on or about the 10th day of December, 2013, in Missoula County, the
12 Defendant committed the offense of INCEST, a Felony, in violation of
13 Montana law, namely: Mont. Code Ann. 45-5-507, punishable by 2-4 years or
14 more than 100 years or life MSP and \$50,000 fine.
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16
17 The facts constituting the offense are:

18
19 On or about the 10th day of December, 2013, the above-named
20 Defendant knowingly had sexual intercourse with Jane Doe, who is a
21 descendant of the Defendant.
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23 DATED this 11th day of December, 2013.

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26 JENNIFER CLARK
27 Chief Deputy County Attorney
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Subscribed and sworn to before me this ____ day of December, 2013.

JUSTICE OF THE PEACE

COMPLAINT 13-2891
Missoula City Police Dept ADAMS

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

4
5 STATE OF MONTANA,
6 Plaintiff,

Cause No. CR. 2013-11605-C1

7 -vs-

**AFFIDAVIT OF PROBABLE
CAUSE**

8
9 RUSSELL WHITFIELD SMITH II,
10 Defendant.

11 STATE OF MONTANA)
12 : ss
13 County of Missoula)

14 JENNIFER CLARK, Chief Deputy County Attorney, Montana, being
15 first duly sworn upon oath, deposes and says:

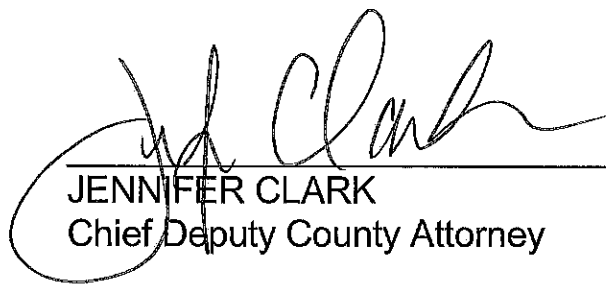
16
17 I have read the official law enforcement reports regarding the
18 investigation of RUSSELL WHITFIELD SMITH II for allegedly committing the
19 offense(s) set forth in the complaint in and based upon the information
20 contained in the reports, if true, believe probable cause exists to justify
21 charging the above-named defendant as specified in the accompanying
22 complaint.
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24

25 On December 10, 2013, law enforcement received a report from CPS
26 that a father was having consensual sex with his biological daughter.
27 Officer O'Dell took the report and learned that Russell Smith had recently
28

1 moved to Missoula from Alaska and was living with his daughter and that
2 they were having sex. O'Dell went to Jane Doe's residence. Jane Doe's
3 roommate was the one that reported the incidents. She confirmed that they
4 were having sex and that they were planning on marrying. She witnessed
5 them kissing and cuddling on the couch on previous occasions and had
6 seen them in bed together without clothing.
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10 Jane Doe told Officer O'Dell that she knew why he was there and that
11 it was because someone stated she was having sex with her dad. She
12 stated that she was and that she knew it was illegal. She stated that she
13 should go to jail because he had to take care of his other children.
14

15 Smith was contacted and he denied have sexual intercourse with his
16 daughter. One of the other children confirmed that Smith and Jane Doe
17 sleep in the same bed.
18

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21 
22 JENNIFER CLARK
23 Chief Deputy County Attorney

24 SUBSCRIBED AND SWORN TO before me this ____ day of
25 December, 2013.

26
27 _____
28 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 _____ day of _____, 2013 at _____ a.m./p.m.

JUSTICE OF THE PEACE

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