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SEP 24 2014

Justice Court

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

STATE OF MONTANA  
Plaintiff,

-vs-

DONALD GARY TOWN  
Defendant.

Cause No. CR-2014-12587-C2

**COMPLAINT**

JESSICA FINLEY, Deputy County Attorney, deposes and says that on or about the 23rd day of September, 2014, in Missoula County, the Defendant committed the offense of **COUNT I: SEXUAL ABUSE OF CHILDREN**, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-625, punishable by Life or 100 years MSP and a \$10,000 fine.

The facts constituting the offense are:

COUNT I: On or about the 23rd day of September, 2014, the above-named Defendant committed the offense of sexual abuse of children by traveling within the state with the intention of meeting a person the Defendant believed to be a 14-year-old child to engage in sexual conduct.

DATED this 24th day of September, 2014.

  
JESSICA FINLEY  
Deputy County Attorney

Subscribed and sworn to before me this \_\_\_\_ day of September, 2014.

\_\_\_\_\_  
JUSTICE OF THE PEACE

COMPLAINT 14-2075  
Missoula City Police Dept SHERMER

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2 IN AND FOR THE COUNTY OF MISSOULA  
3 BEFORE Karen A. Orzech, JUSTICE OF THE PEACE

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5 STATE OF MONTANA,  
6 Plaintiff,

Cause No. CR-2014-12587-C2

7 -vs-  
8 DONALD GARY TOWN,  
9 Defendant.

**AFFIDAVIT OF PROBABLE CAUSE**

9 STATE OF MONTANA )  
10 County of Missoula ) : ss

11  
12 JESSICA FINLEY, Deputy County Attorney, Montana, being first duly sworn upon  
13 oath, deposes and says:

14 I have read the official law enforcement reports regarding the investigation of  
15 DONALD GARY TOWN for allegedly committing the offense(s) set forth in the complaint  
16 and based upon the information contained in the reports, if true, believe probable cause  
17 exists to justify charging the above-named defendant as specified in the accompanying  
18 complaint.  
19

20 On or about the 18th day of September, 2014, the Montana Internet Crimes  
21 Against Children task force along with members of the Missoula Police Department  
22 responded to a personal ad they discovered posted on Craigslist. The post sought  
23 sexual encounters with "young skinny" males. An undercover detective posed as a 14-  
24 year-old male child emailed the poster asking how "young." The poster responded,  
25 "Just don't want old...I like younger." The undercover detective provided a phone  
26 number and stated he was 14-years-old and in high school.  
27  
28

1 On September 20, 2014, the poster began sending the undercover detective text  
2 messages and identified himself as a 42-year-old male named "Don." The undercover  
3 detective learned the poster was the Defendant Donald Gary Town. During the text  
4 conversation, the Defendant stated he wished the undercover detective was older  
5 because he really wanted to meet him. The undercover detective suggested maybe in  
6 a few years. The Defendant continued, "Damn! It would be fun just to play with each  
7 other to start with."  
8

9 The next day the Defendant asked the undercover detective for "dirty pics." The  
10 undercover detective responded that he was apprehensive to send those types of  
11 pictures. The Defendant's text messages escalated in a sexual manner stating his  
12 penis "was over seven and half inches and very thick...how about yours" and indicated  
13 he wanted to meet the undercover detective. The Defendant began to discuss a  
14 situation he was imagining with the 14-year-old; the Defendant texted, "I imagine what it  
15 would be like to play with each other jacking off. I imagine if you were at my house and  
16 we were playing with the Playstation. And I looked at your crotch and you were  
17 throbbing. Ask you if I could see it and maybe play with it and you said yeah if I can see  
18 him play with yours too." The Defendant added, "I would love to get naked with you.  
19 I'm so hard right now" and continued to text very sexually graphic messages to the  
20 undercover detective. The Defendant also indicated he painted houses for a living and  
21 would share some of his money with the undercover detective.  
22

23 On September 23, 2014, the text message conversation continued with the  
24 Defendant stating, "I wish you could come over for a little while." At this point, the  
25 undercover detective began making plans with the Defendant to meet. The undercover  
26  
27  
28

1 detective told the Defendant he was living in an apartment with his mother and brother.  
2 The Defendant agreed to pick him at 7:00 p.m. Around 7:00 p.m., officers observed the  
3 Defendant driving near the address given by the undercover detective. Officers initiated  
4 a traffic stop and placed the Defendant under arrest. The undercover detective  
5 identified himself to the Defendant. The Defendant asked to call his boss to make  
6 arrangements for his truck. During the conversation with his boss, the Defendant stated  
7 he was in trouble for meeting a 14-year-old and he was going back to prison.  
8

9  
10 The Defendant agreed to speak with detectives at the Missoula Police  
11 Department. When asked what the Defendant would have done if the 14-year-old child  
12 was there instead of law enforcement the Defendant stated, "I would have picked him  
13 up." The Defendant further stated, "I knew the whole time what I was doing, I was  
14 grooming you."  
15

16  
17   
JESSICA FINLEY  
Deputy County Attorney

18 SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of September, 2014.  
19

20 JUSTICE OF THE PEACE  
21

22 ORDER

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

25 DATED this \_\_\_\_ day of \_\_\_\_\_, 2014 at \_\_\_\_ a.m./p.m.  
26

27  
28 JUSTICE OF THE PEACE