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MAR 25 2015

Justice Court

IN THE JUSTICE COURT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF MISSOULA
BEFORE JUSTICE OF THE PEACE
Marie A Andersen

STATE OF MONTANA
Plaintiff,

-vs-

HARLEY LEE BORDEAUX
Defendant.

Dept No. 1
Cause No. CR-2015-251

COMPLAINT

BRIAN LOWNEY, Deputy County Attorney, deposes and says that on or about the 18th day of July, 2014, in Missoula County, the Defendant committed the offenses of
COUNT I: SEXUAL INTERCOURSE WITHOUT CONSENT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-503, punishable by not less than 2-4 years or more than 100 years or life MSP and \$50,000 fine; COUNT II: UNLAWFUL TRANSACTIONS WITH CHILDREN - 1ST OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-5-623, punishable by 6 months MCDF and/or \$500 fine.

The facts constituting the offense are:

COUNT I: On or about the 18th day of July, 2014, the above-named Defendant knowingly had sexual intercourse with Jane Doe without consent.

COUNT II: On or about the 18th day of July, 2014, the above-named Defendant knowingly sold or gave intoxicating substances other than alcoholic beverages to a person under 21 years of age

1 DATED this 24th day of March, 2015.

2
3 
4 BRIAN LOWNEY
5 Deputy County Attorney

6 Subscribed and sworn to before me this ____ day of March, 2015.

7
8 JUSTICE OF THE PEACE

9 COMPLAINT 15-264

10 MARK BLOOD, Missoula City Police Dept
11 CONNIE BRUECKNER, Missoula City Police Dept
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5 STATE OF MONTANA,
6 Plaintiff,

7 -vs-

8 HARLEY LEE BORDEAUX,
9 Defendant.

Cause No. CR 2015-251

AFFIDAVIT OF PROBABLE CAUSE

10 STATE OF MONTANA)

: ss

11 County of Missoula)

12 BRIAN LOWNEY, 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 HARLEY LEE BORDEAUX for allegedly committing the offense(s) set forth in the
16 complaint and based upon the information contained in the reports, if true, believe
17 probable cause exists to justify charging the above-named defendant as specified in the
18 accompanying complaint.
19

20 On or about July 18, 2014, the defendant and the victim, Jane Doe, were at a
21 house on the 1200 block of Schilling Avenue, Missoula County, MT. At the time, Jane
22 Doe was thirteen (13) years of age. The defendant is and was twenty-one (21) years of
23 age. Doe and the others at the house, which included Doe's sister (age fifteen [15]),
24 were drinking and hanging out together. During the night, Doe indicated defendant
25 attempted to grab her hip and hug her, and would follow her throughout the house
26 wherever she went. Doe and her sister eventually decided to go to bed, and both of
27 them retreated to the basement to sleep.
28

1 Doe awoke during the night to find that the defendant was lying next to her. Doe
2 indicated that defendant had one of his arms over her waist holding her down and the
3 other hand on her leg. Doe indicated the defendant moved his hand up her leg and
4 went under her shorts and panties. Doe indicated defendant then digitally penetrated
5 her vagina with two fingers. Doe reported feeling a "burning" sensation when this
6 occurred.
7

8 Approximately two weeks later, Doe reported the incident to her sister, who
9 confronted defendant about the incident. Doe's sister reported that defendant admitted
10 to her that he had "fingered" Doe. Doe's sister also reported that she had previously
11 spoken with defendant and told defendant that Doe was thirteen (13) years old, and not
12 to "mess with her." Doe's sister indicated that defendant would buy alcohol for her and
13 her group of friends when they spent time at the house.
14

15 Defendant admitted to purchasing alcohol and bringing it to the house, but said
16 he did not specifically give it to Doe's sister and her friends; rather, he just left it out and
17 they would all drink it. Defendant initially denied knowing Doe, but later admitted he
18 was familiar with Doe and that he had spent time with her at the house on Schilling
19 Avenue. Defendant denied having sexual contact with Doe on the date in question,
20 indicating that he believed she was "too young" and "too drunk". Defendant indicated
21 he believed Doe to be about thirteen (13) years old. Defendant denied admitting his
22 offense to Doe's sister.
23
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28


BRIAN LOWNEY
Deputy County Attorney

1 SUBSCRIBED AND SWORN TO before me this ____ day of March, 2015.

2
3 _____
4 JUSTICE OF THE PEACE

5
6 ORDER

7
8 Upon reading the foregoing Affidavit, the Court finds that there is probable cause to
9 believe the above-named Defendant committed the crimes charged.

10
11 DATED this ____ day of _____, 2015 at ____ a.m./p.m.

12
13 _____
14 JUSTICE OF THE PEACE