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Attorney for Plaintiff

FILED APR 02 2015

SHIRLEY E. FAUST, CLERK
By *Dave Lehren*
Deputy

6 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

7 STATE OF MONTANA,
Plaintiff,

8 -vs-

9 COLE WILLIAM FRANCISCO,
Defendant,

Dept. No 4
Cause No. DC-15- 162 *Karen S. Townsend*

AFFIDAVIT AND MOTION FOR
LEAVE TO FILE INFORMATION

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

13 KIRSTEN H. PABST, County Attorney of Missoula County, Montana, being first
14 duly sworn, moves the Court for leave to file an Information charging the above-named
15 Defendant with allegedly committing the offenses in Missoula County of COUNT I:
16 ATTEMPT-- INDECENT EXPOSURE - 1ST OFFENSE, a Misdemeanor, in violation of
17 Montana law, namely: Mont. Code Ann. 45-4-103, 45-5-504(1)[1st], punishable by 6
18 months in jail and/or \$500 fine; COUNT II: INDECENT EXPOSURE - 2ND OFFENSE, a
19 Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-5-504(1)[2nd],
20 punishable by 1 year in jail and/or \$1,000 fine; COUNT III: INDECENT EXPOSURE - 3RD
21 OR SUBSEQUENT OFFENSE, a Felony, in violation of Montana law, namely: Mont. Code
22 Ann. 45-5-504(2)[3rd], punishable by not less than 5 years or more than 100 years or life in

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1 prison and \$10,000 fine; COUNT IV: INDECENT EXPOSURE - 3RD OR SUBSEQUENT
2 OFFENSE, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-504(2),
3 punishable by not less than 5 years or more than 100 years or life in prison and \$10,000
4 fine; COUNT V: ATTEMPT -- INDECENT EXPOSURE - 3RD OR SUBSEQUENT
5 OFFENSE, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-4-103, 45-
6 5-504(2), punishable by not less than 5 years or more than 100 years or life in prison and
7 \$10,000 fine; and COUNT VI: CRIMINAL POSSESSION OF DANGEROUS DRUGS, a
8 Felony, in violation of Montana law, namely MCA 45-9-102(1), punishable by up to 5 years
9 in prison and a fine of \$50,000.

10 The Motion is based upon the following facts which have been obtained from
11 reports of the law enforcement officers which, if true, I believe, constitute sufficient
12 probable cause to justify the filing of the charges. The facts from those reports are as
13 follows:

14 During the afternoon of March 12, 2015, a fifteen year old female named Jane
15 Doe 2 was contacted by an unidentified male while she was walking home on Mill Creek
16 Rd near Lolo, MT. This male was driving a grayish blue Pontiac four door sedan when he
17 stopped near her and called her over to his car. The driver was the sole occupant of the
18 vehicle. The vehicle was described as having a blue license plate with a number
19 beginning with "3."

20 When Doe 2 approached the driver's door and looked into the vehicle, she
21 observed the male driver's pants were down, exposing his penis. The male verbally
22 offered her \$100 while she saw his exposed penis. She declined his offer of \$100 by

1 stating "no thank you" and then walked away. The male then drove away from the area
2 and out of view. The male was described as 20-25 years old white male, clean shaven,
3 with jaw-line length dirty-blond hair which covered his forehead.

4 Further investigation revealed that on Tuesday, March 10, 2015 a vehicle and
5 driver matching the same description contacted a different fifteen year old girl named
6 Jane Doe 1 on Mill Creek Rd. She said the male pulled up next to her as she was
7 walking and asked her what time it was. When she responded with the time, he then
8 asked her what she was doing. He then asked her to come closer because he wanted to
9 tell her something. This encounter resulted in the male driver telling Doe 1, "I just wanted
10 to tell you that you are beautiful." She reported that she had seen the same vehicle and
11 driver on three consecutive afternoons, March 10, 11 and 12, while she was walking
12 home from the bus stop.

13 Doe 1 added to the vehicle description by describing a University of Montana
14 parking placard she observed hanging from the car's rear-view mirror. She described the
15 suspect's hair color as light brown.

16 During the morning of Friday March 13, 2015, Jane Doe 3 (age 11) and Jane Doe
17 4 (age 13) were walking to Washington Middle School when a driver and vehicle similar
18 in description from the Mill Creek incidents pulled up next to them and stopped and
19 enthusiastically waived at them. After they crossed a crosswalk, the male immediately
20 pulled over his car next to them on the sidewalk. Doe 3, nearest the car, looked into the
21 vehicle and observed that the male was not wearing any pants or underwear. The girls
22 continued walking and the male then drove off.

1 Doe 3 added to the vehicle description by describing it as dark gray or silver with a
2 vent/spoiler and black wheels. She described the driver as a white male in his mid-
3 twenties with ear length dirty blonde hair. The incident type and descriptions were similar
4 enough to connect with the Mill Creek Rd incidents. The suspect and his vehicle
5 description were disseminated to local law enforcement and to the media for broadcast.

6 During the morning of March 19, 2015, Missoula Police Officer Harrington
7 observed a vehicle matching the description of the suspect's vehicle. He broadcast the
8 vehicle description and plate to dispatch and had Officers Slater and O'Leary make
9 contact with the driver when the vehicle stopped at the gas station at the Safeway on W.
10 Broadway. School Resource Officer Malone heard the radio traffic and advised the other
11 Officers that the same two female students from Friday the 13th reported seeing the
12 same vehicle parked near their walking route to school earlier in the day.

13 Officer Slater observed that the white male driver, identified as 22 year old Cole
14 Francisco, [Defendant], matched the suspect description. His vehicle matched the
15 description to include being a grayish blue Pontiac four door sedan bearing MT license
16 plate 313061A. Defendant's vehicle also had a U of M parking placard hanging from the
17 rear-view mirror. Officer Slater learned that Defendant is on misdemeanor probation for
18 surreptitious visual observation for looking into a female stranger's window and
19 masturbating while doing so. Officer Slater kept Defendant stopped until Sheriff's
20 Detective Jon Gunter could respond to speak with him.

21 Upon arrival, Defendant was sitting in his driver's seat talking on his cell phone.
22 Gunter introduced himself and asked him to step out of his vehicle and speak with him.

1 Gunter explained to that he and his vehicle closely matched the descriptions of a vehicle
2 and male driver which had been involved with recent indecent exposure incidents
3 occurring in the Missoula area. Gunter took Defendant to the Sheriff's Department and
4 had his vehicle seized pending the obtainment of a Search Warrant.

5 Once at the Sheriff's Department, Gunter and Missoula Police Detective Connie
6 Brueckner, interviewed Defendant. Defendant waived his Miranda rights and then
7 discussed the events leading to the charges with Gunter and Brueckner.

8 Defendant admitted to being the suspect male involved in all of the described
9 incidents. He had been to Mill Creek on March 10, and interacted with Jane Doe 1. He
10 specifically went back to Mill Creek on March 12, 2015 for the purpose of seeing and
11 approaching her again. He then described contacting Jane Doe 2 while she was walking
12 on Mill Creek Road, and interacted with her in order to show her his erection. He
13 admitted that his purpose in doing so was to achieve sexual gratification. He described
14 spotting the girls on Mill Creek earlier in the week and then returning in order to expose
15 himself. He stated that it gave him a sexual "rush" to have girls "catch" him while he was
16 masturbating.

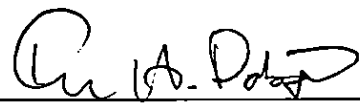
17 Defendant also described purposely contacting the girls walking to Washington
18 Middle School. His stated purpose for seeking the attention of the girls was to be seen in
19 the act of exposing himself, for his sexual gratification. Jane Doe 3 told Detective
20 Brueckner that she was afraid when she saw the same man and car at the same place
21 on the 19th. Defendant stated that he returned to Washington Middle School on March
22 19, 2015, with the intention of repeating his earlier actions.

1 In searching of Defendant's vehicle, officers located an opened and half-empty
2 vial of Ketamine, a Schedule III dangerous drug, normally used for surgery on animals
3 and children, and abused as a "date-rape" drug. Ketamine can induce a dissociative
4 state in users and block memories of events which occur during its use.


5 Defendant admitted that he has a problem controlling his behavior in relation to
6 seeking out young females for the purpose of exposing himself to them for his own
7 sexual gratification. Defendant admitted that he has demonstrated similar behavior on at
8 least 5 other occasions and wants to stop. However, he has been unable to refrain from
9 following through with these public acts when he is stressed by outside factors in his life.
10 Defendant denied any fantasy ideation involving the contacted females beyond exposing
11 himself to them. However, it is important to note that his recurring behavior of targeting
12 the Mill Creek bus stop area and the walking route to Washington Middle School show
13 an organized, escalating pattern, victimizing young girls.

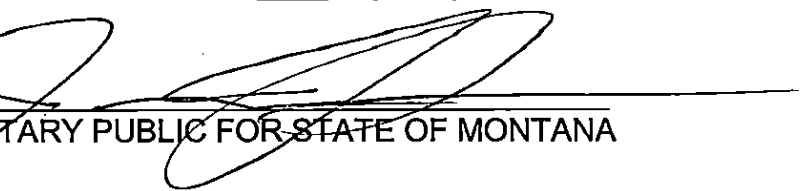
14 Bail was set in Justice Court at \$125,000.00

15 DATED this 2 day of April, 2015.

16 
17 KIRSTEN H. PABST
18 Missoula County Attorney

19 SUBSCRIBED AND SWORN TO before me this 2nd day of April, 2015.

20  JAROM HEIN
21 NOTARY PUBLIC for the
22 State of Montana
Residing at Missoula, MT
My Commission Expires
November 27, 2016


NOTARY PUBLIC FOR STATE OF MONTANA