

2015-1934
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SEP 14 2015

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

Cause No. CR-2015-867

STATE OF MONTANA,

Plaintiff,

-vs-

ARREST WARRANT

JOHN JAYCOB FISHBAUGH,

Defendant.

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

Complaint, upon oath, having been this day made before me by BRIAN LOWNEY, Deputy County Attorney for Missoula County, that the crime of
COUNT I: SEXUAL INTERCOURSE WITHOUT CONSENT, a Felony;
COUNT II: SEXUAL ASSAULT, a Felony, has been committed and accusing
JOHN JAYCOB FISHBAUGH, thereof:

You are therefore ordered, forthwith, to arrest the above-named
Defendant and bring him/her before this Court or in the case of my absence or
inability to act, before the nearest and most accessible Judge in this County,

**WARRANT CANCELLED
JUSTICE COURT**

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SEP 16 2015

DEPARTMENT 2
MISSOULA COUNTY, MT

M.C.S.B.

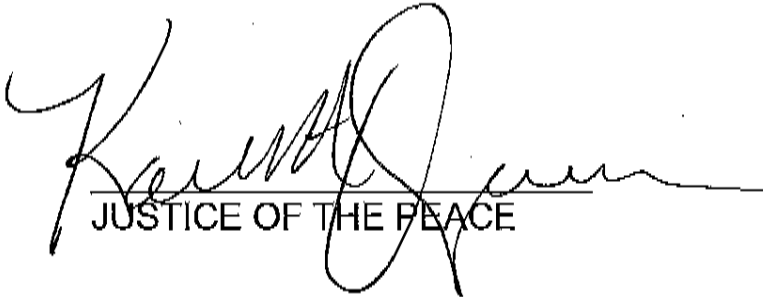
BENCH WARRANT

in custody

or if the arrest is made in another county, before a Judge of the County without unnecessary delay. This warrant may be served day or night.

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

DATED this 14th day of September, 2015.


JUSTICE OF THE PEACE

I arrested the above-named Defendant by virtue of this warrant on the _____ day of _____, _____, at _____.

TITLE

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

STATE OF MONTANA
Plaintiff,

-VS-

JOHN JAYCOB FISHBAUGH
Defendant,

Dept No. ²
Cause No. CR-2015-867

COMPLAINT

BRIAN LOWNEY, Deputy County Attorney, deposes and says that on or about the 2nd day of August, 2015, 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: SEXUAL ASSAULT, a Felony, in violation of Montana law, namely: Mont. Code Ann. 45-5-502(1)[2], punishable by not less than 4 or more than 100 years or life in MSP and \$50,000 fine.

The facts constituting the offense are:

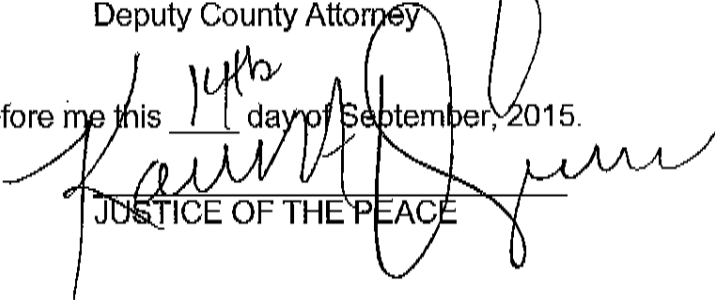
COUNT I: On or about the 2nd day of August, 2015, the above-named Defendant knowingly had sexual intercourse with Jane Doe without consent.

COUNT II: On or about the 2nd day of August, 2015, the above-named Defendant knowingly subjected Jane Doe to sexual contact without consent. The Defendant is three or more years older than the victim, who was under 16 at the time of the offense.

1 DATED this 14th day of September, 2015.

2 
3 BRIAN LOWNEY
4 Deputy County Attorney

5 Subscribed and sworn to before me this 14th day of September, 2015.

6 
7 JUSTICE OF THE PEACE
8

9 COMPLAINT 15-2086

10 ROSS JESSOP, Missoula County Sheriff's Office
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SEP 14 2015

Justice Court

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

4
5 STATE OF MONTANA,
6 Plaintiff,

Cause No. CR-2015-867

7 -vs-

8 JOHN JAYCOB FISHBAUGH,
9 Defendant.

AFFIDAVIT OF PROBABLE CAUSE

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

13 BRIAN LOWNEY, Deputy County Attorney, Montana, being first duly sworn upon
14 oath, deposes and says:

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

20 On or about August 27, 2015, officers at the Pondera County Sheriff's Office
21 received a report from J.B., the mother of Jane Doe (age 9), that Doe had been sexually
22 abused by the Defendant. J.B. indicated that Doe and the Defendant, who dates Doe's
23 biological grandmother, recently went on a week-long trip in the Defendant's semi-truck
24 at the beginning of August 2015. The Defendant is a long-haul truck driver, and was
25 making the trip as a part of his job duties. After Doe returned from the trip, she told J.B.
26 that the Defendant had sexually abused her during the trip.
27
28

1 Doe was interviewed at the Cascade County Child Advocacy Center, and
2 disclosed the following: Doe indicated that during the first night of the trip, she and the
3 Defendant stayed overnight in Missoula, at a truck stop. Doe and the Defendant slept in
4 the cab of the Defendant's truck. Doe told investigators that the Defendant forced her to
5 sleep naked and would not allow her to wear her "jammies". Further, the Defendant
6 forced Doe to sleep in the same bunk as him, even though there was a separate bunk
7 for Doe. The Defendant also slept naked.
8

9 Doe indicated that the Defendant "touch[ed her] wrong" and that the Defendant
10 made Doe "touch him wrong" during the night they spent in Missoula. Doe indicated
11 that the Defendant "fingered" her, meaning that he touched the inside of her vagina with
12 his fingers, and that he "was not very nice about it either." Doe indicated that she asked
13 the Defendant to stop, and he told her "tough shit."
14

15 Doe also indicated that the Defendant made her touch his "private part", which
16 Doe identified as the part of the Defendant's body out of which he urinates. Doe made
17 a motion indicating that the Defendant forced her to move her hand up and down on his
18 "private part", akin to male masturbation. Doe indicated that the Defendant's "private
19 part" was "straight" during the time that he forced Doe to do this.
20

21 The Defendant admitted that he and Doe had spent the night in Missoula. The
22 Defendant further indicated he had slept naked with Doe, and that he had touched her
23 vagina in an effort to treat a rash that he claimed Doe was suffering from.
24

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26 
27 BRIAN LOWNEY
28 Deputy County Attorney

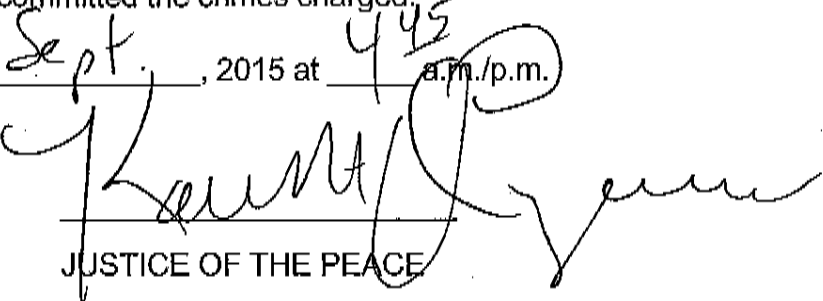
1 SUBSCRIBED AND SWORN TO before me this 14th day of September, 2015.

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3 
4 JUSTICE OF THE PEACE

5 ORDER

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

9
10 DATED this 14th day of Sept., 2015 at 445 a.m./p.m.

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13 JUSTICE OF THE PEACE
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