OCT 22 2015
Justice Court

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

STATE OF MONTANA

NATHANIEL JOHN LAKE

-VS-

Plaintiff.

Defendant.

Cause No. 02 - 2015 - 966

**AMENDED COMPLAINT** 

BRIAN LOWNEY, Deputy County Attorney, deposes and says that on or about the 12th day of October, 2015, in Missoula County, the Defendant committed the offenses of COUNT I: VIOLATION OF ORDER OF PROTECTION - 1ST OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-5-626(3)[1st], punishable by 6 months MCDF and/or \$500 fine; COUNT II: ATTEMPTED 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.

The facts constituting the offense are:

COUNT I: On or about the on, about or around the week of October 5<sup>th</sup>, 2015, through the date of October 12, 2015, the above-named Defendant committed the offense of violation of an order of protection when, with knowledge of the order, purposely or knowingly violated a provision of an order provided for in 40-4-121 or an order of protection under Title 40, chapter 15, to wit: he had contact with Jane Doe.

COUNT II: On or about the 12th day of October, 2015, the above-named

Defendant knowingly attempted to have sexual intercourse with Jane Doe without consent.

DATED this 22nd day of October, 2015.

BRIAN LOWNEY Deputy County Attorney

Subscribed and sworn to before me this 22 day of October 2015.

JUSTICE OF THE PEACE

COMPLAINT 15-2384 Missoula City Police Dept FRANKE



let her go. The Defendant began to "hump" Doe. The Defendant then pulled down Doe's pants to her hips. The Defendant took his penis out of his own pants, moved Doe's underwear to the side, and placed his penis in Doe's underwear, near her genitals. The Defendant continued to "hump" Doe, and eventually ejaculated.

An order of protection was in place at the time the Defendant had contact with Doe, which prohibits the Defendant from having contact with Doe. The order was served upon the Defendant in open court.

The Defendant admitted to having contact with Doe, but denied that he sexually assaulted her.

**BRIAN LOWNEY** 

Deputy Missoula County Attorney

SUBSCRIBED AND SWORN TO before me this 22 day of October, 2015.

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 22 day of 0 d , 2015 at 11:18 a.m./p.m.

JUSTICE OF THE PEACE

## RECEIVED

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	IN AND FOR THE COUNTY OF MISSOULA	Justice Court
BEFORE	Marie A Andersen JUSTICE OF THE P	

STATE OF MONTANA,

Cause No. (1-2015 - 966

-VS-

AFFIDAVIT OF PROBABLE CAUSE FOR AMENDED COMPLAINT

NATHANIEL JOHN LAKE,

Defendant.

Plaintiff,

STATE OF MONTANA ) : ss

County of Missoula

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

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

On or about the 13<sup>th</sup> of October, Jane Doe reported to the Missoula Police

Department that the Defendant had sexually assaulted her the day prior in McCormick

Park, Missoula County, MT. Doe indicated that the Defendant she encountered the

Defendant in McCormick Park the week prior, at which point he came up to talk to her.

On October 12, 2015, Doe again encountered the Defendant in McCormick Park, and

attempted to communicate to the Defendant that she did not wish to have any further

contact with him. In response, the Defendant pinned Doe against a log and would not