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JAN 14 2016

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-

MICHAEL KENT BOTSFORD
Defendant,

Dept No. ²
Cause No. CR-2016-42

COMPLAINT

SUZY BOYLAN, Assistant Chief Criminal County Attorney, deposes and says that on or about the 1st day of November, 2014, in Missoula County, the Defendant committed the offense of COUNT I: ENDANGERING WELFARE OF CHILDREN - 1ST OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont. Code Ann. 45-5-622(1)[1st], punishable by 6 months MCDP and/or \$500 fine.

The facts constituting the offense are:

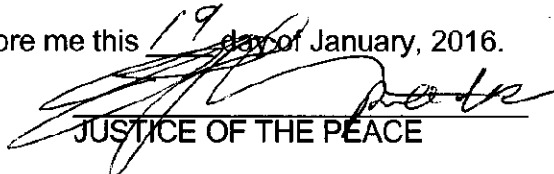
COUNT I: On or about the 1st day of November, 2014, the above-named Defendant knowingly endangered the welfare of Jane Doe, a child under 16 years of age, by assisting, promoting, or encouraging Jane Doe to engage in sexual conduct.

DATED this 14th day of January, 2016.



SUZY BOYLAN
Assistant Chief Criminal County Attorney

Subscribed and sworn to before me this 19th day of January, 2016.



JUSTICE OF THE PEACE

COMPLAINT/15-1258/JON GUNTER, Missoula County Sheriff's Office

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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-2016-42

7 -vs-

AFFIDAVIT OF PROBABLE CAUSE

8 MICHAEL KENT BOTSFORD,
9 Defendant.

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

14 SUZY BOYLAN, Assistant Chief Criminal County Attorney, Montana, being first
15 duly sworn upon oath, deposes and says:

16 I have read the official law enforcement reports regarding the investigation of
17 MICHAEL KENT BOTSFORD for allegedly committing the offense(s) set forth in the
18 complaint and based upon the information contained in the reports, if true, believe
19 probable cause exists to justify charging the above-named defendant as specified in the
20 accompanying complaint.
21

22 On or about April 1, 2015, the Missoula County Sheriff's Office received
23 information about a teacher at Frenchtown High School having inappropriate
24 communications with a student. The investigation revealed approximately 14,000
25 messages between the teacher, identified as the above-named Defendant, and the
26 student, 15 year-old Jane Doe.

27 Most of the time, Defendant and Jane Doe did not discuss sex explicitly. At one
28 point, however, Jane Doe asked, "You're not going to do anything...to me?" Defendant

1 replied that she was not a "cheap thrill" for him and sent her a photograph with the
2 caption "Intimacy is not just about sex." In another message, Defendant told Jane Doe "I
3 would pin you up against the wall with hands above your head. I would be pressed
4 against you and give you a soft kiss on your cheek and neck and whisper in your ear
5 that I caught you." They later had another conversation about sex in which Defendant
6 stated he would wait until they are married. He said he wanted to be Jane Doe's "first."

7 In the Facebook messages, Defendant repeatedly makes reference to dreams he
8 claims he had about Jane Doe. Some reference wanting Jane Doe to lay on top of him
9 and to sleep in his bed. Others refer to wanting to shower with her. In some of the
10 messages, there are references to kissing, several of which appear to have taken place
11 in Defendant's classroom. There is also a reference to Defendant trying to give Jane
12 Doe his hotel room key while at an out-of-town sports tournament. Jane Doe messaged
13 Defendant saying she was "mean" for not taking the room key. Defendant replied he felt
14 bad and that he put her in an awkward position. Another message references "the time
15 we wrestled around." He sent a photo of his lower body on his bed. A subsequent
16 message referred to his underwear.

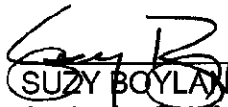
17 Many of the messages reference dreams Defendant claims to have had about
18 Jane Doe. These messages appear to be a means to test Jane Does' comfort level with
19 intimate activity with Defendant.

20 Jane Doe was interviewed at First Step. She recalled at least ten occasions of
21 being hugged and kissed on the forehead and cheek by Defendant while they sat on the
22 couch in his classroom. Other messages refer to lying on a couch together. On one
23 occasion she briefly sat on his lap. She said they never discussed sex directly, but on
24 one occasion, Defendant mentioned he might get embarrassed if she ever sat on his lap
25 again. There is a corresponding Facebook message in which he states he may have a
26 physical reaction if she sat on his lap again because he is a guy, a clear reference to an
27 erection. In another message, Defendant thanks Jane Doe for climbing into bed with
28 him. Later, he asks how she would like him to lay with her in his bed. They discussed

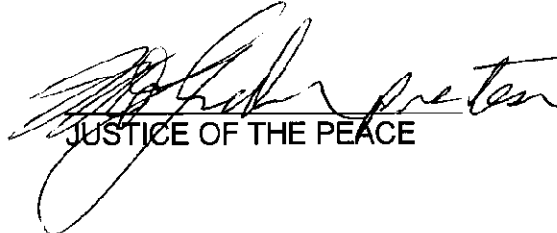
1 being married sometime in the future. Defendant cautioned Jane Doe not to tell anyone
2 about their relationship "for reasons I am sure you know." Defendant gave Jane Doe a
3 number of gifts, including two necklaces and a Valentine heart. He also advised her how
4 to lie about where she received one of his gifts. The last message from Defendant
5 stated, "Hi sweetie, is everything ok?"

6 Defendant was interviewed by a deputy. He maintained the messages were not
7 meant in a romantic manner, but he showed some signs of deception during the
8 interview. He was later interviewed by a detective. He eventually admitted he loved
9 Jane Doe and hoped to have some sort of future with her after she graduated from high
10 school, but denied having sexual thoughts or intentions.

11 Defendant was reportedly fired from another high school after having an
12 inappropriate relationship with a student.

13
14 
15 (SUZY BOYLAN)
16 Assistant Chief Criminal County Attorney

17 SUBSCRIBED AND SWORN TO before me this 19 day of January, 2016.

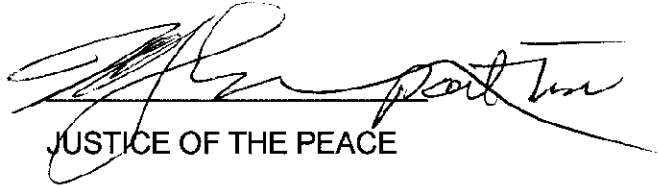
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19 JUSTICE OF THE PEACE
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ORDER

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 19 day of Jan, 2016 at 11²⁰ a.m. p.m.


JUSTICE OF THE PEACE