

AUG 24 2016

Justice Court

1 SUZY BOYLAN  
 2 Deputy County Attorney  
 3 KIRSTEN H. PABST  
 4 Missoula County Attorney  
 5 Missoula County Courthouse  
 6 Missoula, Montana 59802  
 7 (406) 258-4737  
 8 ATTORNEYS FOR PLAINTIFF

9 IN THE JUSTICE COURT OF THE STATE OF MONTANA  
 10 IN AND FOR THE COUNTY OF MISSOULA  
 11 BEFORE, Landee N. Holloway, JUSTICE OF THE PEACE

12 STATE OF MONTANA,  
 13 Plaintiff,  
 14 -vs-  
 15 CARL THOMAS SWINEY,  
 16 Defendant,

17 Department No. 2  
 18 Cause No. CR-2016-729  
 19 **COMPLAINT**

20 SUZY BOYLAN, Deputy County Attorney, deposes and says that on or about the  
 21 24th day of August, 2013, in Missoula County, the Defendant committed the offense of  
 22 COUNT I: SEXUAL ASSAULT, a Felony, in violation of Montana law, namely: Mont. Code  
 23 Ann. 45-5-502(1)[2], punishable by not less than 4 or more than 100 years or life in MSP  
 24 and \$50,000 fine.

25 The facts constituting the offense are:

26 COUNT I: On or about the 24th day of August, 2013, the above-named  
 27 Defendant knowingly subjected John Doe to sexual contact without consent, by  
 28 touching John Doe's buttocks area with his penis. The Defendant is three or more  
 years older than the victim, who was under 16 at the time of the offense.

DATED this 4th day of August, 2016.

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SUZY BOYLAN  
Deputy County Attorney

Subscribed and sworn to before me this \_\_\_\_ day of August, 2016.

JUSTICE OF THE PEACE \_\_\_\_\_

COMPLAINT 16-1862

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13 STATE OF MONTANA,  
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 15 Plaintiff,  
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 17 -VS-  
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 19 CARL THOMAS SWINEY,  
 20  
 21 Defendant,

22 Department No. 2  
 23 Cause No. CA-2016-729

24 **AFFIDAVIT OF PROBABLE CAUSE**

25 STATE OF MONTANA )  
 26 : ss  
 27 County of Missoula )

28 SUZY BOYLAN, Deputy County Attorney, Montana, being first duly sworn upon  
 oath, deposes and says:

I have read the official law enforcement reports regarding the investigation of CARL THOMAS SWINEY 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 August 2, 2016, the father of John Doe, age 4, reported to the Missoula Police Department that John Doe made concerning disclosures that John

1 Doe's uncle, identified as the above-named Defendant, "did something bad." When  
2 asked about it, John Doe wouldn't answer. Several days later, John Doe's father asked  
3 what Defendant did that was so bad, and John Doe answered that Defendant pees on  
4 him. John Doe's father said that the more he thought about the statement, the more he  
5 suspected sexual abuse. He stated that when John Doe was two, he saw Defendant  
6 with his shorts and underwear on the floor trying to get John Doe to sit on Defendant's  
7 lap.  
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10 John Doe was taken to First Step for a forensic interview. He stated that no one  
11 touched his genitals, but said that Defendant "goes pee" on his butt and it "tickles." He  
12 described Defendant's penis.

13 Defendant was located and interviewed. Because Defendant is delayed,  
14 Detective Peterson used elements of child forensic interviewing with him. She read and  
15 explained the Miranda rights, and Defendant waived his rights and agreed to give a  
16 statement. When confronted about John Doe's statements, Defendant started crying  
17 and asked to take a break. After the break he told detectives he "won't do it again" to  
18 John Doe, and he thought it only happened once. He said that on August 1, he used his  
19 "thing" [penis] to touch John Doe in the buttocks area. He said his own clothes were on  
20 and John Doe's's pants were pulled down and his "butt was out." Defendant said "white  
21 stuff" came out of his thingy and went on to John Doe's butt. He then admitted to  
22 additional incidents of sexual abuse.  
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27 SUZY BOYLAN  
28 Deputy County Attorney