

1 IN THE JUSTICE COURT OF THE STATE OF MONTANA,
2 IN AND FOR THE COUNTY OF MISSOULA
3 BEFORE John E. O'Neil JUSTICE OF THE PEACE

4
5 STATE OF MONTANA
6 Plaintiff,
7 -vs-
8 TIMOTHY EUGENE
9 SCHWARTZ
10 Defendant.

Cause No. CR-2014-11848-C1

COMPLAINT

11 JENNIFER CLARK, Chief Deputy County Attorney, deposes and says
12 that on or about the 16th day of February, 2014, in Missoula County, the
13 Defendant committed the offense of SEXUAL INTERCOURSE WITHOUT
14 CONSENT, a Felony, in violation of Montana law, namely: Mont. Code Ann.
15 45-5-503, punishable by not less than 2-4 years or more than 100 years or
16 life MSP and \$50,000 fine.
17

18 The facts constituting the offense are:

19
20 On or about the 16th day of February, 2014, the above-named
21 Defendant knowingly had sexual intercourse with Jane Doe without
22 consent.
23

24 DATED this 19th day of February, 2014.

25
26 
27 JENNIFER CLARK
28 Chief Deputy County Attorney

Subscribed and sworn to before me this ____ day of February, 2014.

JUSTICE OF THE PEACE

COMPLAINT 14-398
Missoula City Police Dept ADAMS

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FEB 19 2014

Justice Court

IN THE JUSTICE COURT OF THE STATE OF MONTANA,
IN AND FOR THE COUNTY OF MISSOULA
BEFORE John E. Odlin, JUSTICE OF THE PEACE

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STATE OF MONTANA,
Plaintiff,

-vs-

TIMOTHY EUGENE SCHWARTZ,
Defendant.

Cause No. CR-2014-11848-C1

**AFFIDAVIT OF PROBABLE
CAUSE**

STATE OF MONTANA)
 : ss
County of Missoula)

JENNIFER CLARK, Chief 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 TIMOTHY EUGENE SCHWARTZ for allegedly committing
the offense(s) set forth in the complaint in 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 February 17, 2014, Missoula City Police Officer Franke
responded to First Step in Missoula for a report of sexual assault. The
victim was a university student. She reported that she was with friends on

1 February 16, 2014, in her dorm room. They were drinking wine and beer.

2 One female called a friend named Alex. Alex arrived around 9:00 or 10:00

3 p.m. with another male, later identified as Timothy Schwartz. Jane Doe

4 and Tim began talking and eventually ended up kissing. She was okay with

5 the kissing and didn't think too much of it. Around 1:00 a.m., people began

6 to leave. Alex was leaving and Jane Doe told him to take Tim with him.

7 Alex said no.

8 Jane Doe climbed into bed and pretended to go to sleep. Tim was on

9 the floor. Jane Doe pretended to go to sleep because she felt uneasy Tim

10 was in the room. Her roommate was asleep across the room. Tim climbed

11 into bed and started "dry humping" her. She said "no, stop it" and Tim

12 replied "you know you want it." Jane Doe said "no stop" again. Tim flipped

13 her over so she was facing up and pulled out his penis. Her head struck

14 the headboard when he flipped her over. Tim chewed on her lip. He also

15 licked and sucked on her neck.


16 The next morning Jane Doe told her roommate what happened. She

17 went to First Step for an exam. Cat Otway confirmed lacerations on the

18 inside of her lower lip and bruising on her neck near her larynx. The

19 investigation is ongoing.

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JENNIFER CLARK
Chief Deputy County Attorney

SUBSCRIBED AND SWORN TO before me this ____ day of
February, 2014.

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 ____ day of _____, 2014 at ____ a.m./p.m.

JUSTICE OF THE PEACE