

MAY 11 2014

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

Cause No. CR-2014-12098-C2

STATE OF MONTANA,

Plaintiff,

-VS-

JAMES SCOTT RICHEY,

Defendant.


COMPLAINT

SUZY BOYLAN, Assistant Chief Deputy Missoula County Attorney, being duly sworn, deposes and says that on or about and between May 7, 2014 and May 9, 2014 at Missoula County, the above-named Defendant committed the offense(s) of **COUNT I: SEXUAL ABUSE OF CHILDREN**, a Felony, in violation of Montana law, namely: Mont. Code Ann. §45-5-625, punishable by 10 years MSP and a \$10,000 fine; The facts constituting the offense(s) are:

COUNT I:

On or about and between May 7, 2014 and May 9, 2014, the above-named Defendant committed the offense of sexual abuse of children, by knowingly persuading, enticing, counseling, or procuring through electronic communication a person the offender believed to be a child under the age of 16 to engage in sexual conduct, actual or simulated.

DATED this 11th day of May, 2014.


SUZY BOYLAN
Assistant Chief Deputy County Attorney

Subscribed and sworn to before me this 11 day of May, 2014.

Cheryl B. Bix
JUSTICE OF THE PEACE

Complaint/Weekend/Boylan/MPD/Shermer

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STATE OF MONTANA,

Plaintiff,

-vs-

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Defendant.

AFFIDAVIT OF PROBABLE CAUSE

STATE OF MONTANA)
 : ss
 County of Missoula)

SUZY BOYLAN, Assistant Chief Deputy County Attorney of Missoula County,
 Montana, being first duly sworn upon oath, deposes and says:

I have read the official law enforcement reports regarding the investigation of
 JAMES SCOTT RICHEY 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. Detective Chris Shermer's report states:

On the 7th of May, 2014, while looking through the popular website Craigslist,
 Missoula Police Department Internet Crimes against Children Detective Chris Shermer
 noticed an ad in the "casual encounters" section of the website that stood out. The title
 of the ad basically stated that a male poster was looking to provide oral sex to any
 responding female party. The ad stated the male had an average body type, 35 years
 of age, 6 foot in height and single. Looking further into the summary of the ad, the

male indicated "age size and race don't matter". The male also posted two pictures of females displaying their genitalia. One of the pictures depicted a female who appeared to be under the age of 18.

Under an undercover persona, Detective Shermer responded to the ad and asked what he meant regarding age, race and size "don't matter". The male at first indicated any responding person had to be of legal age. When Detective Shermer indicated he was only 14, the male appeared to be apprehensive at first, but continued to talk to Detective Shermer.

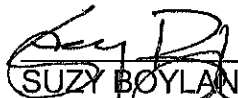
Over the span of 40 plus hours, the male, who identified himself as "Mark" (an alias) kept talking to Detective Shermer through email and through text messages. "Mark" indicated he was very excited to speak to Detective Shermer because he was 14 and liked the idea of "...doing things with you and teaching you things is exciting..." "Mark" also asked a few questions regarding sexual activity to Detective Shermer's persona specifically saying, "Have you done anything before? Anything sexual?" When Detective Shermer indicated he hadn't done anything sexual and only kissed a boy once, Mark indicated there were a lot of men on Craigslist who would love to take girls virginity.

As the texting continued, Mark indicated he didn't want Detective Shermer to get into trouble with his "mom", so he advised "...If you delete all of our emails and then empty the trash, plus delete our texts regularly, she won't know. After all my number in your phone says nothing."

On the 8th of May, 2014, Mark asked Detective Shermer about the ad and wondered if his persona was interested in the oral sex he had posted in his Craigslist

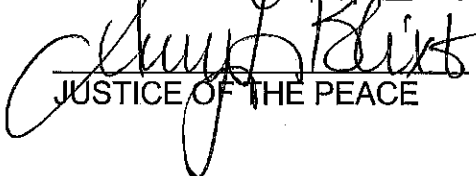
title. Mark indicated to the persona that he was "only looking to lick, nothing else so you could have had fun and enjoyed it and still be a virgin." The conversation continued with both parties and actual intercourse was mentioned, but only if the young female was ready for it when they met. Mark indicated he was going to bring condoms and a blanket when they met on Friday at a nearby park and advised Detective Shermer's persona to wear dark underwear just in case they had sex. Mark indicated that if they were to have sex, there would be bleeding.

On the 9th of May, 2014, Detective Shermer and Mark set up a time that evening to meet at a nearby park. Around 2200 hours, Mark texted Detective Shermer's persona that he was sitting at a nearby picnic table waiting for her arrival. At this point, Missoula Police and Missoula County Sheriff's personnel, who were waiting for Mark, arrived in the area and took "Mark" into custody. Once Mark was in custody, it was determined the male was James Scott Richey, a 42 year old Missoula male. After the apprehension, Detective Shermer and Detective Scott King interviewed Richey about the incident and Richey verbalized he knew he was in trouble. Richey understood he had done wrong when he conversed with a 14 year old female and meeting her in order to provide oral sex and possibly sexual intercourse. Two condoms, two cell phones and a blanket were seized during Richey's apprehension.


SUZY BOYLAN

Assistant Chief Deputy Missoula County Attorney

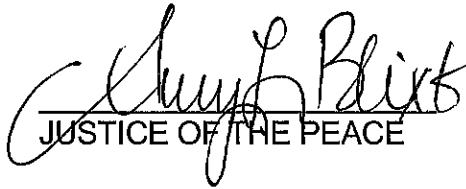
SUBSCRIBED AND SWORN TO before me this 11th day of May, 2014.


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 11th day of May, 2014, at 3:22 a.m./p.m. (p.m.)


JUSTICE OF THE PEACE