

1 RYAN MICKELSON
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
10 IN THE JUSTICE COURT OF THE STATE OF MONTANA
11 IN AND FOR THE COUNTY OF MISSOULA
12 BEFORE, Marie A Andersen, JUSTICE OF THE PEACE

13 STATE OF MONTANA,

14 Plaintiff,

15 -VS-

16 JASON DEVON LENOIR,

17 Defendant,

Department No. 1
Cause No.

CR 206-941

COMPLAINT

18 RYAN MICKELSON, Deputy County Attorney, deposes and says that on or about
19 the 18th day of September, 2016, in Missoula County, the Defendant committed the
20 offenses of COUNT I: SEXUAL INTERCOURSE WITHOUT CONSENT, a Felony, in
21 violation of Montana law, namely: Mont. Code Ann. 45-5-503, punishable by not less than
22 2 years or more than 100 years or life MSP and \$50,000 fine; COUNT II: BURGLARY, a
23 Felony, in violation of Montana law, namely: Mont. Code Ann. 45-6-204(1), punishable by
24 20 years MSP and/or \$50,000 fine. COUNT III: VIOLATION OF ORDER OF
25 PROTECTION - 2ND OFFENSE, a Misdemeanor, in violation of Montana law, namely:
26 Mont. Code Ann. 45-5-626(3)[2nd], punishable by not less than 24 hours or more than 6
27 months MCDF and a \$200-\$500 fine.

28 The facts constituting the offense are:

1 COUNT I: On or about the 18th day of September, 2016, the above-named
2 Defendant knowingly had sexual intercourse with Jane Doe without consent.

3 COUNT II: On or about the 18th day of September, 2016, the above-named
4 Defendant knowingly entered or remained unlawfully in an occupied structure and
5 knowingly or purposely committed any offense within that structure, when he entered
6 the residence of Jane Doe through her window without permission and had sexual
7 intercourse with her without consent while inside the residence.
8

9 COUNT III: On or about the 18th day of September, 2016, the above-named
10 Defendant committed the offense of violation of an order of protection when, with
11 knowledge of the order, purposely or knowingly violated a provision of an order provided
12 for in 40-4-121 or an order of protection under Title 40, chapter 15, by having contact
13 with Jane Doe. Defendant was previously convicted of this offense on September 18,
14 2015, in Dillon City Court.
15

16 DATED this 21st day of September, 2016.
17

18 
19

20 RYAN MICKELSON
21 Deputy County Attorney

22 Subscribed and sworn to before me this ____ day of September, 2016.
23

24 JUSTICE OF THE PEACE
25

26 COMPLAINT 16-2271

27 PAT MULLIGAN, Missoula City Police Dept
28 SHAUN LOYA, Missoula City Police Dept
JOHN GRIFFITH, Missoula City Police Dept
JORDAN ORR, Missoula County Sheriff's Office
RYAN SWEARINGIN, Missoula County Sheriff's Office

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15 -VS-

16 JASON DEVON LENOIR,

17 Defendant,

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AFFIDAVIT OF PROBABLE CAUSE

18 STATE OF MONTANA)
19 : ss
20 County of Missoula)

21 RYAN MICKELSON, Deputy County Attorney, Montana, being first duly sworn
22 upon oath, deposes and says:

23 I have read the official law enforcement reports regarding the investigation of
24 JASON DEVON LENOIR for allegedly committing the offense(s) set forth in the complaint
25 and based upon the information contained in the reports, if true, believe probable cause
26 exists to justify charging the above-named defendant as specified in the accompanying
27 complaint.
28

1 On or about September 19, 2016, Deputy Ryan Swearingin responded to a
2 disturbance in progress in Missoula city limits involving Jason Lenoir violating a
3 Temporary Order of Protection by contacting the protected party, Jane Doe.
4

5 Upon arrival on scene, Deputy Sweringin made contact with K.L., the individual
6 who had reported the incident to dispatch. K.L., who is Doe's neighbor, stated that
7 Jason would not leave Doe's residence after being told several times to leave by Doe.
8 K.L. said Doe told Jason about the Temporary Order of Protection and eventually Jason
9 left.
10

11 Doe relayed that while the incident was only a verbal disturbance, she was
12 sexually assaulted by Jason on September 18, 2016. Doe said she went to a concert in
13 downtown Missoula the evening of September 17, 2016. She indicated that she was
14 intoxicated when she arrived home at approximately midnight. She said she
15 remembered getting home and going to bed. Doe woke up at approximately 7:30 a.m.
16 and saw Jason lying naked next to her in her bed. Doe was also naked. Jason told her
17 that he had broken into her apartment and that they had sex. Doe said she had no
18 recollection of the sexual assault, but noted there was fluid leaking from her vagina
19 when she woke up.
20

21
22 Officers Pat Mulligan and Shaun Lloya responded to the scene at the request of the
23 Sherriff's Office. Officer Mulligan spoke with Doe more in depth about the assault. Doe
24 explained that she had been dating Jason Lenoir for approximately one year, but noted
25 the relationship ended sometime around June of 2016. Jason then went to Texas. On
26 September 11, 2016, Doe said that Lenoir returned to Missoula and made attempts to
27 contact her. At that time, Doe indicated law enforcement contacted Jason and advised
28

1 him that he was trespassed from her residence. Law enforcement also told Jason that
2 there was an outstanding Order of Protection that Doe had filed against him.

3 Doe stated that on September 17, 2016, she was at her apartment with her
4 friend Z.Z. and was preparing to go out for the evening. At approximately 8:30 p.m.
5 Jason came by the residence. Doe said she had a brief interaction with Lenoir in which
6 she told him she was going out and told him to go away, which he did.
7

8 Doe said she later attended a concert with Z.Z. and some other friends at Stage
9 112. At the concert she said that she had several drinks, including 4 shots of vodka, 2
10 shots of tequila and a "Dirty Shirley". Doe was then driven home from the concert by
11 her friend, W.W. After W.W. left, the last thing she remembered was taking off all her
12 clothes and going to bed. She awoke to her alarm in the morning to discover Jason
13 naked in the bed next to her. She was startled and said that she told Jason she did not
14 remember a thing. Jason proceeded to tell her he broke in through her front window
15 and they had sex. Doe said she told Jason that he should have taken care of her.
16 Jason responded that he found her passed out drunk and naked in bed, and that he did
17 help her by cracking the window because she could have overheated.
18

19 Doe went on to explain the events that had transpired on this evening. She said
20 the doorbell rang and she heard her neighbor K.L. speaking with Jason outside. Jason
21 was telling K.L. that he had previously entered Doe's apartment through the window. At
22 this point, Doe said she felt the need to interject. She opened her door and told Jason
23 that he essentially raped her. She said Jason responded by implying she should be
24 happy that it was him, as opposed to someone else.
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1 While law enforcement spoke with Doe on the evening of September 19, 2016,
2 Detective Arianna Adams interviewed Jason Lenoir at the police department. Jason
3 was advised of his Miranda Warning and he agreed to answer questions.
4

5 Jason advised that he previously dated Jane Doe and that it was a rocky
6 relationship. Jason said they broke up in May of 2016. Jason left for Texas on August
7 9, 2016. He indicated while in Texas, Doe blocked his number and his Instagram. He
8 said they would only email, and eventually, Doe quit responding to his emails too.
9

10 Jason said he returned to Missoula from Texas on September 11, 2016. He
11 noted that he and Doe did not have any kind of relationship at that time. Jason said he
12 emailed Doe and told her he was on his way back to Missoula. He also told her he was
13 going to try and go see her at the mall. Jason said when he went to Doe's residence
14 law enforcement was called on him. Jason said the same day an officer told him that
15 Doe did not want anything to do with him, and that an order of protection had been
16 issued against him.
17


18 Jason said after the conversation regarding the order of protection, he went to
19 Doe's house on September 17, 2016, and found her getting ready to go out. Jason said
20 he left and returned about 1:30 a.m. When Doe did not answer the door, Jason
21 indicated he removed the screen off of the window, opened the window and went into
22 her residence. Jason said he found Doe "passed out drunk" in her room, "unclothed in
23 her bed" and she "did not even know" he was there. Jason said he spent the night there
24 and had sex with Doe.
25

26 He indicated that Doe was "really drunk" and that she did not remember having
27 sex. Jason stated "technically that would be rape," but believed his situation was
28

1 different because they used to date. Jason said when he was speaking with her she
2 was not responding. Jason performed oral sex on Doe first and realized she was drunk
3 because she was "doing weird things" and would not "even open her eyes." Jason said
4 when he started having sex with Doe that she was not talking nor did she open her
5 eyes. Jason is not sure how long he had sex with Doe but estimates that it lasted 20 to
6 30 minutes. Prior to having sex with Doe, Jason said she was "pretty gone" but still
7 had "motor control." Jason said he never had sex with Doe when she was that
8 intoxicated in the past. While Jason was performing oral sex, Jason said she refused
9 to kiss him because she hates him. Jason acknowledged that if she was not so drunk
10 he would not have been able to get into the house and she would have told him to
11 leave.
12

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14 After the interview was conducted, a criminal history was run. It was learned
15 Jason had a previous conviction for Violation of an Order of Protection on September
16 18, 2015, in Dillon City Court.
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RYAN MICKELSON
Deputy County Attorney

SUBSCRIBED AND SWORN TO before me this ____ day of September, 2016.

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 _____, 2016 at _____ a.m./p.m.

JUSTICE OF THE PEACE