

D. JAMES MCCUBBIN  
Deputy County Attorney  
KIRSTEN H. PABST  
Missoula County Attorney  
Missoula County Courthouse  
Missoula, Montana 59802  
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ATTORNEYS FOR PLAINTIFF

IN THE JUSTICE COURT OF RECORD OF MISSOULA COUNTY,  
STATE OF MONTANA

STATE OF MONTANA, Plaintiff, -vs- JACE TORIBIO BULLCOMING, Defendant.	Dept. Cause No.  <b>AFFIDAVIT OF PROBABLE CAUSE</b>
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STATE OF MONTANA        )  
                                  : ss  
County of Missoula        )

D. JAMES MCCUBBIN, Deputy County Attorney, Montana, being first  
duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of  
Jace Toribio Bullcoming for allegedly committing the offense of:

COUNT I: SEXUAL INTERCOURSE WITHOUT CONSENT, a felony,  
in violation of § 45-5-503(1), MCA.

I believe that the facts as set forth in the law enforcement reports, if true, constitute sufficient probable cause to justify the filing of the charges.

Those facts are as follows:

On April 3, 2020, Missoula Police officer responded to the Poverello Center, 1110 West Broadway, Missoula, Montana, for a report of a person to be removed. The person was identified to dispatch as being JACE BULLCOMING. Officers were also familiar with BULLCOMING from a contact with him earlier in the evening.

At the Poverello Center, officers made contact with BULLCOMING and asked him to leave the premises. BULLCOMING was unresponsive to this request, and officers had to physically remove BULLCOMING from the Poverello Center.

A Poverello staff member informed officers that BULLCOMING may have licked the face of another male in the facility and asked that officers speak with the male (the male will be referenced herein as "JC"). Officers began an investigation of a possible assault and made contact with JC.

The officers observed that JC presented as developmentally delayed based on the manner of his speech and the manner which he presented his understanding of the situation. JC appeared to be trying very hard to tell officers exactly what happened, but seemed genuinely confused about or

unaware of the significance of the events that he was recounting. JC reported that he was recently released from the Montana State Hospital in Warm Springs and has a mental health case manager. Officer Harvey was later able to make contact with JC's case manager, who confirmed that JC is developmentally delayed, and that JC has been admitted to the Montana State Hospital on multiple occasions for mental health related issues.

JC reported that BULLCOMING asked him to go into the bathroom with him, and that he "told me to unzip". When Officer Herrick asked JC to elaborate on this, JC told the officer that BULLCOMING told him to unzip his jumpsuit and to kiss him. He stated BULLCOMING told JC that "he was going to do sexual stuff to me". JC stated "he put my penis in his mouth and then he threw money on the floor". JC then said "he sat me on his lap and told me to kiss him". JC later stated that BULLCOMING put his hand on his crotch, and "had me turn around and lick my bottom". He later stated "he put his hand on my rear and licked it". JC stated that he felt as though he didn't have a choice and that "he was pressuring me". JC did not state that he provided consent at any point while BULLCOMING was performing these acts.

Officer Herrick then conducted an interview of BULLCOMING. Officer Herrick advised BULLCOMING of his Miranda Rights prior to any questioning, and BULLCOMING stated he understood. BULLCOMING denied knowing JC and having asked him into the bathroom. BULLCOMING also denied asking JC to perform any sexual acts. Despite his denial of knowing JC, BULLCOMING claimed that at one point JC had asked him to pull down his pants, a request which BULLCOMING claimed to have denied.

DATED this 4th day of April, 2020.

/s/ D. James McCubbin

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D. JAMES MCCUBBIN  
Deputy County Attorney

SUBSCRIBED AND SWORN TO before me, a Justice of the Peace, in and for the State of Montana, County of Missoula.