

1 BRIAN LOWNEY
Deputy County Attorney
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Missoula County Attorney
3 Missoula County Courthouse
Missoula, Montana 59802
4 (406) 258-4737
Attorneys for Plaintiff
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8 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

9 STATE OF MONTANA,
Plaintiff,

10 -vs-

11 DANIEL GLEN TUDAHL,
Defendant,

Dept. No. 5

Cause No. DC-19-422

SECOND AMENDED INFORMATION

Total Possible MSP: **135 years**

Total Possible MCDF: **1 yr 6 mos**

Total Possible Fine: **\$141,500**

14 BRIAN LOWNEY, Deputy County Attorney, deposes and says that on or about the
15 11th day of July, 2019, in Missoula County, the Defendant committed the offenses of
16 COUNT I: SURREPTITIOUS VISUAL OBSERVATION OR RECORDATION IN A
17 RESIDENCE - 2ND OFFENSE, a Misdemeanor, in violation of Montana law, namely: Mont.
18 Code Ann. 45-5-223[2], punishable by 1 year MCDF and/or \$1,000 fine;
19 COUNT II: CRIMINAL TRESPASS TO PROPERTY, a Misdemeanor, in violation of
20 Montana law, namely: Mont. Code Ann. 45-6-203, punishable by 6 months MCDF and/or
21 \$500 fine;
22 COUNT III: TAMPERING WITH WITNESSES AND INFORMANTS, a Felony, in violation of

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1 Montana law, namely: Mont. Code Ann. 45-7-206, punishable by 10 years MSP and/or
2 \$50,000 fine.

3 **COUNT IV: SURREPTITIOUS VISUAL OBSERVATION OR RECORDATION IN A**
4 **RESIDENCE - 3RD OR SUBSEQUENT OFFENSE, a felony, in violation of Montana**
5 **law, namely: § 45-5-223(1) & (4), punishable by 5 years MSP and/or a \$10,000 fine.**

6 **COUNT V: SURREPTITIOUS VISUAL OBSERVATION OR RECORDATION IN A**
7 **RESIDENCE - 3RD OR SUBSEQUENT OFFENSE, a felony, in violation of Montana**
8 **law, namely: § 45-5-223(1) & (4), punishable by 5 years MSP and/or a \$10,000 fine.**

9 COUNT VI: INDECENT EXPOSURE - 3RD OR SUBSEQUENT OFFENSE, a Felony, in
10 violation of Montana law, namely: Mont. Code Ann. 45-5-504(1) & (2)(c), punishable by 10
11 years MSP and/or \$10,000 fine;

12 COUNT VII: INDECENT EXPOSURE TO A MINOR, a Felony, in violation of Montana law,
13 namely: Mont. Code Ann. 45-5-504(1) & (3), punishable by not less than 4 years MSP or
14 more than 100 years MSP and \$50,000 fine.

15 **COUNT VIII: SURREPTITIOUS VISUAL OBSERVATION OR RECORDATION IN A**
16 **RESIDENCE - 3RD OR SUBSEQUENT OFFENSE, a felony, in violation of Montana**
17 **law, namely: § 45-5-223(1) & (4), punishable by 5 years MSP and/or a \$10,000 fine.**

18 The facts constituting the offense are:

19 COUNT I: On or about the 11th day of July, 2019, the above-named Defendant
20 purposely or knowingly hid, waited, or otherwise loitered in person or by means of an
21 electronic device within or in the vicinity of a private dwelling house, apartment or other
22 place of residence for the purpose of watching, gazing at, or looking upon any occupant
in the residence in a surreptitious manner without the occupant's knowledge, or by

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1 means of an electronic device, surreptitiously observed or recorded the visual image of
2 any occupant in the residence without the occupant's knowledge.

3 COUNT II: On or about the 11th day of July, 2019, the above-named Defendant
4 committed the offense of criminal trespass to property by knowingly entering or remaining
5 unlawfully in or upon the premises of Jane Doe's residence.

6 COUNT III: On or about the 11th day of July, 2019, the above-named Defendant
7 believing that an official proceeding or investigation was pending or about to be instituted,
8 purposely or knowingly attempted to induce or otherwise cause a witness or informant to
9 testify or inform falsely.

10 **COUNT IV: On or about the 9th day of January, 2020, the above-named**
11 **Defendant purposely or knowingly hid, waited, or otherwise loitered in person or**
12 **by means of an electronic device within or in the vicinity of a private dwelling**
13 **house, apartment or other place of residence for the purpose of watching, gazing**
14 **at, or looking upon any occupant in the residence in a surreptitious manner**
15 **without the occupant's knowledge.**

16 **COUNT V: On or about the 19th day of January, 2020, the above-named**
17 **Defendant purposely or knowingly hid, waited, or otherwise loitered in person or**
18 **by means of an electronic device within or in the vicinity of a private dwelling**
19 **house, apartment or other place of residence for the purpose of watching, gazing**
20 **at, or looking upon any occupant in the residence in a surreptitious manner**
21 **without the occupant's knowledge.**

22 COUNT IV: On or about February 21st, 2020, Defendant purposely or knowingly
exposed his genitals under circumstances in which the Defendant knew the conduct was
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1 likely to cause affront or alarm in order to arouse or gratify the Defendant's own sexual
2 response or desire or the sexual response or desire of any person. The Defendant has
3 been convicted on two previous occasions of Indecent Exposure, in violation of Mont.
4 Code Ann. § 45-5-504.

5 COUNT V: On or about February 21st, 2020, Defendant knowingly or purposely
6 exposed his genitals under circumstances in which the Defendant knew the conduct was
7 likely to cause affront or alarm in order to arouse or gratify the Defendant's own sexual
8 response or desire or the sexual response or desire of any person. At the time of the
9 offense, the Defendant knew his conduct would be observed by a person (W.W.) who
10 was under 16 years of age. The Defendant is more than four (4) years older than W.W.

11 **COUNT VIII: On or about the 15th day of May, 2020, the above-named**
12 **Defendant purposely or knowingly hid, waited, or otherwise loitered in person or**
13 **by means of an electronic device within or in the vicinity of a private dwelling**
14 **house, apartment or other place of residence for the purpose of watching, gazing**
15 **at, or looking upon any occupant in the residence in a surreptitious manner**
16 **without the occupant's knowledge.**

17 A list of possible witnesses for the state now known to the prosecution is as
18 follows:

19 JANE DOE, C/O MISSOULA COUNTY ATTORNEY'S OFFICE
20 HUSBAND OF JANE DOE, C/O MISSOULA COUNTY ATTY OFFICE
21 ROBERT KENNEDY, MISSOULA COUNTY SHERIFF'S DEPT
22 GARRETT KOPPE, MISSOULA COUNTY SHERIFF'S DEPT
TYLER TERRILL, MISSOULA COUNTY SHERIFF'S DEPT
MICHAEL HASH, MISSOULA COUNTY SHERIFF'S DEPT
REPRESENTATIVE(S), MISSOULA COUNTY 911, TBD
REPRESENTATIVE(S), MISSOULA COUNTY JAIL, TBD
EXPERT(S), CELLEBRITE, TBD
J.M., C/O MISSOULA COUNTY ATTORNEY'S OFFICE

SECOND AMENDED INFORMATION

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W.W., C/O MISSOULA COUNTY ATTORNEY'S OFFICE
J.W., C/O MISSOULA COUNTY ATTORNEY'S OFFICE
JOSHUA HARRIS, MISSOULA POLICE DEPARTMENT
SALISHA TENNISON, MISSOULA POLICE DEPARTMENT
ERIC SEAGRAVE, CURRENTS
M.S., C/O MISSOULA COUNTY ATTORNEY'S OFFICE
JOSHUA JOHNSTON, MISSOULA COUNTY SHERIFF'S OFFICE
MARIA MCLEAN, PRÉTRIAL SUPERVISION

Any witness listed by Defendant
Any witness necessary for foundation, rebuttal, impeachment and/or
chain of custody.

Dated this 15th day of May, 2020.

/s/ Brian Lowney
BRIAN LOWNEY
Deputy County Attorney

CERTIFICATE OF SERVICE

I, Brian Callan Lowney, hereby certify that I have served true and accurate copies of the foregoing Information - Information to the following on 05-17-2020:

John Edward Smith (Attorney)
315 West Pine Street
Missoula MT 59802
Representing: Daniel Glen Tudahl
Service Method: eService

Nicholas Kirby Brooke (Attorney)
315 W. Pine St.
Missoula MT 59802
Representing: Daniel Glen Tudahl
Service Method: eService

Electronically signed by Crystal Zimmerman on behalf of Brian Callan Lowney
Dated: 05-17-2020