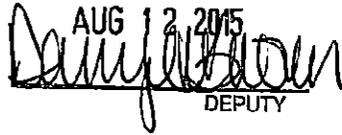


1 RAVALLI COUNTY ATTORNEY  
Bill Fulbright, County Attorney  
2 Ravalli County Courthouse  
205 Bedford Street, Suite C  
3 Hamilton, Montana 59840-2853  
Tel: (406) 375-6750  
4 Fax: (406) 375-6731

5 Attorneys for Plaintiff

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AUG 12 2015  
  
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7 MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

8 STATE OF MONTANA, 9 Plaintiff, 10 vs. 11 BRYCE CRETE COBBS, 12 Defendant	Case No.: DC-15- <u>159</u> / <u>1</u> Dept. 1 <u>(2)</u> <b>MOTION FOR LEAVE TO FILE INFORMATION AND AFFIDAVIT IN SUPPORT</b>
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13 STATE OF MONTANA )  
14 County of Ravalli ) ss.  
15 )

16 Meghann Paddock, Deputy County Attorney of Ravalli County, Montana, moves the  
17 Court for leave to file Information and, having been first duly sworn, deposes and says, based  
18 on information and belief, that in Ravalli County, Montana, the Defendant has violated the  
19 following law: CHARGE 1: SEXUAL INTERCOURSE WITHOUT CONSENT, a Felony, in  
20 violation of § 45-5-503(1),(2), M.C.A.; CHARGE 2: SEXUAL INTERCOURSE WITHOUT  
21 CONSENT, a Felony, in violation of § 45-5-503(1), (2), M.C.A.; and CHARGE 3: SEXUAL  
INTERCOURSE WITHOUT CONSENT, a Felony, in violation of § 45-5-503(1), (2), M.C.A.

22 **NON-ENUMERATED OFFENSES**

23 CHARGE 4: SEXUAL ABUSE OF CHILDREN, a Felony, in violation of § 45-5-  
24 625(1)(c), M.C.A.; CHARGE 5: SEXUAL ABUSE OF CHILDREN, a Felony, in violation of §

1 45-5-625(b), M.C.A.; CHARGE 6: SEXUAL ABUSE OF CHILDREN, a Felony, in violation of  
2 § 45-5-625(b), M.C.A.; CHARGE 7: TAMPERING WITH EVIDENCE, a Felony, in violation  
3 of § 45-7-207, M.C.A.; CHARGE 8: TAMPERING WITH WITNESSES, a Felony, in violation  
4 of § 45-7-206, M.C.A.

5 **STATE'S INTENT TO CHARGE DEFENDANT AS AN ADULT**

6 During the time of the conduct charged herein, Defendant was sixteen (16) years old,  
7 having been born April 18, 1996. Pursuant to § 41-5-206(1)(a), M.C.A., the State is directly  
8 filing in District Court this Motion for Leave to File Information, charging the Defendant as an  
9 adult with the crime of Sexual Intercourse Without Consent (3 Charges), Felonies.

10 While Charges 4 through 8 above are offenses which are not enumerated in § 41-5-  
11 206(1), M.C.A., they arose during the commission of the enumerated offenses set forth in  
12 Charges 1 through 3, and are a part of those same transactions. Therefore, pursuant to § 41-5-  
13 206(5)(b), M.C.A., the State moves for an Order after hearing transferring Charges 4 through 8  
14 to the District Court to be tried with Charges 1, 2, and 3, above.

15 **The Court is informed that investigation by Ravalli County Sheriff's Office has**  
16 **established the following:**

- 17 1. On February 21, 2013, Defendant and YOUTH 1 were texting, and Defendant  
18 identified YOUTH 1 as "[YOUTH 1]! The really cute 8th grader;)" They  
19 discussed the fact that YOUTH 1 was in a relationship, and would be entering  
20 high school the following year.
- 21 2. On February 26, 2013, at 9:45 p.m., Defendant received a text message from a  
22 juvenile male, B.H., stating "Get [YOUTH 1]!" Defendant said "Haha I should."
- 23 3. On February 28, 2013, Defendant asked YOUTH 1 about having sex, including  
24

1 when and to whom YOUTH 1 was going to lose her virginity. YOUTH 1 asked  
2 to borrow a sweatshirt from the Defendant. The Defendant agreed "if I get  
3 something back." Defendant then asked YOUTH 1 "What's the furthest you  
4 have been?" to which YOUTH 1 responded "Bj" and Defendant said "Ohh ha  
5 lets trade!" [sic]. YOUTH 1 asked what he meant, and Defendant said "I mean  
6 bj for hoodie haha." YOUTH 1 said a bj is too much, but offered to give him a  
7 kiss. Defendant called her offer lame, and YOUTH 1 said "Hj???" Defendant  
8 said "I hate handjobs lol" YOUTH 1 responded "Friicckkk. Bj it is. I owe you  
9 one IF I get the hoodie tomorrow." Defendant asked when he would get it, and  
10 YOUTH 1 told him "ASAP."

- 11 4. On March 1, 2013, YOUTH 1 texted Defendant to remind him to bring the  
12 sweatshirt, and asked for the "Bucs baseball one." At 11:30 a.m., Defendant  
13 texted "So when is this going down?" The next message occurred at 11:58 a.m.,  
14 YOUTH 1 asked Defendant if he told people, and asked him not to. Defendant  
15 denied telling anyone. YOUTH 1 asked Defendant to promise he would not tell  
16 anyone, and said it would happen when they got a chance. Defendant said he  
17 would not tell anyone. Defendant then texted YOUTH 1 "Wait so am I getting  
18 this bj today or what!?" They continue their conversation about when it is going  
19 to occur. YOUTH 1 texted "when I said ASAP I didn't mean today... I meant  
20 like as soon as possible. And sure as hell didnt mean during the day at school"  
21 [sic]. In response, Defendant told YOUTH 1 that she is no fun, then told her to  
22 "come by the copy room. It's the perfect place lol" to which YOUTH 1  
23 responded that she would kiss him in there, but "not that tho" [sic]. YOUTH 1  
24 told him she was scared, and Defendant told her not to be and tried to talk her  
25

1 into giving him a “bj” in the school copy room. YOUTH 1 told him she had a  
2 minute, and asked if he was up for it. Defendant said “Ya” and sent another text  
3 shortly after saying “Damn;) wasn’t bad at all!:)” Defendant then said “we are  
4 finishing that btw;)” YOUTH 1 was captured on the school surveillance camera  
5 at 12:56 p.m. leaving the area of the copy room, wearing a Bucs baseball  
6 sweatshirt. Defendant sent a message later that day that said “I wish we could  
7 just fuck lol.”

8 5. The afternoon of March 1, 2013, Defendant received a text that said “Props bro  
9 hahahaha that’s dope!! F[\*\*\*\*\*] scandalous middle schoolers!!” Defendant  
10 subsequently deleted the message from his phone. YOUTH 1 again texted  
11 Defendant and asked him not to tell. Defendant maintained that he had not told  
12 anyone. YOUTH 1 asked Defendant to promise he would never tell, and said  
13 says “And maybe I’ll finish(;)” Defendant responded “I promise! And no it’s not  
14 a maybe! It’s for sure. That felt way to damn good to just leave off there.” Later  
15 in the day, Defendant asked YOUTH 1 to do it again on Tuesday. At 4:30 p.m.,  
16 YOUTH 1 said she would think about it. At 4:41p.m. Defendant received a text  
17 from Luke Zeiler reading “Hahahahahaha props dawg!” Defendant responded  
18 “Haha you see that shit?” Zeiler responded “That was some real shit, vid was g.”

19 6. On March 3, 2013, Defendant texted Zeiler again, asking “Did [YOUTH 1’s  
20 boyfriend] find out? Haha” to which Zeiler responded “No why?” Later that  
21 night, Defendant tried to convince YOUTH 1 to come to a party with him, but  
22 she declined. At 10:00 p.m., Defendant asked YOUTH 1 for a picture. YOUTH 1  
23 sent Defendant a photo of her head and torso, clothed. YOUTH 1 asked for a  
24 shirtless picture, and Defendant said “Ill send you a dick pic:)” [sic]. YOUTH 1  
25

1 said she did not want that, but wanted a shirtless picture. Defendant appears to  
2 have sent YOUTH 1 a picture, then asked YOUTH 1 to "Take one like mine;)"  
3 YOUTH 1 sent Defendant a photo of herself in a bikini. Later that night,  
4 Defendant texted YOUTH 1 "Tuesday you gotta finish what you started."  
5 YOUTH 1 responded maybe, and asked what she would get out of it. Defendant  
6 told her "[w]hatever you want. Just name it. Seriously;)" Defendant told  
7 YOUTH 1 he would kiss her anywhere she wanted, and she asked for "a  
8 makeout." Defendant agreed, but said "before the bj though haha." Defendant  
9 then asked YOUTH 1 if she had "been fingered."

10 7. Also on March 3, 2013, YOUTH 2 texted the Defendant from a "backup phone"  
11 after her phone "got taken away again." Defendant subsequently deleted the  
12 entire string of text messages with YOUTH 2 from that day.

13 8. On March 5, 2013, Defendant texted YOUTH 1 telling her he had TA that day,  
14 "if you want to come and make out or maybe something else," then tried to get  
15 her to come during her lunch time. At 12:15, YOUTH 1 told Defendant that she  
16 was "now single." Defendant continued trying to get YOUTH 1 to join him in  
17 the copy room, to which YOUTH 1 responded that she was in shock, and a "kiss  
18 would be cool. But I don't have anything else in me today." Defendant said  
19 "Ok. You don't need to come if you don't want to." YOUTH 1 responded with  
20 "let me in." Later that night YOUTH 1 texts Defendant that she is still laughing  
21 about the pen, and Defendant said "[t]hose scissors were f[\*\*\*\*\*] sharp!"

22 9. On March 6, 2013, YOUTH 1 texted Defendant indicating that "If you TA I'll  
23 have to stop by..." Later that day, another juvenile male, B.P., texted Defendant  
24 asking if YOUTH 1's told her boyfriend. Defendant had a similar exchange with  
25

1 another friend, K.H., in which Defendant said "He's gonna beat my ass."

2 Defendant also received a text from K.H. "Just saw YOUTH 2. Haha"

3 10. That night at 9:22 p.m., YOUTH 1 texted Defendant that she had taken a picture  
4 for him. Defendant sent YOUTH 1 a text that said "I have you the full package  
5 and that's all I get? Harsh :( at least get some tits in there. I mean the butt would  
6 be amazing your to pussy;)" [sic]. YOUTH 1 told Defendant she would send  
7 him one that is "up to [his] expectations" in the morning. YOUTH 1 then sent  
8 another picture, to which Defendant responded "Oh damn. You are fucking  
9 sexy;)"

10 11. On March 7, 2013, at 12:49 p.m. YOUTH 1 texted Defendant "That your new  
11 hook up?" Defendant responded "Haha ya totally! She needed copies for Kuch."  
12 YOUTH 1 said she was about to walk in "then she walked up so I kept walkin  
13 lol." Defendant responded "Haha you should have came in!" Defendant also  
14 received a text from a juvenile, J., that said "Don't get sassy. Did you do that ting  
15 you were gunna do in the copy room today?"[sic] Defendant responded "No."  
16 K.H. also texted Defendant asking "how did it go??" At 5:48 p.m., YOUTH 1  
17 texted Defendant asking if he was saying things about her, which Defendant  
18 denied.

19 12. On March 8, 2013, Defendant sent a text to another juvenile male, C.H. that said  
20 "Bro. Don't tell people about the copy room." C.H. responded "I haven't said a  
21 word about it man." Defendant said "You told H[ ]! It's no big deal just make  
22 sure she doesn't say anything ha I don't want to be looked at like the high school  
23 ped lol"

1 13. On March 11, 2013, Defendant asked YOUTH 1 if she was going to come visit,  
2 but she said she could not. At 12:45 that day Defendant and YOUTH 1 texted  
3 about "Sara" finding them in the copy room. Defendant said "good think you  
4 weren't suckin my dick at the time;)"[sic] YOUTH 1 texted "we didn't even get  
5 to makeout!"

6 14. On March 13, 2013, Defendant texted YOUTH 1 "you STILL owe me  
7 something" YOUTH 1 texted Defendant that "I'm not letting ya...yeah(;"  
8 Defendant asked her why not. YOUTH 1 said "Cause I'm not doing that at  
9 school. I don't recover well(;" Defendant told her she was lame, at 12:45, and  
10 YOUTH 1 asked if he still wanted it. Defendant said "of course" and YOUTH 1  
11 told him to open the door when she knocked. At 1:04 p.m., YOUTH 1 texted  
12 "You seemed so disappointed" which Defendant confirmed he was because she  
13 is "so good at it." Defendant then complained that she "only went for like 1  
14 minute! You can't do that to a man!"

15 15. On March 14, 2013, YOUTH 1 sent Defendant a photo of another text  
16 conversation, indicating that her ex-boyfriend, had sent it to her. YOUTH 1  
17 repeatedly asked Defendant if he told. Defendant did not respond.

18 16. On March 15, 2013, Defendant sent K.H. a text that said "CALL.ME."

19 17. On March 18, 2013, YOUTH 1 again texted Defendant, and asked if they could  
20 talk. Defendant asked "about what?" YOUTH 1 asked why he lied about telling  
21 people. Defendant continued to deny telling anyone, and told YOUTH 1 that  
22 another juvenile male, A.S., had seen them walk out and asked what had  
23 happened. Defendant told YOUTH 1 that A.S. must have just made things up.  
24  
25

1 18. On March 19, 2013, YOUTH 1 texted Defendant again, and asked him to send  
2 her the video she heard he was showing. Defendant responded "Um what are  
3 you talking about? You honestly seem crazy..." YOUTH 1 responded "I heard  
4 you were showing a video of us hooking up? Is it true?" Defendant responded  
5 "haha a video of what!? I honestly don't even know what your talking about.  
6 Who told you that?"[sic] Defendant then accused YOUTH 1 of making it up.

7 19. On March 25, 2013, YOUTH 2 turned 16 years old.

8 20. On March 26, 2013, YOUTH 2 texted Defendant asking how the copy room was.  
9 Defendant invited her to come "hangout." YOUTH 2 replied "Haha:) Well I  
10 would, but apparently people know what happened and if I left then they'd be  
11 onto us..." After some conversation, Defendant said "Well this sucks. I'm sure  
12 if you left the room people wouldn't be like 'oh, she's going to suck Bryce's  
13 dick!' Haha." YOUTH 2 responded "That is exactly what happened when I tried  
14 to go to the vending machine ten minutes ago hahaha." Defendant then  
15 attempted to get YOUTH 2 to join him in a "room right outside of [her class]  
16 room. YOUTH 2 responded "Well, you know, sex inside a school is kinda  
17 frowned upon haha that's probably why it's so difficult:)"

18 21. On March 27, 2013, Defendant asked YOUTH 2 to provide oral sex to him  
19 during the class period. At 9:43 a.m., Defendant said "Ok fine! Next period we  
20 are doing this thang! I don't care what you have to say about it ;)" At 12:13  
21 p.m., Defendant texted YOUTH 2 "Ha screw you ;)" to which YOUTH 2  
22 responded "You would:)" and Defendant said "you mean \*you did\* ha:)"  
23 YOUTH 2 responded "...yeah kindaaa ;)" Defendant asked YOUTH 2 "Can you  
24 get out of that class right now?" YOUTH 2 said she could try. Defendant said  
25

1 "Meet me at my locker in 2 minutes! It's goin down now;)" YOUTH 2  
2 responded at 1:16 p.m. "You are ridiculous lol" and again at 1:26 pm, "WE are  
3 ridiculous hahaha."

4 **22.** On April 7, 2013, YOUTH 1 sent Defendant a text indicating that she wanted to  
5 talk to him, and that word was getting around that he had videotaped them.  
6 Defendant continued to deny videotaping them. While conversing with YOUTH  
7 1, Defendant sent a text to K.H., that said "Dude [YOUTH 1's] dad found out  
8 and he knows there was a vidco..." K.H. responded "Seriously???" Defendant  
9 said "Ya. I don't know what to do. . . . [YOUTH 1] is txtng me and she said that  
10 some parents told her dad. And I don't know what to do dude. I made sure there  
11 is no video evidence every who saw the video just needs to shit their f[\*\*\*\*\*]g  
12 mouths or I am seriously f[\*\*\*\*]d." [sic] The Defendant subsequently deleted  
13 this text message exchange with K.H. YOUTH 1 told Defendant that she told  
14 her dad the truth about what happened, Defendant said he wanted to talk to her  
15 dad and apologize to him.

16 **23.** On April 9, 2013, YOUTH 1 texted Defendant again and said "You shouldn't  
17 have f[\*\*\*\*]g lied. Shit has now hit the fan." Defendant called YOUTH 1 four  
18 times following the text. Defendant then called his brother, T.C., then received a  
19 text message from him that said "Hey can that video even send? wasnt it to  
20 long?" [sic]. Defendant again called YOUTH 1 twice, and immediately called  
21 B.P. after his conversation with YOUTH 1. Defendant also called four other  
22 people, including S.H., then YOUTH 1 again, and then a fifth person.

23 **24.** Defendant then told YOUTH 1 "I know nothing can take back what I've done  
24 and you do not deserve what is happening. I'm sorry for all of this that is  
25

1 happening. But now that we are being honest I want you to know that I did not  
2 intentionally send that to anyone.” Defendant called another number, and then  
3 called YOUTH 1. YOUTH 1 told Defendant she had lost all respect for him.  
4 Defendant said “...I remember you telling me you were 15. I didn’t know you  
5 are only 14. But that doesn’t matter now. Just tell the truth I guess. You know  
6 better then anyone that it’s the best thing to do.” [sic] Defendant then called  
7 YOUTH 1’s father.

8 25. On April 10, 2013, YOUTH 1 was forensically interviewed. YOUTH 1  
9 confirmed that she was in eighth grade, and was fourteen (14) years old.  
10 YOUTH 1 disclosed that a few weeks previously “during recess” at Florence  
11 School she had made a plan with the Defendant to meet him in the copy room  
12 while he was a “TA” and give him a “blow job.” YOUTH 1 disclosed that she  
13 had gone to the copy room and performed oral sex on the Defendant for a couple  
14 of minutes, then left and went back to recess. YOUTH 1 disclosed that she had  
15 heard on Sunday the Defendant had taken a video of her giving him a blow job.  
16 YOUTH 1 disclosed that Defendant admitted to her and both of their parents that  
17 he had taken a video and claimed that someone must have gotten on his phone at  
18 a party and sent it out. YOUTH 1 disclosed that while they were in the Florence  
19 school copy room, the Defendant had put his penis in her mouth.

20 26. On April 11, 2013, S.H., was interviewed and asked if it had to do with the  
21 Defendant. When Sgt. Jessop answered in the affirmative, S.H. said “I deleted  
22 that a long time ago, sir.” S.H. went on to say that “some random number sent it  
23 to [him].” S.H. said he asked the Defendant about the video a month and a half  
24 ago, and the Defendant said “delete it.” S.H. later admitted that he had received  
25

1 the video from the Defendant, and stated that the Defendant only sent it to him,  
2 not to anyone else.

3 27. On February 17, 2014, K.W.H. was interviewed by law enforcement over the  
4 phone. K.W.H. confirmed knowing about a video of YOUTH 1 performing oral  
5 sex on Defendant. K.W.H. said the Defendant told him about it later on the day  
6 it happened, and said that he had gotten a "blow job" from YOUTH 1. K.W.H.  
7 confirmed that he knew YOUTH 1 was in eighth grade at the time, and that she  
8 was fourteen (14) years old. K.W.H. said he did not know about the video until a  
9 couple of days after, when Defendant told him about the video. K.W.H. also  
10 said that Defendant was showing it to his friends, and offered to show it to him.

11 28. On February 27, 2014, A.S. was interviewed and denied being outside the copy  
12 room when YOUTH 1 came out of it. A.S. denied having seen the video, but did  
13 say he heard about it from the Defendant, and another kid. A.S. said he saw into  
14 the copy room when the Defendant and YOUTH 2 were in there. A.S.  
15 confirmed that Defendant and YOUTH 2 were in the copy room for a while, and  
16 that he had followed the Defendant to the bathroom after they left the copy room,  
17 and overheard him telling K.H. that he "banged her." A.S. also confirmed that  
18 about a week prior to the interview, on February 17, at 1:53 p.m., the Defendant  
19 had sent him a message over Facebook that said "Hey, call me ASAP," so he did,  
20 and during the call the Defendant said "Hey, a detective might call you. Um, you  
21 don't know anything."

22 29. On March 2, 2014, R.M. was interviewed and confirmed that the video existed,  
23 but denied ever receiving it. R.M. said that he did not know anyone who had it  
24 on their phone other than the Defendant. R.M. admitted that he had viewed the  
25

1 video on Defendant's phone. R.M. said it was short and lasted maybe ten (10)  
2 seconds, but that he saw the Defendant's face and the back of YOUTH 1's head,  
3 but could not recognize YOUTH 1 from the video. R.M. said he spoke with  
4 Defendant a couple of weeks before hearing from law enforcement, but denied  
5 that the Defendant said anything about the investigation.

6 30. On March 14, 2014, YOUTH 2 was forensically interviews, and confirmed that  
7 she had turned sixteen on March 25, 2013. YOUTH 2 disclosed that while she  
8 was still fifteen she had been hungry and texted Defendant, knowing that he was  
9 a TA (Teacher's Assistant), and asked him to get her food from the vending  
10 machine. YOUTH 2 disclosed that Defendant told her to come get food from  
11 him in the copy room, so she did. YOUTH 2 disclosed that when she got to the  
12 copy room, Defendant closed and locked the door behind her, and told her that  
13 she was not leaving until "this happens" which she took to mean have sex with  
14 him. YOUTH 2 disclosed that he sat down in the chair and waited for her to  
15 come over, then took her pants off halfway. YOUTH 2 disclosed that Defendant  
16 initially put his penis inside her vagina without a condom, then put a condom on  
17 and re-penetrated her vagina. YOUTH 2 estimated that this lasted for about  
18 "twenty, thirty seconds" and ended when a second grader knocked on the door  
19 and wanted to make copies. YOUTH 2 disclosed that she felt "blackmailed" to  
20 have sex with Defendant. YOUTH 2 disclosed that this had occurred around the  
21 time of the state basketball tournament, and prior to her sixteenth (16th) birthday.  
22 YOUTH 2 disclosed that Defendant told people that they had had sex in the copy  
23 room, that she suffered a significant amount of social torment as a result, and had  
24 since transferred schools. YOUTH 2 also confirmed that she had heard about the  
25

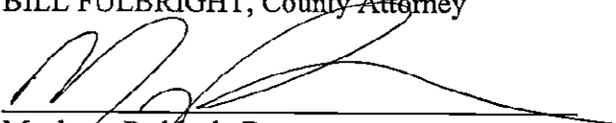
1 "[YOUTH 1] thing" and that [YOUTH 1] was an eighth grader that gave  
2 Defendant a "blowjob" in the copy room, and that the Defendant video recorded  
3 the "blowjob" and showed the video to his friends.

4 31. On January 22, 2015, law enforcement interviewed B.P. by phone. B.P. denied  
5 seeing the video that the Defendant made, but confirmed that the girl in the video  
6 was YOUTH 1, and that the Defendant had told him about what happened.

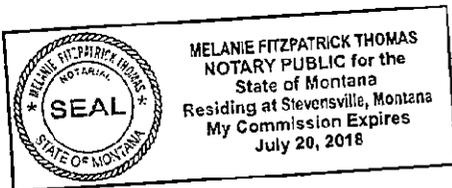
7 The State is requesting an arrest warrant issue for Defendant's arrest with bail set in the  
8 amount of \$25,000.

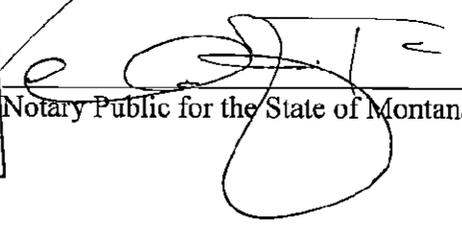
9  
10 DATED this 12<sup>th</sup> day of August, 2015.

11 BILL FULBRIGHT, County Attorney

12  
13   
Meghan Paddock, Deputy

14 SUBSCRIBED AND SWORN to me before this \_\_\_ day of August, 2015.



17   
Notary Public for the State of Montana