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8 Attorneys for Plaintiff

9
10 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

11
12 STATE OF MONTANA, Plaintiff,
13 -vs-
14 Jacob Lloydson Elder, Defendant,

15 Dept. No _____
16 Cause No. DC-25-

17 MOTION AND AFFIDAVIT FOR
18 LEAVE TO FILE INFORMATION

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

22 RYAN MICKELSON, Deputy County Attorney of Missoula County, Montana, being
23 first duly sworn, moves the Court for leave to file an Information charging the above-
24 named Defendant with allegedly committing the offense(s) in Missoula County of COUNT
25 I: PRIVACY IN COMMUNICATIONS - 1ST OFFENSE, a Misdemeanor, in violation of
26 Montana law, namely: Mont. Code Ann. 45-8-213(1)(a); COUNT II: PRIVACY IN
27 COMMUNICATIONS - 2ND OFFENSE, a Misdemeanor, in violation of Montana law,
28 namely: Mont. Code Ann. 45-8-213(1)(b); COUNT III: PRIVACY IN COMMUNICATIONS
29 - 3RD OR SUBSEQUENT OFFENSE, a Felony, in violation of Montana law, namely:
30 Mont. Code Ann. 45-8-213(1)(c); COUNT IV: PRIVACY IN COMMUNICATIONS - 3RD

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1 OR SUBSEQUENT OFFENSE, a Felony, in violation of Montana law, namely: Mont.
2 Code Ann. 45-8-213(1)(c); COUNT V: CRIMINAL CONTEMPT, a Misdemeanor, in
3 violation of Montana law, namely: Mont. Code Ann. 45-7-309.

4 The Motion is based upon the following facts which have been obtained from
5 reports of the law enforcement officers, emails, and from court filings in which, if true, I
6 believe, constitute sufficient probable cause to justify the filing of the charges. The facts
7 from those reports are as follows:

8 On November 4, 2024, Officer Kendra Bottenberg with the Missoula City Police
9 Department was dispatched to a local law firm regarding an issue surrounding abusive
10 communication. Officer Bottenberg called Beth Doe, the reporting party, and she
11 explained that she was representing a client who was engaged in legal proceedings with
12 Jacob Elder. Beth Doe explained that Jacob had been repeatedly sending her law firm
13 unwanted emails that contained profane language and direct personal attacks towards
14 the employees. Beth Doe advised her office had communicated with Jacob on August 20,
15 2024, and specifically requested he stop communicating with them regarding non-case
16 related issues. Beth advised he ignored this request and continued to repeatedly send
17 antagonistic messages. Beth advised that the issue has become so problematic that
18 they filed an emergency motion in court to limit his ability to communicate with them on
19 October 16, 2024.

20 Beth thereafter provided Officer Bottenberg with fourteen emails Jacob sent to
21 their firm, specifically to her and attorney Erin Doe, between August 20, 2024, and
22 November 3, 2024, after their request for him to discontinue non-case related contact.

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1 Those emails contained profane language, an expression of personal distaste for Erin
2 Doe and Beth Doe, and statements of his distaste for their business. Specifically, there
3 were several personal attacks on both Erin Doe and Beth Doe, wherein Jacob referred to
4 them by several names, including “pigs,” “racists,” “witches,” “retards,” “losers,” “rotten
5 bitches,” “fat,” “bullies,” and “bigoted.” In those communications he also tells them he
6 wishes the worst for them and their families, tells them they are smelly and gross, notes
7 that he hopes they endure all of their traumas a thousand times, and he tells them to “go
8 to hell.”

9 Thereafter, on November 9, 2024, Beth Doe again communicated with law
10 enforcement and advised the court had granted her petition to limit contact on November
11 8, 2024. She indicated that a copy of that order was provided to Jacob at 2:28pm that
12 same day via email. Counsel for the State obtained a copy of that order, *Dkt. 22* in DR-
13 24-443. That order restricted Jacob to one written correspondence per 24-hour period
14 with the petitioner’s counsel (Beth Doe and Erin Doe), prohibited him from calling counsel
15 names, prohibited him from using derogatory language, and prohibited him from
16 referencing their families or other personal circumstances of the attorneys, among other
17 restrictions. Beth Doe reported that within 11 minutes after this order was provided to
18 Jacob, Jacob sent them two communications. At 2:35pm, he emailed her stating, “Both
19 you bitches are are [sic] the scum of the earth. Kick rocks!” Then, at 2:39pm, he emailed
20 them stating, “[K.M.] is a racist witch.” According to Beth Doe, K.M. was a witness in one
21 of their hearings.

22 The reports to law enforcement and similar communications continued after this in

1 violation of the court's order. On November 26, 2024, Jacob sent four emails in a 12-
2 minute period, which included threats to file lawsuits and again used derogatory names
3 such as calling Beth Doe and Erin Doe names like "idiots," "Satan," and "two bitches."
4 On the following day, November 27, 2024, he sent three more emails, wherein he made a
5 general statement that the recipients of this email were "bitches" that needed to be
6 "stopped."

7 These communications continued into December, and Beth Doe made law
8 enforcement aware of multiple additional violations. On December 2, 2024, respondent
9 emailed Beth Doe and Erin Doe sixteen times in a 6-hour period. These emails again
10 contained personal attacks such as "Do it, fat bitch," "Kick rocks, you unhealthy bitch,"
11 and called Erin Doe a "fat miserable bitch who isn't a mother and never will be." He also
12 communicated that "anything from Deschamp [sic] (then Department 2 Judge
13 Deschamps) isn't binding." On December 7, 2024, he sent two additional emails in a ten-
14 minute period calling counsel "bitches," "a bunch of man hating weirdos," and compared
15 them to Hitler. On December 12, 2024, he sent four more emails in a 24-hour period in
16 violation of the court order. On December 14, Jacob sent two more emails in a five-
17 minute period where he referred to Erin Doe and Beth Doe as "highly overweight,"
18 "emaciated," and "mentally immature." On December 23, 2024, he sent five additional
19 emails in a five-hour period.

20 These communications continued into January. On January 2, 2025, Jacob sent
21 two emails in a five-minute period. The following day, he emailed Beth Doe and Erin Doe
22 seven times in two hours and referred to one of them as a "fat, miserable, bitch." Then,

1 on January 18 and 19, 2025, Jacob sent them 30 emails in a 24-hour period. Those
2 messages contained personal insults towards Erin Doe and Beth Doe, referring to them
3 as "racist," "fat bitch," "bigoted," "sick," "sad bitch," "fucking smelly, fat bitch," "fat ass,"
4 "nasty humans," "sore loser," and also referenced how the universe will never let one of
5 them be a mother.

6 On January 19, 2025, after multiple reports from Beth Doe to law enforcement,
7 Officer Bottenberg communicated with Jacob via phone. Officer Bottenberg asked Jacob
8 on behalf of Beth Doe to stop violating the court order and contacting them with profanity
9 multiple times a day. Jacob advised he would not stop the communications, called them
10 "fat bitches" during the call, and said if the court wanted to issue a warrant it could, but
11 that otherwise Officer Bottenberg should not be communicating with him.

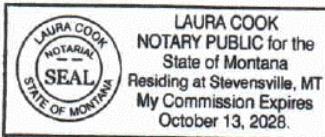
12 After this call, there were several more communications from January 21 through
13 January 25, 2025. These too contained personal insults such as referring to Beth Doe
14 and Erin Doe as "two bitches," "sick humans," "fat ass," and "fucking weirdos."

15 This case is being filed direct to District Court.

16 DATED this 7th day of February, 2025.

17 /s/Ryan Mickelson
18 RYAN MICKELSON
Deputy County Attorney

19 SUBSCRIBED AND SWORN TO before me this 7th day of February, 2025.



Laura Cook
NOTARY PUBLIC FOR STATE OF MONTANA

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