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8 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

9 STATE OF MONTANA,
Plaintiff,

10 -vs-

11 JORDAN K GRAVES,
Defendant,

Dept. No _____
Cause No. DC-21-

MOTION AND AFFIDAVIT FOR
LEAVE TO FILE INFORMATION

13 STATE OF MONTANA)
County of Missoula) :ss

15 BRIAN LOWNEY, Deputy County Attorney of Missoula County, Montana, being
16 first duly sworn, moves the Court for leave to file an Information charging the above-
17 named Defendant with allegedly committing the offense(s) in Missoula County of

18 COUNT I: SEXUAL ASSAULT (INVOLVING A MINOR), a felony, in violation of
19 Mont. Code Ann. § 45-5-502(1) & (3) (2009);

20 COUNT II: SEXUAL INTERCOURSE WITHOUT CONSENT, a felony, in violation of
21 Mont. Code Ann. § 45-5-503 (2009).

22 The Motion is based upon the following facts which have been obtained from

MOTION AND AFFIDAVIT FOR LEAVE TO FILE INFORMATION

1 reports of the law enforcement officers which, if true, I believe, constitute sufficient
2 probable cause to justify the filing of the charges. The facts from those reports are as
3 follows:

4 On August 24, 2021, Jane Doe met with Missoula Police Department officers to
5 report a sexual assault that occurred when Doe was in high school, approximately ten
6 (10) years prior, in 2011. Doe indicated she went to high school in Missoula County.
7 Doe indicated that the offender was the Defendant. At the time, the Defendant was
8 employed by Missoula County Public Schools, first as a student teacher, then as a
9 substitute teacher and coach for several of the high school's sports teams.

10 Doe indicated she met the Defendant during her freshman year of high school
11 (which began in the Fall of 2010), when she was fifteen years old. The Defendant was
12 student teaching in her gym class at the time. The Defendant, born December 19, 1988,
13 was twenty-one (21) or twenty-two (22) years old at the time.

14 Doe noticed that the Defendant took an interest in her and that the Defendant
15 began to reach out to her with flirtatious text and electronic messages outside of school
16 hours, sometimes late at night. The Defendant would also leave notes in her locker and
17 Doe believed the Defendant had her locker code, as at one point Doe found a Valentine's
18 Day note and flowers from the Defendant in her locker.

19 Doe indicated that after the Defendant began to send her messages, if she did not
20 respond, the Defendant would drive by her house. Doe indicated she would see the
21 Defendant's vehicle drive by her house at varying times throughout the school year.

22 Doe reported she did not view she and the Defendant's relationship as romantic,

1 but instead as a teacher/student type relationship.

2 Doe indicated that at one point in 2011, the Defendant picked her up from her
3 house, then drove her to his parents' home in Missoula County, MT. The Defendant's
4 parents were not home at the time. Doe and the Defendant watched a movie, during
5 which the Defendant told Doe that she seemed tense and offered to give her a massage.

6 The Defendant then placed his hands on Doe and began to rub her but told her it would
7 be easier if she took off her shirt. Doe said "no", but the Defendant pushed her down on
8 the couch with his knees on her lower back and butt, then began to forcefully unbuckle
9 her bra from underneath her shirt. Doe remembers cupping her breasts in her hands and
10 asking the Defendant to stop, which he did not. The Defendant then tried to take her
11 pants off, but Doe attempted to keep them on. Doe reported that a neighbor stopped by
12 to return the Defendant's parents' dog and opened the exterior gate, causing the
13 Defendant to jump off of her. Doe got up and ran to the bathroom. Doe recalled she
14 began crying. Doe said the Defendant later told her he did not mean to take things so
15 far.

16 Doe recalled a second incident in which Doe intended to attend a dance at the
17 Elks Lodge and the Defendant picked her up beforehand. However, instead of driving
18 her to the dance, the Defendant drove Doe up Highway 12 near Lolo Pass, in Missoula
19 County. The Defendant drove Doe to a campground area where he had already set up a
20 tent. The Defendant encouraged Doe to change into a pair of sweatpants, which Doe
21 did. Doe then went into the tent with the Defendant, at which point the Defendant began
22 to kiss her and "make out". Doe indicated that she had never "made out" with anyone

1 prior to that and quickly became uncomfortable. The Defendant began to touch her body
2 and tried to take off her shirt. Doe reported she attempted to pull away but the Defendant
3 had his leg across her hip, making it difficult to move. Doe said the Defendant then
4 inserted his fingers into her vagina, though she tried to push his arm away. Doe said the
5 Defendant then grabbed her wrist and forced her hand on to his penis. Doe screamed
6 that it hurt and the Defendant moved at that point. Doe was then able to get back into the
7 car. Doe recalled that the Defendant was “really forceful” in his actions and caused her
8 to bleed vaginally.

9 On August 26, 2021, Doe engaged in a recorded phone call with the Defendant.
10 In that call, the Defendant acknowledged he was aware that Doe was fifteen years-old
11 when they met. The Defendant admitted he knew his conduct towards Doe described
12 above was not acceptable, that he was a teacher and that he crossed boundaries with
13 Doe. The Defendant confirmed many of the details Doe shared with detectives, but said
14 he did not recall digitally penetrating Doe’s vagina and said he believed his sexual
15 interactions with Doe were consensual.

16 Detectives spoke with the Defendant, who acknowledged meeting Doe as a high
17 school freshman in the spring of 2011, during the time he was a student teacher there.
18 The Defendant indicated in the summer of 2011, he graduated from his university
19 program and became a substitute teacher and coach at Doe’s high school thereafter.
20 The Defendant indicated he moved from Montana in January of 2012.

21 The Defendant acknowledged his relationship with Doe was not a normal
22 “professional teacher student relationship”, and said he was aware their relationship was

1 inappropriate. The Defendant acknowledged traveling to the Lolo Pass campsite with
2 Doe and that he had set up the tent in advance without notifying Doe. The Defendant
3 characterized this incident as the “most egregious” of his interactions with Doe. The
4 Defendant indicated he believed the incident to have happened during the summer after
5 Doe’s freshman year, when she would have been fifteen years-old. The Defendant said
6 he tried to kiss Doe and she told him “no”, so he refrained from any further romantic
7 interaction with her. However, when confronted with Doe’s report that he digitally
8 penetrated her vagina, the Defendant said he was concerned he “blocked [that event]
9 out”.

10 The Defendant also acknowledged the incident described by Doe at his parents’
11 house. The Defendant said Doe willingly took her shirt off and was interested in receiving
12 a massage from him, which the Defendant performed, but stopped when his parents’ dog
13 was dropped off. The Defendant said he did not remember attempting to take off Doe’s
14 bra, but admitted that it was possible this could have happened.

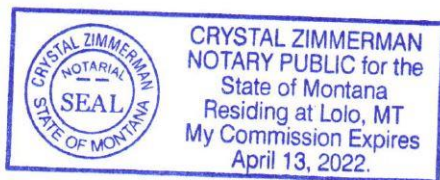
15 The Defendant acknowledged that besides Doe, he had other sexual relationships
16 with students under the age of 16 during the time he was a student teacher and coach at
17 Doe’s high school. The Defendant indicated he performed oral sex on at least two
18 students, and had a physically intimate relationship with at least one other student. The
19 Defendant indicated his “assumption [was] they [the students] were fifteen” at the time of
20 these interactions.

21 **This case is being filed directly into District Court. The State respectfully**
22 **requests that a summons be issued for the Defendant’s appearance.**

1 DATED this 16th day of December, 2021.

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3 /s/ Brian Lowney
4 BRIAN LOWNEY
Deputy County Attorney

5 SUBSCRIBED AND SWORN TO before me this 16th day of December, 2021.



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A handwritten signature in blue ink, appearing to read "Crystal Zimmerman", written over a horizontal line.

NOTARY PUBLIC FOR STATE OF MONTANA