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COUNSEL FOR STATE

MONTANA TWENTIETH JUDICIAL DISTRICT COURT,  
 LAKE COUNTY

STATE OF MONTANA,  <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> MATTHEW TIMM,  <p style="text-align: center;">Defendant.</p>	Cause No. DC-23-321  <i>The Honorable John W. Larson</i>  <b>MOTION FOR LEAVE TO FILE          AN AMENDED INFORMATION          AND AFFIDAVIT IN SUPPORT</b>
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STATE OF MONTANA            )  
   : ss.  
 County of Lake                )

Daniel M. Guzynski and Caitlin Creighton, Assistant Attorneys General and Special Deputy Lake County Attorneys, move the Court for leave to file an **Amended** Information and, after first being duly sworn upon oath, alleges, based on information and belief that Defendant, MATTHEW TIMM, has committed the offenses of:

Count I: **SEXUAL ABUSE OF CHILDREN**, a felony, as specified in Mont. Code Ann. § 45-5-625(1)(b); and

Count II: **INCEST**, a felony, as specified in Mont. Code Ann. § 45-5-507.

It is the State's belief that the following facts provide probable cause that the Defendant, Matthew Timm, committed the alleged offenses:

The following information was obtained from investigative reports from the Lake County Sheriff's Office, Agent Kevin McCarvel of the Montana Department of Criminal Investigation (DCI), and Agent David Humphries of DCI.

On September 7, 2023, Det. Kyle Cooper from the Polson Police Department was contacted by phone by A.C., an individual known to Det. Cooper. At the time of the call, Det. Cooper was unable to answer and A.C. sent a text message indicating she needed to report something about Matthew Timm but did not know who to report to. **At the time**, Matthew Timm **was** an officer employed by the Polson Police Department. Det. Cooper reached out to Police Chief George Simpson who indicated he would speak to the Lake County Sheriff's Office.

On September 7, 2023, at approximately 1559 hours, Det. Erwin Lobdell responded to A.C.'s address in Polson, Montana within Lake County. A.C. reported that she and Adam Beal had been painting the kitchen at the residence when a flash drive was located on top of the upper kitchen cabinets. Adam Beal put the flash drive into a computer to see what was on it and located numerous videos of Jane Doe naked or partially clothed. A.C. indicated that up until March 2023, the Defendant had been living at her residence. A.C. indicated that she and the Defendant began living in the residence in 2017.

Jane Doe (born in 2001) was also at the residence. Jane Doe spoke with Det. Lobdell and told him that she was not at the residence when the flash drive was located. Jane Doe explained that A.C. told her that while painting

the kitchen, they located a flash drive and that there was a folder on the flash drive of her with hundreds of images of her, time stamped 2018. In 2018, Jane Doe would have been 17 years old and had resided in A.C.'s current residence. Jane Doe indicated she had not looked at the images.

Jane Doe indicated that this type of behavior had been going on for years. Jane Doe indicated that the Defendant had started touching her in a sexual manner when she was 12 or 13 years old and continued into her high school years. Jane Doe indicated that the Defendant would only touch her when they were alone.

**Jane Doe indicated that on at least one occasion in Polson, Montana, when she was about 17 years old, the Defendant dropped Jane Doe off at school. She gave the Defendant a hug prior to exiting the vehicle. The Defendant then grabbed her breast. Jane Doe protested this assault, and the Defendant grabbed her crotch with his hand, placing part of his hand on her inner thigh, and part of his hand on her vagina. This was also done in a way that he was keeping her from getting out of the vehicle. Jane Doe stated this upset her and she again protested this assault and then left the vehicle but did not want to cause a scene as it was right in the middle of all her classmates arriving to school. Jane Doe is a descendant of the Defendant.**

Jane Doe indicated that she was not sure of how long the videotaping had been going on for but one day when she was going to take a shower, she noticed a tablet on the countertop sticking out, so she looked at it and realized it was actively recording her. Jane Doe noticed that the cameras were being more and more concealed after she noticed the tablet being used.

Jane Doe confronted the Defendant about how his sexual touching made her uncomfortable and the Defendant indicated that is how he shows his love and affection towards her.

Jane Doe indicated the last time she caught the Defendant filming her was in 2018 or 2019 when her mother was out of town. Jane Doe indicated she was getting ready in the bathroom and noticed something sitting in the laundry hamper with wires hanging out. She grabbed the wires and found the camera. The Defendant then realized Jane Doe had found the camera and they had a fight about the camera. Jane Doe indicated that she told the Defendant that she was disappointed because they had already had a conversation about how “this needed to end.” Jane Doe told the Defendant that if it did not stop, she did not want any contact with the Defendant.

Jane Doe indicated that for the last couple of years, she has been trying to work through it with the Defendant and had hoped everything had been deleted. Jane Doe thought the camera had been destroyed. Jane Doe described the camera as a cube that plugged in like a charger, and that it had another cord coming from it.

Jane Doe indicated that the Defendant would take showers at A.C.’s residence and come out of the bathroom unclothed and wanting her to see him. Jane Doe indicated the Defendant would make sexual remarks to her and comments about her body.

After Det. Lobdell spoke with Jane Doe, he spoke with A.C. A.C. indicated that when the flash drive was first located, she didn’t think anything of it. It was only when Adam Beal plugged the flash drive into a computer and found a file named “special pictures” which contained a hundred or more photos of Jane Doe in the bathroom naked. A.C. did not view the files.

A.C. indicated this not the first time she knew of the Defendant recording Jane Doe while naked. A.C. indicated that in March of 2017, Jane Doe located a tablet in their bathroom while she was showering. A.C. indicated that the family talked about the incident and the Defendant gave some excuse about why he set up a camera in the bathroom. A.C. indicated that the toilet is across from the washer and dryer in their bathroom and the Defendant would hide the cameras under a towel or clothing on the washer and dryer. A.C. kicked the Defendant out of the house for 4 or 5 days while she and Jane Doe worked through what had happened. The Defendant came back to the residence after that incident but moved out of A.C.'s residence in March of 2023.

Adam Beal was interviewed next by Det. Lobdell. Beal indicated that he was visiting from out of state and helping to paint the kitchen when he noticed a flash drive on the upper cabinets. Beal asked A.C. about the flash drive and she indicated she did not recognize it. A.C. put the flash drive into a drawer. While A.C. was at work, Beal put the flash drive into a A.C.'s computer and found a file with nude photos of Jane Doe, who he had been previously introduced to, from 2018. Beal confronted A.C. at lunch about the flash drive and that is when A.C. called Jane Doe over to the house and law enforcement was contacted. Det. Lobdell took the flash drive into evidence.

On September 22, 2023, Agent McCarvel contacted Adam Beal who confirmed that the bathroom in the photographs and videos is the bathroom located within A.C.'s residence.

On Wednesday, September 13, 2023, Lake County Undersheriff Ben Woods requested the assistance of Montana Division of Criminal Investigation since the case involved an officer that they were familiar with, and Agent Kevin McCarvel was assigned to assist with the case.

Det. Lobdell applied for and was granted a search warrant for the Defendant's residence and multiple devices capable of storing electronic files were seized.

On or about September 19, 2023, after obtaining a valid search warrant, Agent McCarvel arranged for Agent David Humphries of DCI to examine the flash drive that had been seized and placed in evidence.

Agent Humphries located 709 images of the victim, Jane Doe, in either a state of partial undress or fully nude saved within a folder titled "special pics." Agent Humphries indicated he cannot find a created date for all of the files, but all of the images were saved to the flash drive in February of 2018. Also in the "special pics" folder **are** photos of commercial adult pornography and 137 images that are sexually suggestive and appear to be taken of someone without their permission or knowledge. These photographs include photographs of Jane Doe. In these photographs the victim is fully clothed and most images focus on her backside. Some photographs of Jane Doe are zoomed in photographs with of her with her legs spread, wearing gym shorts. Agent Humphries noted that in these photographs it appears Jane Doe does not know they are being taken.

Accordingly, the affiant moves the Court for leave to file the requested **Amended** Information.

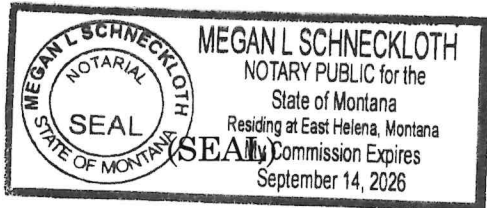
Dated this 20th day of February, 2024.

DANIEL M. GUZYNSKI  
CAITLIN CREIGHTON  
Assistant Attorneys General  
Special Deputy County Attorneys  
for Lake County

By:

  
CAITLIN CREIGHTON

SUBSCRIBED AND SWORN to before me this 20th day of February, 2024.



*Megan L. Schneckloth*  
Notary Public for the State of Montana

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing document to be e-mailed to:

Ben Darrow  
ben@darrowlawmt.com

DATED                    2/20/2024                    /s/ Tia Corwin