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**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY**

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| STATE OF MONTANA,<br><br>Plaintiff,<br><br>vs.<br><br>JOHN W WHITESIDE,<br><br>Defendant. | CAUSE NO. DC<br><br>JUDGE:<br><br><b>MOTION FOR LEAVE TO FILE<br/>INFORMATION WITH SUPPORTING<br/>AFFIDAVIT</b> |
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The undersigned Deputy County Attorney of Yellowstone County, Montana, being first duly sworn by oath, moves the Court for Leave to File an Information based upon an investigation conducted by law enforcement officers charging the above-named Defendant with the offenses of:

**COUNT I: SEXUAL ASSAULT INFLECTS BODILY INJURY OR VICTIM IS LESS THAN 16  
OFFENDER 3 YEARS OLDER (FELONY)**

**OR IN THE ALTERNATIVE TO COUNT I:**

**COUNT II: SEXUAL ASSAULT INFLECTS BODILY INJURY OR VICTIM IS LESS THAN 16  
OFFENDER 3 YEARS OLDER (FELONY)**

**COUNT III: ATTEMPTED SEXUAL ASSAULT INFLECTS BODILY INJURY OR VICTIM IS  
LESS THAN 16 OFFENDER 3 YEARS OLDER (FELONY)**

**OR IN THE ALTERNATIVE TO COUNT III:**

**COUNT IV: ATTEMPTED SEXUAL ASSAULT INFLECTS BODILY INJURY OR VICTIM IS  
LESS THAN 16 OFFENDER 3 YEARS OLDER (FELONY)**

**COUNT V: SEXUAL ASSAULT 1ST OFFENSE (MISDEMEANOR)**

**OR IN THE ALTERNATIVE TO COUNT V:**

**COUNT VI: SEXUAL ASSAULT 1ST OFFENSE (MISDEMEANOR)**

committed at Yellowstone County, State of Montana, on or about April 2025 through May 2025.

That law enforcement officers have made a full and careful investigation of all the facts and circumstances surrounding the commission of said offense, so far as they are known or ascertainable; that the prosecutor believes it a proper case for filing of an Information and that for this reason, and none other, the foregoing Motion is made.

The Court is informed that the Yellowstone County Sheriff's Office (YCSO) investigation revealed the following:

On May 23, 2025, Det. Smith with the Yellowstone County Sheriff's Office responded to the Yellowstone Boys and Girls Ranch (YBGR) for a report of verbal threats which were made by a former employee toward some of the residents of the facility. Det. Smith spoke with K.L.R. (born in June of 1972), who is an employee of YBGR, and who investigates issues as it relates to the residents of the facility. K.L.R. advised Det. Smith she had conducted an internal investigation into complaints made against JOHN W. WHITESIDE (born in February of 1999), the Defendant herein. K.L.R. explained that she was assigned the task of investigating these complaints after a female resident had disclosed to a YBGR therapist about an inappropriate interaction she had with the Defendant. K.L.R. subsequently involved law enforcement when she learned from some of the facility's female residents that the Defendant had threatened violence if his conduct was ever reported.

K.L.R. advised that, based on her initial interviews, several of the female residents had reported inappropriate conversations and interactions with the Defendant, and also several instances of unwanted, intentional touching by him. Some of those interactions are detailed below.

Det. Smith interviewed several of the female residents, many of whom were also referred for forensic interviews at the Yellowstone Valley Child Advocacy Center.

#### As to Count I:

Victim 1 (born in May of 2011) was forensically interviewed by Det. Jones with the Billings Police Department. Victim 1 disclosed that the Defendant was new staff at YBGR. She explained that he had "SA'd" her, which to her, meant "sexual assault." She elaborated that the Defendant had wrapped his arm around her, and that he had rubbed his hand against the right side of her breast, over her clothes. She did not recall the exact date this occurred. However, the Defendant was only employed at YBGR from April 2025, through May 2025. Victim 1 explained that this contact with the Defendant made her uncomfortable.

#### As to Count II:

Victim 2 (born in October of 2009) was forensically interviewed by YCSO Det. Jam. During her forensic interview, she explained to the interviewer that the Defendant had worked at YBGR, and that while employed there, he was making inappropriate comments and asking weird questions to the female residents. She described one incident where the female residents were doing face masks as "self-care" and the Defendant had joined them. She thought he did it to be funny. However, the Defendant asked one of the female residents to peel off his face mask and, while the resident did so, he made "moaning noises" which Victim 2 said made her uncomfortable.

She then described an incident where she had been changing in her room. The policy at YBGR is that residents cannot have their doors closed, unless to change, in which case they announce “changing!” so that staff is made aware of this. She explained that she had announced “changing!” and shut her door, but in less than 30 seconds the Defendant had opened her door and walked into her room. She then explained that the Defendant had walked up to her, placed one hand on her hip, and he was trying to put his other hand into the back of her pants. Victim 2 said she tried to push the Defendant away from her and she said “stop,” but the Defendant then tried to put one of his hands up her shirt. She again pushed him away and he walked out of the room without saying anything.

As to Count III:

Victim 3 (born in August of 2008) was forensically interviewed by BPD Det. Prindle. Victim 3 explained to the interviewer that on several occasions, the Defendant had walked by her and “brushed her ass.” She further advised that on one occasion, the Defendant “groped” her buttocks, which she explained meant squeezing. Victim 3 advised she did not believe this was accidental touching, because the Defendant would always have a smile on his face when he did it. She advised the interviewer that these unwanted touchings happened on more than 10 occasions.

Other female residents reported observing inappropriate interactions with the Defendant, such as the Defendant giving a female resident a ride in his personal vehicle (which is against YBGR policy); the Defendant having inappropriate sexualized conversations with the female residents about “kinks,” “fingering,” “fucking,” “scissoring,” and what makes them “wet”; and the Defendant telling a female resident to put her “tits” away.

The Defendant was employed at YBGR from approximately April 2025, through May 2025, but is no longer employed there.

The investigation continues.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 7/24/2025

/s/ Lacey L. Fortin  
Senior Deputy County Attorney