

REFERENCE COPY

ATTORNEY GENERAL

STATE OF MONTANA

Casefile

Steve Bullock
Attorney General



Department of Justice
215 North Sanders
PO Box 201401
Helena, MT 59620-1401

May 31, 2012

Post-It® Fax Note	7671	Date	6/13/12	# of pages	5
To	David Niss	From	CJ Beck		
Co./Dept.	Leg Co	Co.	AGD		
Phone #		Phone #	5774		
Fax #	3036	Fax #			

Mr. Mitch Young
Lake County Attorney
106 4th Ave. East
Polson, MT 59860

Re: Undersheriff Karey Reynolds - Perjury
(MC 11-11-03)

Dear Mitch:

I received and reviewed the DCI investigation in reference to allegations against former Undersheriff Karey Reynolds for Perjury. The basis of the allegation is that Undersheriff Reynolds swore in an Affidavit for a Search Warrant that he had 20 years of experience in law enforcement when in fact he only had between 10 and 14 years of said experience.

It is clear from the investigation that Karey Reynolds did not have 20 years of law enforcement experience. It is also clear that Karey Reynolds had knowledge prior to obtaining the Search Warrant that his "years" of law enforcement experience were being questioned or challenged. Therefore, it is my opinion that Karey Reynolds statement in the search warrant affidavit was in fact false or misleading.

However, pursuant to Mont. Code Ann. § 45-7-201, a person commits the offense of perjury if a person knowingly makes a false statement under oath **when the statement is material**. A falsification is material if it could have affected the course or outcome of the proceeding. In this incident it is important to note the following:

1. The district court judge was interviewed and she stated she would have granted the search warrant regardless if the officer had 20 years of experience or 10 years of experience.

Mr. Mitch Young

May 31, 2012

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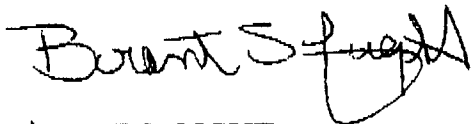
2. The facts stated in the Search Warrant affidavit provided ample probable cause to justify the issuance of the Warrant regardless of the years of experience of the affiant.
3. Most important, the Search Warrant was never served because the defendant consented to the search.

Therefore, it is my determination that the false statement given by Karey Reynolds in the search warrant was not material. Thus, Karey Reynolds cannot be charged with perjury.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

PROSECUTION SERVICES BUREAU



BRANT S. LIGHT
Assistant Attorney General
Bureau Chief

bsl/ble

ATTORNEY GENERAL
STATE OF MONTANA*Case file*Steve Bullock
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May 31, 2012

Mr. Mitch Young
Lake County Attorney
106 4th Ave. East
Polson, MT 59860**Re: Patrick O'Connor - Unlawful use of a Computer (MC 12-01-01)**
Ben Woods - Privacy in Communications (MC 12-02-01)

Dear Mitch:

I received and reviewed the investigation from DCI in reference to the allegations against Patrick O'Connor that he accessed materials from Ben Woods' personal computer (Unlawful Use of a Computer) and that Ben Woods had illegally taped recorded conversations with Sheriff Doyle and Lt. Sargeant (Privacy in Communication).

In reviewing the allegations against Patrick O'Connor, Agent Hilyard found a lack of evidence to conclude that a crime had occurred and he therefore closed the investigation.

I concur and noted the following difficulties/obstacles during the O'Connor and Woods investigation which led to the determination that there was a lack of evidence:

- The alleged crimes could have taken place during a 14-month window.
- DCI was unable to determine how the CD of photographs arrived at the LSCO.
- Deputy Woods computer was not available for examination.
- Deputy Woods had surreptitiously recorded Sheriff Doyle and Lt. Sargeant on two separate occasions.
- There was a lack of corroboration of the allegations made by Deputy Woods.

In reviewing the Ben Woods investigation I determined after speaking with Sheriff Doyle that charges would not be filed against him for Privacy in Communications, but that the matter should be handled administratively by the Sheriff's Office. However, I would

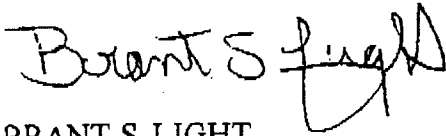
Mr. Mitch Young
May 31, 2012
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strongly recommend that the illegal recording of conversations by Deputy Ben Woods be reported to P.O.S.T. for their review.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

PROSECUTION SERVICES BUREAU

A handwritten signature in black ink that reads "Brant S. Light". The signature is written in a cursive style with a large, stylized initial "B".

BRANT S. LIGHT
Assistant Attorney General
Bureau Chief

bsl/ble

ATTORNEY GENERAL
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May 31, 2012

Mr. Mitch Young
Lake County Attorney
106 4th Ave. East
Polson, MT 59860**Re: Sheriff Jay Doyle & Undersheriff Karey Reynolds
Obstruction of Justice (MC 11-12-01)**

Dear Mitch:

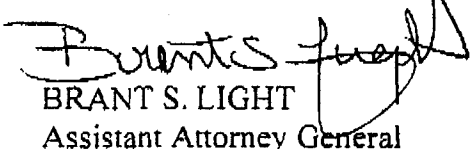
I received and reviewed the DCI investigation in reference to allegations against Sheriff Jay Doyle and Undersheriff Karey Reynolds for Obstruction of Justice. The allegation came from Deputy Steven Kendley and was based almost solely on statements that he had reportedly received from Deputy Jay Gillhouse. The basic allegation was that Sheriff Doyle had told Deputy Gillhouse not to investigate an incident that took place at the K. William Harvey Elementary School.

DCI interviewed Deputy Gillhouse and while the Deputy felt there should have been more investigation into the incident he admitted that the Sheriff did not obstruct the investigation and that he had overreacted. After reading the Gillhouse interview, I concur with DCI that there is no evidence that Sheriff Doyle or Undersheriff Reynolds obstructed justice. I have attached the Gillhouse interview for your review.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

PROSECUTION SERVICES BUREAU


BRANT S. LIGHTAssistant Attorney General
Bureau Chiefbsl/ble
Enc.

Assistant AG clears Lake County sheriff, others of 3 charges

19 HOURS AGO • BY VINCE DEVLIN OF THE MISSOULIAN

POLSON – The Montana Attorney General’s Office has found no basis for filing charges against Lake County Sheriff Jay Doyle or others in his department on three matters Doyle asked the office to investigate.

However, the office did recommend the sheriff report one of the deputies who made the accusations to the Montana Public Safety Officer Standards and Training Council for a possible violation of the law.

Brant S. Light, an assistant attorney general, told Lake County Attorney Mitch Young in three separate letters mailed on Thursday that he had investigated all three charges.

Light said there was no evidence Doyle or his then-undersheriff, Karey Reynolds, obstructed justice during the investigation of an incident at K. William Harvey Elementary School in Ronan.

In another letter, the assistant AG said that while Reynolds did give “false or misleading” information as to his law enforcement experience in an affidavit for a search warrant, there would be no perjury charge because a person must knowingly make a false statement under oath “when the statement is material.”

Reynolds claimed 20 years of experience in law enforcement in the application for a search warrant “when in fact he only had between 10 and 14 years of said experience,” Light wrote.

While it is his opinion that “Karey Reynolds’ statement in the search warrant affidavit was in fact false or misleading,” Light said it was important to note:

- The district court judge who received the affidavit said she would have granted the search warrant regardless if the officer had 10 or 20 years experience.
- The other facts stated provided ample probable cause to justify the search warrant.
- “Most important, the search warrant was never served because the defendant consented to the search.”

The third allegation, made by Deputy Ben Woods, accused another deputy, Patrick

O'Connor, of illegally accessing materials from Woods' private computer.

The investigation was closed due to a lack of evidence, Light said, including the fact that Woods' computer was not available for examination.

But his letter also said that "Ben Woods had illegally tape-recorded conversations with Sheriff Doyle and Lt. (Mike) Sargeant" that violated privacy in communications.

After Doyle told him charges would not be filed against Woods, but the matter would be handled administratively instead, Light wrote, "I would strongly recommend that the illegal recording of conversations by Deputy Ben Woods be reported to P.O.S.T. for their review."

"I am simultaneously pleased that the Montana Attorney General's Office has responded so clearly to these unfounded allegations, and disappointed on behalf of taxpayers at how much public funds, employee time and other resources were diverted away from public safety and, instead, wasted on dealing with unfounded, unsustainable allegations," Doyle said in a news release Monday.

Woods and four other current and former members of the sheriff's department – including Steve Kendley, who lost to Doyle in the 2010 election – are involved in a lawsuit against Doyle, Undersheriff Dan Yonkin, Sargeant and Deputy Dan Duryee involving multiple other allegations they have made concerning the sheriff's department, ranging from poaching to racketeering.

They claim they have been reprimanded, suffered demotions, been denied promotions and subjected to a hostile work environment because of their efforts to expose what they say is law-breaking and corruption within the sheriff's office.

In dismissing the obstruction of justice charge, Light wrote that "the allegation came from Deputy Steven Kendley and was based almost solely on statements that he had reportedly received from Deputy Jay Gillhouse."

The allegation was that Doyle had told Gillhouse not to investigate an unidentified incident at the elementary school.

The Department of Criminal Investigations "interviewed Deputy Gillhouse and while the deputy felt there should have been more investigation into the incident, he admitted that the sheriff did not obstruct the investigation and that he had overreacted."

Reporter Vince Devlin can be reached at 1-800-366-7186 or at vdevlin@missoulian.com.