

This document, along with many others, was released by Gallatin County District Judge Holly Brown in response to an FOI request made in July of 2016. Steve Crawford was the investigating police officer (now Chief of Police in Bozeman). Ryan McCarty and Greg Sullivan are City Prosecutor and City Attorney, respectively, for Bozeman. Cory Allen is no longer in the role of City Prosecutor. Based on the fact that Davenport, de Blonville and O'Reilly could not produce any evidence that statements about them were false, the City Attorney closed the case with no action taken. It may be necessary to download this document to read the full text of the annotations if your browser is not .pdf friendly.



Dorsey, Debbie

From: Cory Allen
Sent: Thursday, August 21, 2014 10:50 AM
To: Steve Crawford
Cc: Ryan McCarty; Greg Sullivan
Subject: Madin

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USE IS STRICTLY PROHIBITED.

Steve,

When we spoke Tuesday, I'd intended to get you something a little more formal. However, time ran out and this will have to do.

Based on the information submitted thus far, if Kent Madin has committed a crime, it is Criminal Defamation in violation of 45-8-212, MCA. Madin's statements are certainly "defamatory matter" as defined by statute. We can prove the statements were communicated by Madin. We can also prove the statements were communicated without consent. The challenge comes in subsection 3, the justifications. 

It is a complete defense to a prosecution of Criminal Defamation if the defamatory matter is true. Only if the defamatory matter is untrue can a prosecution proceed. Up to this point, the complaining parties have failed to provide any proof that Madin is actually lying about them. It's not against the law to call a fraud a fraud. But if we can prove that Madin's statements are wrong, he could be subject to prosecution. 

I have reviewed the most recent communications from Laura Davenport and Earl de Blonville. Frankly, I find them unprofessional, arrogant, and insulting. I have to remind myself that even the obnoxious are entitled to equal protection of the law. If the evidence shows that Madin committed a crime, he should be held accountable. I recommend requesting additional information from the complaining parties which can prove that Madin's statements about them were not true. 

As today is my last day, Ryan will be handling any future prosecution in this case. It's been a pleasure working with you, Steve. I wish you the best of luck.

Cory

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The workings of the law are often strange and counterintuitive. On the one hand, a person is innocent until actually proven guilty with due process. Because the majority of complaints of crime actually are supported by genuine evidence, the motives of the accused are, as a practical matter, treated with skepticism that is discordant with their technical "innocence". And the "victims" bringing the complaint are treated with disproportionate benefit of the doubt. This is why, after two years of pushing this canard about cyberstalking and failing to meet the basic standard for the only crime the prosecutor can plausibly consider applicable, the fraudulent "explorers" who created this whole fuss walk away with an ambiguous "insufficient evidence" statement. Which still allows them to claim that one more tiny bit of evidence would have tipped the scales. Somewhere in the legal system there should be a price to pay for "false witness".

Here's the concluding paragraph of the report sent by FBI Special Agent Allen to the US Attorney office in Helena:

"In reading the various email exchanges provided by Madin or the complainants, I have found nothing that would support the allegation that he has been abusive, harassing, threatening, or intimidating. As far as I can tell, he has merely asked questions, and has reasonably respected people's request that he not contact them anymore. There are instances where he has sent follow up emails, but these have only been in response to recontact from them or allegations made against him online or in other public forums. It does not appear that he has engaged in repeated contact with the intent to harass or annoy anyone. His journalistic efforts resulted in the publication of a news article about Ripley Davenport in Politiken, a major Danish newspaper, in August 2013. It appears his efforts have genuinely been in the pursuit of protected free speech and press related activity."