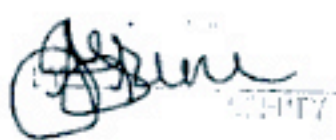


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DISTRICT COURT
MONTANA

2009-07-01 11:00



Attorneys for the State

MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

STATE OF MONTANA,)	No. BDC - 09 - 391
Plaintiff,)	
vs.)	
JULIE ANN PARISH,)	
Defendant)	
<i>CO-DEFENDANT:</i>)	
<i>KRISTINA MARIE KALLIES</i>)	
)	
)	
)	

**AFFIDAVIT, MOTION,
AND ORDER FOR LEAVE TO FILE
INFORMATION DIRECT**

STATE OF MONTANA)
: ss.
County of Cascade)

The undersigned Deputy County Attorney of Cascade County, Montana, being first duly sworn, moves the Court for leave to File Information charging the above-named defendant with:

COUNT 1: Assault on a Minor, Felony, in violation of M.C.A. §§ 45-5-212 (2007). The defendant by purposely or knowingly caused bodily injury to another; or purposely or knowingly made physical contact of an insulting or provoking nature to another; or purposely or knowingly caused reasonable apprehension of bodily injury to another. The defendant is over 18 years of age and the victim is under 14 years of age.

The maximum penalty for this offense is imprisonment for up to five years and a fine of \$50,000 or both.

COUNT 2: Endangering the Welfare of Children, Misdemeanor, in violation of M.C.A. §§ 45-5-622 (2007). A parent, guardian, or other person supervising the welfare of a

child less than 18 years old commits the offense of endangering the welfare of children if the parent, guardian, or other person knowingly endangers the child's welfare by violating a duty of care, protection, or support. On the issue of whether there has been a violation of the duty of care, protection, and support, the following, in addition to all other admissible evidence, is admissible: cruel treatment; abuse; infliction of unnecessary and cruel punishment; abandonment; neglect; lack of proper medical care, clothing, shelter, and food; and evidence of past bodily injury.

The maximum penalty for this offense is imprisonment for up to six months and a fine of \$500 or both.

Based on the official reports of the Great Falls Police Department and related criminal justice information, the undersigned deposes and says as follows:

On May 4, 2009 Detective Mike Stimac of the Great Falls Police Department was assigned a follow up investigation into allegations of abuse against a thirteen year old autistic boy at North Middle School, G.S. (G.S. turned 14 on December 22, 2008) According to the boy's mother, Tifonie Schilling, G.S. was enrolled at North Middle School in a special needs classroom in the fall of 2008. G.S. has limited vocal communication as a result of his illness.

Tifonie said she got an email on April 25, 2009 from Gretchen Jones n/k/a Gretchen Watkins who she knew from school the previous year. Watkins told Tifonie that she needed to watch G.S. because she heard from someone the aides at the school were being cruel and mean to the kids in the special needs classroom. Tifonie responded and asked for more details and told Watkins she would keep G.S. home sick. Watkins replied, but did not elaborate on the treatment of the kids.

On April 26, 2009 Tifonie called Watkins and Watkins told her that she heard other things that made her believe the aides were mean or cruel to the children in the special needs class at North. Watkins said she heard G.S. had thrown up one day and one of the aides made him eat it.

Watkins also said she heard G.S. had defecated in his pants and was made to sit in it all day long. Watkins said that a friend of hers, Jenefer Wasilewski, had substituted in the class and saw one of the aides run G.S.'s head under running water because he had fallen asleep in class.

Officer Lynch who took the initial report tried to talk to G.S. but he was unable to communicate anything as a result of his illness. Tifonie said the teacher's name was Heidi Budeau and three aides were "Christie," "Julie," and "Mr. C." These three were later identified as Kristina Kallies, Julie Parish, and Thomas Consadine. It was later determined that Consadine was a possible witness, but not a suspect. Tifonie said there were about ten kids in the class and they stay in the same classroom all day. Tifonie said she had several conversations with Budeau that resulted in some friction between the two. Tifonie said Budeau told her not to pick G.S. up from school because Tifonie was the cause of his behavioral problems. Tifonie said she had noticed bruises to G.S.'s arms but could not state a cause. She also said she had seen indication of a rash and other marks indicating G.S. had been sitting in his feces for some time, but he had been cleaned up prior to coming home.

Detective Stimac contacted a supervisor for the staff who said there had been an internal school district investigation involving a supervisor and GFPS human resources. An investigative subpoena was issued to determine what actions were already taken and determine what statements were already made in relation to a human resources action by the school district.

Detective Stimac reviewed the statements of the defendant and co-defendants as well as witness statements and also obtained a transcript of a hearing for an order of protection involving G.S., his mother and Parrish on July 23, 2009. These statements revealed that G.S. had been subjected to having his head placed under a faucet and cold water run over it in order to wake him

up and teach him not to sleep in class. The statements further revealed that G.S. had eaten his own vomit and left sitting in his own feces for a period of time. The parents saw signs that he had been left sitting in his own feces on several occasions.

Wasilewski said she recalled in November or December of 2008 she saw Parish put G.S.'s head under the water faucet at the sink once or twice. She said Parish appeared frustrated by G.S.'s failure to work to her satisfaction and did it once as what appeared to be punishment. Wasilewski said G.S. got very upset and said no, I'm a good boy when these events happened.

Watkins said on December 8, 2008 she was at North for other business and stopped by Budeau's classroom to talk to her. While standing in the doorway Watkins saw Kallies pull G.S. over to the sink, bend him over and put his head in the basin and then splash his face and the back of his head with water from the faucet. This was apparently done to wake him up because she overheard Kallies and Parish make comments that you (G.S.) can't be lazy in this classroom. Watkins said G.S. was making noises and clearly was upset by Kallies actions.

Parish was interviewed and said they would occasionally splash water in G.S.'s face to wake him up but normally used a wet washcloth. Parish said that G.S. was "defiant" at times related to bathroom issues and would sometimes come back from the restroom and pee his pants. She said she felt they cleaned him up appropriately and never left him to sit in his "poopy" pants for an extended period. She did however say that they might make him stand in the classroom until his scheduled rest room break if it was a short time to wait. She said she never heard of him having to eat his own vomit. Parish admitted she raised her voice with the kids in the class, but Budeau would stop her when necessary.

Budeau said she never saw Kallies or Parish put G.S.'s head under the water at the sink but

rather they handed him a wet wash cloth to wipe his face with and wake him up. Budeau said they tried to clean G.S. up quickly so there never should have been rashes or a red bottom. She said it did occasionally stretch into as long as twenty minutes when they were waiting for clean clothes, but that was necessary. Budeau also said loud voices were used and G.S. had been called a liar by Kallies and that Kallies and Parish were probably frustrated by G.S. Budeau said she did make G.S. clean up his own vomit and it was possible he ate some if it was on his lunch tray but he was never forced to eat it by staff.

Kallies was interviewed and admitted she did pour water over the back of G.S. head in the sink using her cupped hands as a cup, but said she never held his head under the faucet.

DJ, another student in the classroom, said he saw the teachers make G.S. eat his own vomit and they said he had to so he would stop doing it. At this time it is unknown what DJ's developmental disability is, but he is able to communicate effectively.

Jeff Brainard was subbing for Julie Parish in Budeau's classroom and said he recalled one incident he thought happened in the spring of 2008 during which G.S. was left sitting in his own feces for approximately half a day. Brainard said he asked Budeau if G.S. got changed and her reply was "No, he gets to live with it." This incident was before the fall complaints, but shows a pattern of behavior by the defendant and co-defendant of neglect and failure to properly care for G.S.

Maria Bubb was another substitute in Budeau's classroom in October and November of 2008 and she said the staff was mean and degrading to G.S. She said Kallies told G.S. he looked stupid and she would point her finger in his face and scream at him. She said Budeau saw this and did nothing to stop Kallies from continuing. She heard Kallies use profanity in anger towards the students. Bubb mentioned this was inappropriate to the Kallies who responded that G.S. drives her

crazy.

Charles Walsh, a substitute teacher, said he was in the classroom and saw one of the para-professionals put a tall kid under the faucet and splash water on him and he thought it was a new corporal punishment but thought it was inappropriate. He also said Kallies was very rude to the kids in the classroom. He thought the teacher was Kallies who put the kid under the faucet and based on his description the child was G.S.

Budeau as the assigned teacher and Kallies and Parish as the assigned para-professionals supervise the welfare of children under 18 and knowingly endangered the children's welfare by violating a duty of care, protection, or support by failing to properly care for G.S.

Based upon the foregoing, the undersigned respectfully requests this Court's permission to file an Information charging the above-named Defendant with the above-described offense.

DATED October 5, 2009.

JOHN W. PARKER
Cascade County Attorney

BY:  _____

SUBSCRIBED AND SWORN TO before me this 5 day of October, 2009.



 _____
Notary Public for the State of Montana,
Residing at Great Falls, Cascade County,
Montana.

My commission expires March 6, 2010

ORDER

Upon examining the foregoing Motion and Affidavit for Leave to File Information, and it appearing that there is probable cause to charge the above-named defendant as stated in the Information,

IT IS HEREBY ORDERED that the State of Montana is granted leave to file the Information as requested by the State's motion.

IT IS FURTHER ORDERED A WARRANT SHALL ISSUE FOR THE DEFENDANT'S ARREST

DATED this 6th day of October 2009, at Great Falls, Montana.


District Court Judge