

Approved by J. Phillips

IN THE CIRCUIT COURT OF LONOKE COUNTY ARKANSAS

AFFIDAVIT FOR WARRANT OF ARREST FOR THE FOLLOWING PERSON

<u>Michael Davis</u>	<u>10/03/1990- White/Male</u>	<input checked="" type="checkbox"/> FELONY
POTENTIAL DEFENDANT'S NAME	DOB & RACE	<input type="checkbox"/> MISDEMEANOR
		<input type="checkbox"/> VIOLATION
<u>19 Mattie Lene Drive</u>		
<u>Ward, AR. 72176</u>		
ADDRESS		PHONE NUMBER

Pursuant to Rule 7.1 of the Arkansas Rules of Criminal Procedure, undersigned affiant(s) being duly sworn, deposes and says that he has reason to believe that the above named person(s) has committed the offense of violating AR CODE ANN. 5-10-104 (a)(3)(c) Manslaughter on or about the 23rd day of June, 2021.

- (a) A person commits manslaughter if:
 - (3) The person recklessly causes the death of another person; or
 - (c) Manslaughter is a class C felony.

In Lonoke County, Arkansas, against the peace and dignity of the State

VICTIM: STATE OF ARKANSAS

FACTS CONSTITUTING REASONABLE CAUSE

I, Corporal Gregg P Bray, a Special Agent with the Arkansas State Police, swear the following facts are true and correct to the best of my knowledge.

1. On Wednesday, June 23, 2021, Arkansas State Police was requested to investigate an officer involved shooting at 7180 State Highway 89 South in Cabot. At approximately 3:00am, Lonoke County Sheriff's Office (LCSO) Sergeant Michael Davis initiated a traffic stop near Mahoney's Body Shop located at 7180 State Highway 89 South. Davis stopped a white GMC pickup truck that was operated by Noah Hunter Brittain. As Brittain exited his truck, he moved to the rear of the vehicle as it was rolling backwards towards the front of Davis' patrol vehicle. Davis fired one (1) round from his county issued firearm striking Brittain in the lower right neck. Brittain then fell to the ground. Davis notified his dispatch that shots had been fired and requested assistance. The passenger, Jordan King, was detained by a LCSO deputy. After placing King in custody, Davis and the deputy cleared the truck. After they cleared the truck, they

proceeded to render aid to Brittain. Brittain was transported to Baptist Health Medical Center in North Little Rock by Metropolitan Emergency Medical Service (MEMS). Brittain later succumbed to his injuries. After reviewing Davis' body camera footage, it was determined that his camera was not activated until after the shot was fired.

2. During an interview with Davis, he indicated at approximately 3:00am, he was traveling southbound on State Highway 89 South near Forbus Road where he observed a white GMC truck. As he initiated a traffic stop on the truck, it continued briefly in the southbound lane, crossed the centerline and stopped in the northbound lane. Davis says before he could put his patrol vehicle in park, he heard the truck's engine rev up and then began to travel southbound in the northbound lane. Davis did not notify dispatch on the radio that he was in pursuit because he realized the truck was attempting to turn left into Mahoney's Body Shop. He indicated before he could get his patrol vehicle in park, Brittain opened his door and quickly exited the truck. Davis observed that Brittain slip on the gravel as he was moving quickly towards the rear of the truck. He gave several commands to Brittain, instructing him to get back to his vehicle but Brittain did not comply with his commands. Davis observed the truck rolling backwards towards his patrol vehicle. He continued to give commands instructing Brittain to show his hands and to stop. Davis said Brittain began reaching with both hands into the bed of the truck. He indicated that as Brittain began to bring his hands from the bed of the truck, he discharged his weapon one (1) time towards Brittain. Davis says as he observed the bullet strike Brittain, a container came from Brittain's hands that originated from the bed of the truck. The container landed on the ground. During the interview, Davis was asked to clarify if he could see Brittain's hands or see what was in Brittain's hands prior to discharging his county issued firearm. Davis replied he could not see Brittain's hands nor what was in his hands prior to discharging his county issued firearm.
3. During an interview with Jordan King, he stated he was with Brittain and another friend working all evening on a transmission for Brittain's truck. As King and Brittain went on a test drive in the truck, they made a right turn onto Highway 89 from Mahoney's Body Shop. King says they traveled approximately one mile to a church parking lot and turned around to return to the shop. King noticed a deputy began to follow them and the deputy pulled them over just before the Mahoney's Body Shop driveway. Brittain slowed down, put his blinker on and pulled to the left side of the roadway. King said as they were getting pulled over by the deputy, they were laughing and thought it was funny because the truck was smoking, and that Brittain was trying to get off the highway. King says as they

stopped in the parking lot, both of them opened their doors to let the smoke out. King said that Brittain immediately stepped out of the truck, went to the rear of the truck and King heard a gunshot. King said he never heard anyone say show me your hands or words similar to that before hearing the gun shot.

No evidence of firearms were located in or around Brittain's truck.

SSA Gregg Bray

AFFIANT'S NAME

CPA Gregg Bray #25

AFFIANT'S SIGNATURE

#1 State Police Plaza Drive, Little Rock, AR
ADDRESS

501-618-8000
PHONE NUMBER

Subscribed and sworn to before me this _____ day of _____, 20__ .

COURT CLERK

Subscribed and sworn to before me this _____ day of _____, 20__ .

I hereby find that this sworn affidavit demonstrates reasonable cause for this issuance of a warrant of arrest for the above named individual for the above stated offense.

JUDGE

DATE