

IN THE JUSTICE COURT OF THE COUNTY OF GALLATIN,
IN AND FOR THE STATE OF MONTANA

THE STATE OF MONTANA

Plaintiff,

Cause No. _____

v.

AFFIDAVIT OF PROBABLE CAUSE

Cody Christopher Little

STATE OF MONTANA)

:ss

County of Gallatin)

GALLATIN COUNTY
JUSTICE COURT
2013 SEP 20 PM 1 41

COMES NOW Detective Anthony Hutchings and being first duly sworn upon oath,
deposes and says:

1. Your affiant is a Detective with the Bozeman Police Department, Gallatin County,
Montana.

2. On September 20, 2013, your affiant arrested the above-named defendant and charged
the defendant with the crimes of:

Attempted Deliberate Homicide (F) 2 counts
Assault with a Weapon (F)

MCA 45-5-102
MCA 45-5-213

3. The crime occurred on September 20, 2013

4. The place of the crime occurred at 79 N. Ferguson Ave #A. The location is within the
city limits of Bozeman, Gallatin County Montana.

5. The facts relied upon to make the arrest and charges are as follows:

On September 20, 2013, at approximately 0404 hours, Bozeman Police officers were dispatched

to a reported shooting in the 100 block of N. Ferguson Ave. Dispatch received multiple calls from individuals at the scene and relayed the information to responding officers. This included reports of one person injured, possibly two, one person unconscious, and one person barely breathing. The callers were unaware of who shot or the location of the weapon. A more detailed description of the incident location was relayed to dispatch as the alley behind the 100 block of N. Ferguson Ave.

Responding officers arrived on scene and observed R.R. holding an adult male on the ground. R.R. and other witnesses identified the male as the shooter; the male was later identified by his United States Passport as Cody Little, hereafter referred to as defendant. While the defendant was in the custody of Officer Justin Chaffins, he made an unsolicited utterance saying "I do know I shot somebody, but I was attacked".

Officers also located three males, L.C., J.A., and C.O., to the west of the defendant's location, with obvious gunshot wounds. All three males were immediately transported to Bozeman Deaconess Hospital due to the injuries they had sustained. Multiple witnesses were located at the scene and were transported to the Law and Justice Center to be interviewed.

I am aware that R.R. was interviewed by Detective Robert Vanuka at the Law and Justice Center. R.R. said the party was shut down and guests were asked to leave. R.R. indicated that "guys were being guys" and some partygoers were unhappy when asked to leave. R.R. said that he observed the defendant and victim J.A. in the alley behind the 100 block N Ferguson. R.R. said that although he did not see the defendant strike J.A. in the face it appeared that a confrontation took place between the defendant and J.A. The defendant left running south, down the alley toward 79 N Ferguson Avenue. J.A. told R.R. that the defendant had just hit him in the face. R.R. observed that J.A.'s lip was bleeding. R.R. followed the defendant south but lost sight of him. R.R. explained that the defendant re-appeared in the southern most portion of the alley near Monroe Avenue wearing a gray hooded sweatshirt. R.R. said that he was about twenty feet away from the defendant. R.R. said the defendant was now wielding a long gun. By this point a small group had congregated in the alleyway, including defendant's gunshot victims J.A., L.C., and C.V. R.R. said the defendant fired a round into the ground and sparks flew which indicated to R.R. that the weapon was a shotgun. R.R. said the defendant approached, got within five feet of L.C., leveled the weapon towards L.C.'s abdomen, and "pulls the trigger...shot." R.R. said that, after shooting L.C., the defendant then ran towards the small group and fired a third shot, hitting J.A. in the leg. R.R. said the defendant turned towards his direction, elevated the weapon inches away from R.R.'s face, and pulled the trigger while looking down the sightline at him. R.R. indicated the defendant's movements were deliberate, and while looking down the barrel of the shotgun R.R. heard a distinct click indicating the trigger had been pulled, R.R. surmised there wasn't a round in the shotgun's chamber. R.R. expressed he "just froze" and all he heard was the click. R.R. said the defendant took off running south again and R.R. gave chase. The defendant was still holding the weapon. R.R. observed the defendant throw the shotgun outside the door on the porch of 79 N Ferguson Unit A, and attempt to close the door behind himself. R.R. said he broke open the door and began a physical altercation with the defendant inside 79 N Ferguson Avenue Unit A. R.R. struck the defendant and ultimately subdued him. It was then that R.R. observed two of the defendant's roommates appear from

within the residence. R.R. told the defendant that he was going to hold him until police arrived. According to R.R. the defendant stated, "take me outside I don't want to bleed all over my carpet." R.R. handed custody of the defendant to patrol officers on scene. Upon search incident arrest of the Defendant, patrol officers located two Remington Nitro Mag 20 gauge cartridges on his person.

While at the Law and Justice Center I interviewed Cory Armstrong regarding the investigation. Armstrong is the brother of J.A. Armstrong said his brother had been struck in the face, but did not see it. Armstrong said after the altercation he was standing outside with J.A. and L.V. Armstrong said the defendant shot L.V. in the abdomen and J.A. in the leg. Armstrong said that it did not appear anyone was attempting to fight with the defendant prior to the shooting occurring.

I interviewed Jack Graves after speaking with Armstrong. Graves said he was out that night with L.V. Graves said once outside, the defendant punched J.A. in the face. Graves said everyone separated and the situation appeared to calm down. Graves said he became separated from his friend and began to search for him in the immediate area. Graves said while searching for L.V. he heard three distinct gunshots that he identified as coming from a shotgun. Graves began running towards the sound of the three gunshots and discovered L.V. on the ground. Graves said L.V. had been shot in the abdomen and was lying in a large pool of his blood. Graves said he began to administer aid on L.V., but said he wasn't "doing well". Graves said he also observed J.A. and another male on the ground with gunshot wounds to their legs. Graves also observed expended shotgun cartridges on the ground of the alleyway.

Detective Vanuka and I made contact with and interviewed the defendant at the Gallatin County Detention Center. The defendant was read his rights per **MIRANDA**, who understood waived his rights, agreeing to answer law enforcement's questions.

The defendant acknowledged attending the party in the 100 Block of N Ferguson Avenue, and consuming alcohol. According to the defendant, victim C.V. was involved in a physical confrontation with R.R.. The defendant indicated he was concerned for the wellbeing of C.V. because he was "getting stomped" in a fight. The defendant said he returned to his residence, 79 N Ferguson Avenue Unit A, went to his closet, and retrieved a 20 gauge shotgun loaded with two rounds. Investigators asked the defendant if he had a cell phone available to call police. The defendant indicated he did, but was concerned about C.V. The defendant said he returned outside carrying the shotgun, fired one round into the air from approximately 15-20 feet from the group outside. The defendant said he fired a second round into the air, and did not recall any of his rounds striking people. The defendant indicated he fled from the scene and R.R. caught him and beat the shotgun from his hands.

After speaking with the defendant, I conducted an interview with C.V. C.V. stated he was at the earlier mentioned party with the defendant. While there, C.V. said the Defendant punched J.A. in the face. C.V. said he did not see the defendant again after he assaulted J.A. C.V. said after this he went outside and was standing with a group of other individuals. C.V. said while outside, he heard a loud blast and felt pain in his left leg. This caused C.V. to fall to the ground. C.V.

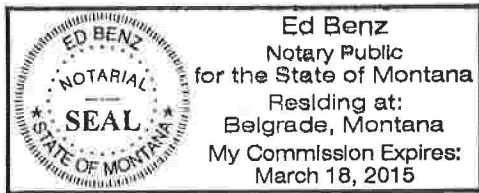
said he observed L.C. lying next to him in a pool of blood, with a significant injury to his abdomen. C.V. said he assumed L.C. had been shot. C.V. said he was very intoxicated during the incident, but did not remember ever being assaulted by a large group of males. I did not observe any noticeable injuries on C.V. consistent with being physically assaulted by multiple assailants.

Dated this 20th day of September, 2013.



Signature of Detective Anthony Hutchings

SUBSCRIBED AND SWORN to before me this 20 day of Sep, 2013.



NOTARY PUBLIC FOR MONTANA

ORDER

Upon reading the foregoing Affidavit, the Court finds that there is probable cause to believe that the above-named defendant committed the crime(s) charged.

DATED this ____ day of _____, 20__ at _____ a.m./p.m.

JUSTICE OF THE PEACE/CITY JUDGE

ORDER

Upon reading the foregoing Affidavit:

_____ IT IS HEREBY ORDERED THAT probable cause **is found** to charge the above-named defendant with the following charge(s):

_____ IT IS HEREBY ORDERED THAT probable cause **is not found** to charge the above-named defendant with the following charge(s):

DATED this ____ day of _____, 20__ at _____ a.m./p.m.

JUSTICE OF THE PEACE

SCAN-KH

SEP 20 2013