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ATTORNEYS FOR PLAINTIFF

IN THE JUSTICE COURT OF RECORD OF MISSOULA COUNTY,  
STATE OF MONTANA

<p>STATE OF MONTANA, Plaintiff,  -vs-  KURTIS JAMES ADAMS, Defendant.</p>	<p>Dept. Cause No.  <b>AFFIDAVIT OF PROBABLE CAUSE</b></p>
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STATE OF MONTANA        )  
  : ss  
County of Missoula        )

CARRIE L. GARBER, Deputy County Attorney, Montana, being first  
duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of  
Kurtis James Adams for allegedly committing the offense of:

COUNT I: AGGRAVATED ASSAULT, a FELONY, in violation of § 45-  
5-202, MCA.

I believe that the facts as set forth in the law enforcement reports, if true, constitute sufficient probable cause to justify the filing of the charges.

Those facts are as follows:

On August 1, 2020, on or about 1:30 a.m., 9-1-1 Dispatch received one or more phone calls reporting a physical fight outside the Bodega bar located at 221 Ryman St. which is within the Missoula City limits. Dispatch was informed, and in turn Dispatch notified officers, that one of the involved parties was still on the ground and possibly unconscious. Several officers with the Missoula Police Department (MPD) responded and conducted an investigation.

Officers Chea Hollis and Kali Matt arrived together and observed multiple bystanders and witnesses pointing to a male walking away from the area and to a male lying on the ground. Officers Hollis and Matt approached the male on the ground near the alleyway entrance between Bodega and Red's Bar and observed that he was injured and unconscious. Three males were attempting to attend to the injured male. One of the males, identified as Logan Bishop, identified the injured male as Brandon Middleton. One of the males pointed to another male walking away from the area stating, "He did this to him." While Officer Matt remained with Middleton, Officer Hollis got back in her patrol vehicle and stopped the male who the male and other

bystanders pointed to as he walked southbound on Ryman St. and was crossing Main St. The male suspect was identified by his Montana driver's license as Kurtis James Adams. Officer Brandon Geher arrived and began interviewing Adams while Officer Hollis returned to assist Officer Matt who reported that the Middleton was in extremely poor condition.

While Officer Hollis went to stop Adams, Officer Matt observed the entire left side of the Middleton's face was swollen causing his eye to be swollen shut, he was in and out of consciousness, and when momentarily conscious, he was disoriented and unable to provide his name or respond to questions coherently. Officer Matt observed a large amount of blood on and around Middleton's face and head, dripping from his nose and mouth. Officer Matt attempted to place Middleton in a recovery position, but Middleton began choking on his blood. To prevent choking, Officer Matt was able to get Middleton into a seated position and placed his knee behind Middleton's back and supported his shoulders to keep him upright. Officer Matt could then observe the entire back of Middleton's shirt was soaked in blood and blood had run down onto the pavement from Middleton's face and head forming a pool on the pavement. While Officer Matt continued to support Middleton in an upright position, Middleton's head kept dropping and he was unable to keep his eyes open. A bystander identified as Alan Roberts

assisted Officer Matt to keep Middleton from trying to stand-up during moments of consciousness.

While speaking with Adams, Officer Geher observed that Adams had a black right eye, what appeared to be small cuts around his left eye, blood on his right hand, and a t-shirt that had been torn near the collar. Adams informed Officer Geher that the black right eye was from the previous week and was not related to the events that had just taken place. Officer Geher asked Adams to tell him what had just happened outside the Bodega. Adams stated that outside the Bodega, he had been talking to another male, whom he described as a Native American wearing a cowboy hat, about their service in the Marine Corps. While they spoke, another male approached and claimed that he too had been Marine. Adams described the male to be slightly taller than him (approximately 5' 10"), in his early 20's, blonde hair and wearing a white t-shirt. This description matched the male lying unconscious on the ground. Adams did not believe the male was actually a Marine and got into a verbal disagreement with the male. Adams claimed that the male got physically aggressive and threw a few punches at him, landing a couple near his left eye where Officer Geher had observed fresh cuts. Adams told the male to stop but also threw a few punches of his own at the male. Because the male kept coming at him, Adams stated he threw the

male over his hip and on to the ground. Once the male was on the ground, Adams stated punched him a couple more times, and then he began walking away from the area. Adams believed that his t-shirt had been torn by the male when he first attacked Adams. With Adams' permission, Officer Geher photographed his hands, upper torso and face.

Officer Hollis spoke to Bishop, one of the males attending to Middleton, who stated he saw the fight. Bishop told Hollis that Middleton and Adams were yelling at each other, and then Middleton started walking away, at which point Adams yelled something like, "Yeah, walk away!" which drew Middleton back and the two lunged at each other. Bishop believed that Adams knocked Middleton unconscious within the first or second punch and that Adams continued to punch Middleton while on the ground and unconscious. Bishop stated that he heard Middleton's head hit the pavement while being punched on the ground by Adams. Based on the reports that Adams continued punching Middleton after he was on the ground and unconscious, the officers determined that was probable cause to place Adams under arrest. Officer Geher then spoke to additional non-involved witnesses who confirmed that Adams continued to strike Middleton at one additional time after Middleton was unconscious on the ground. After transporting Adams to the jail, Officer Geher went to St. Patrick's Hospital where Middleton had been brought via

ambulance. Medical personnel informed Officer Geher that Middleton was still unconscious. Officer Geher waited in the Emergency Department until after Middleton was taken for a CT scan, at which time he photographed Middleton's injuries while he was still unconscious.

DATED this 2nd day of August, 2020.

/s/ Carrie L. Garber  
CARRIE L. GARBER  
Deputy County Attorney

SUBSCRIBED AND SWORN TO before me, a Justice of the Peace, in and for the State of Montana, County of Missoula.