

WARRANT OF ARREST

REQUESTED BOND: ^{Ro} _{NO Bond}

TO ANY SHERIFF, CONSTABLE, CORONER, OR POLICEMAN IN THE STATE OF ARKANSAS:

It appearing that there are reasonable grounds for believing that MATTHEW ROYAL DAVIS has committed the offense(s) of

5-10-104. Manslaughter.

in the County of Garland, State of Arkansas;

YOU ARE COMMANDED to arrest said person and bring him before the District Court of Garland County to be dealt with according to law.

ISSUED this 24th day of March, 2014.


DISTRICT JUDGE

DESCRIPTION OF DEFENDANT

AGENCY CASE#: CID-C-07016-12

Sex: M

Race: W

Height: 6-1

Weight: 225

Date of Birth:

Last known address: 108 Gibbins Trail, Hot Springs, AR

WARRANT SERVICE

DULY SERVED this _____ day of _____, 2014, by arresting the said MATTHEW ROYAL DAVIS.

BY: _____

DEPUTY

AFFIDAVIT FOR WARRANT OF ARREST

FELONY

CASE # CID-C-07016-12

MATTHEW ROYLE DAVIS
DEFENDANT'S NAME

WHITE / MALE /
RACE / SEX / D.O.B.

108 GIBBINS TRAIL
ADDRESS

HOT SPRINGS, ARKANSAS

.....
Pursuant to Rule 7.1 of the Arkansas Rules of Criminal Procedure, the undersigned Affiant (s) being duly sworn, deposes and says that he has reason to believe that the above named person has committed the offense of violating Arkansas code:

5-10-104. Manslaughter.

(a) A person commits manslaughter if:

(4) Acting alone or with one (1) or more persons:

(A) The person commits or attempts to commit a felony; and

(B) In the course of and in furtherance of the felony or in immediate flight from the felony:

(i) The person or an accomplice negligently causes the death of any person;

a Class C Felony Violation, in violation of Ark. Stats. Ann.

on or about the 29th day of February, 2012, in Garland County, Arkansas, against the peace and dignity of the State of Arkansas.

FACT CONSTITUTING REASONABLE CAUSE

On Wednesday, February 29th, 2012, at 2:21 p.m., the Garland County Sheriff's Department received a 911 call from ANDREA "ANDI" LEA DAVIS, W/F, DOB [redacted] in reference to a shooting that had occurred at her residence located at 251 Ledgerwood Road. During the 911 call she advised she needed the police and an ambulance at the mentioned address. She further advised that MAXX ANDERSON, (W/M, DOB [redacted]) had attacked her at the residence and her family had defended her. She advised a gun was used "on the person that broke in", referring to MAXX. She also stated that MAXX had a knife and a golf club. Upon arriving at the residence, officers observed the body of Mr. ANDERSON lying face down in a pool of blood in front of the residence on the paved driveway, the apparent victim of a single gunshot wound to the upper chest area. A black handled locking blade pocket knife was observed underneath the body, open, with the blade concealed under his waistline and approximately three quarters of the handle visible. (Mr. ANDERSON was pronounced deceased at the scene by Garland County Coroner STUART SMEDLEY.) Also at the residence upon the officers arrival was Ms. DAVIS and her brother, MATTHEW "MATT" ROYLE DAVIS, W/M, DOB [redacted]. Mr. and Ms. DAVIS were transported to the Garland County Sheriff's Department to be interviewed while investigators worked the crime scene.

During their interviews, ANDI and MATT both stated that on the previous day, Tuesday, February 28th, MATT had paid MAXX \$1,200.00 in advance to purchase and install security cameras at MATT'S residence.

AFFIDAVIT FOR WARRANT OF ARREST

According to MATT, MAXX was also supposed to repair a television for him. MATT also stated that MAXX was supposed to bring the parts back to him that day and do the work soon thereafter. However, MAXX did not return with the money or the parts on that day. Throughout the day and into the evening hours, MATT, ANDI, and MAXX communicated via cell phone conversations and text messages with the majority of the contact between ANDI and MAXX. ANDI stated that at approximately 11:30 p.m., MAXX called her and his speech was slurred and he did not know where he was. She stated MAXX told her he had taken Xanax, Valium, and Hydrocodone and did not know what to do. Shortly thereafter MATT left ANDI'S residence to go to his home for the night. Before leaving he showed ANDI how to use his Smith and Wesson Governor handgun and left it with her. It was loaded with six (6) .410 shotgun live rounds. According to MATT'S statement, he suggested leaving the weapon with ANDI and she agreed. However, according to ANDI'S statement, she asked MATT to leave the weapon. ANDI was aware MATT had this particular weapon. Throughout the early morning hours and throughout the day of Wednesday, February 29th, ANDI continued attempting to make contact by cell phone with MAXX but there was no response. ANDI and MATT also traveled to a residence that day they believed to be MAXX'S in an attempt to make contact with him. However, MAXX no longer resided at that residence. Later that day MAXX contacted ANDI by cell phone and according to ANDI she was very upset and yelling at him. She hung up on him but then texted him and asked him when he would "be here to settle up". She told MAXX he could just come to her house. (ANDI stated that she believed MAXX had spent the money on drugs.) ANDI further stated that MAXX then told her he was going to stop by his house and pick up his gun and she considered this to be some kind of threat and it worried her. MAXX soon thereafter arrived at ANDI'S residence, knocked on the door, and ANDI opened the door and started yelling at him. MATT, who was in the residence with ANDI, called out to her to calm down. ANDI then walked into the residence and according to her, MAXX followed and started telling MATT what had happened to him the previous night. ANDI did not believe MAXX and started yelling in his face. According to ANDI, at this time MATT was standing behind her and turned and walked into the kitchen. She stated that MAXX suddenly picked up a golf club that was in the room and struck her three or four times on the inside of her left arm as she raised her arm to protect herself. She stated that the golf club broke in half as he was striking her. She then heard MATT tell MAXX, "That's not cool. That's my family and you do not lay your hands on my family." MAXX then suddenly sat down on the couch and MATT told ANDI to go outside. ANDI stated she told MATT she was going to call the police and he told her to go ahead. She then walked out the front door and closed it behind her. Rather than calling the police ANDI stated she called an acquaintance. She then heard a gunshot from inside the house and MAXX came "staggering out the front door". MATT was right behind MAXX and she saw MAXX fall to the ground. She asked MATT what had happened and he said MAXX just came at him. ANDI walked in the residence and observed that the couch MAXX had been sitting on was turned over backwards. ANDI advised she told MATT to put the gun on the floor, but continued by stating she was not sure if he had it on him or had already laid it down when MAXX walked out of the residence. She remembered seeing the weapon on the floor near the front door. This weapon was the same one MATT had left ANDI earlier that morning and ANDI stated she had placed it on the refrigerator in case the kids came home. She also stated she had advised MATT where it was.

MATT'S statement in reference to what occurred at the residence differs from ANDI'S. MATT stated that he observed MAXX arrive at ANDI'S residence in a blue Jaguar. He observed this through the glass windows on the front of the house. He stated that he and ANDI were the only ones in the residence. MATT did not want any confrontation and ANDI knew MAXX better so he went to the kitchen area to allow ANDI to talk to MAXX in the living room. (It should also be noted at this point that MATT'S White Nissan Titan pickup was parked in the garage of the residence and the garage door was down so the vehicle was not visible. The only vehicle parked in view at the residence was ANDI'S red car which was parked near the front door.) MATT could not hear every detail of MAXX and ANDI'S conversation but he could tell they were arguing. MATT heard what sounded like a fight break out between MAXX and ANDI and he could hear what sounded like furniture moving around and he knew ANDI was in distress. (ANDI made no mention of furniture being moved during her alleged struggle with MAXX.) MATT knew his weapon was on the refrigerator and he retrieved it, stuck it in his waist band, and walked into the living room. MATT stated he then saw MAXX attacking ANDI with the golf club. MATT stated he walked in between MAXX and ANDI and separated them and kind of pushed MAXX down on the couch. (ANDI stated that MAXX suddenly sat down on the couch and

AFFIDAVIT FOR WARRANT OF ARREST

made no mention of MATT being between them or pushing MAXX to the couch.) MATT told MAXX this was not acceptable behavior and then pointed toward the door for ANDI to go outside and she did. He stated he told MAXX that was not cool and he should not do that. MATT stated he was facing MAXX and suddenly saw a shiny object in MAXX'S right hand which he immediately recognized as being an open knife. MATT stated that MAXX jumped off of the couch with enough force that the couch turned over and MAXX lunged at him. MATT stated that when MAXX lunged he pulled the gun out and pulled the hammer back and by that time MAXX was within arm's length. MATT stated he fired one time and was shocked when the gun went off because it all happened so quickly. MAXX staggered past MATT and according to MATT, MAXX still had the knife in his right hand. MATT watched MAXX walk out of the residence and fall down in the driveway. MATT stated he dropped the gun, picked it up and looked at it, and then dropped it again.

Garland County Investigators processed, photographed, and collected evidence at the crime scene. As observed by photographs taken in the living room area it appears a struggle took place, over and above what was described by MATT and ANDI. Not only is the sofa turned on its back, an ottoman located forward of the sofa is also turned over on its side and a small throw pillow was lying on the floor between the ottoman and sofa. The broken golf club was located and collected from the floor with the handle end being near the south end of the sofa and the head of the club located near the front door. The Smith and Wesson Governor handgun was located on the floor just south of the front door and a pair of bent sunglasses were located on the floor near that item. The bent glasses are another indicator of a struggle. Blood was located on the floor near the front door. No blood was located near the sofa or the ottoman, only near the front door. (It should be noted that the Governor handgun was the only firearm located at the residence.)

MAXX'S body was submitted to the Arkansas State Crime Lab for an autopsy. The results of that examination reveal that MAXX'S death was the result of a single gunshot wound to the upper chest area fired at close range. The results also state that MAXX had a 1" abrasion on the point of the left cheek and a 1 5/8" abrasion on the lateral aspect of the left eyebrow, injuries which are visible in the crime scene photographs. Abrasions are also detailed on the right side of his face but these could be the result of falling to the pavement, as his head was resting on its right side. However, the two wounds described on the left side of the face clearly show blood trails leading downward toward the pavement. These wounds were not explained by ANDI or MATT and would appear to indicate other signs of a struggle.

Based on text messages between ANDI and MAXX, retrieved from their cell phones during forensic examinations, investigators believe MAXX'S death was the result of a drug transaction gone bad. Investigators believe MAXX was provided the money by MATT and ANDI in order to purchase methamphetamine for them and returning to ANDI'S residence, possibly without the drugs or the money, led to his death. On Monday, February 27th, 2012, a text message was sent from ANDI'S cell phone to MAXX'S cell phone wherein the sender, believed to be ANDI, asked if the receiver, MAXX, "Can you do that deal we talked about regarding the 1200 turkey. What he do if we got two ounces of gravy? 2400? Or deal? Jew em down. We wanna talk to u bout some shit." It is known to investigators that "Turkey" is drug slang for amphetamine (meth) and "Gravy" is drug slang for heroin or to inject a drug. The two of them continue to text back and forth concerning "Turkey" and MAXX sends ANDI a text message advising he will need the cash up front when everything is arranged to which ANDI replies "Got it." Investigators believe the money changed hands this same day and date because on Tuesday, February 28th, 2012, at approximately 10:08 a.m., ANDI receives a text message from MATT'S phone stating, "MAX was supposed to come through", to which ANDI replied, "He will come thru don't b all stressing. He ain't like dough boy." Later this same day ANDI texts MAXX and instructs him to "grab the 100 of the turkey pie" and return the "12" due to the price jump. MAXX texts back that he is in agreement. Within the next couple hours it is evident a problem has developed as ANDI and MAXX are calling and texting each other and according to the text messages, ANDI is very upset and it appears she believes MAXX has ripped them off and she wants him to return the money. Also during this text message exchange, ANDI and MAXX are obviously discussing a drug transaction or a failed drug transaction. The calls and heated text continue into Wednesday, up until just prior to MAXX'S death.

AFFIDAVIT FOR WARRANT OF ARREST

On Monday, March 5th, 2012, MAXX'S girlfriend, whom he lived with, discovered an I-Phone box in their locked mailbox. This was the first time she had checked the box since MAXX'S death. Located inside this box were six baggies containing 18.8862 grams of methamphetamine which at that time could have been purchased for approximately \$1,200.00.

With all the facts and circumstances involved, investigators are confident the DAVIS' had conspired with MAXX to obtain methamphetamine, the purchase or possession of which would be a felony. In the furtherance of that felony, we believe the confrontation at the DAVIS residence over the drugs and money led to the death of Mr. ANDERSON.

I swear that the allegations contained herein are the truth, the whole truth, and nothing but the truth.

Sgt. Dennis Morris
Sergeant Dennis Morris
Special Agent
Arkansas State Police

Mike Wright
Corporal Mike Wright
Investigator
Garland County Sheriff's Department

Reviewed by Prosecutor: _____

VICTIM INFORMATION: MAXWELL ANDERSON, W/M, DOB 11/21/77

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2014.

My commission expires: _____ Notary: _____

I hereby find that this sworn Affidavit demonstrates reasonable and probable cause for the issuance of a warrant(s) for the above named person for the above stated offense(s). I further direct the District Clerk of Garland County to issue an arrest warrant for the above named Defendant.

Raph
DISTRICT JUDGE
GARLAND COUNTY, ARKANSAS

3-24-14
DATE