

**PROBABLE CAUSE AFFIDAVIT
WARRANTLESS ARREST**

**COUNTY OF MILLER
STATE OF ARKANSAS**

CASE #: 22-000400

BEFORE ME, the undersigned authority, on this day, personally appeared the undersigned affiant, who after being duly sworn on oath, stated as follows:

My name is: **Corporal Joshua Pendergrass** I have good reason to believe, and do believe that on or about the: **6th day of May, 2022**, in Miller County, Arkansas, **Demario Hankins**, **RACE: Black** **SEX: Male** **DOB:** I, did then and there commit the offense of :

Battery 2nd 5-13-202 that being a Class: D Felony.

Affiant arrested the accused without a warrant.

Affiant's knowledge of the offense consists of the following:

On May 7, 2022, I, Cpl. Pendergrass, was dispatched to the Miller County Detention Center in reference to a battery that occurred.

I made contact with Cpl. Gray in the detention center who advised me that Cpl. Studdard was in a physical altercation on 5-6-2022 at approximately 21:45 hours with an inmate identified as Mr. Demario Hankins. Cpl. Gray stated Hankins was brought in by the Arkansas State Police and was put immediately into a cell due to being uncooperative. A short time later Cpl. Studdard removed Mr. Hankins from his cell in an attempt to fingerprint him. While attempting to fingerprint Mr. Hankins he became uncooperative and refused to allow Cpl. Studdard to fingerprint him. Cpl. Studdard advised Mr. Hankins that if he did not comply, he would be OC sprayed. Mr. Hankins stated to Cpl. Studdard that "if he sprayed him" to which Cpl. Studdard replied, "If I spray you then what?". Mr. Hankins continued to refuse to be fingerprinted and Cpl. Studdard OC sprayed Mr. Hankins. After being sprayed Mr. Hankins became physical with Cpl. Studdard pushing him out of the fingerprint room and into the larger area of booking. Inmate Caleb Young assisted Cpl. Studdard in assisting Mr. Hankins to the ground.

At that time Detention Officer T. Gardner arrived in booking, observed the physical altercation, and called for assistance over the detention center radio. After doing so Officer Gardner, Officer Lowrey, and Officer Moore assisted Cpl. Studdard into subduing Mr. Hankins.

Once Mr. Hankins was restrained and placed back in his cell Cpl. Studdard went to the hospital to be seen for an injury. I was notified by Cpl. Gray that during the incident Cpl. Studdards hand was broke.

Upon reading the individuals officers statements they affirmed the above account of the incident. At the time of this report, I was unable to gain a statement from Cpl. Studdard due to his injury.

While observing the audio/video recording I was able to observe the following incident.

At 21:44 hours Cpl. Studdard removed Mr. Hankins from his cell to attempt to fingerprint him. Both individuals disappeared from camera view due to going into the fingerprint room. At 21:45 hours Cpl. Studdard could be heard requesting Mr. Hankins comply with the fingerprints but Mr. Hankins refused stating his fingerprints were his personal property and he would not comply. At 21:46 hours Cpl. Studdard could be heard asking Mr. Hankins "If I spray you then what?". A commotion was then heard from out of camera view. Shortly after

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both Cpl. Studdard and M. Hankins emerged from the fingerprint room physically grabbing each other. At that time inmate Caleb Young observed the physical altercation and assisted Cpl. Studdard in assisting Mr. Hankins to the ground. At 21:47 hours Officer Gardner entered the booking area and observed the altercation. She called for backup over the detention center radio. At 21:48 hours Officers Gardner, Moore, and Lowery assisted Cpl. Studdard in subduing Mr. Hankins and placing him in restraints. While on the ground being restrained Mr. Hankins continued to yell and argue about being fingerprinted.

Mr. Hankins was booked in for Battery 2nd after this incident.

All supporting paperwork will be uploaded into the multimedia section of this report. A USB drive containing the audio/video recording of the incident was taken into evidence as JP1 and placed into Patrol Locker 1.

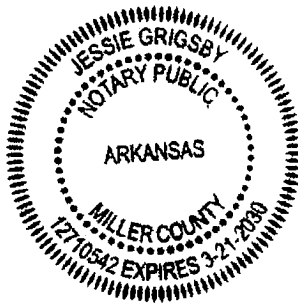
At the time of this report, I was unable to issue a victim information guide to Cpl Studdard.



AFFIANT'S SIGNATURE

COUNTY OF MILLER

STATE OF ARKANSAS



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Acknowledges before me, this 6th day of May, 2022.

Notary Public
My Commission Expires : 3-21-2030

I HEREBY ACKNOWLEDGE THAT I HAVE EXAMINED THE FOREGOING AFFIDAVIT, AND HAVE DETERMINED THAT PROBABLE CAUSE EXISTS FOR THE ARREST OF THE ACCUSED WITHOUT A WARRANT, AND THAT THE ARREST IS VALID.

SUBSCRIBED AND SWORN TO BEFORE ME ON THE _____ DAY OF _____, 20____.

MUNICIPAL / CIRCUIT JUDGE