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Incident# 2012-088993

Prosecuting Attorney's Form Affidavit

Form Supplied by: *John Johnson via telephone*

2012 SEP -7 PM 12:09

Date: September 6, 2012

IN THE DISTRICT COURT OF LITTLE ROCK, PULASKI COUNTY, ARKANSAS

## AFFIDAVIT OF ARREST FOR THE FOLLOWING PERSON

Joshua Hastings

12/13/85 W M

C FELONY

POTENTIAL DEFENDANTS NAME

DOB RACE SEX

700 W. Markham L.R. AR.  
ADDRESSUnknown  
PHONE NUMBER

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 AR. Code Ann. 5-10-104 Manslaughter, on or about the date of August 12, 2012 which states: A person commits the offense of Manslaughter if: The person recklessly causes the death of another person.

In Pulaski County, Arkansas against the Peace and Dignity of the State of Arkansas

## \*FACTS CONSTITUTING REASONABLE CAUSE\*

I Detective Sergeant James Lesher of the Little Rock Police Department state that the following is true to the best of my knowledge. On August 12, 2012, Little Rock Police Officers responded to a call of suspicious persons at 13111 W. Markham. Officer Joshua Hastings along with other officers were dispatched to the call. During the incident, Officer Hastings employed the use of deadly force. Hastings responded to the Major Crimes Division of the Little Rock Police Department, was advised of his Miranda Rights and voluntarily gave a statement to Detectives in the presence of legal counsel.

Hastings was reportedly the first officer on the scene and took up a post on the northeast corner of the apartment complex outside of the perimeter fence. Hastings advised he heard glass breaking and could see one black male wearing a white shirt in the driveway of the parking lot. Hastings advised that he could also see a black male wearing a red shirt and a black male wearing a green shirt inside a black car that was parked on the side of the driveway. Hastings said when the subjects left the black vehicle and started walking west, he was able to move down closer to the parking lot and take a position near the trash dumpster on the northeast side of the parking lot.

Hastings advised he stayed behind the dumpster awaiting other officers to take positions around the complex and the suspects walked to a parked car that was backed into a parking space several hundred feet from Hastings' position. Hastings advised that all three of the black male

*Hastings, Joshua 9-7-12  
@# 615803*

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suspects got into the vehicle, which he described only as a black car and the car came out in a hurry. Hastings said the car was traveling east toward him at approximately twenty-five to thirty miles per hour. Hastings said he had drawn his service weapon and also had his flashlight out when he stepped out from behind the dumpster to stop the vehicle. Hastings said he then shined his light and yelled "Little Rock Police stop the car, stop the car". Hastings said the vehicle was driven by the black male in the white shirt and the black male in the red shirt was in the front right passenger seat. He further told detectives when the vehicle was approximately five feet in front of him he saw the driver had his hands at about the ten and two position on the steering wheel and was coming directly at him. Hastings said at that point he realized that the vehicle was trying to run him over and he was in fear for his life. Hastings advised that he fired two rounds at the driver of the vehicle to stop the threat of being run over.

Hastings said that he was able to move out of the vehicle's path and after he fired his rounds the vehicle continued past him, over the curb, and crashed into the rocks. Hastings said the vehicle was about arms reach from him after it crashed into the rocks and he could see the driver of the vehicle was injured. Hastings said he knew the driver was injured because he was slumped over to the right with his head down. Hastings told detectives the front of the vehicle went about five feet past the curb onto the rocks and then started backing back down the hill. Hastings said he tried to chase the car down the hill but it was rolling faster than he could run. He said that the vehicle continued down the hill backwards and struck a pole and a parked car. Hastings advised that the black males in the red and green shirt fled west from the vehicle, but the driver did not move. Hastings said he made contact with the driver, later identified as Bobby Moore III, black male, 09/03/96, and he appeared to be deceased from a gunshot wound. Hastings said he then called for medical assistance for Mr. Moore, who was pronounced dead at the scene.

On August 12, 2012 at approximately 6:45 am, Officers on the scene made contact with Keontay Walker, 04/17/96 and transported him to the Major Crimes Division. Mr. Walker was advised of his Miranda Rights by detectives and voluntarily gave a statement in reference to this incident. Mr. Walker advised that he along with Jeremiah and Little Bobby, later identified as Bobby Moore III, black male, 09/03/96, were riding around looking for parties. Mr. Walker said later in the early morning hours they ended up at 13111 W. Markham and broke into several cars. Mr. Walker said that they left one side of the complex to go to the other because one of the car's alarm went off.

Mr. Walker said they had broken into a car on the lot near the dumpster and decided to leave the complex because his mother had been texting him. Mr. Walker said they got into the car they came in and Bobby was driving with Jeremiah in the right rear seat. Mr. Walker said when they got near the dumpster he saw a light and told Bobby to stop that it was the police. Mr. Walker said Bobby stopped the car about five feet from the officer, put it in reverse and started backing down the hill. Mr. Walker said that he heard "pow, pow, pow" and the officer yelled "Stop, stop or we'll fire". Mr. Walker said he heard Bobby moan and realized that he had been shot. Walker further stated the car continued down the hill and crashed into another car. He said he climbed between the front seats, across the back seat and he, as well as Jeremiah fled the scene. Walker said he did not know where Jeremiah went, but he ran to Target, called Bobby's family and returned to the scene where he was contacted by officers.

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Detectives identified the third subject in the vehicle as Jeremiah Johnson, black male, 06/24/98, went to the address of Mr. Johnson and contacted he and his father, Joel Johnson, black male, and brought them to the Major Crimes Division to question Jeremiah Johnson. Upon arrival Jeremiah was read his Miranda Rights with his father present. Jeremiah agreed to voluntarily make a statement about the incident.

Jeremiah said Bobby Moore and Keontay had picked him up and went to the apartments at 13111 W. Markham after riding around for some time. Jeremiah said they broke into several cars on the parking lot and was in the car leaving, when someone stepped out in front of the car with a flashlight, said LRPD and shot. Jeremiah said that they were not going fast because they did not know the police were there until the officer stepped in front of the car. Jeremiah also said Bobby was stopping when the officer shot and that the car then started backwards, but he did not know if anyone put it in reverse because he was in the backseat. He further told detectives that the car was stopping when the officer fired on the vehicle and that he did not believe that Bobby was trying to run over the Police Officer.

Jeremiah said that the vehicle continued backwards and struck another car that was parked. He further advised that he and Keontay fled the area in different directions and did not have any further contact. Jeremiah said that he got a ride from an unknown person, went in the house, went to bed and did not tell anyone what had happened.

Detectives and Crime Scene personnel processed the scene for evidence after the incident and collected numerous items of evidentiary value. After interviewing Hastings, detectives along with Crime Scene Search Unit went back to the scene because the evidence did not appear to support the statement that was given by Hastings. The evidence appeared to support the statements given by the witnesses that were in the car at the time of the incident.

Upon returning to the crime scene, the area where Hastings claimed the Honda went over the curb and up the rocky embankment was reexamined. There was no evidence found that would indicate that the vehicle traveled over the curb and up the embankment as Hastings had claimed. The undercarriage of the vehicle was examined and there was no damage consistent with the vehicle going over the curb and up the rocky embankment as Hastings stated.

An autopsy was performed by Dr. Daniel Dye on Mr. Moore with a detective present. There was a bullet wound found on the left middle finger, right shoulder and the left side of the head. Dr. Dye said Mr. Moore would have died immediately from the gunshot wound to the head and would have been unable to make any conscious decision or coordinated movements at all after that injury. Dr. Dye advised the bullet path on the head wound was left to right at a slightly downward angle. This bullet path would have been consistent with Mr. Moore having his head turned to the right looking over his shoulder.

While it appears that the vehicle was driving toward Hastings at some point, all of the physical evidence is consistent with statements made by the occupants of the car, indicating that the car was stopped, or in reverse at the time Hastings fired, and not traveling toward him at a high rate of speed, as Hastings indicated in his statement.

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

FILED  
2012 SEP -7 PM 12:09

LR DISTRICT COURT  
FIRST DIVISION

1 11949  
Affiant's Signature

Detective Sergeant James Leshar #11949  
Print Name

700 W. Markham, Little Rock, AR. 72201  
Address

501-371-6870  
Phone

Subscribed and sworn to before me this 7 day of September 2012.



District Court Clerk

By

Deputy Clerk

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

Ann E. Taylor  
District Court Judge

LRDC  
District Court, Pulaski County, AR

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# ARKANSAS ARREST / DISPOSITION REPORT

Little Rock Police Department NCIC: AR0600200



PRESS HARD - You are making multiple copies

## DEFENDANT IDENTIFICATION


Name: Last	HASTINGS		First	Joshua		Middle	RYAN	
Aliases								
Street Address	700 W. Markham					Phone Number		
City	Little Rock			State	AR		Zip	72201
Social Security Number	[REDACTED]		Drivers License	[REDACTED]		State	AR	
Sex	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		Race	<input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Unknown		Ethnicity	<input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Hispanic	
Employer/Occupation	City of Little Rock							
Date of Birth	Month	Day	Year	Age				
	12	13	85	26				
Hair	Blonde		Eyes	Brown		Weight	185	
Height	6'4"		Place of Birth					
Name of Nearest Relative	Terry HASTINGS					Phone Number		
Street Address	700 W. Markham					City, State, Zip	LR., Ar. 72201	

## ARREST INFORMATION

Place of Arrest	700 W. MARKHAM			Arresting Officers	Sgt. Lesher 11949 / Sgt. Maxwell 11763		
Date of Arrest	Time of Arrest	Report Number	Agency Received From	Agency Transferred To			
9-7-12	1405	12-088993	LRPD	PLSO			
Case/Docket Number	Statute Number	Counts	Charge Description	Law Enforcement Action	Date of Action		
	5-10-104	1	Manslaughter	C Fel			

## Facts of Arrest (PC)

ARRESTED ON WARRANT # 615803

Complainant & Witness Names	Address	Phone	Right Thumb Print 
Complainant	Home		
	Business		
Witness	Home		
	Business		
Witness	Home		
	Business		

Court Trying Case:	LRMC	Court Date:	9-10-12	Time:	0830
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White, Records

Canary, Court

Pink, Arresting Officer