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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

STATE OF MONTANA, Plaintiff, vs. DANTE ANTHONY GARRIOTT, Defendant.	CAUSE NO. DC 24-0158 JUDGE: COLETTE B. DAVIES MOTION FOR LEAVE TO FILE AMENDED INFORMATION WITH SUPPORTING AFFIDAVIT
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The undersigned Deputy County Attorney of Yellowstone County, Montana, being first duly sworn by oath, moves the Court for Leave to File an Amended Information on the grounds that a charge or charges have been amended based upon an investigation conducted by law enforcement officers charging the above-named Defendant with the offense of:

DELIBERATE HOMICIDE (FELONY)

committed at Yellowstone County, State of Montana, on or about February 5, 2024.

That law enforcement officers have made a full and careful investigation of all the facts and circumstances surrounding the commission of said offense, so far as they are known or ascertainable; that the prosecutor believes it a proper case for filing of an Amended Information and that for this reason, and none other, the foregoing Motion is made.

The Court is informed that the Billings Police Department (BPD) investigation revealed the following:

On or about February 5, 2024, BPD Officer Wallis was dispatched to an aggravated assault that occurred at a group home run by Residential Support Services; located on the 200 block of Westchester

Square North, Billings, Yellowstone County, Montana. The manager of the group home, D.A. (born in November of 1984) reported that a staff member – K.B. (born in June of 1981) – informed her that she had witnessed the Defendant, DANTE ANTHONY GARRIOTT (born in October of 2004), kicking one of the residents at approximately 6:30 p.m. on February 4, 2024. The resident was A. (born in April of 1986). A. had intellectual disabilities and the cognitive function of a two- or three-year-old. A. was also non-verbal and only weighed approximately 108 pounds. D.A. stated that she confronted the Defendant about the report, and the Defendant denied kicking A.

At approximately 7:00 p.m. to 7:30 p.m. on February 4, 2024, D.A. was informed that A. was not breathing normally, that his skin was discolored, and that he was very lethargic. D.A. instructed staff to call for an ambulance. The Defendant called for the ambulance. A. was transported to Billings Clinic.

At Billings Clinic, an MRI found that A. had multiple broken ribs, a lacerated liver, a lacerated spleen, and a brain bleed. A very large bruise covering the left side of A.'s body became visible by the morning of February 5, 2024. BPD detectives confirmed the seriousness of A.'s injuries and the potential for them to be life threatening. They also observed the significant bruising that covered the left side of A.'s torso.

Officer Wallis took a statement from K.B. K.B. reported that on the evening of February 4th, she noticed A. face down on the floor of his room. K.B. then saw the Defendant assault A. K.B. described the Defendant as “stomping” on A.'s body. K.B. reported that she witnessed the Defendant stomp on A. three times. K.B. then reported what she saw to the group home manager, D.A.

The Defendant was contacted, and he agreed to be interviewed. After waiving his *Miranda* rights, the Defendant initially denied assaulting A. and expressed ignorance as to where A.'s injuries came from. The Defendant later confessed that he was trying to walk A. to his room, but A. kept falling to the ground. This frustrated the Defendant, so he started to kick A. on the side of his body. A. was able to get into his room, where the Defendant stated that he then punched A. in the body and once in the face with a closed fist. The Defendant stated he then left A.'s room.

On or about February 16, 2024, A. passed away. On February 19, 2024, Det. Miller with the Billings Police Department attended A.'s autopsy which was performed by Dr. Walter Kemp. At the autopsy, it was said that A. had several fractured ribs and internal injuries visible on his organs. Det. Miller was advised by Dr. Kemp that the Cause of Death would be blunt force trauma, with contributory factors of a preexisting health condition/disorder. Dr. Kemp further advised Det. Miller that the Manner of Death would be ruled as a homicide. The medical examiner's official report is forthcoming.

The investigation continues.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 2/23/2024

Scott Twito, Yellowstone County Attorney
/s/ Lacey L. Fortin
Deputy County Attorney

CERTIFICATE OF SERVICE

I, Lacey L. Fortin, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion and Affidavit for Leave to File Amended Information to the following on 02-26-2024:

Joshua Rich Kotter (Attorney)
2722 3RD AVE N, STE 400
Billings MT 59101
Representing: Dante Anthoney Garriott
Service Method: eService

Electronically signed by Witney Hoffman on behalf of Lacey L. Fortin
Dated: 02-26-2024