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ATTORNEYS FOR PLAINTIFF

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

STATE OF MONTANA, Plaintiff, -vs- ZAKAI HOUCK, Defendant.	Dept. Cause No. AFFIDAVIT OF PROBABLE CAUSE
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STATE OF MONTANA)
 : ss
County of Missoula)

MATT JENNINGS, Deputy County Attorney, Montana, being first duly sworn upon oath, deposes and says:

I have read the law enforcement reports regarding the investigation of Zakai Houck for allegedly committing the offense of:

COUNT I: ATTEMPTED DELIBERATE HOMICIDE, a felony, in violation of §§ 45-5-102(1)(a) and 45-4-103.

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 May 11, 2020 at approximately 2040 hours Missoula County Sheriff's Deputies responded to a report of a bloody male laying on the ground in front of 2754 Ancabide Lane, in Missoula County. It was reported that the male possibly had a pistol in his pants and the caller was not sure how the male had gotten there.

When Deputies arrived, they tried to give the male commands so they could see his hands due to the reported weapon. Deputy Sargent could see that his hands were empty and there was a pistol tucked into the front of his waistband. The male was on his back with his arms outstretched, making snoring sounds, he was moving his legs slightly side to side and at times would move his arms up and down, extended straight out from his body. Deputy Sargent could see a significant amount of blood on his face and chest. His right eye was completely covered in blood with what looked like some trauma in that area. The male was not responsive in any way. Deputy Sargent removed the pistol from the waistband and removed the ammunition. There was also a fixed blade knife on the ground in between the male's legs that was secured.

Medical personnel arrived and began cleaning up the blood and advised Deputy Sargent that it appeared the male had gunshot injuries to his head.

About 40 yards or so further down the road to the south from where the male was, Deputy Sargent located a gray/silver piece of plastic on the west side of the road. It looked to be from the side view mirror of a passenger car, due to its size. Deputy Garr noted that the mirror cover had a hole on the end of it approximately one inch in diameter. The hole appeared to be caused from a bullet projectile.

Deputy Sargent also noticed very faint splatters of blood that were on the east side of the road that could be seen every few yards or so for about 30 yards. They began on the opposite side of the street just past where deputies found the plastic mirror cover and continued very faintly all the way to where the male was found. Deputy Sargent also noticed there was very little blood on the ground where the male was found. This led him to believe he had not been there very long and likely the shooting had not happened there.

Deputy Uriarte spoke to the reporting party, a nearby resident. The reporting party stated that he looked out his window and saw someone lying in the street near his driveway and assumed someone walking in the area

had fallen. He went outside to check on the person. As he approached, he saw the person lying face up on his back and appeared to be badly injured and bleeding. He could hear the person breathing in a gurgling manner and his right arm and leg would move periodically. The reporting party and other neighbors did not see the underlying incident, however, one couple reported that they had seen a silver passenger car speeding out of the area just minutes before law enforcement arrived but did not see or hear anything else and had no idea someone was found lying in the road injured. The only description of the car either could give, was that they thought it was a small silver passenger car, unknown make or model. It left the area at a high rate of speed and the headlights were off. Neither recognized the car as one they remembered from the area.

In the afternoon of May 12, 2020, an attorney for a witness contacted the Missoula County Attorney's Office to arrange an interview. On May 12th, 2020, at approximately 1637 hours, Detective Sunderland conducted a recorded interview with G.T. in the Missoula County Sheriff's Office "soft interview" room. Present during the interview was Detective Johnston and G.T.'s attorney.

G.T. wanted to tell Detective Sunderland the truth about what had occurred. G.T. began to talk about the events that took place between 1700 hours on May 11th and 0000 on May 12th.

G.T. stated her ex-boyfriend and father of her child, Defendant Zakai William Houck; nickname "Kai" arrived at her residence, in Missoula County after she drove to Polson and picked him up at the Red Lion Hotel on May 10th.

G.T. stated on May 11th at approximately 1800 hours, Houck told G.T. that he needed a ride to the "southside" to buy some "dabs" from a guy but did not state his name. G.T. drove Houck across town and up Miller Creek. Before picking up the male, Houck told G.T. to pull over and he got into the back seat of her vehicle. They picked up victim John Doe and he climbed into the front passenger's seat of G.T.' vehicle.

Houck and John Doe began to talk about money needed for the purchase of illegal drugs. Houck said he needed to get money out of an ATM. John Doe suggested that Houck go into Walmart and use their ATM. Houck told John Doe that he did not like Walmart and he wanted to go to the ATM at the Noon's gas station located at 39th and Russell.

G.T. drove from the Walmart parking lot down 39th to Noons. Houck got out of the vehicle and went into the store. Houck exited the store and got

back into the back seat of her vehicle. Houck told John Doe that he could only withdraw \$260 dollars which made him short of the original agreed upon amount. G.T. said she was confused because she had given Houck over \$100 dollars because he did not have any money and she felt maybe that Houck's plan all along was to rob John Doe of his drugs.

John Doe told Houck and G.T. that his ride was waiting in row 11 at Walmart so he needed to get going. John Doe requested G.T. to drive him back to Walmart. G.T. drove to Walmart and as they entered the parking lot, G.T. began to receive messages on Messenger from Houck. Houck told G.T. to keep driving around and not to stop. G.T. drove around the parking lot for several minutes and the next message from Houck told her to drive out of the parking lot and to roll down John Doe's window.

G.T. drove out of the parking lot and began to drive south on Miller Creek. G.T. said approximately 200 feet from entering the round-a-bout at Lower Miller Creek and Miller Creek, her ears began to ring, and she realized that Houck had just shot his gun. Initially G.T. thought Houck just shot out the open window of the vehicle, but then realized John Doe had been shot in the head. G.T. said John Doe's body slumped towards her and the center console, bleeding profusely. G.T. she saw blood coming out of John Doe's mouth and he was not moving. G.T. heard two shots. G.T. was in shock and

did not know what to do. Houck told her to keep driving. G.T. described how John Doe's body fell over into her lap as she proceeded through the round-a-bout and continued driving up Miller Creek. Houck told her to continue driving and then told her to take the first left turn which was Ancabide.

They drove to the end of Ancabide and turned around in the cul-de-sac and began to drive down Ancabide. Approximately halfway down, Houck climbed over John Doe from the back seat and opened the front passenger's door. G.T. stated Houck got the door open and then pushed John Doe's body out of the vehicle. John Doe's feet became entangled under the dash/floorboard area and they were now dragging John Doe down the road. G.T. said she did not stop the vehicle, but stated Houck climbed into the passenger's seat and began to work on dislodging John Doe's feet. After several seconds, Houck was able to free John Doe's feet and John Doe's body fell to the roadway. Houck then sat in the front passenger's seat and began cleaning up the blood while G.T. continued to drive. At some point, Houck threw a spent casing out the window, but G.T. could not be specific about the exact location.

G.T. then described the route she drove to get back to her North 3rd street address. At one point, Houck took a "ninja turtle" blanket that he used

to attempt to clean up the massive amount of blood and threw the blood-soaked blanket out the vehicle window on to the street.

Before getting to her apartment, Houck told her to pull into the alley just east of her apartment so he could finish cleaning the vehicle. G.T. said she pulled down the alley, but Houck did not like the location to clean the vehicle and told her to just drive back to her apartment. G.T. said she drove back to her apartment and parked the vehicle in her parking spot.

G.T. and Houck went into her apartment and Houck told G.T. to take all her clothes off and to take a shower. G.T. said she followed Houck's directions and took her red long sleeve shirt off and her black and grey pants but did not take a shower because she was in shock. G.T. said she gave her shirt and pants to Houck and he placed them in a black plastic garbage bag along with his clothing. G.T. described Houck's clothing as being two hoodies, one black and one yellow along with his pants. G.T. said Houck's pants were construction style pants that she described as being tan in color. G.T. said she just sat on her bed and could not move because she was in shock.

Houck told G.T. that he had a ride coming and would come back later to deal with cleaning the vehicle. When Houck left, he entered the vehicle one more time to see if he could find the other ammo casing so he could get

rid of it. He was unable to find the casing and then messaged G.T. that he was leaving.

G.T. said a male named "Dill" picked Houck up in a greenish Hyundai passenger car and took him up to the reservation.

On May 12, 2020, Houck was arrested on an outstanding warrant in Lake County. He is currently in the Lake County jail.

DATED this 13th day of May, 2020.

/s/ Matt Jennings
MATT JENNINGS
Deputy County Attorney

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