

Attn: Mary
Mc Dermott

AFFIDAVIT FOR PROBABLE CAUSE

STATE OF INDIANA, COUNTY OF MARION, SS:

Tim Abrams swears (affirms) that:

On Friday, July 31st, 2009, at approx. 2:35am, officers with the IMPD responded to E. 21st Street and Bridgton Drive, in front of Braeburn Village Apartments, on a report of a personal injury hit and run crash, involving two pedestrians struck. Upon arrival, Off. Keithley observed Michael Stinson lying in the grass with blood on his arm and facial area. Also laying in the grass near Mr. Stinson was Adrienne Marlette, a six month old infant, who was unresponsive and was receiving CPR from a Good Samaritan, [REDACTED]

The mother of Adrienne, Nicole Wade, was sitting next to the infant and Off. Keithley was able to speak with Ms. Wade. She stated Mr. Stinson was pushing Adrienne in a stroller westbound on E. 21st Street, when Mr. Stinson and the stroller with Adrienne in it were struck from behind by a vehicle. When the collision occurred, Mr. Stinson's body and extremities struck the right side of the vehicle, which resulted in one of the side windows broken out. The glass from the window was scattered on the roadway. The stroller with Adrienne in it was propelled across the shoulder of the roadway and into the grassy area on the north side of E. 21st Street.

After the collision, the vehicle immediately fled the scene, without the driver stopping to provide aid or information. A resident of Braeburn Village, [REDACTED] told officers he heard the collision, and then heard the vehicle quickly accelerate from the scene.

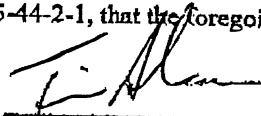
Adrienne suffered massive head injuries as a result of the crash and was transported to Riley Hospital. She died from her injuries on 08/01/2009 @ 7:14 pm.

Mr. Stinson was taken to Methodist Hospital for treatment, and when he was struck, a portion of his skin was ripped from his arm, causing severe injury. Numerous staples and stitches were required to close the wound and he may have to have a skin graft to complete his treatment. He also suffered severe bruising to a leg, road rash on his right side and a knot on his head, as well as a cut on his head.

Evidence was recovered at the scene, which included pieces from the right headlight assembly of the fleeing vehicle. The evidence was taken to the IMPD property by Det. Jason Leitze.

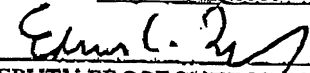
Later in the day on July 31st, 2009, I, Det. Tim Abrams and Sgt. Jan Kistler of the IMPD, collected the car part evidence from the property room. Using the parts and the assistance of auto parts

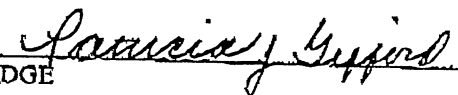
I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.



AFFIANT

DATED: August 6th, 2009


DEPUTY PROSECUTING ATTORNEY
NINETEENTH JUDICIAL CIRCUIT


Senior JUDGE

CRIMINAL COURT 01 PAGE 02/03

Affidavit for Probable Cause

From: Tim Abrams

stores, as well as comparing the parts to other vehicles, we were able to determine the evidence came from a 1997 Buick Park Avenue.

At approx. 2:30pm on July 31st, 2009, I received information about a possible suspect in the hit and run. An acquaintance of a subject named John Daugherty contacted police because Daugherty said he wanted to turn himself in, but that he was speaking with an attorney. Further investigation revealed the suspect vehicle was parked at _____

I went to _____ and made contact with Daugherty. Prior to going to the residence, I was contacted by Daugherty's attorney, who advised she would not allow Daugherty to make a statement. A white 1997 Buick Park Avenue bearing IN license plate _____ registered to Daugherty's parents, was located in the garage of the residence, which also belongs to Daugherty's parents. I was granted permission to inspect the vehicle by the registered owners of the vehicle, Daugherty's parents. I was given the key to the vehicle and with the permission of Daugherty's parents, I backed the vehicle out of the garage onto the driveway.

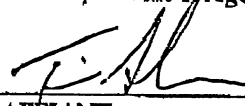
The vehicle had damage to the right side, including a shattered right rear passenger window and a shattered right passenger windshield. A closer inspection of the exterior of the vehicle showed cola stains on the side of the car and hair and skin embedded in the car. I also compared the evidence recovered at the scene of the crash on E. 21st Street to the 1997 Buick Park Avenue. I concluded the white Buick was the striking vehicle which fled the scene of the fatal crash.

Sgt. Kistler arrived on scene and it was determined a consent to search should be granted before any evidence is gathered from the vehicle. I spoke with Daugherty's parents, since they are the registered owners of the Buick, and asked if we could have permission to search the vehicle. While I was speaking with the parents, asking the father to sign a consent form, Daugherty said "no, don't sign it, I need to talk with my lawyer first". To make sure the vehicle does not belong to Daugherty, I asked him twice if he owned the vehicle and he said "no". Daugherty's father signed a consent to search, since he and his wife are the registered owners of the white Buick. Verbal consent was also given by Daugherty's parents.

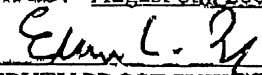
Sgt. Kistler recovered forensic evidence from the white Buick, which included flesh which was imbedded in the front windshield, and hair which was recovered from the door post of the shattered window. I also took photos of the exterior of the vehicle and it was towed to 3350 Sutherland Ave. as evidence.

After the vehicle was towed from the scene, Sgt. Kistler and I left _____ and met with the acquaintance of Daugherty, who initially called in the tip about the white Buick. The acquaintance told us he was contacted mid-morning on July 31st, 2009, and was asked to assist Daugherty in picking up the white Buick. The acquaintance said he drove to _____ but was told _____

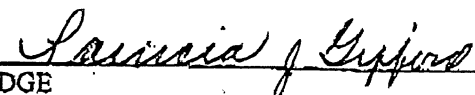
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Daugherty had already begun walking to where to car was parked, which was north of the residence. In search of Daugherty, the acquaintance said he drove north on the street to the east of [redacted] and picked up Daugherty a short distance from [redacted]. The acquaintance said they drove north across E. 16th Street, through some apartments, by a retirement community, where Daugherty directed the acquaintance to the area where the white Buick was parked. After driving through a parking lot, the white Buick was located in a parking lot of 2002 Wellesley Blvd. and Daugherty drove the vehicle back to [redacted]. The acquaintance said he observed damage to the Buick, but Daugherty did not say how the damage occurred. 2002 Wellesley Blvd is approximately [redacted] miles to [redacted] and .70 of a mile from the crash scene at E. 21st Street and Bridgton Drive.

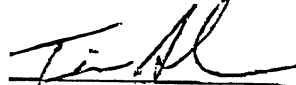
On August 3rd, 2009, Sgt. Steve Park and I went to 2002 Wellesley Blvd. and obtained parking lot video from July 31st, 2009. The video shows the white Buick being driven into the parking lot, parked in parking space, Daugherty exiting the vehicle and walking away minutes after the crash at E. 21st Street and Bridgton Drive. Daugherty was wearing a white sleeveless shirt, tan shorts and white tennis shoes with vertical stripes on the side as he walked from the white Buick. As Daugherty exits his vehicle and walks away from it, he can be seen stumbling as he walks. The video also shows the acquaintance driving Daugherty through the parking lot later in the day on July 31st, 2009, and dropping Daugherty off at the white Buick at approx. 11:29am. Some of damage to the Buick white I observed while the vehicle was at [redacted] can be seen on the video.

Sgt. Park and I went to [redacted] to speak with Daugherty's parents, to see if they knew what happened to their vehicle. I spoke with [redacted] owner of the Buick and the mother of John Daugherty. [redacted] told me she did not know what happened to her car and John did not say anything to her. She said when she went to bed on the night of July 30th, 2009, John was not there and the car was not there, so she assumed he had the car. Mrs. Daugherty said she does not drive the vehicle, due to her poor health and her husband does not drive it either. She said to her knowledge, her son, John Daugherty is the only other person who drives the Buick. Mrs. Daugherty also stated, "the attorney told him (John Daugherty) to tell everybody just to keep their mouths shut and don't say one word to anybody. I don't know what I am supposed to do". Mrs. Daugherty appeared to be upset and shaken over the incident.

A search warrant was served at [redacted] on August 5th, 2009 at 9:05am. The white sleeveless shirt John Daugherty was wearing in the video from July 31st, 2009, was recovered from the home and placed in the JMPD property room as evidence.

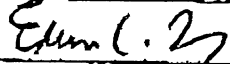
All events occurred in Marion County, Indiana

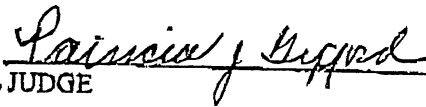
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