

**OFFICE OF PROSECUTING ATTORNEY**

**PROSECUTING ATTORNEY**

Nathan W. Harter IV

**CHIEF OF STAFF**

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**DECATUR COUNTY, INDIANA**

69<sup>th</sup> Judicial Circuit  
2<sup>nd</sup> Floor, Courthouse

150 COURTHOUSE SQUARE, #229  
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**DEPUTY PROSECUTORS**

Douglas Brown

Brian Clark

Wendy Burford

February 6, 2014

Counsel:

Over the course of the past two months, the Prosecutor's Office has had a growing concern over physical evidence held at the Greensburg Police Department (GPD) and our ability to establish chain of custody. Our concerns are confirmed now that we have had an opportunity to review an audit of the Evidence Room at GPD, conducted by the Indiana State Police at our request, and sent to us on Monday, February 2<sup>nd</sup>.

Related to and contemporaneous with this audit, a criminal investigation has been initiated with regard to missing evidence from the GPD Evidence Room. That investigation is ongoing, and prohibits us from releasing the audit and/or giving specific information on the missing evidence and any targets of the criminal investigation.

We have reviewed our obligations under the Indiana Rules of Professional Conduct on a course of action for pending prosecutions while this investigation continues. This letter addresses our plan with regard to charged individuals, in pre-trial custody or on pre-trial home detention, with fungible evidence logged into and stored in the GPD Evidence Room. For those individuals, we feel it is our ethical obligation to: 1. Notify the charged individuals and their counsel of our concern over the admissibility of evidence pursuant to *Brady*, and 2. Stipulate to a release from pre-trial detention while the issue of admissibility is litigated and resolved.

With regard to *Brady*, note that the cases are not being dismissed. We feel the investigation and audit are not exculpatory as to your clients and their criminal charges. The physical evidence related to their criminal charges is still located in the GPD evidence room, with a matching property receipt. However, the investigation and audit could be used to impeach our GPD witnesses for chain of custody.

With regard to bond stipulations, you and your client will need to review the best course of action. We do intend to continue to prosecute your client. But while the matter is pending and given the impeachability of our chain of custody, will stipulate to a pre-trial OR, and the form we are considering is attached.

From our review, here is a list of the charged individuals, in pre-trial custody or on pre-trial home detention, with fungible evidence logged into and stored in the GPD Evidence Room:

In Decatur County Jail

Michael Keihn  
Brandon Danforth  
Jerry Stuart  
Nathan Shafer  
Jason Barnard  
Joshua Harris  
Bernabe Castillo-Moreno  
Darrin Simmons  
Jessica Gullette  
Danielle Martin  
Charles Whitlock  
Devin Winchester

On Pre-Trial House Arrest

Tracy Faris  
Steven Fletcher  
Chelsea Linville  
Margaret Sherman

If you represent one of these individuals, please advise them of the procedure to challenge the admissibility of our evidence through impeachment of the GPD witnesses, and their opportunity for pre-trial release pending disposition of their case.

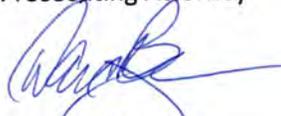
We feel it is important for all of you to know that we are working cooperatively with the new administration at GPD to resolve this issue to protect the integrity of evidence going forward. As of Thursday, January 29, 2015, new locks have been installed in the GPD Evidence Room and new procedures have been implemented at GPD. Captain Meyerrose will now be in charge of the GPD Evidence Room.

We understand that this letter will create a number of ongoing questions. Again, our immediate concern was to address charged individuals, in pre-trial custody or on pre-trial home detention, with fungible evidence logged into and stored in the GPD Evidence Room.

Very Truly Yours,



Nathan W. Harter IV  
Prosecuting Attorney



Douglas Brown  
Chief Deputy Prosecuting Attorney

STATE OF INDIANA )  
 ) SS:  
COUNTY OF DECATUR )

IN THE DECATUR \_\_\_\_\_ COURT  
CAUSE NO. \_\_\_\_\_

STATE OF INDIANA )  
VS )  
\_\_\_\_\_, Defendant )

**ORDER ON STIPULATION REGARDING BOND**

The Defendant appears in person and by counsel, \_\_\_\_\_. The State appears by Chief Deputy Prosecuting Attorney Doug Brown. The State stipulates and agrees that the Defendant may be released on (his/her) own recognizance until the State's ability to prove chain of custody through the Greensburg Police Department has been determined by the Court. While pending trial, the Defendant advises that (he/she) will reside at:

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

THEREFORE, IT IS ORDERED ADJUDGED AND DECREED by the Court that the Defendant be released on (his/her) own recognizance to reside at the above listed address. The Court confirms that these matters are now set for the following date:

PTC / Motion to Suppress: \_\_\_\_\_

Jury Trial: \_\_\_\_\_

All of which is ordered and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Stipulated:

\_\_\_\_\_  
JUDGE, DECATUR \_\_\_\_\_ COURT

\_\_\_\_\_  
Chief Deputy Prosecuting Attorney

Distribution to:  
State  
Defense Counsel  
Jail