Appellate Case No. 25A-CR-00591

STATE OF INDIANA	)	IN THE ALLEN SUPERIOR COURT
	)SS:	
COUNTY OF ALLEN	)	CAUSE NO.: 08C01-2210-MR-1

STATE OF INDIANA,
Plaintiff,

VS.

RICHARD M. ALLEN,
Defendant.

THE HONORABLE FRANCES C. GULL, PRESIDING

The Transcript

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Nicholas McLeland/James Luttrull/
Stacey Diener
Carroll County Prosecutor's Office
101 West Main Street, Suite 204
Delphi, Indiana 46923

Attorneys for Plaintiff

Bradley Rozzi
Hillis, Hillis, Rozzi and Dean
200 Fourth Street
Logansport, Indiana 46947

Andrew Baldwin
Baldwin, Perry and Wiley, PC
150 N. Main Street
Franklin, IN 46131

Jennifer Auger
42 East Jefferson Street
Franklin, IN 46131

Attorneys for Defendant

Q L.G. And L.G. is one of the victims in this case; correct?
A Correct.
Q All right. And she's your granddaughter?
A Yes.
Q But she was living with you at the time in 2017?
A Yes, she was living with me.
Q Okay. You said Derrick; is that right?
A Derrick German, my son, L.G.'s dad.
Q Okay. And how do you spell Derrick's first name?
A D-E-R-R-I-C-K.
Q And so that's L.G.'s father?
A Yes.
Q And is it also Kelsi's father?
A Yes.
Q Okay. So L.G. and Kelsi are sisters?
A Um-hmm, yes.
Q And they are how many years apart –
A Three.
Q -- in age?
A Three.
Q Okay. And then, you said your other son, Cody.
A Cody.
Q All right. What is –
A Patty.
Q Thank you. And how old is Cody in relationship to Kelsi or L.G.?

A He's about 12 years older than Kelsi.
Q Okay. And you said there's three years between Kelsi and L.G.?
A Um-hmm, yes.
Q And so Kelsi and L.G. are your grandchildren, but they were living with you. How long had they lived with you?
A About ten years.
Q How old was L.G. when they started living with you?
A Three.
Q And did she and her sister come to live with you at the same time?
A Yes.
Q And did they live with you continuously?
A Yes.
Q And so you and your husband, Mike, were married that entire time?
A Yes.
Q So you and he were in the position of parents, then?
A Correct.
Q The appraisal work that you do at your home, does somebody work with you or for you at that home office?
A My – at that time, my daughter worked with me, she was there, and then I had an office girl that was there at the time.
Q Okay. Why don't you give us their names, so if someone hears reference to those people, they'll understand how they're related to the home office.
A My daughter is Tara German, and the girl that was helping me is Jennifer Johns.
Q So did you operate this home office just like you would operate your

business if it was in another location as far as having certain office hours or how did that work for you?

A Yes. I tried to work from 8 till at least 5, so we had pretty consistent hours.

Q And so they would show up for work every day, just as if your office was in town; correct?

A Yes

Q All right. Is that a Monday through Friday business?

A Unless we were busy.

Q And then what happened?

A Then you work later.

Q Okay. Weekends, too?

A Yes.

Q How long did you have this appraisal business prior to 2017?

A Prior to 2017, probably 15 years at that time. I've had it for 20 – about 22 years or so now.

Q Okay. So it was well established –

A Yes.

Q -- but February of 2017? So you're raising Kelsi and L.G.

A Yes.

Q And what grade was L.G. in in February of 2017?

A Eighth.

Q Would you – would L.G. call you mom or grandma?

A Oh, grandma.

Q And tell us a little bit about her as a student; was she – what was she involved in? Give us a sense of L.G.

A L.G. was very active and very, very smart. She – from third grade on, she was in all accelerated classes. She was in Math Bowl, Battle of the Books. She would have graduated a year early and would have – her senior year would have been doing college classes. She was very intelligent and active in sports. She did – let's go in order, she did volleyball, then swimming, then softball, then soccer. She was in a sport year-round. And if she wasn't in sports, she was asking to do something, she was either at our house – my house or at her Aunt Tara's house.

Q And that Aunt Tara is the one that you said worked with you in your home office?

A Yes.

Q She was very accessible, Aunt Tara?

A Oh, yes. And she had two boys that were the same age as the girls, and so we did everything together.

Q Okay. And so did your daughter, Tara, and her teenage boys also live in Delphi?

A Yes.

Q So they would have attended the same school?

A They attended the same school, and they all rode the bus home to my house.

Q Okay, perfect. And in addition to sports and you said Math Bowl and another academic club, did she – was she very active in having plans with her teenage friends?

A Yes.

Q Okay.

A Yes. She would frequently spend the night with friends or friends were at our house.
Q So is it common then for her to have her friends at your home where you got a chance to get to know them?
A Yes.
Q So let's talk about A.W., then. Is that a friend of L.G.'s that you were very familiar with?
A Yes. She actually went on Spring Break with us.
Q Prior to 2017? Is that a yes?
A Yes.
Q Okay. And would she spend the night?
A Yes.
Q And were you familiar with her mother, A.W.'s mother?
A Yes.
Q Were you and her mother in communication with one another if the girls were making plans? Like did you have her phone number –
A Yes.
Q -- let's do it that way.
A Yes, I had her phone number.
Q Okay. And she would have yours, as well?
A Yes.
Q Especially since she went on Spring Break with you, you would need to communicate; correct?
A Yes.
Q And so in that particular school year of eighth grade – we're more than

halfway through it in February; correct?
A Correct.
Q -- were A.W. and L.G. participating in certain school activities together that you know of?
A They – well, they were both in band, so they had band together, they both played volleyball together. I don't know what classes they had together because a lot of L.G.'s were the other classes, so I'm not sure what all classes they had together.
Q Okay. Is Delphi a very big school?
A No.
Q And the middle school then would be the same; correct?
A Correct.
Q And so do you have any sense of how many kids there were in the class with A.W. and L.G.? What's the class size?
A Well, they went to different classes, so you may have different, different, different.
Q I'm talking about their grade.
A Oh, shoot.
Q Per grade.
A I don't know, maybe 100, 150.
Q Okay. Did you know a lot of L.G.'s other friends besides A.W.?
A I knew several of them because, well, I was at all the sporting events, so you get to know a lot of kids.
Q Okay. And how old was L.G. at this time in February of 2017?
A She had just turned 14 in December.

Q Now, at the age of 14, you certainly can't drive yet. So was there a lot of transportation being done for her and her friends?
A Oh, yes, yes.
Q And was that exclusively you or would other members of the family participate in that?
A Oh, Kelsi, thank heavens she got her license. That took a big load off of us. Kelsi would take her a lot.
Q Okay. And they're attending the same school corporation, and so that was convenient; correct?
A Yes.
Q Did you provide Kelsi with a car?
A Yes.
Q Do you remember what she was primarily driving in February of '17?
A Yes. It was a Bonneville. I don't remember the exact year.
Q Do you know the color?
A It was a cream color. It was mine before hers.
Q Okay. And so on – I'm gonna take you to Monday, February 13th – okay? – 2017. You know what day I'm talking about?
A Yes.
Q All right. And would you agree that was a Monday?
A Yes, it was.
Q So was that a typical workday for you?
A It was a typical workday for me, yes.
Q Was it a typical school day for L.G. and Kelsi?
A No. We had snow make-up days, they were out Friday and Monday.

Q Okay. How did that change the activities of your Monday or the weekend just prior to it, if it did at all, with regard to Kelsi and L.G.?
A Well, my work would be there. They were old enough, it's not like I had to run in the house.
Q Okay. Was it different for them when they had a school day off with regard to let's say having friends over on what would traditionally be a school night, a Sunday?
A Normally, they didn't have friends over on school nights, and besides that, L.G. had practice every night, so by the time she did school, practice, dinner, homework, there's no time at that. So weekends, there was usually somebody there or she was gone.
Q Okay. So this particular weekend, where there was no school on Monday, did she have a friend spend the night on Sunday night?
A Yes.
Q Who was that?
A A.W.
Q And we're talking about A.W.; right?
A Correct.
Q Okay. And I don't think I asked you this, but I made the assumption, so I don't want to do that. Were A.W. and L.G. in the same grade?
A Yes.
Q And you said they were in band together and they did some sports together.
A Yes.
Q And so did you consider A.W. to be a close friend of L.G.'s?

A Yes.

Q And you said she spent the night more than once, A.W. did –

A Yes.

Q -- and then she also went on Spring Break with you?

A Yes.

Q So tell us about the morning of February 13, 2017; what do you recall about what was happening in the house that morning, since they didn't have school.

A Derrick got up and made them breakfast. And L.G. had come out and asked if we could go to something, and I told them that I had to work, and – but if they would help file some files for me, I would pay them, and then we would go shopping or something after I got off of work. So they said, "Oh, okay." So they were out doing some filing and stuff for me. And then, L.G. came in and she was sitting on the floor in the office, and Kelsi come out and said that she had to work, but she was gonna go to her boyfriend's house first. And L.G. jumped up and said, "Hey, if you're gonna go in town, would you take us to the trails?" And Kelsi had told her yes, and so she asked me if it was okay if they went to the trails. And I said, "Well, she can take you, but you've got to get a ride home, because I've got to finish work and I don't have time to come pick you up, you're gonna have to get a ride home." So she went inside and then she come out and said that she had a ride home, that her dad was gonna pick her up. And they got ready to leave, and she came to the office door to tell me goodbye, and I told her at that time to grab a jacket, it might be chilly. It was warm out, but it might get cold. And last thing she said to me is, "Grandma, it'll be okay."

Q So when you told them that you couldn't take them somewhere, who is the them?

A A.W. and L.G.

Q Okay. So was A.W. helping with filing, just –

A They were out – yeah, they were out there.

Q Okay. And they saw an opportunity to get to go somewhere; is that right?

A Yes, yes.

Q And that kind of happened right in front of you as Kelsi put her head in to say she was going?

A Yes.

Q Okay. What was L.G. doing on the floor?

A We had just gotten a new puppy a couple weeks before and he was out there with us in the office, and so she was sitting out there playing with him.

Q And when she leaves the room, presumably to get ready to go to the trail; right?

A Um-hmm, yes.

Q What is she wearing?

A She had on a tie-dyed shirt and grey sweats.

Q And at this point, were you paying any attention to what A.W. was wearing?

A No.

Q And that's not something that you could necessarily tell us?

A No.

Q When Kelsi – or, I'm sorry, when L.G. asked to go to the trails – is it true that there are multiple trail areas in Delphi?

A Yes.
Q And so when she asks that, do you have a sense of what trail she's referring to?
A Yes. Out – High Bridge, they go out there a lot because there's a lot of woods and stuff, and Kelsi and L.G. were both into photography, so she liked to go out there and take pictures.
Q So when she makes reference to the High Bridge trail, you know what she's talking about?
A Yes.
Q Any you said she and Kelsi had gone repeatedly before?
A Yes.
Q And that was something that you didn't have a concern about, apparently; correct?
A No.
Q Did you feel like it was a safe area –
A Yes.
Q -- prior to now?
A Yes.
Q When you were young, was it a developed trail like it was in 2017?
A I didn't do the trails when I was young, but – well, we used to go with the kids, we used to ride bikes on the trails, Mike and I would take our bikes in town, and they weren't developed like they are now, they were just gravel paths.
Q Okay. And so when you would do a bike outing, would that include Kelsi and L.G.?
A Oh, yes, all the grandkids.

Q All the grandkids, okay. And so if it wasn't a developed, paved path at that time, what was it?

A It was just gravel.

Q Okay. And did you actually do these bike ride trips on the Monon High Bridge trail?

A No. At that time, the High – the blue bridge wasn't there, they were still in the process of doing that.

Q Okay. So if Kelsi and L.G. visited the High Bridge trail back in 2017 or maybe just even in the year prior, was that something they needed to ask permission for?

A They would always ask, that's just what you do, you don't just go.

Q Okay. And so the way that you parented them was that if they were gonna go somewhere, they needed to ask permission?

A Correct.

Q Do you feel that L.G. was respectful of that?

A Very. Very.

Q And if she asked you to go somewhere, like a school event or the High Bridge, and you weren't going with her, did you have confidence that she was going where she told you she was?

A Yes, most certainly.

Q And if she had a lot of activities, how did you keep track of when she needed to be picked up from a particular activity or –

A She had a phone.

Q -- stay in touch?

A She had a phone.

Q Okay. You provided her a phone?
A We provided a phone, because she would always have to call us and say, "Practice is over" or "This has changed, I'm there" or whatever.
Q And so in this family dynamic, if L.G. was at an event and maybe you were working, were there other members of the family – you said Kelsi – anyone other than Kelsi that would take up the responsibility of providing transportation?
A Oh, yes. My husband, he did a lot of – there were many times when both of them were in sports that he would go one direction, I would go the other. So yes, he did a lot of the running, also.
Q Okay. So Kelsi was also very active?
A Yes.
Q Similarly to L.G.?
A Not in as much as what L.G., no.
Q And you indicated that Derrick German, which would be L.G.'s father, also lived in the home. Would he help with transportation?
A Yes.
Q And it appears he was going to do that on February 13th; correct?
A Correct.
Q Okay. And what about Cody?
A Not – Cody was gone a lot.
Q Okay. He's an adult at that point.
A Yep.
Q Did he have a full-time job?
A He had a full-time job and – yes.
Q Okay. So with the exception of Cody, everybody pitched in, if needed?

A Yes.
Q So when L.G. and A.W. leave your home with Kelsi to go to the High Bridge trail, did you expect that L.G. would have her phone?
A Oh, yes.
Q What was L.G.'s habit with regard to her phone? Did you ever have to worry about whether she'd leave it behind or not have it charged or –
A Oh, no.
Q -- were you usually able –
A She had that phone on her hip all the time.
Q Okay. Was it a concern of yours to know exactly what time her father would be able to pick her up, her and A.W. up from the trail, since she had communicated?
A She made the arrangements with him. He told her that he'd pick her up when he was done taking some pictures for me.
Q Okay. So he was doing some work for you at the time?
A Yes.
Q And can you tell us a little bit about that; on this particular day, what was he doing for you?
A I had taken some pictures and I lost them, so I sent him back over to Frankfort to take those pictures for me, to retake these photos for me, for one of my reports. So he was in Frankfort and he had left shortly before they did, so he had told them that he would pick them up when he was done.
Q Okay. And so you had a sense, when they walked out the door, that they would at least be gone for as long as it took him to do this errand for you and drive back?

A Correct.
Q And had you been to Frankfort previously for this particular appraisal?
A Um-hmm, yes.
Q 'Cause you said you'd lost the pictures.
A Yes.
Q So in your own mind, you know he's going to Frankfort, you know what house he's going to. How long did you think that would probably take?
A Well, he had to take like five or six photos, just fronts of houses, it was comparable photos, so it shouldn't have taken him probably half an hour, 40 minutes to get there, half an hour to 40 minutes to take the photos, and another 40 minutes or so to come back, so probably an hour and a half, two hours.
Q Okay. And do you recall the time of day that Kelsi was leaving with the girls to take them to the trail?
A Yes. It was – yes. It was around – I think it was around 1:30.
Q Okay. Now, you said you had been on the Monon High Bridge trail to ride bikes, but what about the High Bridge itself?
A Not the bridge itself.
Q Okay. And on February 13th, 2017, when you know that the girls, A.W. and L.G., are going to the High Bridge trail, what do you know about the High Bridge at this point?
A I just knew that all the kids in our family had always gone out there and taken pictures. I hadn't been down that far myself personally.
Q And when you say down there that far, this path or trail that is gravel, you're saying you didn't take that trail all the way to the High Bridge?
A No.

Q And the pictures that you had seen from your – you said "the kids", are you talking about grandkids?

A And nieces.

Q And nieces, okay. What sense of the bridge did you have from these particular photos?

A Well, the photos I always saw, they were like selfies, so they didn't show the whole thing.

Q Okay. Could you tell they were on a railroad trestle?

A I knew it was, I knew it was a trestle, that was just common knowledge, but I didn't realize how high it was.

Q When you ultimately saw how high it was, were you surprised?

A Most certainly.

Q Surprised that they would be on the bridge?

A It wouldn't surprise me out of L.G.

Q Okay. Tell us about that.

A L.G. wanted to try everything. She was – as a matter of fact, at our last vacation, we had made reservations to go parasailing, because that was what she wanted to do. She got her Aunt Tara to do one of those where you jump and swing. She just – she was – she liked adventure and –

Q She sounds brave.

A She was brave. She was – she would try – she wanted to try anything once.

Q Okay. Did you consider her to be outspoken?

A It would depend. She was polite, but if you were out of line, she didn't have a problem telling you.

Q Was that the same for people of her same age versus adults or –

A Anyone.

Q How – what was her interaction with adults?

A Very good. She was intelligent. She – her thought process amazed me. She had more reasoning powers than I did, you know. There were times that she would say, "Grandma," you know. I wasn't as calm as she was and she looked at things differently.

Q You just described her as calm.

A Yes.

Q In areas where that surprised you?

A It – no, that was her nature. She was – you know, her friends would come to her – she – one time, she said, "I think I need to be a psychiatrist, because they all come to me with their problems." She could reason. She was logical. She was logical and she loved crime shows, and one in particular, and I can't ever remember the name of it, but it was a redhead lady that was a surgeon and she was in a wreck and her hands didn't work right and so she helped the police solve crimes. And she said, "I'm gonna do that someday. I'm gonna help the police solve crimes or I'm gonna find cures." Because my mother died of COPD, and she was there and helped with her, so she knew she wanted to make a difference.

Q And so she was referring to her great-grandmother?

A Yes.

Q Okay. And so was she the type of teenage kid that would communicate with adults without being fearful?

A Oh, yes. Yes.

Q Did she have a sense of danger with regard to situations or people?

A She had a good intuition.
Q Okay. So did you feel like she was equipped to be say aware of her surroundings as a teenage girl if you were letting her go somewhere without an adult?
A Yes. My husband is a first responder at work, so he used to come home, and I know the girls would roll their eyes, because he was always very big on telling us all the time, "Be aware of your surroundings. Know where the exits are. Know" – I mean, he was always going over this stuff with the girls, so she would hear it over and over, so yes.
Q When L.G. would be somewhere away from home and let's say without Kelsi, 'cause that's the situation we have, would she be a good communicator about when she would be done at a particular place or when she would meet you at a particular location to be picked up to come home?
A Yes, we usually knew what time we were to pick her up. I mean, she – we would – she would try to tell us or she would call us as soon as she knew, so that we would have a heads-up.
Q Okay. And if she went to a place with permission and then plans changed and she wanted to go somewhere else, like let's say they're at a game and a bunch of people are gonna go out to eat afterwards, was she a good communicator about getting permission to do so?
A Oh, yes.
Q And if you asked her to be at a particular place to meet you to be picked up, was she respectful of that?
A Yes.
Q If she was running late, would she notify you?

A Yes.
Q So on February 13, 2017, she's gone to the trail with A.W., being dropped off by her sister.
A Yes.
Q You know that's where she's going. At this point, you know that your son Derrick is in Frankfort taking pictures and he's gonna pick her up.
A Yes.
Q All right. So what is the next communication that you have with any of those players that there's a problem?
A It was about 3:30 or so, Derrick called me and he said, "I've been calling L.G. and she's not answering her phone, and I'm here at the trailhead to pick her up and she's not here." And he said, "Can you try to get ahold of her?" So, at that point in time, I started calling her and texting her. And my daughter, who was there in the office with me, she started calling and texting. And none of us were getting – nobody was getting an answer from her.
Q Had something like that ever happened before?
A No.
Q Was there an ability to try and reach A.W.?
A No.
Q And why would that be?
A She didn't have a phone.
Q So what do you recall doing next, since you could not reach her?
A Since we couldn't reach her, I knew that that wasn't L.G., so we just – I decided that maybe we needed to go there and look for her. So I called my husband at work and said, "Derrick's at the trails to pick A.W. and L.G. up and

they're not answering, so I'm go – we're going to go to the trails and start walking the trails and looking." So as I was – Tara went ahead and left to go start looking. And as I was walking out to get in my car, Cody pulled up coming from work and asked me what I was doing, and I told him, so he got in my car with me. And I said, "You know, if they would have decided to walk home, there's two ways they could have come." So we drove both directions that they could have possibly walked home, and they weren't there. And then I got to – I – we parked at the trailhead and started looking for the girls, and at that time, I tried calling AT&T to see if they would ping her phone. I was on the phone with them for some time and they wouldn't do it.

Q So you provided L.G. her phone.

A Yes.

Q Is that correct?

A Correct.

Q And so who all was on your phone plan?

A It was my husband, Kelsi, L.G., and me.

Q And what about Derrick?

A Oh, and Derrick.

Q Okay. So all five of you?

A Yes.

Q So when you get to the trailhead – let's be a little bit more specific, so they can relate it to other references to the trail. So what trailhead are you referring to? Does it have a reference with regard to the –

A Mears.

Q -- entry? Okay.

A The Mears is what we always called the trailhead at that time, the Mears lot.

Q And would you agree that it's called the Mears entrance because there's a big Mears farmhouse across the street and it has the name on it somewhere nearby that tells everyone it's the Mears?

A It has that big, historic building, and then I think they actually – where the red gate is, they actually owned the land between the road and the trail.

Q Okay. The trailhead, we're not talking about a developed parking lot, are we?

A Oh, no. I parked in the ditch.

Q Okay. And this area that you're talking about, about how many cars could pull off the road and park there would you say?

A In front of the gate, you could probably get a couple of cars. You could probably get a couple. I remember walking past two cars.

Q Was one of them your son Derrick's?

MR. ROZZI: Could you repeat that? I couldn't hear you.

Q Was one of them your son Derrick's car, if you remember?

A I don't. I – there was two cars that just kind of stuck out at that point in time.

Q Okay. So you get there. Do you actually go on the trail before you start calling AT&T? How did that happen?

A Yes, I walked – I was walking. And when I realized we're not finding her is when I thought, "I'll call AT&T." 'Cause I knew they had this thing where they could ping your phones or something, so I called AT&T to – and was trying to get them to – I told them that my granddaughter, we couldn't find her, and asked if

they could locate her phone, do that locator thing or whatever. And so I was on the phone with them for some time, and they told me I could download it. And I said, "I don't have her phone." So no, I – after – and then, after I got done with them, I realized it was starting to get dark, it was after 5. And at that time, Mike walked up to – my husband, Mike, walked up to me and I told him that we needed to call the police or do something, 'cause it's gonna get dark and L.G.'s afraid of the dark.

Q Okay. So as you were walking and trying to communicate with AT&T for assistance, are you walking on this gravel path you described that you had biked – ridden a bike on before?

A I was walking the whole time.

Q Okay.

A I was walking the whole time.

Q Did you ever walk all the way down to the High Bridge?

A I don't remember.

Q It's okay if you don't.

A I was arguing with them.

Q Okay. At that point, are you pretty much on your own, walking and with the phone, talking to AT&T, and the others are disbursed looking?

A My grandson was with me part of the time, but I don't even know where he went.

Q And what grandson are we talking about?

A Payton.

Q And that's one of the children of Tara?

A That's one of Tara's.

Q So it's starting to get dark, no one has found them; correct?
A Yes.
Q Yes? Okay. And you're communicating with your husband, Mike, and you guys make a decision to call law enforcement?
A Yes.
Q Okay. At that point, had you communicated with A.W.'s mom?
A I had tried calling her a few times in between and I could not reach her, so when I told my husband he needed to – we needed to call the police, I told him that I was leaving and going to her house to see if I could find her.
Q So did you drive your own vehicle when you left?
A Yes.
Q And there will be discussion about Hoosier Harvestore and video. When I say Hoosier Harvestore, do you know what I'm talking about?
A Yes.
Q And so when you came to the trailhead to look for L.G. and A.W., would you have passed the camera – coming from your house to the trailhead, would you have passed the camera at Hoosier Harvestore?
A No.
Q And when you leave the Hoosier Harvestore to go to A.W.'s mother's house, would you pass the Hoosier Harvestore?
A No.
Q So your path to A.W.'s mother's home is the direction back toward your own home?
A Yes.
Q Okay. And when you had made the effort to reach A.W.'s mom – tell us

what her name is?
A Anna Williams.
Q And when you had made efforts to contact Anna, were you contacting her cell phone?
A Yes.
Q And were you able to leave a message on those previous calls or do you even remember?
A I don't remember.
Q That's fine. So you leave and go back the way you came to go to her home. Do you, at some point – do you find her there? Do you reach her? Tell us what happens.
A When I got to their house, her grandfather answered the phone and said that Anna was at work, so I left there, at that point in time, and I was going to Anna's work, but I was most of the way there when she called me. And at that time, I don't know why I knew this, but I told her that we needed to go to the police station, so we met at the police station.
Q You said that when you got to the house, her grandfather answered the phone. Did he answer the phone –
A Door.
Q -- or answer the door?
A Door. Sorry, door.
Q When he said Anna's at work, did you already know where she worked?
A Well, he told me, but I knew it was at the Dock.
Q And in going to the Dock, is that a Delphi establishment?
A It's a restaurant.

Q Okay. But it's in Delphi?
A Pittsburgh, which – outside of Delphi.
Q Okay. So when you leave her residence and go to the Dock, does it take you back past the trailhead?
A From her house?
Q Right.
A No.
Q So she meets you at the police station?
A Yes.
Q Had you had any communication with Anna Williams that particular day since A.W. had spent the night at your house the night before?
A No.
Q Did you pretty much let the girls make the arrangements with respective parents –
A Yes.
Q -- and rely on that?
A Yes. That's – the normal response was always, "Make sure it's okay with them."
Q So on this particular day, how long did you believe that A.W. would be under your care, hanging out with L.G.?
A Till that evening.
Q And then, how was she – how was A.W. going to be delivered home?
A Her mom was gonna pick her up.
Q And was it important to know a time or was it just enough to know that she'd come after work?

A That she was just gonna come after work. We don't go by times.
Q So now you're going to the police station to make a complaint that your granddaughter and A.W. were missing.
A Correct.
Q Is that right? Okay. And is that what you do when you get there?
A I think they already knew, but at that time I think is when they were asking us for a description, asked for a photo and whatever that – whatever they would need.
Q Do you think that your husband or someone in your immediate family had already contacted the police so that they knew when you got there?
A I – yes, my husband had called the police.
Q Okay. Was your husband at the police station when you got there, if you remember?
A Not that I'm aware of.
Q Now, some of the normal things the police would ask you would probably be where did you last see them; correct?
A Yes.
Q Okay. And that would have been?
A At home.
Q At home. Where did you believe them to be; right?
A Yes.
Q And what did you tell them?
A At the High Bri – at the trails.
Q They might have asked when they were dropped off; right?
A Yes.

Q Okay. And what they were wearing?
A Yes.
Q Okay. And you already testified that you had a memory of L.G. wearing a tie-dyed shirt and grey sweats.
A Yes.
Q So is that the information you shared?
A Yes.
Q Is there anything else you were able to tell them about a jacket or shoes or anything else?
A Oh, I knew she had on black Nikes, but as for a jacket, I truly thought she didn't take one.
Q And you later became aware that she probably wasn't wearing grey sweats; is that right?
A I went – I did later become aware of that.
Q And how did you become aware?
A The police told me.
Q Well, did you become aware of something in your own home that –
A Well –
Q -- allowed you to conclude that she was not wearing the sweats?
A Well, I was confused. I – when I was straightening up her room, I came across grey sweats and I thought, "Does she have two of these?" The girls were always getting clothes and stuff, so I thought, well, maybe she had two pairs of grey sweats, or she would wear mine. So I – but at that point in time, I still didn't realize she had changed.
Q Because you didn't see that part of her –

Q Right.
A -- when she left?
A No.
Q Why are you so sure about the black Nikes?
A 'Cause she wore them all the time.
Q After you went to the police station, were you – did you go back out to the trails that evening?
A We – I was at the police station until well after midnight. Mike, my husband, picked me up and we did go back out to the trails, and then we drove – just in case, we drove around to other places.
Q So did you drive to the police station and just leave your car there or you said you went with Mike back out?
A I don't know what happened to my car.
Q Hard to say, isn't it?
A I don't, I don't remember.
Q You do remember being up very late that night?
A Yes.
Q And do you remember continuing to try to reach L.G.'s phone?
A We called. We kept calling and kept calling and kept calling.
Q And did you, at some point, get your AT&T records for your whole family and share them with law enforcement?
A Yes. Yes, I saw somewhere where somebody was talking about times, I think I was talking to Derrick, and he said, "Well, when they asked me, I just pull out my phone, I look at the times." So I thought, "Oh, great idea." So I went online and printed out our phone records for the month.

Q And that included all five of you?
A All of us.
Q Were you part of a search party – well, let's talk about that night, then. So you, at some point, go home?
A Yes.
Q The 13th. And do you go back out the next morning?
A Early, yes. They were doing up an official search the next –
Q So now this is Tuesday the 14th of February?
A Yep. They were doing up an official – where you – everybody met at the firehouse and they put you in groups and you had a leader and they just – they said they were doing a grid search, they were doing up a grid search.
Q And what area did you look in that – on that particular day, if you remember?
A Oh, I do, because we were right down the road from my house, and they had us walking out across these fields and – just in case.
Q Okay. And so this area in the fields close to your house, was that away from the trail that they would have actually been on?
A Yeah, yes.
Q Okay. The trail did not include this area –
A No.
Q -- of the fields?
A Not at all.
Q Okay. So you were looking in an area where they might have ended up if they had tried to walk home?
A Yes.

Q Okay. So between the trails and your home, you were assigned an area?
A Yes.
Q Where were you when you learned that they had been found?
A We were walking back to the car, 'cause we had gone as far as what our grid was and we were walking back, and a friend of ours come running, running up to us. My daughter, Tara, was in my group, and a friend come running up and said, "They found them, they found them." So we ran to our car, we ran to the car, and I went to the trailhead, Mears trailhead, and I went running up. There was a fireman standing there and I went running up to him and asked him, "They found them. They found them. You got – you need to take me. You need to take me to L.G." And he kept trying to tell me that, no, they hadn't, they hadn't. He hadn't heard yet. And I remember turning around and I – my sister was sitting on a wagon and she was just crying.
Q And what sister was this, I'm sorry?
A My youngest, Melissa, and she was sitting there crying. And I went running up there, I said, "Hey, they found them." And all she could say was, "I'm sorry. I'm sorry." I said, "No, they found them." She wouldn't tell me anything. I found out later she was part of people that found them. And I remember about that time, my husband came up and some of my family, and they were taking me back to his truck, which was parked in the Mears's driveway. And he set me in the truck, I think he was – went back to talk to somebody, maybe to find out what was going on, and I remember sitting there and I couldn't understand why they wouldn't take me to her. And as I'm sitting there, the coroner's van come driving by, and that's when I realized that they weren't alive. And then, a little while later, my husband come back to the truck

and said that they were calling us all, the family, up to the firehouse, that they needed to talk to us.

Q So your initial reaction then to someone saying, "We found them," was they were found alive and well?

A Yeah. That's what I – well, they wouldn't say anything more. I didn't even – that didn't even cross my mind when they told me, I just thought they found them.

Q And your – you said your sister Melissa obviously was having a different reaction; correct?

A Yes.

Q And what was Melissa's last name at the time?

A Lowery.

MS. DIENER: I'd pass the witness, Judge.

THE COURT: Mr. Rozzi. Mr. Baldwin.

CROSS EXAMINATION OF BECKY PATTY

QUESTIONS BY MR. BALDWIN.

Q L.G. was, you said on direct examination, outspoken?

A Yep, yes.

Q She would speak her mind?

A Yes.

Q Whether it be to young kids and adults alike or was she –

A Yes.

Q -- pretty equal opportunity there?

A Yes.

Q Okay. She stood up for herself and others?

A Especially others.

Q Especially others? And if needed, she'd get vocal; would that be true?

A She would tell you what she thought.

Q Did she have a good voice? How was her voice? Did it – was it –

A She had a low voice.

Q I'm sorry?

A She had a low voice.

Q A low voice. Like – kind of like mine, but not as low as this probably?

A She just had a low voice.

Q Lower voice? How was it strength wise, were – you know, some people are soft-spoken, like this, and others are a little bit louder.

A She's – she was just normal.

Q Normal, okay. On the 13th, that's Monday, after you realized the girls were missing, you saw flashlights kind of everywhere looking for the girls; is that right?

A Yes.

Q Okay. And you thought, "Wow, there's a whole lot of people out here helping now"; is that right?

A Yes.

Q Did you ever learn or were you ever able to get AT&T to start pinging?

A No.

Q Okay. You don't know one way or the other?

A I don't know whatever happened with them.

Q Fair enough. You said the police told you that L.G. was not wearing the grey sweatpants; is that correct?

A It was much later.
Q Okay. How – can you give me an idea of how much later?
A No. It was probably years before I realized.
Q Okay. Was it before Mr. Allen was arrested?
A I couldn't even tell you that.
Q That's fair. Did you, just two days ago, provide your DNA to police?
A Yes, one of the times.
Q Oh, you've done it on other occasions?
A Yes.

MR. BALDWIN: Okay. Thank you. Appreciate it. No other questions.

THE COURT: Ms. Diener.

RE-DIRECT EXAMINATION OF BECKY PATTY

QUESTIONS BY MS. DIENER.
Q Becky, when you indicate that you saw flashlights of people looking the night that they went missing, that – later that night, were you on the path that you talked about when you saw those flashlights?
A No. At that time, we were driving.
Q Oh, you were driving?
A We were.
Q Okay.
A We were between the CPS and Harvestore, it was in that area.
Q So in order to assist everyone in understanding, between CPS and the highway, that would actually be away from the High Bridge, would it not?
A Yes.

Q Okay.

MS. DIENER: And, Judge, I have an omitted question, if I could have permission to ask.

THE COURT: You may.

Q Do you know if L.G. had ever been exposed to handguns?

A No. I mean, my husband has some guns, he hunts.

Q When you say your husband has guns, he hunts, I picture in my mind a long gun, a rifle or shotgun. What do you mean when you say he has hunting guns?

A That's what he has, shotguns.

Q And when I'm asking about handguns, I'm talking about something significantly smaller. Do you know what I'm referring to when I say a handgun?

A Yes, yes.

Q Okay. So would L.G., during the time she lived with you, to your knowledge, from age 3 until 14, had she been around handguns?

A No.

Q Do – anyone in your household own a handgun, that you know of?

A Yes.

Q Okay. Was it something that L.G. would have been around?

A No.

MS. DIENER: Thank you.

THE COURT: Mr. Baldwin.

MR. BALDWIN: No other questions.

THE COURT: All right. Does anybody on the jury have any questions for Ms. Patty?

(No response or indication from any juror.)

THE COURT: No? All right. Thank you, Ms. Patty. You may step down. All right. Well, ladies and gentlemen, we're gonna go ahead and take our lunch recess. I apologize, it's a little late, but I think I told all of you this, we're kind of gonna let the witnesses dictate, so we don't want to break in the middle of a witness. So I assume lunch is here for the jury. While you're outside of the courtroom, please, keep your minds open. Please don't form any opinions or conclusions about anything. You may discuss the evidence that you've heard so far, but please, only do that if all 16 of you are present in the jury room at the same time and then, please, don't deliberate. And you may take your notebooks, if you wish. Gentlemen.

THE BAILIFF: All rise.

(Jury out at 12:21 p.m.)

THE COURT: All right. Let's resume at 1:30, ladies and gentlemen. Jodie, you can go off the record.

(Off record at 12:22 p.m.)

(On record at 1:31 p.m.)

THE COURT: All right. Are we ready to bring the jury back in, folks? Yes? Okay. Gentlemen.

THE BAILIFF: All rise.

(Jury in at 1:34 p.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thank you, gentlemen. All right. Well, welcome back, ladies and gentlemen. I hope lunch was satisfactory. We are ready to continue. You may call your next witness, Ms. Diener.

MS. DIENER: Judge, the State would call Kelsi Siebert.

(Witness sworn.)

MS. DIENER: Judge, is it okay if I give her water?

THE COURT: Sure.

DIRECT EXAMINATION OF KELSI SIEBERT

QUESTIONS BY MS. DIENER.

Q Kelsi, can you, please, tell the jury your full name.

A Kelsi Siebert.

Q And is that your married name?

A Yes.

Q And so back in 2017, was your last name German?

A Yes.

Q Could you spell your first name for the court reporter.

A K-E-L-S-I.

Q And spell your current last name.

A S-I-E-B-E-R-T.

Q And did you grow up in Delphi?

A Yes, I did.

Q And did you live in town? Out of town?

A Right outside of Delphi, yeah.

Q And who did you live with?

A My grandparents.

Q And their names are?

A Mike and Becky Patty.

Q And when you were living with Mike and Becky Patty, do you remember

how old you were?

A I don't. I believe I was – I was young.

Q Very young?

A Yes.

Q And L.G. is your full sister; is that correct?

A Correct.

Q In 2017, who was part of the household?

A My grandparents, obviously; me; L.G.; my dad; and my uncle.

Q And your dad's name is?

A Derrick German.

Q And your uncle?

A Cody Patty.

Q In 2017, what grade were you in?

A I was a junior.

Q And in February, did you already have your license?

A Yes.

Q And how old would you have been?

A I had just turned 17.

Q Since did you graduate from Delphi High School?

A Yes.

Q Okay. And after that, did you get additional education or training?

A Yeah. I went to Purdue University.

Q And did you earn a bachelors degree?

A Yes, in psychology.

Q And are you currently employed?

A Yes.
Q What do you do?
A I work for my grandma doing appraisals and I work at Dairy Queen in the evenings.
Q Do you have a family of your own?
A Yes. I'm married. I have a daughter and one on the way.
Q Oh, great. Congratulations.
A Thanks.
Q So in 2017, you were a junior; and what grade was your sister in?
A Eighth grade.
Q Were you in the same types of activities at school?
A Yes. She did a lot more than me, but we swam together.
Q How would you characterize your relationship with L.G.?
A We were very close. She was more like my best friend than my sister.
Q Were you familiar with each other's friends?
A Yes. We knew most of the people we went to school with. It was a small school, so everybody knew everybody.
Q And how many – just to give an example, how many students do you recall being in your grade?
A My grade graduated with 86 people.
Q Do you recall that L.G.'s grade was similar in size?
A I believe it was a little bigger.
Q When you go to high school with 86 people in your class, do you pretty much know everyone?
A Yes.

Q Did you feel – was it your observation that L.G. knew most of her classmates?

A Oh, absolutely.

Q And then were you also familiar with A.W.?

A Yes.

Q And tell me about how you knew A.W. and to what extent you were familiar with her?

A L.G. and A.W. were friends. They played sports together, had classes together. She'd went on vacation with our family.

Q Was she a friend of L.G.'s that would spend a lot of time at your house?

A Yes.

Q And did she, to your knowledge, at the particular time we're interested in, February of 2017, do you know if she had her own phone?

A She did not.

Q And so maybe there's something you remember about her not having a phone that causes you to be confident that she didn't; what do you remember about that, if anything?

A I know my sister let her use her iPad sometimes.

Q How would you describe your sister L.G.'s personality in relationship to her friends?

A L.G. was always the outgoing one. She always wanted people to feel included, so she would go out and find the people that needed somebody just to make them laugh or smile.

Q Was she someone who was brave or cautious?

A Very brave.

Q And can you think of an example of that or let's say specific to this particular instance, we've talked about the High Bridge and that it's a unique place; are you familiar with the High Bridge?

A Yeah. That's a place a lot of people would go to hang out, but specifically me and L.G. would go out there to walk the trails. And I remember the first time we went out there together, she had to force me to go across, 'cause she was so scared – well, I was scared. She wasn't scared at all, so she kind of made me feel silly for being scared of going across it.

Q Do you remember how old you guys were when you did that?

A I had my license, so I would have been 16.

Q So it would have been within – let's see, when's your birthday?

A January.

Q Okay. So it would have been within a year –

A Yes.

Q -- of February of 2017?

A Yes.

Q When you and she went across the bridge, was that a first time for her and also a first time for you?

A Yes.

Q And what do you remember about it?

A I remember the bridge being terrifying, the big gaps that were in it, but I wouldn't let her go across it alone, so I went with her.

Q Okay. Was there anything that you remember specifically about the experience of going across it? Is it something that you do slowly or do you get – hurry up and get it over with?

A I crawled across it, because the gaps were scary, and it's very high up in the air.

Q Had you been to the trail with both Kelsi and A.W. before?

A With L.G. and A.W.?

Q Or with L.G. and A.W. before?

A Not with A.W., no.

Q So let's go to February 13, 2017, it was a Monday; what do you remember about that day?

A We woke up – well, I woke up late. We had the day off school, so we had planned – well, I had planned on going to my boyfriend's house that day when she asked me if we could go to the High Bridge.

Q So she asked you to go earlier in the day?

A Yes, around the time I woke up. I was getting ready to leave.

Q And was she wanting you to take her there or was she wanting you to go with them?

A She wanted me to go with them.

Q Okay. And so what, if anything, do you know about what she and A.W. were doing that morning after you woke up?

A I knew that they were awake, but I wasn't sure what they were doing.

Q So do you remember where you were when she asked you the first time?

A I was in the bathroom.

Q Okay. And did she ask again later that day?

A I know that in conversation it came up that I could take them and drop them off, if they had a ride home.

Q And was that something that you could do for them?

A Yes.

Q Was it unusual that you would be taking L.G. and A.W. to the trails on this particular occasion without you going along or an adult?

A No. It was a place we felt safe, and there wasn't much else to do in Delphi, so –

Q Did you know anything about the plans for her and A.W. to be picked up later?

A Yes. I told her she had to have a ride or I couldn't drop her off.

Q Was there anything that you're aware of that she or A.W. did prior to leaving that related to going to the High Bridge?

A I know that they told my grandma that – my sister told my grandma that they were going, and she told them they had to have a sweatshirt.

Q Okay. And so did they take coats with them?

A They got them from my car.

Q So what do you know about what they wore when they left your car to go on the trails?

A I knew that L.G. had on a tie-dye shirt and I had given A.W. one of my grey jackets.

Q And so you made reference to a sweatshirt; who had a sweatshirt?

A Both of them had sweatshirts when they left. A.W. had one on, L.G. took one from my car.

Q Okay. Do you remember what the one A.W. had looked like?

A It was a grey zip-up jacket with white strings.

Q And do you know what L.G. had?

A I didn't at the time.

Q Okay. And so how do you know she got something?
A I remember her grabbing something out of the back of my car.
Q Okay. And so what would have been available to her in the back of your car?
A Lots of options, they would have been mine or hers, swimming sweatshirts mostly.
Q And when you say a swimming sweatshirt, can you be more specific?
A Yeah. We were both on the swim team, so we both had sweatshirts that said "Delphi Swimming" on them.
Q And did they also have – sometimes kids will get their names put on the back; did they all have names or did they –
A I think they all said "German", yes.
Q So what were you driving at the time?
A A white Bonneville.
Q Had that vehicle been your grandmother's car prior to being yours?
A Yes.
Q And what were the girls doing in the car on the way to the trail?
A We had the music playing pretty loud, windows were open, and they were just talking and taking selfies on L.G.'s phone.
Q Did you become aware that your sister had posted one or more pictures that were taken inside your car on the way to the trail?
A I didn't know that she posted them, but I've seen them, yes.
Q You've seen them? And if you were shown that today, you could identify it?
A Yes.

MS. DIENER: May I approach the witness, Judge?

THE COURT: You may.

Q Kelsi, I'm gonna show you what's marked as State's Exhibit 1, I want you to take a look at it and I'll ask you some questions. You recognize that photo?

A I do.

Q And does it accurately depict A.W. and L.G. inside your car?

A Yes.

Q Are there features in the picture that make you sure that it is within your car?

A Yeah. The window and the door.

Q Okay. And is the clothing that you see on them similar to what you saw that day?

A Yes.

Q Okay. And so would you agree that that is the selfie you were referring to that would have been taken by your sister on her phone that day?

A Yes.

MS. DIENER: State would move to admit Exhibit 1 and have it published to the jury.

STATE'S EXHIBIT 1 OFFERED

MR. BALDWIN: No objection.

THE COURT: All right. Without objection, 1 is admitted and you may publish.

STATE'S EXHIBIT 1 ADMITTED

MS. DIENER: Judge, is it fine to pass or would you rather –

THE COURT: However you wish to do it. You may pass it, that's

fine.

MS. DIENER: Thank you, Judge.

THE COURT: You're welcome.

STATE'S EXHIBIT 1 PUBLISHED

THE COURT: Can you not display that until it's been admitted, please. Could you not display it until it's been admitted; okay? Thank you.

MS. DIENER: So just –

THE COURT: Just lean it up against –

MS. DIENER: Out here?

THE COURT: Yeah, that's fine. I mean, until it's been admitted, it shouldn't be displayed to the jury. And I think – you've have the opportunity to view – oh, you're still looking at it, okay. Just go ahead and pass that forward, and the State can retrieve that from you.

Q So can you describe for the jury the route you would take to drop your sister and A.W. off at the trail.

A So I would go down my driveway, turn right, and then go down past the cornfield and turn right again to get to the highway that would take you to another country road that would take you down there.

Q And so when you get to the trailhead – are you familiar with the Hoosier Harvestore?

A Yes.

Q Would you come to the trailhead before the Harvestore when you dropped them off?

A Yes.

Q And then, after you dropped them off, would you continue on in the same

direction or go back the other way?

A Same direction, towards Delphi.

Q Okay. And the entrance that you dropped them at, what is it referred to as around here?

A It would be the Mears entrance or the trailhead at that point. It had like a sign for the Monon High Bridge there.

MS. DIENER: I'm just gonna show her this –

THE COURT: Um-hmm, that's fine.

MS. DIENER: -- without displaying it to the jury; is that fine?

THE COURT: Yes, that's fine.

Q Kelsi, I'm showing you what's marked as State's Exhibit 2, you can't see the sticker, but I promise you it's State's Exhibit 2. Does this area look familiar to you?

A Yes.

Q And does this picture depict the Mears entrance?

A Yeah.

Q And does it depict the area from which you would have come from home to pass the Mears entrance?

A Not –

Q Not necessarily your house, but I mean the area you would have come from?

A Yes, not the entire thing, but yes.

Q And then, does it also show at least part of the path you would have taken to continue on toward town?

A Yes.

Q Okay. And so would this be helpful for you to describe the area where you dropped them off?

A Yeah.

MS. DIENER: Okay. Judge, the State would like to admit and publish Exhibit 2, State's Exhibit 2, for the purposes of having the witness use it as a demonstrative exhibit, and also for it to be available to the jury.

STATE'S EXHIBIT 2 OFFERED

MR. BALDWIN: No objection.

THE COURT: All right. Without objection, 2 is admitted and you may publish.

STATE'S EXHIBIT 2 ADMITTED

STATE'S EXHIBIT 2 PUBLISHED

Q Okay. Kelsi, I'm gonna have you step down, just be mindful that –

THE COURT: Just keep your voice up.

Q Yeah, you need to use your outside voice, like I'm trying to do, so that they can hear you, and have you describe some things on this map.

A Okay.

THE COURT: Can you all see that?

Q So we want to stay out from in front of it except when we're identifying something, so they can see it. Okay. So you talked about coming from the area of your home and taking them to the trailhead; so what direction would you be coming from on this map?

A I would have been coming from this side.

Q Okay. And is the road that you traveled on clearly depicted in this map?

A Yes.

Q Could you use your finger to indicate the road you were traveling on.
A It would have been this road. (Indicates)
Q Okay. And so you're marking a road halfway down the page that runs horizonal; is that correct?
A Yes.
Q This road right here, okay. Do you know the name of that road?
A No.
Q That's okay. A lot of people travel on roads they don't know the name of. Okay. And so can you point out for us where the trailhead or Mears entrance is?
A Here. (Indicates)
Q Okay. Now, on the north – well, yeah, on the top or north side of the perpendicular road, there it looks like a house, buildings. Do you know what this is up here?
A I think he has a farm.
Q And is – does it have a family name attached to it?
A I don't know.
Q Okay. And so where is the actual trailhead? Come on over here and point it out, then we'll know.
A It would be right here. (Indicates)
Q Okay. And which way does it run?
A Down.
Q Okay. So it comes from the road you travelled on and it comes down on the page and that's the entrance to the trail; is that correct?
A Yes.

Q Okay. And is this the entrance that you said was also referred to as the Mears entrance?
A Yes.
Q Okay. And when you leave, which way do you go?
A I would have continued on the road that way.
Q And you're indicating this direction? (Indicates)
A Yes.
Q Okay. Does that path take you to town?
A Yes, this road. (Indicates)
Q Okay. So show us how you would get there, come on my side and do it so the jury can see it.
A I go to this way from here. I go left this way, up this way and here and around. (Indicates)
Q Okay. And what is this large highway in the center that you're going down?
A The Hoosier Heartland.
Q Okay. Great. So this area to the left of the page that shows housing additions, is that Delphi?
A Yes.
Q Is your home far enough away that it wouldn't be walking distance?
A Yes.
Q Okay. And you can have a seat back up there. When you dropped them off at the trailhead, is there a parking area there?
A A small entrance is there and people park there.
Q Can you describe it.
A It kind of looks like a driveway, you could drive up on it, and it's gravel or

it was gravel.

Q Does it have any sort of closure to keep people from driving all the way down this path to the trail?

A It does now.

Q And how many cars could park there?

A Maybe two.

Q Did you park there?

A Not very long, but I have before, yes.

Q Okay. On this particular day when you're dropping them off, what do you remember doing?

A I kind of just pulled in and then continued driving.

Q And where did you go from there?

A I went to my boyfriend's house.

Q Was your boyfriend's house at the time in town?

A Yes.

Q And were you there the remainder of the day prior to learning that L.G. and A.W. were missing?

A We had went and got lunch, but then we went right back to his house.

Q And that would have been in town, also?

A Yes.

Q You indicated that you had to go to work that day and that's why you couldn't go to the trail with L.G. and A.W.

A Yes.

Q And where did you work at that time?

A Dairy Queen.

Q What were L.G.'s habits with regard to her phone, did she always know where it was? Would she tend to lose it? What do you remember?
A It was always in her hand.
Q And you remember her using it on the way to the trail that day?
A Yes.
Q Do you know if her phone was charged?
A I don't know.
Q While you're in town doing your own thing, do you, at some point, get alerted that L.G. and A.W. are missing?
A Yes. My boyfriend had left for work already, and I was waiting at his house, so it would have been after four o'clock, my grandma called me.
Q And do you remember what time you went to town?
A When I went to Delphi?
Q Yes.
A Around 1:45.
Q Would that have been around the time you left home?
A Yeah, around there.
Q How long would you say it takes to get from your house to Main Street, where you turn off?
A Maybe ten minutes.
Q And that's from home?
A Yeah.
Q And so when you learned that L.G. and A.W. are missing, did you try to reach her?
A Yeah. We were calling her.

Q When you say “we”, who are you referring to?
A My whole family.
Q Well, at this point, you’re at your boyfriend’s house; correct?
A Correct.
Q And so are you calling her as soon as you find out or did you wait until your boyfriend came home?
A No. I called work and told them I was gonna be late and then went straight to the bridge.
Q You went straight to the bridge?
A Yes.
Q So tell me about when you go to the bridge.
A I just dropped them off and then –
Q No, I mean when you went to look for them.
A Oh, when I went to look for them?
Q Yes.
A My family was there and so – then we walked to the bridge, and Cody and I crossed the bridge.
Q And remind the jury who Cody is in relationship to you.
A He’s our uncle.
Q And he lived in the same household; is that right?
A Yes.
Q And you refer to him as your uncle, but your grandmother has said, “My son, Cody”, can you just clear that up for us.
A Yeah, it’s my grandma’s son.
Q Okay.

A So it'd be my uncle.

Q And you go to the High Bridge with your uncle and you walked the High Bridge with him?

A Yes.

Q So is this only the second time you've been on the High Bridge?

A No, I think I'd been on it a couple times before.

Q So the first time with L.G.?

A Yes.

Q And then you had done it –

A At least one other time.

Q Do you know where other family members were searching while you and Cody crossed the High Bridge?

A No. I just know they didn't cross the bridge.

Q And when you go across the bridge, where do you go from there?

A We went down the left side onto Webers' driveway.

Q And then where?

A We would have went not towards their house, but in the opposite direction.

Q Okay. And would it be helpful to look at that on a map to explain –

A Yes.

Q -- the way that you went?

MS. DIENER: Judge, they indicated they would stipulate that exhibit –

THE COURT: Oh, okay.

MS. DIENER: -- can be admitted.

THE COURT: All right.

MS. DIENER: So State's Exhibit 3 is a closer-view map of the same area, to which Defense is going to stipulate.

MR. ROZZI: Yes.

MS. AUGER: Yes.

THE COURT: I'll show then, by agreement, State's 3 is admitted.

STATE'S EXHIBIT 3 OFFERED AND ADMITTED BY STIPULATION

MS. DIENER: Okay. Judge, is this amenable to the Court?

THE COURT: Yes.

Q Okay. Kelsi, with regard to Exhibit 3 for the State, would you agree that this shows the same area that's in the other one, but a closer view?

A Yes.

Q Okay. And do you recognize this area of the High Bridge trail?

A Yes.

Q Okay. And would you mind coming down and showing us where you crossed the High Bridge and what direction you and Cody went.

A Yeah.

Q And you can do it from my side.

A So the bridge is here – (indicates) – so we crossed all the way down and then later when down this way – (indicates) – and onto the driveway and then in this direction. (Indicates)

Q Coming back to the other – let's make a reference here. So you cross the High Bridge.

A Yes.

Q The High Bridge leads around here?

A Correct.

Q Okay. And point to where it ends.
A Right here. (Indicates)
Q Okay. And so we're gonna say this is north, south, east, west. So you went north off the bridge?
A Yeah.
Q And then there's a drive and it's a lighter brown on the picture?
A Yeah.
Q And you went on that drive to the left side or to the west?
A Correct.
Q Okay. And does that – does that drive pass under the bridge?
A Yes, it does.
Q Okay. So since you're familiar with this area, from the road you're referring to or the drive down to this area, is that another elevation to go down, another hill?
A I know there's a hill that goes down here and I think there is another one that goes down a little more.
Q Okay. So this is all not flat?
A Correct.
Q Okay. And how far back to the west did you and Cody go?
A We went all the way to where the gate is.
Q Okay.
A About here. (Indicates)
Q All right. So there's a gate at the far end of this path?
A Yes.
Q Are there things along the way that you had seen before, had you been on

this drive?

A Yeah. So around this area, there's a tree with shoes thrown into it.

Q Okay. Is this a place, the High Bridge and this area down here, is that a place that you had visited before?

A Yes.

Q And you're saying that when you came off of that and came to the west or southwest, you had been on this path and saw the tree with shoes?

A Yes.

Q Is that something you did with your sister or with other kids?

A Yeah, both.

Q Is it something that high school kids or middle schoolers I guess, young people, talked about?

A Yeah. Lots of people at the school had went out to see it.

Q Okay. Were you aware that this is private property?

A No.

Q Okay. And did you – when you went to look for your sister and A.W., did you look the other direction?

A No.

Q Why would you look this direction, the southwest, and not toward the water?

A The house that A.W. lived in is in this direction, so we thought maybe the took the driveway back to A.W.'s house.

Q Okay. So you could follow this drive and eventually get to where A.W. lived?

A Yes.

Q Okay. So that was your thinking, maybe they went to her house?
A Correct.
Q Okay. After you go down here, do you return another direction or how do you get back?
A We went back the way we came and back across the bridge.
Q Do you remember that it was starting to get dark?
A Yes.
Q Okay. At what point – had you already crossed back before it got dark?
A Yeah. We – some of us were back at the police station.
Q Before it was dark?
A Yes.
Q And you were one of those people?
A Yes.
Q And did you leave the path of the road that goes to the southwest to look for them?
A No.
Q At this point, did you think that something bad had happened to your sister?
A No. We thought maybe they were out into the woods and got hurt.
Q You can go ahead and have a seat. Now, how would you usually communicate with L.G. if you were not together?
A Sometimes we texted, but usually it was Snapchat.
Q Before we get to that, Kelsi, before you testified today, did you get an opportunity to review a video of the Monon High trail – High Bridge trail and the actual High Bridge?

A Yes.
Q And does it accurately depict the area in general?
A It does as of now, yes.
Q Okay. Tell us some of the things that are different about this video.
A It has since been remodeled, so now the trail is paved and it has like a gate around it, so you can't cross the bridge. And they have new ties, almost like decking.
Q Oh, okay. Some of the ties are new?
A Yeah. It's not like the railroad ties all the way up to the end.
Q Okay. So is the part of the bridge that was original railroad ties, is it shorter?
A Yes.
Q Because of improvements?
A Yes.
Q And so if a person watches this or sees it, the bridge is gonna appear much shorter?
A Yes.
Q Okay. In addition, the condition of the railroad ties that are unimproved, do they look different from 2017?
A They look more rotten, but yes.
Q Okay. Does it accurately show what can be seen if you were walking from the Mears entrance to the end of the bridge?
A Yes.
Q Okay. So would you agree that it stops at the end of the original – the railroad trestle that you would have crossed when you were younger?

A Yes.

MR. BALDWIN: No objection.

MS. DIENER: Do we have it marked? Where's the flash drive? Let's have Jodie mark it.

MR. ROZZI: Max has got it, right here, Stacey.

MR. BALDWIN: Nope, that's our copy.

MR. ROZZI: Oh, that's ours? Oh, you've got it. Okay. He's got it, Stacey, he's got it ready to go, if you want him just to play it off here.

MS. DIENER: Well, I'm gonna have her mark our drive. That's yours. I'm not gonna give her yours.

MR. ROZZI: Okay.

THE COURT: So is this State's Exhibit 4, Ms. Diener?

MS. DIENER: This is Exhibit 4 for the State, yes.

STATE'S EXHIBIT 4 OFFERED

THE COURT: And I heard a "no objection" over here, so I'll show 4 is admitted without objection.

STATE'S EXHIBIT 4 ADMITTED

MS. DIENER: So we would go ahead and publish that to the jury, Judge.

THE COURT: Yes, you may.

MS. DIENER: Thank you.

Q Kelsi, I may ask you questions during it, so we'll point out things that would be different; okay?

A Okay.

STATE'S EXHIBIT 4 PUBLISHED BY PLAYING

MS. DIENER: It's only five minutes in length, Judge.

THE COURT: Okay.

Q Do you recognize this area as the Mears entrance?

A Yes.

Q Now, as you come up to this T, if you turn right, where does it go?

A Freedom Bridge.

Q Okay. And so if you turn left, where does it go?

A High Bridge.

Q Now, this is a paved path. Was it paved back in 2017?

A No.

Q And what would have the surface been?

A Just dirt or gravel.

Q I'm gonna stop this here for you to give some explanation about what's different here, Kelsi.

A Okay.

Q And would you agree that this area has been improved since 2017?

A Yes, a lot.

Q Okay. You want to come down and talk about what you remember. You can do it from that side. So did these side rails exist back then?

A No.

Q Did – you said rails were replaced with something new. What part are you talking about?

A So this part is no longer railroad ties.

Q Okay. And so you're saying in here? (Indicates)

A Yeah, it'd be this whole section. (Indicates)

Q Okay. And was this little stand here on the left, did it exist back then?

A No, it wouldn't have been able to.

Q You talked about a barrier back then. Where would the barrier approximately have been?

A Somewhere around here. (Indicates)

Q And you're pointing to an area where the gravel kind of goes off to the side of the trail?

A Yes.

Q And there's two different colors of improvement here, one is a lighter color and the other one is darker; would you say it was in this vicinity?

A Yes.

Q Okay. And so if you were crossing the High Bridge then, what would you have to do to get to it?

A There would have been a space between the bridge and the ground that you had to step over.

Q And then, did you have to – also have to climb over or go around the barrier?

A You have to go around it. It was just kind of like a gate that just went to like here. (Indicates)

Q Okay. So there was space around it –

A Yes.

Q -- to go around?

A Yes.

Q Okay. So this all would have been unimproved railroad trestle?

A Correct.

Q With no side rails?
A Right.
Q And now we're at the portion of – unimproved portion. Is this what it all would have looked like?
A Yes.
Q This video shows a platform off the right, a platform off to the left. Were there more platforms at the beginning – prior to the beginning of it in this video based on where the improvement was made?
A Yes.
Q Okay. Is that the end as you remember it, the end of the railroad trestle bridge?
A Yes.
Q And you said you went down to the left; so are we looking to the direction that you went down?
A Yes.
Q And do you see the gravel drive that you referred to that you went underneath the bridge? Was that in the video?
A Yeah.
Q Okay. So you went down to the left and then back on the gravel drive?
A Yeah, yes.
Q If you were at the – what I will call the end, not the beginning where the High Bridge trail is that's the walking path, but at the end of the High Bridge, could you see someone at the beginning of the High Bridge?
A No.
Q Okay. While he's putting that away –

MS. DIENER: And just in case I didn't, Judge, we'd move to admit the exhibit.

THE COURT: You did.

MS. DIENER: All right. I'll give that flash drive to the court reporter.

Q Let's talk about Snapchat; okay? So we have varying ages of people on the jury, so we want to make sure that we talk about what was Snapchat like in 2017, to the best of your recollection; okay? So you used it to communicate with your sister; can you explain that.

A Yeah. We would text back and forth using it. You could send pictures, but you could also do, like, messages and all of it would just disappear unless you saved them.

Q Okay. So is Snapchat an application that you can download to your phone?

A Yes.

Q Free?

A Yes.

Q Back in 2017, did you find it to be common that people your age and L.G.'s age would use it to communicate instead of traditional texting and calling on the phone?

A Yes.

Q Did a Snapchat message always include a picture?

A No.

Q And so it had a texting feature by itself?

A Yes.

Q And then what if it included a picture, what was that like?

A She could have sent a picture with words on the picture.
Q Okay. And you said that the message would go away; can you explain that.
A If you didn't save it, they would just disappear after 24 hours.
Q Okay. Did it allow the user to have limited people in their let's say address book for that app?
A It would be like adding friends, yeah.
Q And so you could send it to either one person in your Snapchat friend list or a group of people?
A Yeah, you could message like one person or you could post on your story and that would be for any of your friends to see.
Q And the user – would the user have the ability to decide who had access to their story?
A I don't remember if you could then.
Q Okay. Did you have access to your sister's story?
A Yeah. So you have to be friends on Snapchat in order to see them.
Q Did you see Snapchat images on L.G.'s story that day after you dropped her off at the trail?
A Yes.
Q What did you see?
A I remember a picture of just the bridge and then a picture of A.W. on the bridge.
Q And did the image of A.W. on the bridge look to you like an image from the very same day?
A Yes.

Q What was it about the image that made you believe it was that day?
A They have timestamps on them and then, also, they would disappear after 24 hours, so they would be gone if it were a different day.
Q Okay. Did you recognize the clothing on A.W. from that Snapchat?
A Yes.
Q And then, the person who posts the image, do they have control over whether it disappears in 24 hours or is that automatic?
A That's automatic.
Q Is there a way for someone who has the ability to see it because they're following the person's story to keep the image?
A You could screenshot it.
Q Okay. What happens when you screenshot an image on Snapchat? Does the person who posted it know when you screenshot it?
A Yes. It would tell them underneath the picture.
Q So they'd receive notice?
A It wouldn't like notify you, but you could go in to the picture and see who saved it.
Q Okay. And can you add and delete people at any time –
A Yes.
Q -- on Snapchat?
A Yes.
Q And so you see an image of A.W. on the High Bridge and it coincides with you having dropped your sister and A.W. at the bridge; correct – or at the trail?
A Correct.
Q Do you hear from L.G. at any time while she's at the trail before you receive

a call from family that she's missing?

A No.

Q Were there other Snapchat images besides the two you described?

A Not that I remember.

Q On the 13th, when you described – the 13th of February, 2017, when you went out and crossed the bridge with Cody to search, after you came back, you said you were at the police station before dark; is that right?

A That's what I remember, yes.

Q Okay. And so did you ever, then, go back to the trail to search more after dark?

A Not that night, no.

Q Did you continue to make an effort to reach L.G. by phone or Snapchat or other means?

A Yes. I was texting and calling her.

Q And then, the next day, on the 14th – well, let me back up. Did you go home then after you were at the police station?

A Yes.

Q And the next day, did you participate in the search?

A Yes.

Q Tell us about where you went, when you went there.

A We were divided into groups. My group went to High Bridge and was the group that was supposed to cross the bridge, and we went back down to the driveway.

Q Okay. Same direction that you just showed us previously?

A I think we went down the other side of the bridge. Instead of going left, we

would have went down going right.

Q Okay. And then, what area did you search after you went down to the right?

A We were searching underneath High Bridge.

Q Did you complete your search of that area?

A Yes. We were getting ready to head back.

Q And was it – did you head back the same way you came?

A We started to, yes.

Q Okay. And then what do you remember?

A Not long after we had started heading back up to the bridge is when someone told us that they had found the girls.

Q Okay. Do you remember who told you?

A There was somebody who was farther – closer to the creek, and I believe it was a man.

Q So were they yelling to you?

A Yes. They didn't know that it was me.

Q They did not know you were her sister?

A No.

Q Do you remember who was with you?

A Yes, I do. There was a woman named Michael and another woman named Erin.

Q Michael?

A Yes.

Q And Erin. Both female?

A Both female.

Q Had you ever met them before that day?
A Yes. One of them worked at the school.
Q Okay. And so you had not yet crossed the bridge to go back?
A No, we had not gone back yet.
Q When the person yelled to you they were found, did you know whether they were alive or dead?
A No.
Q And so where did you go?
A I – one of my grandparents was standing closer, not Mike or Becky, one – another one, and we took his four-wheeler back to his house.
Q And who was that family member?
A My Grandpa Brad.
Q Last name?
A German.
Q And he was on an ATV?
A Yes.
Q And you went back to his home?
A Correct.
Q So you had been to the High Bridge, the Monon High Bridge trail, and you had crossed the bridge before. Was that a place that you were afraid of, I mean from the standpoint of safety?
A No.
Q And you had been out there numerous times before?
A Yes.
Q And did you have any reason, on February 13 of 2017, to be concerned for

your sister and A.W.'s safety when you dropped them off at the trail?

A No.

MS. DIENER: No other questions.

THE COURT: Mr. Baldwin.

MR. BALDWIN: Thank you, Judge.

CROSS EXAMINATION OF KELSI SIEBERT

QUESTIONS BY MR. BALDWIN.

Q Hi, Kelsi.

A Hi.

Q I wanted to, if I could, look at State's Exhibit whatever this is –

A It's in this corner, this one.

Q Oh, thank you, appreciate that – 2.

MR. BALDWIN: Can I use your easel?

THE COURT: Ma'am, you need to sit down.

UNIDENTIFIED INDIVIDUAL: May I please ask –

THE COURT: You need to sit down, ma'am.

UNIDENTIFIED INDIVIDUAL: The microphone is not pointed toward the witness.

THE COURT: You need to sit down, ma'am.

MR. BALDWIN: Okay. All right. Is it okay if she steps down?

THE COURT: Certainly.

Q I'm just gonna try to establish where the Mears entrance is related to the Hoosier Harvestore. Can you – that's that – let's see. Is that where did you – where did you cut – where was your house?

A It'd be over here. I came down this road. (Indicates)

Q Okay. Is that – where did – when do you get to 300 North?
A This is Mears property. Does that help?
Q Oh, okay. So show the – where the Mears entrance is, please.
A This is the entrance. (Indicates)
Q Okay. So the video that we just saw, that's where the drone started is right there?
A Yes.
Q Okay. And then, when you – you said then you drove I guess that would be west.
A Sure, yeah, this way. (Indicates)
Q And where is the Hoosier Harvestore, if you know? If you –
A This one. (Indicates)
Q Okay. This right here?
A Yes, that one.
Q So you – I thought you said – you testified, and this is what I heard, that you hit the Hoosier Harvestore first and then the Mears entrance.
A No, the other way around.
Q It's the other way around.
A It's –
Q Okay. Thank you. You may be seated. Thank you. Okay. Do you know if there's a camera on the Hoosier Harvestore?
A I've heard that, yes.
Q Okay. So you would have – you would have – I guess we'll go this way. You would have parked at the Mears entrance for a period of time?
A Long enough for them to get out.

Q Okay. And then you would have headed that way and then the camera, if there is one, would have caught you right after that; is that accurate?
A Yes.
Q And it's been a long time, so I don't know if you'll remember, but when you pulled into the Mears lot, did you, like, go all the way in or part way in? Do you know?
A I just kind of pulled in.
Q Okay. And did you end up having to back out or did you –
A No, I just went into the spot so that I was still facing the road.
Q Ah, okay. Thank you. And then, L.G. was in the front seat?
A Yes.
Q And A.W. was in the back seat?
A Yes.
Q We saw that in the photo. Were you in the courtroom when your grandma testified?
A No.
Q Oh, okay. Do you – was A.W. – I'm sorry, I'm sorry, was L.G. an outspoken person, would you say?
A Yes.
Q Bigly outspoken or just kind of regular outspoken?
A I'd say regular.
Q Regular? Would she stand up for others?
A Absolutely.
Q Was she afraid to raise her voice at people?
A No.

Q Did she have a good, strong voice?
A Yes.
Q Now, you found out that the girls were missing at around 4 p.m.; is that correct?
A Correct.
Q So the search, whenever it happened, it did not happen until sometime after 4 p.m., your search?
A Right, when I got there, yes.
Q And you said you went – somehow you connected with Cody, your cousin; is that correct?
A He's my uncle, but yes.
Q Uncle, sorry. And you went directly to the bridge; is that correct?
A Correct.
Q And why did you do that?
A That's where my family was, and the girls had been there.
Q Okay. And how did you know that?
A They posted on Snapchat, and I dropped them off.
Q Now, that bridge, I mean, you talked about it, it was – you would call it dangerous?
A Yes.
Q In fact, I think you said you – in the past, you had gotten on your hands and knees and crawled across it; is that correct?
A The first time, yes.
Q All the way across?
A No. When you get to the portions where a full person could fall in through

them, yes.

Q When I was a younger lawyer, I would have got on the ground to demonstrate, but I'm not going to do that now. But when you say on your hands and knees, you mean on your hands and knees, you would crawl?

A I wasn't stepping over a missing railroad tie, no.

Q Did L.G. also crawl?

A No.

Q Ah. Okay. And that's because there are big holes in there, big gaps, you said that?

A Yes.

Q You would not run across that?

A No.

Q It would be a foolish thing to do?

A That would be awful.

Q Awful. It'd be a dangerous thing to do?

A Yes.

Q Now, I wanted to kind of clear up this Snapchat business, 'cause I'm – I – older guys get confused, people get confused by that. There's a Snapchat thing that disappears after 30 days – or 30 seconds I've heard about. Is that a thing?

A A Snapchat picture can disappear in ten seconds.

Q Ten seconds.

A Yeah.

Q Okay. But you said that this one would be 24 hours, that's where I'm confused.

A If you post on your story, it'll stay there for 24 hours.

Q Okay. So whatever L.G. sent you was not the kind that disappears in ten seconds; correct?

A Correct. She posted on her story.

Q It was on her story. So that would be there for 24 hours?

A Yes.

Q And you had seen and you remember the image of A.W. on the bridge that was posted on L.G.'s story?

A Yes.

Q And you've seen that multiple times?

A Yes.

Q And just so – and the photo would be from L.G. going south toward the end of the bridge, facing this way and taking a snapshot of A.W. coming this way; is that correct?

A L.G. would have been facing the beginning of the bridge, A.W. was coming towards her, yes.

Q Right. So if L.G. had her phone out and was taking photos, she'd be here – if the bridge – if the south end of the bridge, were the girls ended up, was here – (indicates) – L.G. would be this way, looking that way, as A.W. was coming toward her; is that correct?

A Yes.

Q And in that – and that was about – what? – one-third to one-half across the bridge.

A I'm not sure.

Q Would it help if I refreshed your recollection with that image, that photo?

A Sure.

Q I'll hand you what's been marked as Defendant's Exhibit A; take a second to look at that for me, please. How far would you say that A.W. is when that photo was snapped related to the bridge?

A Not very far, 'cause you can still see the water and the beginning of the bridge.

Q So do you know how – is it – are you good with fractions like one-third, one-half?

A I'd say maybe a fourth.

Q A fourth? Twenty-five percent of the way through there?

A Yeah.

MS. DIENER: Judge, I would object to having the witness speculate.

THE COURT: Sustained.

Q Okay. Does that fairly and accurately – that Exhibit 1 – or is it A?

A A.

Q A. Does Defendant's Exhibit A fairly and accurately depict the image that you saw on L.G.'s – what's it called again?

A Snapchat.

Q The Snapchat –

A Story.

Q Story – on her story on February 13th, 2017?

A Yes.

MR. BALDWIN: Move to admit Exhibit A.

DEFENDANT'S EXHIBIT A OFFERED

MS. DIENER: No objection.

THE COURT: All right. Without objection, A is admitted.

DEFENDANT'S EXHIBIT A ADMITTED

MR. BALDWIN: Judge, I have 12 copies – hopefully 14. May I –

THE COURT: You should have 16.

MR. BALDWIN: Sixteen. Well –

THE COURT: You can pass it.

MR. BALDWIN: May I? Thank you.

THE COURT: Yes, you may.

DEFENDANT'S EXHIBIT A PUBLISHED

THE COURT: Could you retrieve the exhibit that's in front of – thank you. Oh, no, you can keep those photographs. I need the exhibit –

MR. BALDWIN: Oh, I'm sorry.

THE COURT: -- for the record. Just give that to Jodie. Yeah, you can keep those exhibits. Whatever copies you get, just put those inside your folders.

Q So there is nobody – you don't see anybody on that bridge behind A.W., do you?

A No.

Q Later on, when you went with Cody across the bridge after – when you started to search for L.G., you saw a couple of your friends on the bridge, did you not?

A They were people I went to school with, yes.

Q And that was a Maya Abbott and Evan Fritz?

A Yes.

Q So they were – there were people in and around that bridge when you were crossing the bridge looking for the girls; correct?

A Yes.

Q And it would not be uncommon for people to be on that bridge at any point and time during the afternoon, based upon your experience; is that right?

A Right.

Q Okay. You had talked about what L.G. put on that was in – you said that you just had like clothing in the back of your car. What she put on was a swim sweatshirt; is that correct?

A Yes.

Q And that was new?

A Yes.

Q You had never worn it?

A Right.

Q So you wouldn't expect your hair to be on the inside of it, would you, if you'd never worn it?

A Well, we probably washed it, so it might be.

Q Okay. From the wash?

A From the laundry, yeah.

Q A couple of days ago, did you provide a DNA sample to police?

A Yes.

Q Is that the first time you've done that?

A No.

MR. BALDWIN: Thank you. No other questions.

THE COURT: Ms. Diener.

MS. DIENER: No questions, Judge.

THE COURT: All right. Does anybody on the jury have any

questions for Ms. Siebert?

(No response or indication from any juror.)

THE COURT: All right. Thank you, ma'am. You may step down. And would counsel approach just quickly, we can do it up here at the bench.

(Sidebar conference conducted.)

THE COURT: Okay. We can keep going, but I think your wit – you've got a witness in the courtroom. Kathy Allen is sitting over there in the courtroom.

MR. ROZZI: She's excepted out.

THE COURT: Is she? Kathy Allen is excepted out of –

MS. DIENER: Yes.

THE COURT: Okay. Okay. What else is there?

MS. DIENER: I'd ask that (inaudible)

THE COURT: Okay.

MR. ROZZI: Sure.

THE COURT: Are you ready with your next witness?

(Sidebar conference concluded.)

THE COURT: You may call your next witness.

MS. DIENER: The State would call Derrick German.

(Witness sworn.)

MS. DIENER: Judge, just a quick question: With the prior witness, the exhibit that I only had one of and we passed, if I make extra copies, can we –

THE COURT: Absolutely.

MS. DIENER: -- provide them for the folders?

THE COURT: Yes, absolutely.

MS. DIENER: Okay.

DIRECT EXAMINATION OF DERRICK GERMAN

QUESTIONS BY MS. DIENER.

Q Would you, please, state your full name.

A Derrick German.

Q And do you live around Delphi?

A Yes.

Q Did you grow up in this area?

A Yes, my whole life.

Q And did you graduate from Delphi High School?

A Yes.

Q And in 2017, specifically February, where were you living?

A Just outside of Delphi, towards Rockfield.

Q Were you living with family?

A Yes.

Q Tell us who you were living with.

A My mom, my stepdad, and my two daughters.

Q And that would be Mike and Becky Patty?

A Yes.

Q And Kelsi and L.G.?

A Yes.

Q Did you have a job outside the home at that time?

A Not full-time. I just – small jobs.

Q Okay. Would one of those jobs have been helping your mother with her

business?
A Yes.
Q Are you familiar with the business she had at the home office?
A Yes.
Q Okay. What kind of work would you do for her?
A I'd just go take pictures for her.
Q And when you weren't doing that, what kind of interaction did you have with L.G. or Kelsi?
A I just did a lot of running for L.G., she always forgot something.
Q Okay. And where would you be running to or from?
A The school.
Q Were you familiar with her activities that were school related?
A Yeah, she was in a lot of activities.
Q Okay. Can you name some of those?
A Swimming, soccer, band, volleyball, softball.
Q Okay. And so what kind of things would she have you be running for?
A Swimsuits or just food, you know, she'd want some food before the game, 'cause she'd just stay after school.
Q Okay. So how did you and L.G. communicate? Would she call you on the phone? Would she text you? Did she Snapchat you?
A No, I didn't have Snapchat, but she'd text.
Q And so that was the preferred method between the two of you, texting?
A Yes.
Q Was that the same for you back to her? Would you text or would you call?
A I'd – I would text. I would always try to call, 'cause I didn't like to text,

but –

Q That didn't work so well?

A No. She'd just say, "Text me back."

Q All right. And did you know L.G.'s friends to some extent?

A Yeah, some of them.

Q Did you know A.W.?

A Yeah. I ran to her house a lot.

Q In your opinion, did they spend a lot of time together back in 2017 and 2016?

A Yeah.

Q And are you familiar with A.W. having spent the night at the house where you were living with L.G. the night before she went missing?

A Yeah. I picked her up.

Q Okay. And was there anything that you remember of note the day before? What were the kids doing, if you were even around?

A The day before?

Q Yeah.

A I had to pick L.G. up from an overnight at another friend's house and then we went straight to A.W.'s house to pick her up.

Q Okay. And then, they were at the house for the evening?

A Yeah.

Q And that morning – do you remember anything about the morning of Monday, February 13th?

A I got up and made them breakfast.

Q What do you remember about that?

A Banana pancakes, that's what I made them. They left me the mess to clean up.

Q And were you aware of what they were doing after breakfast?

A They said something about painting a desk, but –

Q Okay. You remember something about painting a desk. Where would the desk have been?

A In the garage.

Q Is that the same garage where your mother had her office or is there –

A Yes.

Q -- like another garage?

A No, it's the same garage.

Q Did they ask you to take them anywhere?

A No.

Q And at some point, did you leave the house?

A Yeah. I had to go take some pictures for Mom.

Q Do you have any idea of when you left?

A Twenty minutes after 1.

Q So tell us about what you were going to do to take pictures for your mother.

A I had to take original photos of comps for an appraisal, and there were 18 houses I had to take pictures of in Frankfort.

Q And so did you go straight to Frankfort?

A Yes.

Q Did you have a list of addresses?

A Yeah. I had a map and they were all on the map.

Q Oh, okay. And so when you leave the house, do you have any obligation

to pick up L.G. and A.W. from anywhere?

A No.

Q And did that change shortly after?

A Yeah. About halfway to Frankfort, she called me and asked if I would pick them up.

Q Do you remember that being a phone call, as opposed to a text?

A It was a phone call.

Q So what was she asking you to do?

A Pick her and A.W. up from High Bridge on my way back from Frankfort.

Q At that point, what did you know about the High Bridge trail?

A I had dropped Kelsi and L.G. off there one other time before, but I'd never been back there.

Q So you knew where the drop-off was, because you had taken Kelsi and L.G. there?

A Yes.

Q Okay. Had that been long ago prior to February 13th of 2017, or close in time?

A Yeah. Well, at least the summer before. I don't remember exactly when.

Q And so what did you tell L.G. about picking her up?

A That I had 18 pictures to take and it'd probably be a couple hours; and she said, "No problem. We'll just do some exploring."

Q So did you take pictures of 18 houses?

A Yes.

Q And then, did you go directly back to the Delphi area?

A Yeah, I went straight to High Bridge.

Q Based on where the drop-off or pick-up point is for High Bridge, did you have to pass that area when you went to Frankfort?

A No.

Q Did you have to pass – let's see, when you came back, would you have been going past – are you familiar with Hoosier Harvestore?

A Yeah.

Q Okay. When you came back to the pick-up spot, would you have driven past the Hoosier Harvestore?

A No. I come from the opposite direction.

Q Okay. Now, you said that you had dropped your daughters off there, but you had never been out there.

A Right.

Q So there's a path that's a walking path; had you ever been on the walking path?

A No, not before that day.

Q And you had not been on the abandon railroad –

A No.

Q -- bridge? So tell us about what you did on your way back to let L.G. know that you were going to be picking them up.

A I tried calling her when I got – I was a couple minutes away to let her know to start heading back towards the entrance.

Q And you were calling, not texting?

A Correct.

Q Did you get an answer?

A No.

Q Okay. Did you call again?
A Yeah, when I got to the entrance.
Q When you got to the entrance, were there other cars parked?
A Yes.
Q And you said you called when you got there, no answer.
A Right.
Q So then what did you do?
A So I got out and started walking back to the trail.
Q And did you go to the left toward High Bridge or did you go to the right toward Freedom Bridge?
A No. I went forward down to – I ran into somebody when I got to the trailhead there, where all the trails come together, and I asked him if he seen two teenage girls and he said no, so I took a different direction.
Q Did you know the man that you ran into?
A No, I did not.
Q Was he by himself?
A Yes.
Q Do you know who he is today?
A Yeah, Dave McCain.
Q How did you figure that out?
A Somebody told me who he was later on.
Q So you personally don't know Dave McCain?
A No.
Q And so you asked him if he saw teenaged girls and he said no. Why did that cause you to go toward Freedom Bridge?

A Because if they weren't down there, I was gonna go a different direction to try and find them.

Q So he was coming from the High Bridge side?

A Yes.

Q And what time would this have been? When did you start calling, if you know?

A At 3:11, I think was the first – when I crossed Wilsons Bridge, and then two minutes later, I got to High Bridge, so about 3 –

Q Got to the actual entrance?

A Yeah.

Q Okay. And you actually looked at your phone data to know that time; is that correct?

A Yes.

Q So you walked toward Freedom Bridge?

A At first, I walked toward – down towards the water.

Q Oh, okay, you went down toward the water. So there's another trail?

A Yes, a short one that just goes just down to Deer Creek.

Q Okay. Did you see anybody down there?

A No.

Q And where did you go from there?

A I come back up the hill and then turned towards Freedom Bridge and walked down to Freedom Bridge.

Q Are you still calling L.G.'s phone at this point?

A Yeah, a couple times.

Q What were you driving at that time?

A A Subaru station wagon.
Q What color was it?
A White.
Q So you go down to Freedom Bridge, you come back, then where – what do you do?
A I come back and went back to the car and I was – then I started calling – well, I think I called Mom first when I got to Freedom Bridge, and she hadn't heard anything from them, so I walked back to the car and called again and still no answer, so then I think I called Mom back again after that.
Q When you say "Mom", you're talking about Becky Patty; right?
A Yes.
Q Okay. Were you calling for the girls at any point, like yelling their name?
A Yes.
Q And where were you doing that?
A Just on the trail.
Q So in all of the directions that you had gone, you were yelling for them?
A Yes.
Q And you got no response?
A Correct.
Q Did you, at some point then, walk to the High Bridge?
A Yeah. I got back out of the car – I sat there for about 15 minutes and still nothing, so I got out of the car and walked – then I walked back to High Bridge.
Q Did you see people either on your way or at the High Bridge?
A Well, while I was sitting in my car, that's when Dave McCain ended up coming back and leaving, and two kids pulled up and they walked back to High

Bridge, and that's who was back there when I got to High Bridge.

Q Okay. So by the time you walked to High Bridge, Mr. McCain's gone. When you get to High Bridge, do you cross the bridge?

A No.

Q And at some point, do other family members arrive; and if so, when?

A Yeah. When I – as soon as I got to High Bridge, those kids were – they were sitting on the first little deck on the bridge, and I asked them if they seen anybody, and they said no, and that's when Kelsi and Cody come up behind me, they had gotten there and –

Q Okay. So we've all looked at a video of the bridge, I want to use the same terminology. You say kids are on a deck on the High Bridge. Is that a platform that extends out off the bridge?

A Yes.

Q Okay. And you're calling that a deck?

A Yeah. It's just about a 4-foot by 6-foot place where you could step off to the side.

Q Okay. And these kids that you saw out there, boys? Girls? Can you tell?

A A boy and a girl.

Q So who is it from your family then that arrives behind you?

A Kelsi and Cody, my brother.

Q At that time, do you recall that there was a barricade between the path and the abandon railroad trestle?

A Yeah, there's an I-beam that goes across.

Q But could it – could a person walk around it?

A Yeah, around it. You could step under it, 'cause it's about this high.

(Indicates)

Q And at that point, do you have a conversation with Kelsi and Cody?

A Yeah, it was brief. They said they were going across the bridge.

Q And then what did you do?

A I walked back towards the car.

Q What did you do back at the car?

A My sister was parked there at the entrance, I got in her vehicle and tried to figure out what to do next.

Q Okay. Did you see your mother or Mike Patty at the trail when they came to help look?

A Yeah.

Q Anyone else from your family that you recall?

A Not at that – Mom pulled up and parked across the road, was talking to AT&T, and then Mike pulled up and parked across the road on the other side a little – just shortly after that.

Q So was that area of the trailhead across from Mears getting kind of full at that point?

A Yeah.

Q Okay.

A It was.

Q There was your vehicle, the two kids that came, did they come on different –

A They were on A – one was on a moped and one was on like Ranger – Razor.

Q Okay. And so they're taking up parking space. You said your sister arrived; was she in a car?

A Yes.

Q All right. So there's two cars and a couple of ATVs or scooters. And then any other cars on that side? Is the parking area taken up at that point?

A Yeah. That's why Mom parked across the road, like kind of in the ditch.

Q Okay. And then, Mike did, as well?

A Yeah.

Q After you meet with your sister at the car, do you go back out on the trail?

A Yes.

Q And did you, at any point, go to the police station?

A Yeah. We were on the – when I got back out and went down the trail, I don't even think I made it to the end, and I don't know – I don't remember if that's when the cops and people started showing up, and then it was shortly after that they said they wanted us to go to the Sheriff's Department.

Q So you never made it all the way back out to the High Bridge again?

A No.

Q When you went to the police station, do you think it was still light out?

A Yes.

Q And did you look for them anywhere else?

A Yeah. I – my brother and I, we ended up going and driving around town looking.

Q Was that before or after going to the police station?

A After.

Q Okay. What kinds of places were you looking for the girls?

A Other parts of the trail that go through town, like down by the canal and over the bridge behind Pizza Hut and –

Q Did you, at some point, go back out to the Monon High Bridge trail?

A Yeah, that's – yeah, my car was there, so Cody and I went back out there and I went looking again.

Q So when you left to go to the police station, you were not driving your car?

A I don't remember for sure, but I'm pretty sure I left my car there.

Q Okay. And then your recollection is that Cody brought you back?

A Yeah, I rode with Cody into town and then he brought me back to my car.

Q And so what did you do from there with regard to searching for the girls?

A I walked back down to High Bridge and searched the woods off to the left.

Q And so what did you use to help you to search in the dark?

A My little flashlight.

Q Where did that come from?

A I just always have one in the vehicle.

Q Were you searching by yourself at that point?

A Yes.

Q Did you know if Cody was searching, as well?

A I don't remember.

Q I'd like to show you a map of the area. Derrick, I'm making reference to State's Exhibit 3, it has a sticker up here, it's a picture of the area. Do you recognize it as the area that shows the High Bridge?

A Yes.

Q Okay. Would you be able to come down here and point out the area where you were looking, please.

A Yeah, I didn't – I did not cross the bridge, so I stayed up in this area up here. (Indicates)

Q Okay. So I want you to turn to your side so that the jury can see the picture, but also see where you're pointing at; okay?
A Okay.
Q All right. Would you agree this is the trail?
A Yes.
Q Okay. And so where did you leave the trail before the High Bridge?
A Just right at the High Bridge.
Q Okay. And what direction did you go?
A I went back this way, I just wove my way through the woods.
Q Okay. This area through here, can you go down by the water?
A It's pretty steep and it's high.
Q Okay. And so did you go down by the water here?
A No.
Q All right. So with your finger, indicate to the jury what area you searched the day they went missing.
A I searched all this around in this ravine.
Q Okay. And point out for the jury and the Court where the ravine is.
A Right here. (Indicates)
Q Okay. So there's a – kind of a dark area on the picture; would you agree?
A Yeah.
Q And what is this area up here? (Indicates)
A A cemetery.
Q Okay. And so the ravine runs south from the cemetery?
A Yes.
Q When you're out there, is that an area that you could have passed over

and continued to look?

A No. It was midnight, so it was pitch black, and it's – it – that's a big ravine.

Q Okay. Was it easy to go through this area at – is it – are there trails?

A No, it's woods.

Q Okay. And so with your flashlight, you said from your car, how much area could you see in front of you?

A About ten feet maybe.

Q Okay. And you're coming from the trail here right before the bridge?

A Yes.

Q Is this also a high bank?

A Yeah, all the way around there.

Q That is – okay. All the way on the north side is a high bank. So you come around here. How do you go back?

A I walked back to the trail, just right around this edge, and that's when they said they was shutting the search down till morning.

Q Okay. When you were searching this area, what time of night are we talking about?

A Ten, 11, 12.

Q And could you see flashlights of other people searching?

A Over here. (Indicates)

Q And you're pointing to an area south of the water, south of Deer Creek; is that right?

A Yes.

Q And would that be the area under the High Bridge?

A Yes.

Q Okay. But you've never crossed this?
A No.
Q And so you've never been on the bridge to see the aerial look; right?
A No.
Q Okay. But you could see flashlights over there?
A Yeah. It was all lit up, 'cause the firetruck was out.
Q Okay. And this is on the 13th, the day they go missing?
A Yes.
Q Okay. Did you see any flashlights to the east of the ravine?
A No.
Q And you said you go back to the trail; and do you head back to your car at that point?
A Yeah, went to the car at that point.
Q Okay. On the next day, so Tuesday, February 14th, do you participate in the search?
A Yes.
Q And where did you go to begin that and how did you participate?
A We went to the City Building and they put us all in groups and gave us a search area.
Q Okay. Were you given a search area?
A This area.
Q The same one?
A Yeah. And it ended at the ravine.
Q Okay. Did they give it to you on a map or did they have a big picture –
A Yeah.

Q -- and say, "This is yours"?
A There was a map. Like we all got in our groups and they gave one person, you know, a map of where to go –
Q Okay. How many –
A -- to start to look.
Q Sorry. Go ahead.
A And there was probably ten of us.
Q In your group?
A Yeah.
Q Okay. So on Tuesday, the 14th, you go back out to the High Bridge and you're to search the same area?
A Yes.
Q Okay. And how do you get to the area the second day?
A I drove and we parked down by the CPS building.
Q Okay. Which is farther back off the map?
A Yes.
Q Okay. And how did you get to your area?
A We walked. I mean, our search area was like from here. (Indicates)
Q And when you pointed back up there to the area, you're saying –
A It's like the entrance.
Q At the entrance, okay. So you recognized it on this map?
A Yeah.
Q And so how do you get from the CPS building to the entrance?
A Walked.
Q On the trail or on the road?

A On the road.
Q So when you enter the trail at that point, are you searching any of the fields, open area?
A No, we just searched the woods back.
Q Okay. So the woods along the trail on the way?
A Yes.
Q When you get to the area that opens up to a bigger wooded area, are you spreading out?
A Yeah.
Q And is anybody with you as you do your path?
A My daughter Glenna was with me, she stayed with me the whole way.
Q Okay. So could you indicate for us then what area you searched on the second day.
A Well, when we got back to the woods, we stayed, you know, here, like along the field.
Q Okay. And so go ahead and – how far did you go?
A We made it all the way back to the ravine.
Q Okay. What happens when you get to the ravine?
A Well, I ran into my aunt, and we stood there and talked for about five minutes, 'cause I seen everybody else walking back to the entrance, 'cause when we got done, we were supposed to go back and get a new search area.
Q Okay. Was – what's your aunt's name that you ran into?
A Melissa.
Q And what was her last name at the time?
A Marchand.

Q Okay. If I said Becky testified that it was her sister Melissa Lowery, are we talking about the same person?
A Yes.
Q Okay. All right. So you see Melissa?
A Yeah.
Q Was Melissa in your group?
A No.
Q Do you know where she was supposed to be searching?
A No. I think she was just out there searching. I don't know if she was in a group.
Q Okay. So you come across here and you're with Glenna, your daughter –
A Yes.
Q -- and you run into Melissa.
A Yes.
Q Where are you when you run into Melissa?
A Like right here at the edge of the ravine.
Q And so do you know what area she had come from?
A She come up behind us.
Q Oh, behind you?
A Yeah.
Q Okay. All right. And then, where do you go from there?
A We – I said, "We have to get back to the entrance," the rest of the group was already about – you know, I could see them in the field going back, and she said, "Well, I'm gonna go down and check down here."
Q Okay.

A But she went down in the ravine.

Q So she continues this direction? (Indicates)

A Yes.

Q Okay. The area up here by the field and cemetery, is it flat up here? Or do you know?

A I don't really remember exactly where it starts getting real steep, but it – I was pretty close to the cemetery.

Q Okay. You could see that there's a cemetery there?

A Yeah.

Q But it was still too steep, in your opinion, to cross?

A Yeah.

Q Okay. All right. You can have a seat. After you separate from Melissa, how do you learn that L.G. and A.W. have been found?

A By the time I got back to the entrance, there was already a murmur, you know, something – I could tell something was up.

Q So did someone specifically tell you?

A No, I just heard Mom screaming. She had heard something.

Q When you got back to the entrance, did you see your Aunt Melissa there?

A She come running off the trail, screaming also.

Q And did – do you then go somewhere where you actually receive official notification that they are deceased?

A Not – I think I saw the Coroner and about 12 cop cars drive by, so I knew, so I just – I found out where Kelsi was at.

Q You called Kelsi?

A Yeah.

Q Did you go meet with her?
A Yeah. She was at – my dad took her back to his house, so I went there.
Q Are we talking about Brad German?
A Yes.
Q I don't want to embarrass you, but you're a big man, and it seems like that would have been a difficult area to traverse, would you agree?
A Yeah.
Q So was it also hard when it was dark?
A It was harder.
Q Okay. And you're confident that you did not see, on the first night, any flashlights of people looking on the north side of the creek to the east of the ravine?
A Yeah, I don't remember seeing anybody over there.

MS. DIENER: Okay. I appreciate that. Thank you.

THE COURT: Mr. Baldwin.

MR. BALDWIN: Thank you.

CROSS EXAMINATION OF DERRICK GERMAN

QUESTIONS BY MR. BALDWIN.

Q And you were searching you said from like 10 p.m. to – in that area, 10 p.m. to midnight area?
A When we went back, yeah.
Q Okay. But you don't know who was searching in what areas before that?
A No.
Q Okay. I wanted to kind of help – I think it's a little difficult still for – to understand where everything is, so I wanted to ask – if I'm on the Mears trail,

the Mears entrance – do you know what I'm talking about?

A Yes.

Q And if you walk down the Mears entrance, kind of where that – oh, you weren't here for that – and now you're at the main trail; you know where I'm talking about?

A Yes.

Q And if you turn right, where are you going?

A Freedom Bridge.

Q And what does the Freedom Bridge look like?

A It's a big, blue bridge.

Q Big, blue bridge. Okay. So you turn right off Mears entrance, you're gonna head down to Freedom Bridge. And there's another bridge beyond that even, isn't there? Right behind the Mears – or the Freedom Bridge was like a – is it called the Railroad Bridge? You know what I'm talking about?

A No.

Q Oh, okay. That's fine. So if you turn right, you go to the Freedom Bridge. If you turn left, you're headed toward –

A High Bridge.

Q -- the High Bridge; right? And if you go straight, you go down that trail you went down.

A Goes down to Deer Creek.

Q But that's not paved or anything, that's just kind of a dirt trail and there's –

A Right.

Q -- branches everywhere? So when you – I want to make sure I got this

correct: You ran into Dave McCain, who you later found out was McCain, coming from the High Bridge side when you got to the Mears – from the Mears entrance to the – to that place where you can either go right, left, or straight?

A Correct.

Q And you think that was at 3:11?

A No. 3:11's when I called them – called the first time to let her know I was almost there.

Q Oh, okay. So what time would that have been maybe?

A Maybe 25 after.

Q Twenty-five after, okay. So you see Dave McCain at 25 after 3 p.m. coming from the High Bridge side; is that correct?

A Correct.

Q Great. Okay. And he said to you – I think is what he said, he didn't see anybody; is that right?

A He said he saw a couple, like down there taking pictures.

Q Okay. He saw a couple down there.

A Yeah.

Q Did he say he heard any screams?

A No.

Q You said that there were lights – when you were there between 10 and midnight, you saw there were a lot of lights, not flashlights, but other types of lights; right?

A Yeah, there were – there was – they had some big lights set up on the other side.

Q Okay. So if this, I believe, is the Freedom – is this heading over to the

Freedom Bridge; correct? This way?

A No. That's High Bridge.

Q Thank you. I do that all the time. High Bridge. Thank you for correcting me. This is – if you – the Mears entrance is somewhere over here; right?

A Yeah. It's basically the edge of the picture right there.

Q Yeah. You go on here and then you go down here. (Indicates) That's where you encountered McCain is somewhere over here? (Indicates)

A Right where all the trails come together.

Q Okay. And then, you travelled – if you travel down here, you're gonna get to the High Bridge. And then you said – where were the lights? They were on the other side? Does that mean this side here? (Indicates)

A Yeah. They were actually on that little service road.

Q On the service road?

A Yeah, 'cause they pulled the fire truck down there.

Q Oh, I see. So they were on this service road down here. Were they facing that way? (Indicates)

A Yeah.

Q Okay. So were they – was it bright enough that it would have illuminated this creek here?

A Yeah, some.

Q Okay. You saw that there were tons of people out looking for the girls; is that correct?

A There were several people out, yes.

Q I think what you told me before was tons of people.

A I don't remember what I said before then.

Q All right. I don't want to bicker over the terminology. Lots of flashlights?
A Yes.
Q You don't know exactly where every flashlight was, but you saw lots of them?
A Correct.
Q When you were searching for L.G. between 10 and midnight, were you ever in a flat area, looking around?
A Yeah. I mean, there was some flat areas.
Q It's difficult – we get a lot of phone numbers that, when we're checking out at different things. Would you mind telling us what the last four digits of your phone number are, so that we can compare it to other –
A 9199.
Q And that's what it was back then?
A Yes.
Q When you were growing up, did you go out into those woods?
A No.
Q So that was unfamiliar territory for you?
A Right.

MR. BALDWIN: No other questions. Thank you.

THE COURT: Ms. Diener.

MS. DIENER: No questions, Judge.

THE COURT: Does anybody on the jury have any questions for Mr. German?

(No response or indication from any juror.)

THE COURT: All right. Thank you, Mr. German. You may step

down. All right. Ladies and gentlemen, this is an appropriate time for us to take our afternoon recess. While you're outside of the courtroom, please, keep your minds open. Please don't form any opinions or conclusions about anything. You may discuss the evidence that you've heard so far, but please, only have those discussions if all 16 of you are present in the jury room at the same time and then, please, don't deliberate. Gentlemen.

THE BAILIFF: All rise.

(Jury out at 3:28 p.m.)

THE COURT: All right. Resume at 3:45, please. Jodie, you can go off the record.

(Off record at 3:29 p.m.)

(On record at 3:52 p.m.)

MR. BALDWIN: Judge, may I approach?

THE COURT: Yes.

(Sidebar conference conducted.)

MR. BALDWIN: I – is that Anna Williams going next?

MS. DIENER: Um-hmm. (Affirmative response)

MR. BALDWIN: We may need – related to an offer of proof for the other stuff, we may need, at the very end, for – to have the jury excused so – I don't know exactly how you want it done – an offer of proof that – I would have some questions related to some of the things that you did not allow.

MS. AUGER: Third parties.

MR. BALDWIN: The third-party stuff related to Anna Williams, and I just – I don't want to deal with that now, I didn't know how – because we haven't had –

THE COURT: Well, it hasn't come up yet, has it? I mean –

MR. BALDWIN: No, no, no, no, no. I'm not doing a very good job of explaining. There's some questions that we would ask related to Patrick Westfall.

THE COURT: Of whom?

MR. BALDWIN: I'm sorry?

THE COURT: Of whom?

MR. BALDWIN: Of Anna Williams.

THE COURT: Is she coming next?

MR. BALDWIN: She's next.

THE COURT: Okay.

MR. BALDWIN: And I'm just saying at the end of it, I might – it just depends on how everybody wants to do it.

THE COURT: Okay.

MR. BALDWIN: I may ask for the Court – for me to have a hearing outside the presence of the jury to do – it won't be very long.

THE COURT: Well, we're gonna go to about 5.

MR. BALDWIN: Okay.

THE COURT: So I don't know how long this witness is gonna take, and maybe that would be a natural time to do that.

MR. BALDWIN: Oh, yeah. Thank you.

THE COURT: Okay.

MR. MCLELAND: Could you say that last part again, Judge. This is after – they're gonna testify and that'll be our last witness?

THE COURT: Well, I'm going until 5.

MR. MCLELAND: Okay.

THE COURT: So I don't know how long that witness is gonna take, but maybe if it's –

MS. DIENER: It should be shorter –

THE COURT: Okay.

MS. DIENER: -- than the others.

THE COURT: But that may be, at that point, a natural –

THE BAILIFF: Quiet in the courtroom.

MS. DIENER: It's not going to come up. Maybe it would come up if she was asked (inaudible)

THE COURT: Okay.

MR. BALDWIN: I might just –

MS. DIENER: -- in the presence of the jury.

THE COURT: Okay.

MR. BALDWIN: Oh, I – yeah. Well, that's obvious.

THE COURT: Oh, yeah, yeah, yeah.

MR. BALDWIN: That's why I'm up here now.

THE COURT: Okay.

MR. BALDWIN: Thank you.

MS. DIENER: Okay.

THE COURT: Thank you.

(Sidebar conference concluded.)

THE COURT: Okay. Can we bring the jury back in. We ready? Hello, people, I'm speaking to you. Are we ready?

MR. MCLELAND: Yes, Your Honor.

MR. ROZZI: Yes, Judge.

MR. MCLELAND: Sorry.

THE COURT: Thank you.

THE BAILIFF: All rise.

(Jury in at 3:56 p.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thank you, gentlemen. Ms. Diener, you may call your next witness.

MS. DIENER: Judge, I have a preliminary matter.

THE COURT: Yes.

MS. DIENER: That photograph I already published to the jury and was passed, I did make copies of that. Can I –

THE COURT: That was State's Exhibit 1?

MS. DIENER: Yes. Can I give those to the –

THE COURT: Yes. Yes, you may.

MS. DIENER: -- Court or to the –

THE COURT: You may.

STATE'S EXHIBIT 1 PUBLISHED

THE COURT: Ladies and gentlemen, you've already seen the photograph. That is your copy now, just put that in your folders for your use in deliberations.

MS. DIENER: Judge, the State would call Anna Williams.

(Witness sworn.)

DIRECT EXAMINATION OF ANNA WILLIAMS

QUESTIONS BY MS. DIENER.

Q Good afternoon. Can you tell the Court your full name.

A Anna Michelle Williams.
Q And how do you spell Anna?
A A-N-N-A.
Q How do you spell Williams?
A W-I-L-L-I-A-M-S.
Q Okay. You are the mother of A.W.; is that correct?
A Yes, I am.
Q And in February of 2017, were you and A.W. living in the Delphi area?
A Yes, we were.
Q Were you in town or out in the country?
A We live out in the country.
Q Were you living with other family members or just the two of you?
A Yes, we were at that time.
Q And who did you live with?
A My mom, my stepdad, at least one of my sisters, and we had grandparents throughout different parts of the wintertime.
Q And did you grow up in this area?
A We did not. We grew up in northern Michigan.
Q So what brought you and A.W. to the Delphi area?
A My dad was a high school automotive teacher and he transferred to Lafayette College. And after my divorce in 2006, my daughter and I moved down here when she was two.
Q So for A.W., she was here for most of her life?
A Most of her life, yes.
Q Did she attend the Delphi public schools?

A Yes.
Q And in February of 2017, how old was she?
A Thirteen.
Q Now, you lived in the country, so how did she get to school?
A She took the school bus.
Q Did she take it both ways?
A Ninety-five percent of the time, yes, unless she had an after-school sport.
Q And then what would happen?
A She would stay after school and, occasionally, walk across the road where I work.
Q To where you work?
A Um-hmm. (Affirmative response)
Q And so where were you working at the time that would be across the street from the school?
A St. Elizabeth Healthcare.
Q What was your job there?
A I worked in the kitchen, I served lunch and dinner.
Q Did you also have another job?
A I also bartended/waitressed part-time at the Dock in Pittsburgh, just down the road.
Q Okay. Did you have a set schedule at the St. Elizabeth Healthcare?
A Sometimes yes, sometimes not.
Q And the job at the Dock, would that be a particular time of day or days of the week?
A More evenings, afternoons and evenings.

Q What about weekends?

A Generally every other weekend unless I covered a shift for somebody.

Q Okay. So taking you – well, let's talk about A.W. first. How would you describe her for someone who didn't know her?

A She was a very kind-hearted little girl, helpful, funny, smart, quiet, reserved around strangers, but also one of her favorite things at home and in the public was, "How can I help? What can I do to help? What can I do to help?"

Q Okay. How did she do in school?

A Fair to some extent. She loved to read. She had special things that she liked to do, and then other stuff, not quite as important, but she was always a good student and a good friend, too. I mean, most of her teachers loved her.

Q That's great. Did she have a large circle of friends or did she keep her group small?

A I feel like she had a pretty small group of friends. She had the same kids mostly in band and in volleyball. She would have done softball with L.G. that spring, and most of the same kids are all in the same groups in that, not all of them, but most of them.

Q Okay. And so would you have an opportunity then, back then, to get to know her friends in band and volleyball?

A To some extent, yeah. I worked a lot of evenings and a lot of weekends, and I wasn't able to go to all of the games all of the times, but I knew the kids because they'd played volleyball three years in a row, so same girls.

Q Would A.W. have friends spend the night or would she go to other people's houses?

A She was at her friends' house more than they stayed at our house. With

my work schedule and her being with her grandparents, I didn't find it appropriate or – I didn't have people come and stay and have other people be responsible for her friends –

Q Okay.

A -- if I couldn't be there.

Q It would be more common for her to stay at a friend's house than for her to have people over?

A Yes.

Q Simply because you weren't available to supervise?

A Correct.

Q You indicated that she was a participant in band and volleyball and you said she was going to be participating in softball. Did she have other school-related activities, in addition to sports?

A Nothing much with the school. She had a few church different – church activities, but those were the only sports that she stuck with.

Q Okay. Did A.W. have a phone, a cell phone?

A She did not.

Q And was that just a parental decision not to give her one?

A Correct. I decided that once she had joined softball and once she got into the high school, which she'd finished up – she'd have finished up eighth grade – once she got to high school, it would be necessary for us to maintain contact of when I would pick her up, drop her of, instead of her borrowing a phone and me not knowing, you how, how much longer before the bus got there, etcetera.

Q Okay. So up to this point, was it working pretty well that she didn't have one yet?

A It was fine.

Q Now, you said she was kind of shy; correct?

A Yes.

Q And how was she as far as comfort level in communicating with adults that she did not know?

A I pushed for her to try to maintain contact once people spoke to her, even at 7, 8, 9. I said, "Well, so-and-so was talking. You need to look at them, it's important that you do that. You need to look at somebody when they're talking to you." I worked with her, but she wouldn't go out of her way to go up to a complete stranger most anywhere. When I worked at the nursing home, she might speak to an older resident, but that was – you know that was about it. She didn't go out of her way to talk to folks she didn't know.

Q What about her willingness to take risks? Was she brave? Was she cautious? Did lots of things scare her?

A She loved roller coasters and I guess heights didn't bother her as much as they bother me.

Q Okay. What about something that was truly scary though? A roller coaster is an amusement park ride. What about, let's say, the High Bridge? Are you familiar with the High Bridge?

A I was familiar with the High Bridge, we had been out there a couple of times before, her and I and with our family. I never indicated any interest of going across the bridge and never knew she had inclined to do so at all ever.

Q In fact, if she had asked permission to go across the bridge?

A Absolutely not.

Q Now, I assume you had a cell phone in 2017.

A Yes.

Q And would you have had contact information for Becky Patty, L.G.'s grandmother, in order to communicate if the girls were together?

A Yes; but a lot of times, they would have gotten a hold of me through L.G.'s phone.

Q Okay. Because L.G. had your number?

A Yeah.

Q Okay. And had you and Becky Patty communicated before because of things the girls did together?

A I'm sure we had, though, at the end of the day, it turns – I didn't have her number in my phone, as in it wasn't saved with a name, but I'm sure we had with her or with Kelsi. I mean, we'd communicated, maybe it was even on speaker phone, so the girls had the phones and we were just present for it. It's –

Q And you mentioned Kelsi, we're talking about Kelsi German; correct?

A Yeah.

Q And that would be L.G.'s older sister?

A Yes.

Q Were you familiar with Kelsi?

A Yeah.

Q And what was it that made you familiar with her?

A A.W. had been over there before and I remember that, on one of the other occasions, besides her traveling to Florida with them for Spring Break years prior, her saying, "Oh, yeah, we rode with Kelsi to go pick up a cake." And I was like, "Oh, okay", you know. I mean, she was an older sister, she was – like our

house, there was always kids coming and going to some extent.

Q Did A.W. have any siblings at the time?

A No.

Q Would you characterize you and A.W. as close?

A I would think so, yeah.

Q So on the 13th of February, 2017, do you remember that it was day when there was no school?

A Correct.

Q And so had – it's been clear from testimony that she spent the night with L.G. the night before; correct?

A Yes.

Q And so in the weekend just prior to that, had A.W. been at home or what was she doing during the weekend?

A My father came down from Michigan, and she had spent the night prior to all of this with him, picking up her new softball gear.

Q And so where did she spend her time with her grandfather when he came down?

A Well, they like to go shopping, but I believe that particular weekend they had stayed at the Brandywine Hotel in Monticello. She liked the pool there.

Q Okay. And how many nights did she get to do that, if you remember? It's not important.

A It was at least Saturday night for sure.

Q And then, after she spent Saturday night with her grandfather at the hotel in Monticello, did you get to see her on Sunday before she went to L.G.'s house?

A Yes. We had – I picked her up, I think I had to get my tires worked on at

Walmart, something, and then we came back into town and we met her down at the – we met L.G. down at the park.

Q You remember being at the park?

A Yeah, we were at the park, I had A.W., L.G. was there, and I cannot recall if I went and picked her up or if she met us there, I've never been able to recall that particular part.

Q Okay. So you spent some time at the park?

A Yeah.

Q Did A.W. leave with L.G. from the park?

A They left with me from the park. I brought them back to my house because, in the car ride to me taking L.G. home, it was asked if she could spend the night, and I said, "Well, I saw that coming. Sure." She says, "Well, I have to get stuff." So I took her back to the house to get an overnight bag and paints and crafts, I don't know, they took a bunch of little bags and boxes of stuff out of the house, and then I took them to Mike and Becky.

Q Okay. So she's at Mike and Becky's. The next day is Monday. So what's your day look like relative to the fact that she doesn't have any school? What's the plan?

A I am now working at Milner's Health Care in Rossville, Indiana.

Q On that particular day?

A On that particular day, and that was the morning shift. I think I talked to her on a break, she asked if she could stay the rest of the afternoon, and I said, "Well, that's not a problem, except for I have to be at the bartending job just through the dinner shift, which should be about eight o'clock; so either I pick you up before or I wait until after." And conversation went back and forth, and

Becky said it was fine that she stay until after dinner. And I said, "Okay. Well, I'll just come pick her up as soon as I'm done, then."

Q Okay. And just so the jury's aware, the Dock is a restaurant located where?

A Pittsburgh, Indiana, just down the road, right across the bridge.

Q Okay.

A Down that way.

Q So from the courthouse to get to the dock, how long would you say it takes?

A Less than five minutes.

Q And the park you were talking to is in town?

A Riley Park. Again, just down the road that way.

Q And from town to your house?

A Three miles.

Q So everything's very close?

A Everything's very close.

Q So on Monday, you know now that she's going to stay until eight o'clock?

A Yes.

Q Or when you're done with your shift.

A Approximately, yeah.

Q Okay. At that point, do you know that she is at the High Bridge trail?

A No.

Q At what point do you learn that she had been at the trail?

A When I was at work that evening around 5:30-ish I think. Becky called me and said that the girls had gone out for a walk and they were supposed to get picked up and they had not returned, and they had searched and, "Can you

meet me at the Sheriff's Department?"

Q When you got to speak with Becky – was this a conversation that you're talking about right now?

A (Responds by nodding head in the affirmative.)

Q Is that a yes?

A Yes.

Q Okay.

A Sorry.

Q When you had an opportunity to talk to her, could you tell from your phone that she had previously tried to reach you multiple times?

A Yes. She had called my cell phone and I kept missing the call, whether it was dropping out from the location or I just didn't get to it in time, but it had – she had called me like three times back to back within a very short period of time, like not within hours, just literally in 10, 15 minutes of calling.

Q And you said that you were receiving calls, but you didn't have a name attached to her number, so –

A Yes.

Q -- when you look at it, do you even realize that it's Becky Patty?

A No.

Q Okay. When you actually get to answer the call, is that the point at which you know that that number is now related to the previous calls?

A Yes.

Q So do you go to the Sheriff's Department?

A Yes.

Q And this is at 5:30-ish, so do you just leave your shift and go at that point?

A Yeah. I had a couple of tables to close out. I kind of explained, I said, "Well, they've just called me," and I said, "I don't know what these girls are up to, but it's probably not that big of a deal, but I'm going down there, and if I can come back," you know, transferred a couple of tables over to somebody else and out the door I went.

Q Okay. So you certainly didn't think that there was something horrific that had happened?

A No.

Q Had you ever had an issue where A.W. disappeared before and you couldn't find her and then it turned out to be nothing?

A They'd had one incident prior to that in the high school gym.

Q L.G. and A.W. did?

A Um-hmm. (Affirmative response)

Q Okay. What can you tell us about it?

A They were there watching a swim meet and neither of them were answering their phones, and I thought she'd gone home or that they'd changed their mind or that something had been cancelled, but nobody was out front, nobody was at the house at my house, I couldn't get ahold of anybody, so I went back to the school and they just walked out from the basement of the school. I said, "You guys, I've been frantic." I said, "Please don't do that. Go where you're supposed to." And that was the only time and that was – had not been but a year, but that's it.

Q It was a year prior?

A If that.

Q Okay.

A If that. That was not in their habit, because they didn't go places by themselves. They were at the school for volleyball, they were at the school for meets and things like that, that was it.

Q And so you talk about that like you were there to pick them up and they didn't – they weren't outside?

A Correct.

Q And so were you in communication with L.G. on that particular incident – instance because A.W. didn't have a phone?

A Correct.

Q And since you were the one picking them up, if Becky Patty or Kelsi didn't remember that particular incident, would it be because they weren't involved in the pick-up?

A I wasn't actually picking them up. It was supposed to be me dropping the money off to A.W. while they stayed for an event and then nobody was there, and so I thought something had happened; of course, she couldn't have called me. Went home, came back to the school, talked with a few other parents, and about 10, 15 minutes later, one of the parents had seen one of the girls and said, "Your mother is looking for you and you need to go outside." And they both marched out.

Q Okay. So you were there to drop off money –

A Yep.

Q -- for them to stay for an event? Okay. Other than that, had you had any concern about A.W. like not showing up when you needed to pick her up?

A No.

Q Okay. Any concern about her being safe in the care of the Patty family?

A Absolutely not.

MS. DIENER: No other questions.

THE COURT: Mr. Baldwin.

CROSS EXAMINATION OF ANNA WILLIAMS

QUESTIONS BY MR. BALDWIN.

Q Hi, Anna. How would you describe A.W.'s voice? Was it soft when she normally talked or was it kind of average or louder? Any way you could describe it?

A I would say A.W.'s voice depended upon who she was speaking with. When she was with her family and her friends and her cousins, she spoke pretty candidly and pretty openly; but if you were to walk up and speak to her, she would probably go down to about this level and keep a pretty low tone.

Q And did she have more of a high-pitched voice or lower pitch?

A She was high-pitched when she got excited.

MR. BALDWIN: I think that's all the questions I have. Thank you.

THE COURT: Ms. Diener.

MS. DIENER: No re-direct.

THE COURT: Does anybody on the jury have any questions for Ms. Williams?

(No response or indication from any juror.)

THE COURT: All right. Thank you, Ms. Williams. You may step down. You may call your next witness.

MS. DIENER: Judge, the State didn't have other witnesses scheduled for today.

MR. MCLELAND: Judge, yes, I can continue on, if the Court wants

to. I thought there was gonna be some other proceedings outside the presence of the jury, but I'm happy to continue on forward with witnesses.

MR. BALDWIN: Can we approach?

THE COURT: You want to go over here? Over here.

(Sidebar conference conducted.)

THE COURT: So they told me that this is recording.

MS. DIENER: Okay, great.

MR. BALDWIN: I'm not gonna have Anna go through an examination which might not be very comfortable for her, and I don't really want that to come out. I'm gonna, rather, introduce her deposition, and I can just do that at some other point in time.

THE COURT: Oh, okay.

MR. BALDWIN: That will be a good way to do it, I think. I wanted to get more information out of her, but it's not worth it, it's just not, so –

MS DIENER: Judge, may we have a moment to decide whether we want to agree to the deposition in place of her testimony for something in particular before we would agree or object? So if he goes ahead and does another witness and we re-address this issue, would that be permissible?

THE COURT: She's still under subpoena; right?

MS. DIENER: And she's still under subpoena.

THE COURT: So that –

MS. DIENER: Yeah, and she'll be here the rest of the day.

THE COURT: Okay. All right.

MR. BALDWIN: Yeah, that's good.

MS. DIENER: Yeah.

MR. BALDWIN: I can always bring her back in my –

THE COURT: Sure, sure.

MS. DIENER: Yeah, I'll just tell her –

MR. MCLELAND: My next witness may go past five o'clock. Is that something you want to do, Judge?

THE COURT: Yeah.

MR. MCLELAND: I know –

MS. DIENER: Yeah, 'cause the jury won't be here for the other part.

THE COURT: How far past five o'clock?

MR. MCLELAND: I don't know, Judge, that's what I'm worried about.

THE COURT: Who is it?

MR. MCLELAND: Mitch Catron, he's the first officer that responded to the call from the police department, so he's gonna talk about –

MR. BALDWIN: Jennifer's doing him, it's pretty long, I mean, from what I could tell.

THE COURT: Well, then we may –

MS. DIENER: We can do direct?

MR. MCLELAND: They did a deposition of him –

THE COURT: We may –

MR. MCLELAND: -- and so I figured it was gonna be lengthy, that's why.

THE COURT: Okay. Well, maybe we'll do – I hate to do it, but I'd rather do a split like that of a professional witness than with a civilian witness, if you're all right with that.

MR. BALDWIN: Yeah.

THE COURT: Okay.

MR. MCLELAND: All right, Judge.

(Sidebar conference concluded.)

THE COURT: Well, ladies and gentlemen, we do have a witness that we can call. It may be a rather lengthy witness, so we may have to split the witness's direct and cross, we'll just kind of play it by ear and see where we're at.

MR. MCLELAND: Judge, the State of Indiana would call Officer Mitch Catron. He's coming up now, Judge. Judge, while we're waiting for Deputy Catron to come up, I've had the – Steve Mullin put in a zip drive to the computer, it's gonna be a map photo on the screen. The parties are willing to stipulate to that. If the Court would allow, I'd like to use it for Deputy Catron and then I can have Ms. Williams mark it as State's Exhibit 5 I believe afterwards.

THE COURT: Sure. You're at 5.

STATE'S EXHIBIT 5 ADMITTED BY STIPULATION

MR. MCLELAND: Then, I want to make sure everybody can see this.

THE COURT: Come on up, Deputy.

MR. MCLELAND: Thank you, Judge. I apologize.

THE COURT: That's all right.

MR. MCLELAND: Deputy Catron, please.

(Witness sworn.)

DIRECT EXAMINATION OF DEPUTY MITCHELL CATRON

QUESTIONS BY MR. MCLELAND.

Q Will you state your name, please.
A Mitchell Catron.
Q And how are you employed?
A With the Carroll County Sheriff's Office.
Q And, Deputy Catron, I'm gonna ask you to speak up as best you can so that everybody can hear you. So we're having a little bit of issues with the microphone, sometimes it's amplifying and sometimes it's not, and so just use your best outside voice for me; does that work?
A That'll work.
Q All right. You're employed with the Carroll County Sheriff's Department; is that correct?
A That is correct.
Q And how long have you been employed there?
A Twelve years.
Q And did you have to go through special training or schooling to be a law enforcement officer?
A I did, Indiana Law Enforcement Academy.
Q And any other special training or education to be a law enforcement officer?
A We also go through a field training program, the hiring process.
Q And have you spent your entire career as a law enforcement officer with Carroll County?
A No. I was a reserve deputy in Clinton County for two years prior to that.
Q And so have you been with Carroll County for ten years?
A Twelve years.

Q Twelve years, okay. And have you been in and around Carroll County that entire 12 years?

A Yes.

Q And would you say you're familiar with the area?

A Yes.

Q I'm showing you what's been stipulated to and it's been marked as State's Exhibit 5 and it's a digital map that's on the TV screen here; can you see that?

A I can.

Q And can you describe the area that that map displays.

A Yes. That's County Road 300 North on the top end there. This the Hoosier Heartland, the multi-lane, going at an angle on the left-hand of the screen.

MR. MCLELAND: And, Judge, can I have the witness approach the map so that he may be able to point out some things for the jury so they better understanding the lay of the land?

THE COURT: You may.

Q Deputy Catron, do you mind coming down; and as you identify landmarks or markers on the map, would you be willing to use this pointer to point those out for me, please?

A Sure.

Q And so you were talking – where's the Hoosier Heartland?

THE COURT: Could you step to the side?

MR. MCLELAND: Oh, I'm sorry.

THE COURT: No.

MR. MCLELAND: Can you step –

THE COURT: One side or the other so that the jury can see.

MR. MCLELAND: Okay. Sorry.

THE WITNESS: Good?

MR. MCLELAND: Can the jury still see? Okay.

Q How about up here, Deputy? I think there's a microphone close enough. Make sure you use your best outside voice so that we can hear you.

A Okay. I'll stand right here.

Q Okay. Deputy Catron, can you point out the Hoosier Heartland.

A That's the Hoosier Heartland right here, this two-lane highway.

Q Let's get oriented in direction, north, south, east, west. Is the top of the screen north?

A This is north to the top of the screen.

Q Okay. And then east and west is to the left and the right of the screen; correct?

A Yep.

Q And where is the city of Delphi?

A It is located over this way. (Indicates) I can't see it on this map.

Q That's fine. So on the left-hand of the screen?

A Correct.

Q Just off of the screen?

A Correct.

Q And you pointed out the Hoosier Heartland; is that correct?

A Yes.

Q Where is the area commonly referred to as the Freedom Bridge?

A The Freedom Bridge would be this bridge crossing right there. (Indicates)

Q And it crosses the Hoosier Heartland?

A That is correct.

MS. DIENER: They're not seeing.

MR. MCLELAND: Okay. The jury's not seeing the pointer? Is that what – okay.

Q We're gonna go the old fashion way, we're gonna use your finger; okay?

A Okay.

Q So –

A Hoosier Heartland. (Indicates)

Q Hoosier Heartland.

A Freedom Bridge. (Indicates)

Q Okay.

A This is north.

Q Let's do this – oop, maybe. Okay. So let's kind of backtrack a little bit. Where's the city of Delphi?

A City of Delphi would be over here. (Indicates)

Q All right. Thank you, Deputy. Freedom Bridge again, can you point that out?

A Yep. Freedom Bridge crosses here. (Indicates)

Q And we've referred to a place in prior testimony, the old CPS building, can you point that out.

A Yes. It would have been in this area. Well, it's still there in this map I believe, right here. (Indicates)

Q Okay. And we've also talked about an area called the Mears entrance, can you find that on the map?

A This would be this entrance right here. (Indicates)

Q And where does that entrance lead?
A So this goes to the trails.
Q And the Freedom Bridge, is that connected to the trails?
A It is.
Q Can you tell me – show me on the map where it's connected to the trails.
A The Freedom Bridge crosses here and comes through here and this whole trail comes along here, to this Mears entrance. (Indicates)
Q And if you enter the Mears entrance and go to the east, where does the trail lead to?
A It goes to the Monon High Bridge.
Q And the Monon High Bridge is where?
A Right here. (Indicates)
Q And what is the body of water that crosses underneath the Monon High Bridge?
A That would be the Deer Creek.
Q And can you run your finger along the Deer Creek.
A Deer Creek here. (Indicates)
Q I know some of these questions are silly, but I want to make sure the jury has a good understanding of what we're talking about.
A Sure.
Q We've also talked about an area called the Hoosier Harvestore business; are you familiar with that?
A I am.
Q Can you point that out on the map.
A It would be this business here. (Indicates)

Q And what does that business – what are they in the business of?
A So the Hoosier Harvestore, my understanding is they have those big, blue silos that store silage for cattle, but they also have storage sheds along here, as well.
Q And those long buildings, are those the storage sheds?
A They are.
Q Okay. I want to take you back to February – I'm gonna ask you to stay at the map, 'cause I'm gonna have you point out some things. I wanted you to stay to the – my right of the map as best you can so the jury can see the map as you're speaking. I want to take you back to February 17th of 2000 – sorry, February 13th of 2017; were you on duty that day?
A I was.
Q And what shift were you working?
A Dayshift, which is 6 a.m. to 6 p.m.
Q And do you recall getting a call from Dispatch around 5:15 p.m. on that day?
A I do.
Q Can you tell me about that.
A Dispatch advised that there was a gentleman on the phone wanting to get assistance from us because a couple kids were missing or not showing up where they should be.
Q And do you know who the gentleman on the phone was?
A At that time, no.
Q Did you answer the phone?
A I did.

Q Did you make contact with the person on the other end?
A Yes.
Q And who was it?
A It ended up being Mr. Patty.
Q And what information did you get from Mr. Patty?
A Simply said that he was supposed to pick up these two kids at a location around the Freedom Bridge there, they weren't there. He was getting concerned because they had looked around a little bit and they're at a point where they want to reach out for more help to help look.
Q Did he indicate where the girls were supposed to be picked up at?
A I don't recall.
Q Okay. Did you find out the names of the girls at that point?
A Yes.
Q And who are – were they?
A They were identified as A.W. and L.G. at the time.
Q Okay. After you got that information, what did you do next?
A I went out – first, I either had Dispatch or myself announce it of what I was doing, what the call was. I then drove out to this lane. (Indicates) This is, I believe, 625 West, if I recall, I could be a little off on that, which goes to a private drive which is right here – (indicates) – which goes underneath this –
Q I'm gonna slow you down for a little bit –
A Yeah.
Q -- okay? I'm gonna make the picture a little bit bigger, so we can see what you're talking about. So point out – again, point out 625 on the map.
A So down here is County Road 625 West. (Indicates) And then right here,

at this right angle, this turns into a private drive, and all this here is all privately owned and a private driveway that loops all through the woods, and then it goes under the Monon High Bridge right here. (Indicates)

Q And I don't want to be elementary, but I want to make sure everybody understands. This white line, is that the private drive?

A Yes, it is.

Q And are there any –

MR. MCLELAND: I'm sorry, Judge, it's a little awkward.

Q Are there any houses on that private drive?

A Not until the very – there is a house here, but there are no other houses until this one here.

Q And who lives there?

A That would be Brad Weber, if I recall correctly.

MR. MCLELAND: Judge, can I check, can the jury still see everything okay? Okay. I just want to make sure before we go too far into this, Judge. Thank you.

Q And so you reported to 625, and I think your testimony was that you proceeded onto the private drive; is that correct?

A That is correct.

Q And you testified the private drive winds back to the house. Where is the Monon High Bridge?

A The Monon High Bridge, where it crosses this private drive, is right here. (Indicates)

Q That was a bad question. Where does the Monon High Bridge start?

A It starts in this area right here. (Indicates)

Q And it – does it start at a place that it is at the end of the trail, what we commonly refer to as at the end of the trail?
A That is correct.
Q And it proceeds across the Deer Creek; is that correct?
A Correct.
Q And it proceeds all the way past the private drive?
A That is correct.
Q If you know – this may be an unfair question. If you know, which way does the water flow?
A It should be flowing this way. (Indicates)
Q And so to the northeast would be upstream; is that fair?
A Yes.
Q And to the southwest would be downstream?
A Correct.
Q Okay. So you went to the private drive. The private drive, when it gets to the Monon High Bridge, tell me about that area there.
A So this area here, of course you can't see it, the bridge is very high in the air. This driveway is underneath of it. Although we're looking on top, this bridge is much taller, the driveway goes underneath of it.
Q So the private drive goes underneath the Monon High Bridge?
A That is correct.
Q Now, even though the Monon High Bridge crosses the Deer Creek, it is much longer than the span of the creek; is that fair?
A That is.
Q So again, point out where the Monon High Bridge starts.

A In this area here. (Indicates)
Q And where does it end?
A All the way here.
Q Okay. And so when you get to the private drive, what do you do?
A I get out of my police vehicle there and –
Q Show me where.
A Right here. (Indicates)
Q Okay.
A And –
Q So I would say on the northeast side of the Monon High Bridge?
A Right underneath of it, yeah.
Q Right underneath it? Okay. Is there anybody with you?
A No.
Q Okay. You're by yourself?
A Correct.
Q As you're doing this, are you reporting to Dispatch what you're doing?
A I believe so, yes.
Q Okay. So you get to that area. What do you do next?
A I get out of my police vehicle, I look around this general area just right in here. (Indicates)
Q How far away from your vehicle would you estimate that you looked?
A My vehicle was always in my sight, it was not very far.
Q What is the terrain like there?
A It's woodsy, very wood-like.
Q And you said the Monon High Bridge is up above you at this point?

A Yes.
Q Okay. Did you yell?
A No.
Q Did you yell out "A.W., L.G."; anything like that? Did you turn on your sirens?
A No.
Q Did you turn on your lights?
A No.
Q How long did you – were you outside your vehicle looking?
A I don't recall.
Q Thirty minutes? Three hours?
A Five to seven minutes.
Q Five to seven minutes. After you got back in your cruiser, what did you do next?
A I proceeded up this driveway. If I can move this –
Q You're getting the hang of it, I like it. Go ahead, yep.
A Thought I'd save you some steps. So I got back in my police vehicle here, continued up this private driveway, and went to this house. (Indicates)
Q And who lives there again?
A That was Brad Weber.
Q At the time, did you know Brad Weber lived there?
A No, I did not.
Q You found that out later?
A Correct.
Q When you got to the residence, what did you do?

A Yeah, so I walked up to his front door, knocked on it, made contact with him, I told him why I was out there, I was looking for two kids, and I asked if I could look around his property.

Q Did he allow you to do that?

A Yes, he did.

Q When you – your interaction with him, what was his demeanor?

A Normal like anyone would be knocking on their door, so –

Q Was he covered in sweat?

A No.

Q Was he covered in blood?

A No.

Q Did he look disheveled in any way?

A No.

Q Okay. He allowed you to look around his property?

A Yes.

Q If you'd continue to slide the picture over, and tell me where you looked when you got to his property?

A So, essentially, I, you know, asked him. He gave me permission. I walked down this way, out around this area – (indicates) - and that was about as far as I went.

Q Are there outbuildings on his property?

A This here. (Indicates)

Q And so that big building we see there on the picture, is that a barn?

A I assume so.

Q Okay.

A I'm just recalling off the map, my memory doesn't serve, so –
Q That's fine. Did you walk around the barn?
A Not – yeah, in this area. I don't remember if I actually looped around it or not.
Q Did you go inside the barn?
A No.
Q Okay. Did you see anything that stuck out to you?
A I did not.
Q Did you see the girls?
A I did not.
Q After you searched that area, what did you do next?
A After I searched the area, I got back in my police vehicle, continued on down the driveway. Other nightshift units were coming on, and that's – I believe I went home.
Q And so you went back down the private drive, back down now to 625; is that correct?
A That is correct.
Q While you're driving out of the private drive, did you – were you looking around?
A Yeah.
Q Were you looking for the girls?
A Yes.
Q Did you see anything?
A No.
Q Now, this is a – do you remember what the weather was like this day?

A No. At that point in time, it was getting pretty dark out, I believe.
Q So this is 5:30, six o'clock?
A Yeah.
Q When did your shift end?
A 6 p.m.
Q By the time you got done looking at Brad Weber's, do you remember, was it after six o'clock?
A Yeah. I believe I may have stayed over, again just memory doesn't serve me. I definitely stayed after at least a half an hour by the time I got home, so –
Q And when you left, was it dark?
A Yes.
Q Okay. And on your way out of the private driveway, did you stop and talk to Mr. Weber again?
A Not that I recall.
Q Did you see anything as you exited the private driveway?
A No.
Q And when you exited, did you come back on 625 heading south?
A That is correct.
Q And did you go back to town?
A Negative. I think I went home –
Q Okay.
A -- so I did not go back towards Delphi.
Q Okay. On your way down 625, did you see anything?
A No.
Q Did you see the girls?

A No.

Q Okay. At the time that you left work, it was after six o'clock?

A Correct.

Q And you were getting updates – as you searched and talked to Mr. Weber, were you getting updates from Dispatch on the location of the girls or possible location for the girls?

A Not that I recall.

Q Were you able to gather any other information at that time?

A I was not.

MR. MCLELAND: Judge, I don't have any other questions. Deputy, you can have a seat back up at the stand. Thank you.

THE COURT: Mr. Rozzi, Mr. Baldwin, Ms. Auger.

MS. AUGER: Thank you, Your Honor.

CROSS EXAMINATION OF DEPUTY MITCHELL CATRON

QUESTIONS BY MS. AUGER.

Q Deputy Catron – Catron?

A Catron, yes, ma'am.

Q Okay. When you went through ILEA, you were taught how to investigate crimes; right?

A Yes.

Q And you're taught to pay close attention to details?

A Yes.

Q Survey areas for evidence?

A Sure.

Q And that continued in your field training?

A Yes.
Q Okay. And so the call originally came in at 5:17 p.m.; correct?
A That's what the report says, yes.
Q Okay.
A Yep.
Q Is there any reason to believe the report's wrong?
A No.
Q Okay. And you pretty quickly then left the dispatch center where you were?
A Yes.
Q And I believe the dispatch center is at the Sheriff's Department.
A It is.
Q Okay. How far – I'm directionally challenged.
A That's okay.
Q How far west of the Hoosier Heartland is the Sheriff's Department?
A Oh, half a mile at best.
Q Okay. Can you recall what time you left the Sheriff's Department to go to the High Bridge area?
A Simply guessing, I would say maybe five to seven minutes after I hung up the phone.
Q Okay. So we're looking at 5:22 to 5:25?
A That's – yep, best recollection.
Q Pardon?
A Best recollection, yes, ma'am.
Q And how long did it then take you to get out to 625?

A I'd say three minutes.
Q And why did you decide to go to the south end of the High Bridge?
A So I have previously been to the Weber property for a criminal mischief report to a chicken coop and I knew that area and I knew that that driveway went underneath that High Bridge, so I thought that'd be a good place to check.
Q Now, was it daylight when you first arrived out on – where 625 meets the High Bridge?
A Yes. It was becoming dark, but there was still daylight out to see.
Q And on February 13th, you said it was wooded; right?
A Yes.
Q But there wasn't – there weren't leaves on the trees, were there?
A Not that I recall.
Q Okay. So you had decent visibility in that area?
A Yes. Yes.
Q Okay. Now, you got to the High Bridge at 5:47; is that correct?
A That sounds right, yes.
Q Okay. And I'm looking at the – is that from what you know as the CAD report?
A Yes.
Q Okay. And you spent five to seven minutes searching all over; is that right?
A Around the bridge that crosses the driveway, yes.
Q Okay. You didn't go down the hill to the bottom of the bridge, did you?
A I did not.
Q Okay. And you're listening?
A Correct.

Q Okay. And you did see anybody?
A Did not.
Q You didn't hear anybody?
A I did not.
Q Okay. And then you went on down the access road. Can you – would you mind coming down?
A No, absolutely.
Q So you started here? (Indicates)
A Yes. I came in this driveway here and drove to here was my first stop. (Indicates)
Q All right. And how far is it from your first stop here, where the access road meets the High Bridge, to the Weber house property there?
A That far, which, I mean, eighth of a mile, around there.
Q Okay. Not very far?
A Not very far.
Q All right. And you got back in your car to drive down to the Weber property; is that correct?
A That is correct.
Q All right. And while you're driving down that access road, you continue to look?
A Yes.
Q Right? And when you're on this access road, can you see over Deer Creek, across Deer Creek here?
A You can see over that direction, but I can't see water to my recollection.
Q Is that because the access road is higher and, by the time you kind of angle

down to see, you can't really see the water here?

A That's because of the terrain; in my memory, that's how it was.

Q All right. So right on the north side of the access road, that's a pretty far drop down to Deer Creek; right?

A To my best recollection, yes.

Q Okay. And so you think that you can see over here?

A You can see the wooded area, yes.

Q All right. And again, no leaves on the trees?

A Correct.

Q Decent visibility?

A Yes.

Q Right. And you don't see anything?

A No.

Q All right. And –

THE COURT: Deputy, keep your voice up, please.

THE WITNESS: Yes, ma'am.

Q Maybe I'll stand over here and you can yell that way. So where did you park at the Weber residence?

A Parked in his driveway, right in this area somewhere. (Indicates)

Q And when you parked, did you look at all over here?

A As I was driving up, I was looking out sideways.

Q Okay. And when you first got out of the car, did you hear anything?

A I did not.

Q Did you stop to listen?

A Always listening.

Q All right. That's part of your training; right?
A Yes, ma'am.
Q All right. And you didn't see anybody; is that correct?
A Correct.
Q Didn't hear anything?
A No.
Q All right. And so then you walked up to Mr. Weber's door?
A Yes.
Q And how long did you speak to Mr. Weber?
A A few seconds, at best. A minute tops.
Q Didn't – it wasn't a long exchange?
A It was not.
Q Okay. And he gave you permission then to look around the property?
A Yes.
Q All right. And to the best of your recollection, can you show us with your finger where you went?
A Yes. So my car was parked here, went next to my car and I walked down this direction, looked in this area – (indicates) –
Q Okay.
A -- looking out this way. (Indicates)
Q All right. And you did not go into this outbuilding here; correct?
A I did not.
Q And it looks like this is another outbuilding.
A Yes.
Q You did not go into that outbuilding?

A I did not.
Q And how long were you there at the Weber property?
A I don't recall.
Q Okay. Now, at I believe 6 – at 6:16, you advised "Check along the trails on private property"; is that correct?
A If that's what the CAD sheet said, then yes, ma'am.
Q Okay. And where were you then? What does that mean?
A If I announced that I was checking on the trails on the private property, that would have been when I was on this lane somewhere, whether I was just driving down it or had gotten out of my car within that timeframe. I was either driving down the trails or getting out of my car at that point.
Q Okay. At 6:18?
A If that's what the CAD sheet says, yes.
Q Okay. Would it refresh your recollection if I showed you the CAD sheet?
A Absolutely.
Q Deputy Catron, I'll show you Defendant's Exhibit C, which is the CAD report.
A Okay.
Q Does that refresh your recollection?
A Yes, it does.
Q Okay. I'm gonna take it back.
A Okay.
Q Are you done?
A Yes. Okay.
Q All right. And so at 6:18, you were on the – you – on the trails east of the

High Bridge?

A Yes, the trail – checking the trails means I was on this private drive, checking this is what I was calling the trails.

Q Okay.

A So the High Bridge is what I was calling the trails and what I was checking, I was either driving my vehicle on the private drive or out of my car underneath the bridge at that time.

Q All right. Now, at 5:47, you were at the High – at the Monon High Bridge; so if you're there again at 6:18, had you already been out to the Weber property?

A No. No, I would have stopped there first and then gone to the Weber property.

Q Okay. And you stopped here at 5:47.

A Yes.

Q And then you went to the Weber property?

A Yes.

Q And then you were back here at 6:18?

A I don't know that works out with the timeframe for radio traffic, but I drove down the private driveway, stopped at the High Bridge, went up to his house.

Q Okay.

A As far as the exact minute and times, I don't know.

Q All right. Now, how they're entered onto the CAD report, is that you calling in and telling them what you've done?

A I would assume so, yes.

Q All right. And you think you left about 6:30?

A Yes. It was in that area between 6 and 6:30.

Q Okay.
A Around that time.
Q Now, after you were – how long did you spend searching at the Weber property? And when I say Weber property, this is all Weber property, but –
A Yes.
Q -- I'm talking about either this field and the buildings there; is that fair?
A Yes. Again, how long it takes me to walk out of my car, walk down here, it wasn't an extensive amount of time. So within the, you know, five to ten minute range.
Q Okay. And then you left, going back out the access road?
A That is correct.
Q Okay. And you're still observing?
A Yes.
Q Are your windows down?
A I don't recall.
Q All right. You didn't see anybody?
A Correct.
Q All right. And did you stop again here on your way out?
A Not that I recall.
Q All right. You can sit back down. Thank you. Now – oh, can you come back down?
A Absolutely.
Q I'm sorry.
A Not a problem.
Q Is there – when you come off the top of the High Bridge, were you ever

up –

A I have never been on top of the High Bridge.

Q Okay. So do you know where it goes? If there's a trail that continues on?

A So my understanding is that it goes out here and just diminishes, that it – there's no further trail that's designated as the trails or the bridge.

Q Okay. All right. Well, that – then I didn't even need to bring you down here, then.

A Okay.

Q I'm sorry.

A That's all right.

Q I won't do it again. Now, you're aware that during that evening, after you left and went home, there was a very extensive search; is that right?

A So when I went home, I knew that other units were looking. I was not made aware of the magnitude of people that were coming out.

Q And was it – when you left at about 6:30, was it dark?

A Yes.

Q Did you see any flashlights?

A I did not.

Q You also – after February 13th, you were pulled off of road duty?

A Yes, that's correct.

Q And you worked the tip line?

A Yes.

Q Okay. And that consisted of receiving tips and going out and investigating them?

A I apologize, so I did not do any phone calls on the tip line, it was simply

tips that we had received previously and I went and followed up on those.

Q Okay. Do you recall how many tips you followed up on?

A I do not. It was several.

Q That was – how long was that your job to follow up on those tips?

A It wasn't a full year. I would say several months out of the year. I don't recall how many months it was.

Q And did you ever investigate any tips related to Richard Allen?

A I did not.

Q Did you ever hear of any?

A No.

MS. AUGER: I have some questions that are probably outside the scope of direct. Do you want me to do it now or call him back?

MR. MCLELAND: Judge, may we approach?

THE COURT: Sure. Go over here.

(Sidebar conference conducted.)

MR. MCLELAND: Judge, I don't have any problem with her doing those as long as they're relevant to what we're discussing at this point.

MS. AUGER: Relevant to what?

MR. MCLELAND: What we're discussing at this point, the part of his job –

MS. AUGER: Oh, no, no, no, no.

MR. MCLELAND: -- the tips, leads.

MS. AUGER: Just courthouse security stuff.

MR. MCLELAND: How is that relevant to the guilt or innocence of Richard Allen?

MS. AUGER: I think it's very relevant in that being – I mean, we're gonna be talking a lot about the circumstances of his detention and whether he can have private conversations with his attorneys. That's about three questions.

MR. MCLELAND: In the deposition, there was a lot of focus on that, especially about why is – why can't he have (inaudible) and I don't see how that's relevant to this deputy and I would object to any questions involving that, Judge.

THE COURT: Yeah, I don't know how that's relevant.

MS. AUGER: Oh. Well, I mean, that's our – our presentation will be the circumstances of his detention and how that has led to the deterioration of his physical and mental state and the circumstances surrounding these incriminating statements.

THE COURT: What does that have to do with him?

MS. AUGER: Well, because –

THE COURT: Is he a jailer?

MS. AUGER: -- he's in charge of courthouse security, and so it's his job –

THE COURT: Well, courthouse security is different from jail security.

MS. AUGER: We can make an offer of proof.

THE COURT: Okay. Are you done with him, then?

MR. MCLELAND: No. I've got a couple follow-up questions. I just – two really.

THE COURT: Okay. And then we'll be done for the day?

MR. MCLELAND: Yeah.

MS. AUGER: Sure.

THE COURT: Okay.

(Sidebar conference concluded.)

THE COURT: All right. Mr. McLeland, you've got any re-direct?

MR. MCLELAND: Judge, yes. Thank you. Just two questions.

RE-DIRECT EXAMINATION OF DEPUTY MITCHELL CATRON

QUESTIONS BY MR. MCLELAND.

Q Officer Catron, I'm gonna have you stay on the witness stand, but at any time while you were driving out of Webers' driveway, that private drive, did you ever stop and go down to the creek and look in this area?

A No.

Q Anytime you looked in this area, was it from your vehicle?

A Yes.

Q And is your testimony here today that you didn't see anything in this area?

A That is correct.

Q Is your testimony here today that since you didn't see anything in that area or since you didn't see any bodies in that area, there were not any bodies in that area? Is that your testimony today?

A I mean I did not see any there, that is my testimony.

Q So you didn't see any, but your testimony is not that there – just because you didn't see them, they weren't there?

A That is correct.

MS. AUGER: Objection: Asked and answered.

MR. MCLELAND: I don't have any other questions, Judge.

THE COURT: All right. Thank you, Officer –

MS. AUGER: Oh –

THE COURT: Oh, I'm sorry.

MS. AUGER: May I?

THE COURT: I'm sorry. Yes, you may.

MS. AUGER: Thank you.

RE-CROSS EXAMINATION OF DEPUTY MITCHELL CATRON

QUESTIONS BY MS. AUGER.

Q So 5:47, you're here. (Indicates) Is that right?

A Yes.

Q Okay. And you spent five to seven minutes looking here?

A Yes, as best as memory serves, yes.

Q Okay. I wrote some times. 5:17, I'm sorry, so from 5:22 to 5:25-ish, you're here?

A Yes.

Q Okay. And as you're driving down then, between 5:30, about 5:30, would that be right?

A Yes.

Q Okay. Here. And spent five to seven minutes here again? (Indicates)

A Yes.

Q Okay. So we're at 5:35 to 5:37?

A Yes.

Q Okay. And then we go back down the access road about 5:40?

A Yes.

Q And you don't see anything here at that time?

A That is correct.

MS. AUGER: No further questions.

THE COURT: Does anybody on the jury have any questions for the officer? You have a question? All right, if counsel would approach, please.

(Sidebar conference conducted.)

THE COURT: "Is it common for people walking the trail to stop and turn around at the High Bridge? Or does the trail continue on to the ravine on the north side of the river?"

MR. MCLELAND: That's fine. I'm okay with that.

THE COURT: That's fine?

MS. AUGER: I don't know that he can –

MR. MCLELAND: He'll be answer it.

MS. AUGER: What?

THE COURT: (Inaudible)

MS. AUGER: I don't think he answer it, but I don't want to keep the jury – I don't want to –

THE COURT: Want me to couch it "if you know"?

MS. AUGER: If you know.

THE COURT: Would that be acceptable?

MS. AUGER: Yes.

MR. MCLELAND: (Inaudible)

THE COURT: Just have a seat.

MR. MCLELAND: Okay. Yes, Judge.

THE COURT: That way, it doesn't look weird.

(Sidebar conference concluded.)

JUROR QUESTIONS OF DEPUTY MITCHELL CATRON

QUESTIONS OF THE JURY, READ BY THE COURT.

Q All right. Deputy, if you know, is it common for people walking the trail to stop and turn around at the High Bridge?

A I do not know.

THE COURT: Any follow-up, Mr. McLeland?

MR. MCLELAND: No, Your Honor.

THE COURT: Ms. Auger?

MS. AUGER: No, Your Honor.

Q Does the trail continue on to the ravine on the north side of Deer Creek, if you know?

A I do not know.

THE COURT: Any follow-up, Mr. McLeland?

MR. MCLELAND: Judge, just point of clarification.

FOLLOW-UP EXAMINATION OF DEPUTY MITCHELL CATRON

QUESTIONS BY MR. MCLELAND.

Q My understanding of the question, Deputy, is that is there a trail that continues down to the creek, instead of going onto the High Bridge. Do you know if there is or not?

A Not to my knowledge, no.

MR. MCLELAND: Okay. All right. Thank you, Judge. No other questions.

THE COURT: Ms. Auger?

MS. AUGER: No.

THE COURT: All right. Thank you, Deputy. You may step down.

THE WITNESS: All right. Thank you, ma'am.

THE COURT: All right. Well, ladies and gentlemen, it's been a long

day for you and we're gonna go ahead and call it a day. While you go on about your own business the rest of the afternoon and into the evening, please, remember what I've told you before about not talking with your fellow jurors about the case, since you're now outside of the courtroom and you'll be under the supervision of the bailiffs. Please have a peaceful and safe evening and we'll see you all in the morning. And, gentlemen, you may take the jury.

THE BAILIFF: All rise.

(Jury out at 4:56 p.m.)

THE COURT: You may be seated. I know the Defense talked about two offers to prove up here at the bench. The last offer to prove, Ms. Auger, you wanted to talk about court security. I'm not sure what that has to do with this detective. And I – have you resolved the issue about the deposition for the other witness?

MR. MCLELAND: I would defer to Ms. Diener on that, Judge, on the deposition issue.

THE COURT: Okay.

MS. DIENER: So it's my understanding Mr. Baldwin offered to admit the deposition of Anna Williams related to an offer to prove. Will there be any explanation as to the subject matter? I don't have an objection based on what I believe it's for, but –

MR. BALDWIN: It'll be as part of a later attempt to argue that the motion in limine should be – related to the third-party suspects should be re-looked at.

MS. DIENER: Reconsidered?

MR. BALDWIN: Yes.

MS. DIENER: Okay. The State has no objection to admitting the deposition of Anna Williams for that purpose.

THE COURT: Okay.

MR. BALDWIN: May I approach, Judge?

THE COURT: Yes.

MR. BALDWIN: Judge, I'd move to admit Defendant's Exhibit B, which is the deposition of Anna Williams from August 30th.

DEFENDANT'S EXHIBIT B OFFERED

THE COURT: Okay. I'll show Defendant's Exhibit D [sic] admitted without objection from the State for purposes of your offer to prove on the third-party perpetrators.

DEFENDANT'S EXHIBIT B ADMITTED

THE COURT: May I ask a preliminary question before I begin reading this this evening? Was this information presented at the hearing in August?

MR. BALDWIN: No.

THE COURT: Okay.

MR. MCLELAND: Judge, I would also move to – I'm sorry.

MR. BALDWIN: Judge, I was –

THE COURT: No, he said it wasn't admitted at the hearing. So this is brand new evidence on your –

MR. BALDWIN: Yes.

THE COURT: -- offer to – on your motion in limine?

MR. BALDWIN: Yes. That's her deposition that was from August 30th, so it was just a few weeks after the motion.

THE COURT: No, the motion hearing was July 31st to August 1st.

MR. BALDWIN: Right.

THE COURT: So this was done – this could not have been presented prior?

MR. BALDWIN: This is August 30th, Judge.

THE COURT: I understand that this is August 30th, but you had –

MR. BALDWIN: Oh.

THE COURT: -- this information previously?

MR. BALDWIN: No, I did not. I did not.

THE COURT: Okay. So that is your offer to prove, then –

MR. BALDWIN: Yes.

THE COURT: -- on Ms. Williams? So she does not have to be re-called as a witness?

MR. BALDWIN: No.

THE COURT: Okay.

MR. MCLELAND: Judge, just one housekeeping matter. The picture that we stipulated to, I think it was State's Exhibit 5, I'd like to formally admit that at this point and have your court reporter mark this exhibit.

THE COURT: Oh, thank you, yes. That was the digital –

MR. MCLELAND: It was in the back of the TV, Judge, and I just want to make sure. It's housekeeping, I marked it so I don't forget it, so –

THE COURT: Okay. Thank you. Nothing further then from the State?

MR. MCLELAND: No, Judge.

THE COURT: At this moment?

MR. MCLELAND: At this point, no, Judge.

THE COURT: Okay. All right.

MR. MCLELAND: Thank you.

THE COURT: And you then wanted to have an offer to prove on the deputy that just testified.

MS. AUGER: Your Honor, we're gonna defer that until probably our case in chief.

THE COURT: Okay.

MS. AUGER: Thank you.

THE COURT: All right. So we will – all right. Is there anything that we need to discuss on the record before – the media has demanded access to your exhibits, and I've given them 15 minutes at the conclusion of the day to view the exhibits that have been submitted. Obviously, the digital examination, they've seen that, but there are some paper exhibits and the maps that I've given them the authority to come up and review. So when we go off the record – before we do that, is there anything else from the Defense, Mr. Rozzi?

MR. ROZZI: Judge, if I could just have a minute with the Court off the record about a – kind of a housekeeping matter –

THE COURT: Yes.

MR. ROZZI: -- that we talked about earlier, that'd be great.

THE COURT: Okay.

MR. ROZZI: Thank you.

THE COURT: Anything from the State?

MR. MCLELAND: Not from the State's perspective, Judge.

THE COURT: All right. Then, we can go off the record, Jodie.

(Off record at 5:03 p.m.)

(On record October 19, 2025, at 9:02 a.m.)

THE COURT: All right. Well, good morning, ladies and gentlemen. We are back on the record in *State of Indiana versus Richard Allen*, 08C01-2210-MR-1. I'll show the Defendant's here in person with his attorneys. The State is here by the prosecutor and his deputies. All of the jurors are back. And is the State ready to proceed?

MR. MCLELAND: Yes, Your Honor.

THE COURT: The Defendant ready?

MR. ROZZI: Yes, ma'am.

THE COURT: Let's bring in our jury, please.

THE BAILIFF: All rise.

(Jury in at 9:05 a.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thanks, Jason. Thank you, Jeremy. Well, good morning, ladies and gentlemen. It's nice to see you back this morning. I just wanted to give you a minute there to kind of settle in and get your things together. I'm glad you're finding the ability to get yourselves comfortable over there. I know the chairs aren't the greatest in the world, so I appreciate that you've had the opportunity to make yourselves comfortable. I hope you had a pleasant evening. The attorneys have indicated they are ready to continue. Mr. McLeland, you may call your next witness.

MR. MCLELAND: Thank you, Your Honor. The State of Indiana will call investigator Stephen Mullin, please.

(Witness sworn.)

MR. MCLELAND: Thank you, Your Honor.

DIRECT EXAMINATION OF STEPHEN MULLIN

QUESTIONS BY MR. MCLELAND.

Q Mr. Mullin, before we start, I'm just gonna remind you to speak up as loud as you can. I know we were having some issues with the microphones yesterday. I want to be able to make sure that the jury can hear you and also the people at the Defense table and myself; fair enough?

A Yes.

Q Okay. Will you state your name, please.

A Stephen L. Mullin.

Q And, Mr. Mullin, how are you employed?

A I am currently the investigator at the Carroll County Prosecutor's Office.

Q And how long have you been employed in that position?

A Since January of 2020.

Q Prior to that, were you employed as a law enforcement officer?

A Yes, I was.

Q And how long have you been a law enforcement officer?

A Since 1983.

Q And did you go through any kind of special schooling or training to become a law enforcement officer?

A Yes. I attended the Indiana Law Enforcement Academy in Plainfield, Indiana, back in 1983.

Q And do you attend annual training seminars to update yourself on investigation techniques, new technology, anything that pertains to law

enforcement investigations?

A I do.

Q And do you do that on an annual basis?

A Yes, I do.

Q In your capacity as the investigator for the Prosecutor's Office, what is your role?

A Mainly, I follow up on cases that the Prosecutor's Office is investigating and handling. I organize and make sure evidence is handled property so we can prosecute the case.

Q And for lack of better words, you're our tech guy; is that fair?

A I do that, too.

Q So you set up computers, organize digital data, set up the TV for us, you do all those technical aspects that are needed in my office; is that fair?

A Yes.

Q Okay. I want to take you back to February 13th of 2017; at that time, how were you employed?

A February, 2017, I was the chief of police in Delphi.

Q And how long had you been the chief of police as of February 13th of 2017?

A Since April of 2014, up until the point where I was employed by the Prosecutor's Office.

Q And I want to talk a little bit about that day. Were you on duty that day?

A Yes, I was.

Q And what was a normal day and routine activity for you as chief of police of Delphi?

A As chief of police, I supervised the officers who worked at the police

department, made sure that reports and paperwork was completed, and also followed up on whatever was going on that day; and it was simply a routine day that day.

Q What shift did you routinely work?

A I would normally come in around seven o'clock, 7:30.

Q A.M.?

A A.M., right, and then finish my shift around 5, 5:30.

Q And did you do that on February 13th, 2017?

A Yes, I believe so.

Q After you went off shift, what happened?

A So I completed my shift around 5, 5:30 or so, and went home. And it's when I arrived home, I began hearing radio traffic concerning two missing girls.

Q Now, is it typical for an officer in law enforcement to carry their radio with them and have it on after their shift?

A Yes, and I do that often.

Q It's typically for you, at least?

A Yes.

Q Okay. And so you heard that two girls were missing. What did you do next?

A The next thing that happened was I received some test messages concerning the two missing girls from citizens that were in our community, and I became concerned and then contacted Dispatch and talked to them about the situation and learned that there had been – two girls had been dropped off at the entrance to the Mears trail or the Monon trail and had been missing since around 1400 or so that day.

Q What is 1400?

A I'm sorry, 2 p.m.

Q And did you find out the girls' identities?

A Yes. They were L.G. and A.W., both of them 13 years of age.

MR. MCLELAND: Judge, I'm gonna ask permission for the witness to approach what's been marked previously as State's Exhibit 5, which is the map, on the TV, showing the area we're gonna be talking about.

THE COURT: He may.

Q Investigator Mullin, I'm gonna ask you to step down to the TV and we're gonna go a little bit old school here, Mr. Mullin, 'cause everything I tried yesterday high tech failed, and so I'm gonna have – give you this pointer to point to different reference points that I'm gonna ask you about.

MR. MCLELAND: And, Judge, I'd also ask permission from the Court to publish to the jury – I've printed out a hard copy of State's Exhibit 5, I've provided that to the Defense, as well, and I'd ask permission from the Court to publish to the jury so they can make notes on it, and as a failsafe for the technology, just because it didn't work very well for me yesterday, so I'd ask permission to do that now.

THE COURT: You may, you may.

STATE'S EXHIBIT 5 PUBLISHED

MR. MCLELAND: And, Judge, I'm gonna move these exhibits.

THE COURT: Okay.

MR. MCLELAND: I've been told by the bailiff that the jury's having a hard time –

THE COURT: Okay.

MR. MCLELAND: -- seeing the screen.

THE COURT: Is that better? Okay.

MR. MCLELAND: Is that?

THE COURT: Yeah, it's better. Thank you.

MR. MCLELAND: Can the jury now see the screen? Okay. And, Judge, I may stand back here, just so that I don't block the Defense.

THE COURT: Okay.

MR. MCLELAND: And, hopefully, I can project my voice enough where the court reporter can see me.

Q Investigator Mullin, I want to get back to the report was the girls were missing and they had entered – and where was it they entered?

A Our understanding was they entered at the Mears trail entrance.

Q Can you point that out on the map.

A Yes. This is the Mears farm – (indicates) – and hence, we call this entrance for the trail, the Monon trail, which is located right here the Mears entrance. (Indicates)

Q And are you sufficient enough on that screen where you can zoom it in a bit?

A Sure.

Q Okay.

A Maybe. Ah, there we go.

Q There we go. Okay. Thank you. Will you point out the Mears entrance again for the jury so they get a better view of that.

A Right here. (Indicates)

Q And the information you had gathered at that point was that the girls had

entered that entrance?

A Yes.

Q What other information did you have?

A They had been dropped off there and they had not returned when someone came back to pick them up.

Q Once you got that information, what did you do?

A At some point then, I went into the Sheriff's Department and went to Dispatch and tried to assist in whatever way I could in order to locate the girls.

Q And you can have a seat back in the witness stand, please. Thank you. And in your effort to assist, did you reach out to Delphi Community School Corporation?

A I did. I had several phone numbers for the officials at the school in my phone, so it was very easy for me to contact the school officials, principal, guidance counselor, and see if I could locate some friends or acquaintances of the girls so that we could perhaps find out where they had gone.

Q And after you did that, what did you do next?

A One of the things I did next was I began making those photo calls to try to find someone who might know where they were at, and then I spoke with different people who were out maybe searching for the girls and trying to find out where they may have gone to.

Q Was there a command center set up at this point?

A At that point, it was the sheriff, Sheriff Leazenby, who was leading the charge of trying to find the girls, and so I simply talked to him and assisted in whatever way I could, being chief of police, and tried to assist him in any logistics that he might need.

Q Did you participate in any of the search that was done that day?
A I did not participate in any of the search myself. I never left the Sheriff's Department to go out on the trails, nor did I go out on the trails before I went to the Sheriff's Department.
Q Where did you post at or where did you stay at while the search was going on?
A I was at – in Dispatch at the Sheriff's Department.
Q And did you stay there the entire day of February 13th?
A Yes, I was there the entire day up until two o'clock or so p.m. – a.m., excuse me.
Q Two o'clock a.m. on the 14th?
A On the 14th.
Q Okay. Is that when the search ended?
A Yes, shortly before two o'clock a.m., we ended the search.
Q And at the point that the search ended, what were you investigating at that point?
A Two missing girls. The information was that they were on the trails, had not returned. Most of the searchers out there were looking for maybe someone had been injured. We had no idea anything nefarious had happened to the girls.
Q And so at the end of your shift, which would be 2 a.m. on the 14th – you used the word "nefarious", can you explain that a little bit? When you left shift or when you left the dispatch – or, sorry, let me back up – when you left the Sheriff's Department at 2 a.m. on the 14th, did you think anything bad had happened to the girls?
A At that point, we still believed – I still believed that, given time, they would

probably return home. I just, at that point, couldn't imagine someone had done any harm to them.

Q When did you come in next?

A In the morning.

Q When you left at February 14th at 2 a.m., which is technically in the morning, when did you come back in?

A At about 7:30 a.m., I arrived at the police department and, at that point, the girls were still missing, becoming more concerning I thought. And so with that information, there had been – social media had been pretty active about the girls being missing, and so there were a lot of people who showed up to help find the girls on the trails.

Q And what did you do at 7:30 a.m. that morning?

A I met with the volunteers who were there, people from the community who wanted to go out and search, and produced a map to them, some of them, and also gave them my phone number to call.

Q At that point, was there some kind of meeting point or command center set up?

A Yes. At – the Delphi Fire Department, at that time, was located inside the City Building, and so we met at the Fire Department.

Q And tell me the procedure of people that – tell me the procedure of what would happen when people would come forward and want to help search?

A Well, we took names of individuals and wrote them down on a sheet of paper and recorded their – and some phone numbers, I think, but mainly their names, and gave them information, a map about where to go, perhaps.

Q And so during that procedure, you were giving the searchers maps; and

were you directing them where to search?

A I was not directing them at all. I think the chief of the fire department, he was help – assisting that aspect. I didn't really direct anybody where to go.

Q Do you know where the search party people were directed to go and look?

A Obviously, were going out on the Monon trail, in that area. As far as sectors and areas where different teams were supposed to search, I didn't command that.

Q And I'm gonna ask you to approach the map again, please. And can you point out to the jury what areas – what your understanding of what areas the searchers were searching?

A So that evening and the next morning, the searchers were predominantly looking downstream. If something had happened to the girls, perhaps they had fallen or become injured or come into the stream, they were searching downstream. So the search would encompass this area here – (indicates) – along up and to at the bridge. I think there was some searching on this side of the bridge, on the Weber side, and I don't – I think there was also some searchers that went to this area here, which is kind of a flat area up on top and then there's a valley where the flat area – it's a sharp incline or falling area where I don't think anybody crossed this line.

Q And I have to remember that we don't have a jury from Carroll County, and so I want to put in context some of the landmarks that we're gonna use when we ask you some additional questions. So first of all, I'm gonna try this, if you could grab a pen and denote on the map where the city of Delphi is.

A The city of Delphi is located over here. (Indicates)

Q And if you could denote that with an X, please.

A The city of Delphi in this area and that direction. (Indicates)
Q And so would that be to the west of the Monon High Bridge?
A Yes, it would be.
Q And then, can you denote the Freedom Bridge.
A This here is the Freedom Bridge. (Indicates)
Q And the Freedom Bridge crosses it looks like a divided highway. What highway is that?
A The Hoosier Heartland.
Q We've talked about the CPS building; can you denote that on the map, please.
A Yes. The CPS building is located right here. (Indicates)
Q And we've denoted – or we've talked about, prior to this, the Mears entrance; can you circle that on the map, please.
A Mears entrance is located right here off County Road 300 North. (Indicates) 300 North, sorry.
Q And can you label that as 300 North as best to your ability.
A Yes. (Indicates)
Q Thank you. Can you also denote the Monon High Bridge.
A Yes. This structure which is located right here is the Monon High Bridge, so that area there. (Indicates)
Q And the section to the I'm gonna say northwest, is that commonly referred to as the beginning of the bridge?
A Yes. This would be the beginning of the bridge.
Q Can you put a B on the map, please, for beginning.
A (Indicates)

Q And then, where would be the end of the bridge?
A This area here at the other side. (Indicates)
Q Could you put an E, please.
A (Indicates)
Q Thank you. And where is the Deer Creek?
A Deer Creek flows this direction, it's the body of water that goes through – comes through town.
Q And just keep speaking up a little bit.
A Yes.
Q And you kind of – you answered my next question. Which way is the creek flowing?
A It flows from east to west.
Q And can you put an arrow on the creek, pointing to which way it flows?
A (Indicates)
Q Thank you. Now, while you're there, there's been some testimony about the Hoosier Harvestore; can you locate that on the map.
A Hoosier Harvestore is here. I'll put an HH.
Q Yep, that's fine.
A Located right here. (Indicates)
Q Okay. All right. Where – okay. So tell me again, to your understanding, where were people searching for the girls?
A On the following day, on the 14th, the search began to encompass this entire area, but the evening prior to the 14th and even early in the morning –

MR. BALDWIN: Judge, may I ask a preliminary question?

THE COURT: You may.

MR. BALDWIN: Sir, you said a moment ago that you thought – you used the word "thought" – that they didn't go past a certain point. I mean, you – and you also testified that you were in – at the police station when the search was happening; correct?

A Yes.

MR. BALDWIN: So you don't know where anybody was other than through hearing other people I suppose; is that correct?

A Yes.

MR. BALDWIN: I object to this speculation as to where people were searching.

MR. MCLELAND: I'll move on, Judge.

THE COURT: Okay.

Q Investigator Mullin, you can have a seat back at the witness stand, please. Thank you. On February 14th, you were assisting at the fire station with setting up or at least sending out the searchers; is that a fair statement?

A Yes.

Q Did you do that the entire day on the 14th?

A Yes, I remained at the fire department/police department.

Q And so you never went out and assisted with the search on the 14th, either?

A No.

Q I want to draw your attention to around 12:15 on the 14th; what happened then?

A At around that time, I received a phone call on my cell phone from Pat Brown, and he told me that he –

Q Well, hold on just a minute, can't say what – and what information or what

did you find out from that phone call?

A He had located two bodies.

Q And what did you do next?

A I remained at the police department, informed the officers who were around me, and they left the City Building to go to the area where he had said he had found the bodies.

Q And were you notified of where he found the bodies?

A Yes.

Q And I'm gonna ask you again to approach the map and, to the best of your ability, where is your understanding of the location of where the bodies were found?

A He said that the bodies that he had located were south of the Morning Heights Cemetery, which is located right here. (Indicates)

Q If you could mark it on the map – use the pointer, I'm sorry.

A Sure.

Q The Morning Heights Cemetery?

A The Morning Heights Cemetery.

Q Okay. And your information was the bodies were found where?

A South of this location and somewhere close to the creek.

Q Can you put a circle where your understanding of where the bodies were found.

A What he told me at that time, my understanding was somewhere in this vicinity. (Indicates)

Q Okay. All right. You can have a seat back at the witness stand, please. What did you do after that?

A I remained at the police department/fire department, and sometime around two o'clock, we met with the members of the family who were still at the fire department/police department, they hadn't gone anywhere.

Q Members of what family?

A Of the families of A.W. and L.G. who were present at the fire department during that day.

Q And why did you meet with them there at the fire department?

A Myself, Indiana State Police Public Information Officer Kim Riley, and the chaplain met with them to explain to them more precisely we had located two bodies and we were, at that point, trying to make identification.

Q What did you do after that?

A I remained at the police department and, around seven o'clock, I got a phone call from an individual, Tom Mears.

Q And did you gather information from Mr. Mears?

A Mears told me that he knew that the Hoosier Harvestore business had a set of cameras, they had security cameras at their location, which focused towards the roadway on 300 North.

Q I'm gonna ask you to approach the map again, please, and if you'll grab the pointer. I know it's circled, but can you point out for the jury the Hoosier Harvestore business.

A This is the Hoosier Harvestore business owned by Dan and Kathy Pennington.

Q And you'd gathered information that they had security cameras?

A Yes.

Q Did you go to the business location?

A I did.
Q And were you able to view the security cameras?
A Yes. The Penningtons met me at the location and we viewed the video that they had on their security cameras.
Q And which direction – the security camera you viewed, which direction was it pointing?
A The security camera was located around at this point. (Indicates) And it had a view that went directly out to the roadway on 300 North and then panned to right about in here. Can I draw a line?
Q Yes. If you would draw, I guess, a field of view that you were able to see from the security camera.
A The field of view was straight down the edge of the building. That's a little bit off. And then out towards this direction, maybe a little closer to that. (Indicates) But this is within the field of view of the camera.
Q And did you view the security footage?
A I did.
Q And were you able to see 300 North?
A Yes, I was.
Q And what time span did you look at?
A We looked at a short period of time, mainly sometime roughly daylight, any daylight period of time was where we could see, obviously, cars. If it was dark, we couldn't see anything that was on the road, it's not visible in the dark. So mainly from around eight o'clock I think until around 5:30 or so, six o'clock.
Q So 8 a.m.?
A Yes.

Q And you viewed the security footage all the way through what time?
A Around 6 a.m., when it began to get dark and we couldn't see anyone –
Q You mean 6 p.m.?
A Did I do it again? Sorry. 6 p.m., excuse me.
Q All right. And while you're viewing that security footage, what are you doing?
A I used my cell phone at that time to take some pictures of the vehicles that were travelling on the road.
Q And what was the intent of that?
A To preserve that information and make sure that we had pictures of the vehicles, some of them, at least, so that then we could go back and try to collect the video.
Q And how long were you there at the Hoosier Harvestore viewing that security footage?
A We were there probably 45 minutes to an hour.
Q Okay. You can have a seat back at the witness stand. Thank you. I want to fast forward to 2024, I believe. We saw drone footage from a prior witness, and I want to talk about that drone footage. Can you describe to the jury how that drone footage come about?
A Yes. Worked with the Tippecanoe County Sheriff's Department and they brought their drones up to photograph the area. We actually took the drone footage on February the 13th of 2024. We did it at that time because that was the best representation of the foliage that was in the area back in February of 2017, so it was pretty consistent with what we would have seen back then. The only differences were the improvements made to the bridge and the trail.

Q And that drone footage or at least part of the drone footage you took is what was displayed to the jury through Kelsi German?

A Yes.

Q Was there additional drone footage taken?

A Yes.

Q Was there drone footage taken from the Freedom Bridge to the Monon High Bridge?

A Yes, there was.

Q And was that taken at the same time?

A Yes.

MR. MCLELAND: Judge, I'd like to play that drone footage now, it's nine minutes; and so the State's gonna move to admit that drone footage. What I'd also like to do, Judge, is take a screenshot of this and admit it as an exhibit, as State's Exhibit I think 7. And also, while they're watching the drone footage, I'd ask the Court leave to print this out. We can print copies for the jury to publish to the jury.

STATE'S EXHIBITS 6 AND 7 OFFERED

THE COURT: Any objection?

MR. BALDWIN: No objection to any of that, Judge.

THE COURT: All right. Without objection, 6 and 7 are admitted.

STATE'S EXHIBITS 6 AND 7 ADMITTED

MR. MCLELAND: And so, Judge, we'll need just a second to get that queued up.

THE COURT: Do you need to help him?

THE WITNESS: I feel like I do, Judge.

THE COURT: Okay. He feels he needs to help you.

MR. MCLELAND: I feel like he does, too, Judge. Thank you.

MS. AUGER: I think you need to go back.

MR. MCLELAND: Steve.

THE COURT: You're not done.

THE WITNESS: Oh.

THE COURT: Get back there.

STATE'S EXHIBIT 6 PUBLISHED BY PLAYING

Q So I'm gonna have you narrate to the jury what we're seeing in the drone footage.

A Okay.

Q Oop, you fast forwarded it. Okay.

A Okay.

Q So where are we at now?

A This area here you're looking at right now is the beginning of the trail. The trailhead pretty much was the same as – here as it was back in 2017, without the improvements to the lane, which I believe started back into this area where they now have it paved.

Q Now you're referring to this as the trailhead.

A Trailhead.

Q That's not what we've heard in the past from the other witnesses. Where is this on the map?

A This is located at Freedom Bridge.

Q So this is beginning at Freedom Bridge?

A Yes.

Q And that is the bridge I guess that was farthest west on the map?
A Yes.
Q Okay.
A The blue bridge over Hoosier Heartland.
Q Go ahead, if you could start the video again, please.
A This kiosk was not there, as well, then.
Q And where is the drone footage moving, where is it going?
A It is moving along the main trail towards the High Bridge.
Q And so is this an accurate representation of what you would see if you started at the Freedom Bridge and worked your way down the trail towards the Monon High Bridge?
A Yes, it is.
Q Okay.
A Except in 2017, this was not paved, it was all gravel.
Q And when – this was done when again? What date was this done?
A The video was taken February the 13th, 2024.
Q And I want you to allow the video to run, and can you point out when we get to the Mears entrance.
A Yes. This fence was not there at that time.
Q I need you speak up just a little bit. You're not micced up, so everybody has to be able to hear you.
A In 2017, this barrier or fence was not there, either.
Q I would ask, in your narration as we move along, if there are other aspects that were not there in 2017, if you could point those out to the jury, just try to get an indication of what was there and what wasn't there in 2017, as opposed

to 2024. Are we approaching the Mears entrance at this point?

A Very close.

Q Were there benches on the trail back in 2017, that we see there?

A Yes.

Q To your knowledge, all the benches that we've seen on the video, were those also there in 2017, as well?

A To my knowledge.

Q Okay. Just go ahead and let it play. Is this the Mears entrance we're coming up on now?

A Yes.

Q And Mr. German testified about going straight down to the creek; is that the trail? Can you point that out, please?

A Yes. I can stop it real quick.

Q Okay.

A It'll be easier. Go back just a little bit. I'm sorry.

Q That's okay. Go ahead and let it play. But the trail that we saw to the right was the trail that Mr. German was speaking about?

A Yes.

Q From the Mears entrance to now, where – are we still headed towards the Monon High Bridge?

A If my bearings are correct, we are moving towards the High Bridge from the Mears entrance. Okay. And now, you're just coming into view of the High Bridge entrance.

Q And in 2017, did the entrance to the Monon High Bridge look like it does on this video?

A No.
Q What improvements have been made since 2017?
A Since 2017, they have installed a deck area, making it easier to walk out on the bridge, safer; and the railing on both sides; and the kiosk that's located here; and I think there's concrete leads from the paved blacktopped area to the deck entrance.
Q And how long does the deck entrance go onto the bridge, out onto the bridge?
A I'm not sure exactly, but maybe 100, 150 feet.
Q Okay. And then, after that improvement, what does the rest of the bridge look like?
A It is the unimproved area that we – they would have seen back in 2017.
Q So the section of the bridge that we're coming up on now, the unimproved section, is that more indicative of what the entire bridge looked like in 2017?
A Yes.
Q Okay. So now which section of the bridge are we entering onto?
A This is the original sec – this is the original area of the trestles, ties that – we're looking at the top of the bridge, on the top.
Q Now, I notice a platform there.
A Um-hmm. (Affirmative response)
Q Were there other platforms throughout the length of the bridge?
A Yes, there are.
Q Do you know how many there were?
A I don't. Now, I can't say for sure, but I think there's three or four of these situated along the area between the improved section and the end of the bridge.

Q Are they all on the same side of the bridge?

A No, they're on different sides. As you can see, one is on the right-hand side, other one's on the left-hand side.

Q And this section of the bridge would have been what the entire bridge looked like back in 2017?

A One caveat: At that time, that area was not as well grown over as here now, because you aren't able to walk out onto the bridge, at least they don't near – do it near as much. At that time, it was more cleaned off. People would break the limbs off or whatever it was, that tree, they'd break it off.

Q So there was more traffic on the bridge in 2017, as opposed to today?

A That's my – that's what I believe, because you can see there's limbs and overgrowth in the area was not there then.

Q You're from Delphi, Indiana; correct?

A Yes.

Q You went to – graduated from high school here?

A Yes.

Q Lived here your whole life?

A Yes.

Q In your experience with your life here in Delphi, what kind of people typically would cross this bridge in 2017, and I'm gonna specify that a little bit, would adults typically cross this bridge?

A Some.

Q Who was more inclined to cross the bridge back then?

A Teenagers, younger people.

Q I'm gonna ask you to pause the video for a moment.

A Sure.
Q Teenagers, younger people; is that correct?
A Yes.
Q We've come to the end of the bridge. Where are we seeing now?
A This is the end of the bridge and we're facing towards the east, and this is Webers' drive that goes underneath the bridge and back up to Webers' house.
Q And this end of the bridge, after you get to the end of the trestle, would that be the beginning of Webers' property?
A Yes.
Q Okay. Ask you to play the video again, please, or play the remainder of the video. And that is Webers' drive that we're seeing underneath the bridge?
A Yes, that's correct.
Q Have a seat back at the witness stand, please.

MR. MCLELAND: Judge, at this point, I've already moved to admit it, but I'll just submit to the court reporter State's Exhibit – the video – 6. And then, at the next break, Judge, I will print the photo that we plan to exhibit – or entered exhibit – as State's Exhibit I think maybe –

THE COURT: 7.

MR. MCLELAND: 7? Yes. Sorry, Judge. I can do that now, but I can do it at the next break, if that would be more time efficient.

THE COURT: You can do it at the break.

MR. MCLELAND: Judge, I don't have any other questions.

THE COURT: Mr. Baldwin.

MR. BALDWIN: Thank you, Judge.

MR. MCLELAND: Mr. Baldwin, do you want this left you?

MR. BALDWIN: Maybe. I don't know. I appreciate it, Nick.

CROSS EXAMINATION OF STEPHEN MULLIN

QUESTIONS BY MR. BALDWIN.

Q Now, just so everybody knows, you were involved in the investigation of the deaths of A.W. and L.G. from the very beginning?

A Yes.

Q And all the way up until even a few days ago; correct?

A Yes.

Q The search was called off at 2 a.m.; is that what you said?

A Shortly before two o'clock a.m.

Q Shortly before 2 a.m.? And that's before 4:33 a.m.; is that correct?

A Yes.

Q About two and a half hours before 4:33?

A Yes.

Q Thank you. On the 13th – I'm sorry, on the 14th, there were – were you aware if there were dogs that were gonna start searching around the area of the cemetery, if you know?

A I don't know, I'm sorry.

Q There was some – are you aware if there was any interest about searching around the cemetery area south of the cemetery at some point in time?

A Later on the 14th.

Q I appreciate that you did that on February 13th, 2024, at least that's similar representation, but you would agree with me that things changed quite a bit in a lot of different ways since 2017; correct?

A Some.

Q Some – you testified to some of that, there were improvements to the bridge; right?

A Yes.

Q Improvements to the beginning of the trailhead near the Freedom Bridge?

A Yes.

Q Some railings you saw up there?

A Yes.

Q And you also I think stated there, near the end of your testimony, that there was more overgrowth and brush along the Freedom Bridge – I'm sorry, the High Bridge as you – as the drone went over it; is that correct?

A Yes.

Q So visibility back in 2017 from the bridge, either east or west, would have been better in 2017 than what we saw in 2024?

A Perhaps.

Q And even at the end of the Weber property, there was – it was less overgrowth then, in 2017 – is that true? – than in 2024.

A That's my understanding.

Q And the trees were smaller and they grew over the course of seven years?

A Yes.

Q So the best representation of what it actually looked like – and again, I appreciate that, I think it helps the jury out – but it would have been 2017 videos and photographs, if those things exist?

A Yes.

MR. BALDWIN: No other questions.

THE COURT: Mr. McLeland.

MR. MCLELAND: I don't have any re-direct, Judge. Thank you.

THE COURT: All right. Does anybody on the jury have any questions for Mr. Mullin? We've got one here in the front. Oh, and in the back. All right, counsel, if you'd approach, please.

(Sidebar conference conducted.)

THE COURT: "What was the thought process of looking downstream?"

MR. MCLELAND: Okay.

MR. BALDWIN: Yeah.

THE COURT: "Could you, please, provide clarity on where the bodies were found? Was it near Deer Creek or the creek reservoir that runs north/south from Morning Heights Cemetery?"

MR. BALDWIN: That's fine.

THE COURT: "Was the drone moving at a pace equal to a normal walking pace? Would it take approximately nine minutes to walk from the trailhead at Freedom Bridge to the end of High Bridge?"

MR. MCLELAND: Is that one question, both are together?

MR. BALDWIN: I think can answer that, but that's no problem. It'd be a quick walk.

MR. MCLELAND: Yeah.

(Sidebar conference concluded.)

JUROR QUESTIONS OF STEPHEN MULLIN

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Sir, what was the though process when looking downstream?

A Looking downstream from the bridge area was the possibility that they

may have fallen off the bridge, if I'm understanding the question correctly, that the girls may have fallen off the bridge. As I understand, it's about 63 feet at the highest point, so a fall like that would have injured someone if they'd fallen into the creek and gone downstream, so we were looking downstream to see if they were there somewhere.

THE COURT: Any follow-up, Mr. McLeland?

MR. MCLELAND: No, Judge. Thank you.

THE COURT: Mr. Baldwin?

MR. BALDWIN: No, Your Honor. Thank you.

Q Could you, please, provide clarity on where the bodies were found? Was it near Deer Creek or the creek reservoir that runs north/south from Morning Heights Cemetery?

A The bodies were found along Deer Creek, but off north of Deer Creek in that area south of the cemetery. Without going to the map, it's difficult to –

Q Why don't you go ahead and approach the map and –

A Certainly.

Q -- answer that question, please.

MR. MCLELAND: Mr. Mullin, here's the pointer. Sorry.

A Could you repeat the question, Judge?

Q Yes. Could you provide clarity on where the bodies were found? Was it near Deer Creek or the creek reservoir that runs north/south from Morning Heights Cemetery?

A I'm not sure if I understand the reservoir – creek reservoir, but the bodies were found right in this area here. (Indicates) So I'm not sure where they're referring to the creek reservoir at.

THE COURT: Any follow-up, Mr. McLeland?

MR. MCLELAND: Judge, yes, please. Thank you.

FOLLOW-UP EXAMINATION OF STEPHEN MULLIN

QUESTIONS BY MR. MCLELAND.

Q Mr. Mullin, I'm gonna ask you to zoom in on the map and I want to give the jury some more clarity, but I want to ask a couple questions before that. Did you actually go to the scene?

A I did not go to the scene where the girls were at at the time they were there.

Q And so you're not able to give an exact pinpoint of where they were found?

A No.

Q But you know the general area?

A Yes, I do.

Q Okay. You zoomed in on the map – is that correct? – for the record.

A Yes.

Q And I'm gonna zoom back out a little bit, and can you point out the cemetery – I'm sorry, the name has escaped me, Morning –

A Morning Heights Cemetery. (Indicates)

Q That is Morning Heights Cemetery?

A Yes.

Q Okay. I'm gonna zoom it out, for the record, a little bit more. And what is the road that connects to Morning Heights Cemetery?

A This road along this location here is County Road 300 North. This is Morning Heights Cemetery.

Q And the question talked about a creek reservoir. Is there a creek reservoir that runs from Morning Heights Cemetery down to the Deer Creek?

A I am not familiar with the term "creek reservoir".

Q Is the topography such that Morning Heights Cemetery is above Deer Creek?

A Yes. The area here at the creek is lower, I don't have an exact foot number or a calculation, but it is – well, Morning Heights Cemetery is higher than what the creek is, as far as the topography goes.

Q And it seems like, from the picture, that there's some kind of ditch or ravine running this way; is that true?

A Yes. As far as I'm aware of, there is some sort of a erosion area here, but the deepest part of the gorge or valley runs in this area here. (Indicates)

Q And now that we have the map zoomed, can you point out the area of where the girls were found?

A My understanding is they were located right in this area there. Right here. (Indicates)

Q Were they in water?

A They were not in the water.

Q So they were not in the Deer Creek?

A Correct.

Q They were on dry land?

A Yes.

MR. MCLELAND: Okay. I don't have any other questions, Judge.

THE COURT: Any follow-up, Mr. Baldwin?

MR. BALDWIN: I do, Judge.

FOLLOW-UP EXAMINATION OF STEPHEN MULLIN

QUESTIONS BY MR. BALDWIN.

Q But – and where the girls were found is in a flat area; correct?
A Yes.
Q Okay. And –
A I would correct that, not exactly flat, but it was more level than some of the other areas out there.
Q Okay. And you've been to the Weber property?
A Yes.
Q And can you point out where that is?
A Yes. This is the Weber home, this is Weber drive. (Indicates)
Q Have you been at the Weber home?
A Yes, I have.
Q And you can – the Weber property – the Weber home is up here – (indicates) – and where those girls were found is down here – (indicates) – correct?
A Yes.
Q And from the Weber property, you can see the area where the girls were found from his patio –

MR. MCLELAND: Judge, may I ask a few foundational question? I'm gonna object to that question.

THE COURT: Yeah, go ahead.

MR. MCLELAND: Did you ever go over to the Weber property and look over to the area where the girls were found?

A Yes, I did look over in that area, but I didn't – wasn't able to see.

MR. MCLELAND: When did you do that?

A I think on the 27th of February. It was in February.

MR. MCLELAND: Of 2017?

A 2017, yes.

MR. MCLELAND: And were you able to see where the girls were found?

A I was not.

MR. MCLELAND: Okay. I guess I'd withdraw the objection, Judge. The foundational question's answered Mr. Baldwin's question. He asked, "Would you be able to see?" I'm gonna object to that question. I'm okay with the question, "Could you see?"

THE COURT: Sustained.

Q Could you see the area – maybe not where the bodies specifically were found, but generally see in that area where the bodies were found?

A I was not.

MR. BALDWIN: Thank you. No other questions.

THE COURT: You may step back there.

MR. MCLELAND: Have a seat back up there.

THE COURT: Re-take the stand. There's a couple more questions.

JUROR QUESTIONS OF STEPHEN MULLIN

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Was the drone moving at a pace that would be equal with an average walking pace?

A Thank you, Judge. Good question. So when we did the drone footage, I wanted them to move at a pace which was similar to one walking down the trail. Now, is it an adult walking? Is it a teenager walking? There's some variation there. So the original footage we had was 1x, we multiplied it by 2, so it looked more what it would be like when someone was – a teenager was walking. It may

have moved a little fast, it may have moved a little slow, it was difficult to mimic exactly that particular speed.

THE COURT: Any follow-up?

FOLLOW-UP EXAMINATION OF STEPHEN MULLIN

QUESTIONS BY MR. MCLELAND.

Q So the video that we saw, that was two times, you say 2x?

A Yes.

Q That was fast-forwarded two times the original speed of the drone footage?

A That's right.

Q Am I saying that correctly?

A Yes, you are.

MR. MCLELAND: Okay. All right. I don't have any other questions, Judge.

THE COURT: Mr. Baldwin?

MR. BALDWIN: No, Judge. Thank you.

JUROR QUESTIONS OF STEPHEN MULLIN

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Would it take approximately nine minutes to walk from the trailhead at Freedom Bridge to the end of the High Bridge?

A Somewhere in that vicinity I suppose, give or take maybe two minutes.

THE COURT: Okay. Any follow-up, Mr. McLeland?

MR. MCLELAND: No, Judge.

THE COURT: Mr. Baldwin?

FOLLOW-UP EXAMINATION OF STEPHEN MULLIN

QUESTIONS BY MR. BALDWIN.

Q Nine minutes you think it took from the Freedom Bridge – most people nine minutes to get from the Freedom Bridge to the High Bridge?

THE COURT: No the question is to the end of the High Bridge.

MR. BALDWIN: Oh, I'm sorry, from the beginning of the High Bridge to the end of the High Bridge.

THE COURT: No. The question is, "Would it take approximately nine minutes to walk from the trailhead at Freedom Bridge to the end of the High Bridge?"

MR. BALDWIN: Okay. Thank you, Judge.

Q So you believe that, give or take two minutes, it would only take nine minutes?

A Just a guess. At this point, you have to take into consideration the nature of the bridge and whether they want to go quick or slow given the spacing between the rails. I'm sorry, it's hard to guess. That was the speed we did the drone at.

Q Even from the Freedom Bridge to the beginning of the High Bridge, you would think then that would take less than nine minutes; is that what you're saying?

A The original footage was 20 minutes.

MR. BALDWIN: Okay. Thank you.

THE COURT: All right. Thank you, Mr. Mullin. You may step down.

THE WITNESS: Thank you.

THE COURT: You may call your next witness.

MR. MCLELAND: Judge, the next witness will be examined by Ms.

Diener, so I'm gonna let her call the next witness, Judge. Thank you.

THE COURT: Ms. Diener.

MS. DIENER: The State would call Jacob Johns.

(Witness sworn.)

DIRECT EXAMINATION OF JAKE JOHNS

QUESTIONS BY MS. DIENER.

Q Good morning, Mr. Johns.

A Good morning.

Q I'm gonna speak up. I'm gonna ask you to speak up. The sound in this room is not the best. That is for the court reporter; so you can speak loudly into it, she can pick you up easily. We want the jury to hear what you have to say; okay?

A Okay.

Q All right. So tell the jury your name.

A Jake Johns.

Q And J-A-K-E?

A Yeah.

Q And Johns, J-O-H-N-S?

A Correct.

Q Okay. And are you a Delphi lifelong resident?

A Lifelong.

Q Okay. Do you know the L.G. family?

A Yes.

Q Did you know them in 2017?

A Yes.

Q And what was your association with that family?
A My wife had actually worked with Becky Patty.
Q And so when Becky Patty testified that she had an employee by the name of Jennifer Johns, is that your wife?
A Correct.
Q And what about the family of A.W.?
A Did not know her.
Q Okay. And on the 13th of February, 2017, did you learn that A.W. and L.G. were missing?
A Yes.
Q And how did you learn that?
A My wife had come home and told me that they had been missing.
Q And did you or your wife do anything that day to assist in looking for the girls?
A No.
Q Were you employed in the Delphi area?
A Yes.
Q And where did you work?
A Pearsons of Delphi.
Q How do you spell Pearsons?
A P-E-A-R-S-O-N-S.
Q What is – what do you do at Pearsons?
A That's a propane company.
Q And what would your particular job be with Pearsons?
A Just deliver propane to houses.

Q Okay. So you would drive around the Delphi area –
A Yes.
Q -- to deliver?
A Yes.
Q On February 14th of 2017, did you become involved in helping search?
A Yes.
Q Can you tell us how that came about?
A Actually, me and Shane Haygood went to work, clocked in, and the boss comes in and asks us if we'd be willing to go search, and we said, "Yeah, absolutely."
Q So your employer is a local business in Delphi?
A Yes.
Q And they offered for their employees to go help search on the clock?
A Correct.
Q And so you and Shane Haygood decided to do that?
A Yes.
Q Did you take the company vehicle to go to the area?
A No. We took his personal vehicle.
Q Now, being a local community member, were you aware that there was a meeting at the City Building or the fire station that morning to organize the search?
A Yes.
Q And so were you involved in that meeting?
A No.
Q What time did you clock in that morning? You may have already said it,

but I –

A Eight o'clock.

Q Eight o'clock, okay. So from your perspective, what was your intent with regard to the search if you were not going to the fire station meeting?

A We just figured they'd probably already started and had their groups together and just didn't want to cause any more commotion.

Q Okay. At that point, did you have a reference point as to what you were looking – what area you were going to look for?

A The area was High Bridge, and we did have description of clothing to look for.

Q So what kind of clothing were you looking for?

A Tie-dyed shirt was the main thing that we were looking for, which would be blue, yellow, orange, pink colors.

Q Okay. Do you recall where you got that information from?

A I believe my wife had told me that, the clothing they were wearing that day.

Q Okay. So Mr. Haygood drives?

A Um-hmm. (Affirmative response)

Q And where do you park?

A We park at Riley Park.

Q Okay. No one has told the jury about Riley Park, so I'm gonna have you assist us.

A Okay.

MS. DIENER: Will this map go back far enough to show –

MR. MULLIN: I don't think we show Riley Park.

MS. DIENER: Okay.

Q Let's – yeah, the poster. Oh, that's perfect. Okay. Mr. Johns, would you mind coming down.

A Sure.

Q If I may – can everyone see this okay? Not really? Okay. Okay. Mr. Johns, you said Riley Park, and we understand Riley Park is not on this map.

A All right.

Q Would you agree that this is the Hoosier Heartland?

A Yes.

Q Okay. And do you know what this is?

A That's the new bridge they put in.

Q Okay. Freedom Bridge?

A Freedom Bridge, yes.

Q Okay. Okay. So with regard to the water of Deer Creek – do you recognize Deer Creek?

A Yeah.

COURT REPORTER: Can you speak up.

THE COURT: You need to speak up, sir.

A Yes.

THE COURT: Thank you.

Q Okay. And so in relationship to the – do you know where the High Bridge is? You follow Deer Creek?

A Yeah. Should be right in here. (Indicates)

Q Okay. Where does it cross the water?

A Right here. (Indicates)

Q Okay. Thank you. All right. Now, where, in relationship to the High

Bridge, did you start searching?

A It was right downtown where the little softball field's at.

Q So is it off the map?

A It was four hours, it took us four hours to get there –

Q Okay.

A -- from where we started.

Q So is it off the map this direction?

A Yes.

Q To your left?

A Yes.

Q Okay. So back here in town somewhere?

A Yeah.

Q Okay. And as you walked, what were you following, what path?

A We were just following the riverbed all the way to the High Bridge.

Q And it took you four hours?

A Four hours.

Q Okay. Have a seat up there. So the two of you start in Riley Park?

A Yes.

Q And you're working your way toward the High Bridge?

A Yes.

Q How are you spacing yourself?

A I'd say we was probably 10 feet apart, just – he was looking towards the water and I was looking up bank a little bit.

Q Okay.

A Just try to cover more area.

Q So as you come toward say the Hoosier Heartland, are you in an area that is on the – on this map, the top side of the water or the bottom side?
A We're still on the bottom.
Q Okay. And do you stay on the bottom side for your entire walk?
A The entire walk, yes.
Q Okay. You said four hours to get to High Bridge?
A We started at 8:30 and probably got to the High Bridge around noon.
Q Okay. And when you get to the High Bridge, do you continue on underneath the High Bridge?
A We went under the High Bridge and that's the moment that we found some clothing in the water.
Q Okay. So you're walking along and what do you see in the water?
A We see the shirt that was tie-dyed –
Q Okay. Can you tell us the shirt –
A -- hung up on some roots.
Q Oh, I'm so sorry.
A It was hung up on some roots that was in the water.
Q Okay. As you're looking across the water and you see this, can you tell that it's a shirt?
A Yes.
Q And what is it that makes you think it's a tie-dyed shirt?
A The colors, obviously, in February, yellow, pink, blue, orange.
Q Okay. And you're with Shane Haygood?
A Correct.
Q Was there anyone else with you?

A No.

Q When you are walking the riverbed, is there anyone else in your group?

A No, just me and him.

Q And I say riverbed, but you're not actually in -

A No.

Q -- the water?

A Never in the water.

Q Okay. When you get to the point where you see clothing, what do you do?

A We come back up to the 625, which is a private drive –

Q Okay.

A -- and there was a local fireman out there walking around.

Q And did you speak to the fireman?

A Yes.

Q What did you talk to him about?

A We told him that we thought we'd found some clothing, that they could, you know, notify other people or the police.

Q And how did you know he was a fireman?

A He had his coat on that said "Camden", and Erikson was his name – Erskin.

Q Something with an E?

A Yeah.

Q Okay. So you think this fireman might be able to help?

A Correct.

Q Did you consider crossing the water?

A I think Shane tried going across halfway, but then it was getting – it was

like really deep. Like, we only had short boots on, muck boots.

Q Okay. So you stay on the south side –

A Yeah.

Q -- the bottom side?

A Yep.

Q And what does the fireman do?

A He tried contacting people, I don't know if it was fire department or the police department, and never got any signals, so he decided to walk across the bridge to the other side to check it out for himself.

Q Okay. And did you watch him do that?

A Yes, the whole time.

Q And did you watch him approach the clothing?

A Yes.

Q And could you speak to him from where you were?

A Yeah.

Q Were you still down by the water when you spoke with him?

A No. We were up on the driveway –

Q Okay.

A -- private driveway.

Q I'm gonna have you come down one more time now and let them know where you were on the private drive.

A Yeah, so we were kind of right here on this private driveway right here. (Indicates)

Q I'm gonna put my pen –

A About right here. (Indicates)

Q About right here? Okay. You'd say right here?
A Right in there.
Q Okay. If you can step over here, so people that you might be blocking can see. Is my pen on the part where you were watching from?
A Correct.
Q Okay. And you see him go up to the clothing?
A Yes.
Q And is it only you and Mr. Haygood over here at this point?
A At that point, yes.
Q Okay. Go ahead and have a seat. Are you, at some point, communicating to the fireman on the other side of the water?
A Not really.
Q Okay. And did he at point – at some point, communicate to you that he had located the tie-dyed shirt?
A Yes.
Q And how did he do that?
A He said, "We have found the shirt." Then he also said, "We have found some black Nike shoes."
Q Okay. And could you – you're looking in the direction of where he sees this clothing; correct?
A Right.
Q And it's directly across from where you're standing?
A Yeah.
Q Do you see anyone in this area searching?
A Nobody.

Q And I'm pointing to the area between Deer Creek directly up to the cemetery.
A Nobody was over there.
Q Okay. Are you familiar with this area on the upper side or the north side of the water?
A Not really.
Q What did you have to do from the water level to reach this Weber access road?
A There's probably a 10 or 15-foot hill that goes up to it.
Q Okay. Did you ever go from this Weber drive up to the bridge?
A Yes.
Q And is there another elevation between the Weber drive and the bridge?
A Yes.
Q And what would you estimate that to be?
A Maybe about the same.
Q Okay. An additional –
A Yeah.
Q -- 10 to 15?
A Yeah.
Q When you're standing up here looking across, could you see people searching in this area?
A No.
Q Did you see people searching when you were coming around the bend or prior to that?
A Prior to the bridge, there was people searching.

Q Okay.
A On the other side.
Q So prior to the bridge, there were people searching on the opposite side of the water?
A Yes.
Q Did you see any on your side of the water?
A No.
Q Did you, at some point, call – did your group contact law enforcement to say there's clothing in the water or did someone else do that and you're unaware?
A The fireman was, I think, the one that got ahold of them. We contacted somebody that actually lived on that side –
Q Okay.
A -- that could maybe come down and check it out –
Q Okay. Did that resolve –
A -- about the same time the fireman was coming to the clothes.
Q Okay. So you were aware that someone was being contacted to come from the other side?
A Yes.
Q What do you mean by that, from the other side?
A Somebody that lived over there that Shane Haygood called to come down and check it out.
Q Okay. So did you learn that someone was coming from the other side at some point?
A Yes.
Q And who did you believe was coming from the other side?

A Pat Brown.

Q And is that a person known to you from the community?

A Just the community, yes.

Q Okay. Not personally?

A No.

Q As you're standing up here and you're watching this fireman approach the clothing, do you hear or see anyone on the other side?

A Well, before that –

Q Other than the fireman, I'm sorry, in the water.

A Before this, I mean, what's going on right now, Brad German, his wife, Kelsi, and Michael Bennett actually showed up over there at the time that the fireman was going over there and the time that Pat Brown was coming down the hill.

Q Okay. And that's some of the family of L.G.?

A Yes, grandparent.

Q Okay. Did you know those people personally prior to this day?

A Yes.

Q Okay. And what was your familiarity with this whole area? Had you been to the High Bridge trail?

A Never.

Q Had you heard about the Monon High Bridge?

A I had not.

Q So you lived here your whole life and didn't know about the High Bridge trail?

A No.

Q Okay. What about this cemetery?
A Just drove by it. Of course, we do a lot of route running, so I've been on about every road in Carroll County.
Q Okay. But as far as the area from the cemetery to the water, were you familiar with that?
A Never.
Q Okay. So you said you believed Pat Brown was coming from the other side.
A Correct.
Q Did you ever see or hear Pat Brown?
A Did not physically see him, but we heard him coming. I think Shane was still on the phone with him, and he just said, "We have found the bodies."
Q Did he sound alarmed?
A Absolutely.
Q Okay. And so even when Pat Brown says the words, "We have found the bodies," are you looking from this elevated area over toward the clothing?
A Yes, still.
Q And could you see Pat Brown?
A No.
Q And could you see the bodies of A.W. and L.G. –
A Could not.
Q -- from that side?
A Could not.
Q Where did you go then from that private drive when you left the area?
A We went out Webers' driveway on the other – I'm mean, out towards the front.

Q So along this drive, coming back to the west?
A Actually, up by the house.
Q You went out that –
A Yes.
Q -- direction?
A Yes.
Q Okay. So this actually connects all the way around?
A Yeah.
Q All right. There was a photograph taken of the clothing from your side of the water; is that correct?
A Correct.
Q And although you did not take it, you're familiar with it?
A Correct.

MS. DIENER: May I approach the witness, Judge?

THE COURT: You may.

Q Mr. Johns, I'm gonna show you what's marked as State's Exhibit 7, has the sticker in the bottom. Do you recognize that photo?
A Correct.
Q Does it represent what you observed on February 14th, 2017, from the opposite side of the Deer Creek?
A This is it.

MS. DIENER: Okay. State would move to admit and publish Exhibit Number 7.

THE COURT: 8.

MR. LUTTRULL: Do we already –

MS. DIENER: Oh, 8.

STATE'S EXHIBIT 8 OFFERED

THE COURT: Any objection?

MS. AUGER: No, Your Honor.

THE COURT: I'll show, without objection, 8 is admitted and you may publish.

STATE'S EXHIBIT 8 ADMITTED

STATE'S EXHIBIT 8 PUBLISHED

Q And so just to clarify, Mr. Johns, you never crossed the creek into the area where the bodies were?

A No.

MS. DIENER: No other questions.

THE COURT: Ms. Auger.

MS. AUGER: Thank you, your Honor.

CROSS EXAMINATION OF JAKE JOHNS

QUESTIONS BY MS. AUGER.

Q Mr. Johns, you gave a statement I think in 2019; do you recall speaking to Rich Davies?

A I've given seven, eight statements to different people.

Q Okay. And you said that you were up on the access road over here? (Indicates)

A Yeah.

Q But you could see some shoe prints?

A Yeah.

Q Okay.

A The other guy I was with could see some shoe prints, yes.
Q Did you see the shoe prints?
A No. I was more up towards the road, closer to the road, and he went down to the water.
Q All right. And was there also a mark of a kind of a slide?
A From the top of the bridge, yeah, you can see where the ground and rocks had been disturbed, absolutely.
Q And that's on the morning of the 14th?
A Correct.
Q And did you relay that information to law enforcement in – that day at any time?
A Yeah.
Q Now, the shirt, State's Exhibit 7 –
THE COURT: 8.
Q -- 8, I'm sorry, I marked it wrong – State's Exhibit 8, that was pretty easy for you to see?
A Correct.
Q And this is at about twelve o'clock on February 14th?
A Between 12 and 12:30 I'd say.
Q All right. And you didn't go out to get the shirt; right?
A No.
Q The water was really deep?
A Yeah.
Q No area where the water wasn't deep?
A I think you could probably go halfway across.

Q And the water's flowing pretty well?
A Not really.
Q No?
A No.
Q Okay. Did you ever go in the water at all?
A No.
Q Now, you've also said that it was weird that there was only one fireman out there; is that right?
A Correct.
Q And when you were up here on the access road, you couldn't see over here; is that right?
A Could not.
Q All right. But you could hear Pat Brown?
A Yeah.
Q All right. You could hear him really well?
A Yeah.
Q Sound travelled pretty easily out there?
A Yeah.

MS. AUGER: Nothing further.

THE COURT: Ms. Diener.

RE-DIRECT EXAMINATION OF JAKE JOHNS

QUESTIONS BY MS. DIENER.

Q After Pat Brown walked down or you heard the voice of someone say, "We found bodies," could you see other people come to the area?
A Could not see them, but we could hear them travelling down the hill.

Q Okay.
A Like leaves wrestling around and walking.
Q Okay. So even though you could hear people, you could not see them?
A Could not see them.
Q And you were in an elevated position?
A Right.

MS. DIENER: No other questions.

THE COURT: Ms. Auger.

RE-CROSS EXAMINATION OF JAKE JOHNS

QUESTIONS BY MS. AUGER.

Q Now, Mr. John – John or Johns?
A Johns, S.
Q I'm sorry.
A It's all right.
Q You were here. (Indicates) Is that right?
A About the middle of the – from there to the house.
Q Okay.
A So a little farther.
Q On the access road?
A Yeah, yeah.
Q Okay. And do you know where the voice of Pat Brown was coming from?
A Yeah. It was exactly straight across from us.
Q Okay. How do you know that?
A I don't exactly know that, but, I mean, they – Shane told him where to come and that's where he came in, right from the graveyard.

MS. AUGER: Okay. Thank you.

THE COURT: Does anybody on the jury have any questions for Mr. Johns?

(No response or indication from any juror.)

THE COURT: No? All right. Thank you, Mr. Johns. You may step down.

THE WITNESS: Thank you.

THE COURT: We're gonna take our morning break.

MR. MCLELAND: Yes, Judge.

THE COURT: All right. Well, ladies and gentlemen, this is an appropriate time for us to take our morning recess. While you're outside the courtroom, please, keep your minds open. Please don't form any opinions or conclusions about anything. You may discuss the evidence that you've heard so far, but please, only do that if all 16 of you are present in the jury room at the same time and then, please, don't deliberate. Gentlemen.

THE BAILIFF: All rise.

(Jury out at 10:27 a.m.)

THE COURT: All right. Let's resume at – 15 minutes, please. Jodie, you can go off the record.

(Off record at 10:27 a.m.)

(On record at 10:45 a.m.)

THE COURT: Okay. We're back on the record. And are we ready for the jury to come back? Yes? Okay.

MR. MCLELAND: Yes, Your Honor.

MR. ROZZI: Yes.

MR. MCLELAND: Sorry, I can't see you, Judge.

THE COURT: That's okay. And just a reminder, we're going to noon today.

MR. MCLELAND: Yes, Judge.

THE COURT: So could be a little bit before noon, depending on where we're at with your witnesses.

MR. MCLELAND: Yes, Judge.

THE BAILIFF: All rise.

(Jury in at 10:54 a.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thanks, gentlemen. All right, Mr. McLeland, you may call your next witness.

MR. MCLELAND: Judge, before we call our next witness, during the break, I was able to get a screenshot of the image that we marked up. I've submitted it to your court reporter and had it marked as State's Exhibit 7. I would ask the Court permission at this time to publish that picture to the jury. I've also provided that to the Defense.

THE COURT: You may.

MR. MCLELAND: Thank you, Judge.

STATE'S EXHIBIT 7 PUBLISHED

THE COURT: And again, ladies and gentlemen, just keep all of that stuff inside of your folders, so that you have those available.

MR. MCLELAND: Thank you, Judge.

MS. DIENER: Judge, while they're passing that exhibit, the State would call Pat Brown.

(Witness sworn.)

DIRECT EXAMINATION OF PATRICK BROWN

QUESTIONS BY MS. DIENER.

Q Good morning, Mr. Brown.

A Good morning.

Q Okay. I'm – that is not gonna amplify your voice.

A Okay. Sorry.

Q No –

A I apologize.

Q -- so you'll have to the do the amplifying. All right. And I'll remind you if you start to get quiet.

A Okay. All right.

Q Tell the jury your full name.

A Patrick Neil Brown.

Q And do you live in the Delphi area?

A Yes, I do.

Q Have you always lived in the Delphi area?

A Yes.

Q What do you do for a living?

A I work at Tate and Lyle, they make cornstarch.

Q Is that a Delphi business?

A Lafayette.

Q How far is that from your home?

A Probably about 25 minutes or so.

Q And are you familiar with the Monon High Bridge trail area back in 2017?

A Yes, yes.
Q Is your home in the vicinity of others that live in that area?
A Yes. I'm about a mile and a half or two miles away.
Q Okay. I'm gonna have you talk a little louder.
A Mile and a half, two miles away.
Q Okay. So the road, the county road that passes alongside the Mears entrance to the trail, is that a familiar area to you?
A Yes.
Q And in 2017, were you familiar with L.G. or her family?
A Yes.
Q In what way?
A I've known Mike since high school.
Q And we're referring to Mike Patty?
A Yes.
Q Do you have children around the same age?
A Yes. My daughter's the same age as the oldest granddaughter I do believe.
Q And we're talking about Kelsi?
A Kelsi, yes.
Q What about A.W.?
A No, I don't know them.
Q Okay. In 2017, were you working at Tate and Lyle?
A Yes.
Q And what kind of shift do you have there?
A I work a day shift, I work in the maintenance department.
Q Is that a set schedule?

A Yes.
Q What are your hours?
A Monday through Friday, 7 to 3.
Q 7 a.m. to 3 p.m.?
A Yes.
Q Okay. So do you recall that February 13th of 2017 was a day off of school?
A Yes.
Q On that particular day, did you work?
A Yes.
Q Did you, at some point, become aware that L.G. and a friend of hers were missing?
A Yes. That evening.
Q Can you tell us about your day and when it was and how it was that you learned that?
A I went to work that day, I worked all day long. Three o'clock, I got off work, drove home. On my way home, I stopped at the parts store, got an oil filter for my wife's SUV. Went on home, changed the oil in my wife's SUV. We were selling it to a guy she worked with, so me and my daughter, we jumped into it after I was done, we drove to Monticello, dropped it off. Me and my wife drove home. I started to cook supper on the grill and then, shortly after we ate and everything, we were watching TV and that's when my wife said that Becky had posted on Facebook that the girls were missing.
Q And so at that time, if she said Becky Patty's granddaughter's missing, you would know who she was talking about?
A Yes. Well, one of them.

Q Okay. And did you then do anything with regard to the information that they were missing?

A Yes. I called Mike and –

Q And we're talking Mike Patty?

A Yes – and asked him if they had found them or anything, 'cause I didn't know how long that post had been, and I called Mike, and he was at the police station I do believe, and then I told him I was gonna go see if I could help look, see if we could find them.

Q Okay. Was it dark at this point?

A Yes, it was.

Q And so what did you do in order to assist?

A I went – I called Tom Mears, a buddy of mine, and I asked him if he wanted to go look for the girls. He was busy at the point, but he was – said he would meet me over by the High Bridge.

Q Okay. So Tom Mears. We've heard a lot about the Mears name.

A Yes.

Q Are there a lot of Mears –

A Yes.

Q -- family members?

A Yes, there is.

Q Okay. And do they all live in the same vicinity that you live in?

A Yes, most of them do, yes.

Q Okay. So you made arrangements to meet with Tom Mears?

A Yes.

Q Okay. Where did you go to meet with him?

A Well, I went on and I went over to the cemetery, which I pulled into the cemetery and I parked. I walked around the cemetery. There's a – I don't know if you want a map or –

Q Come on up and we'll show them where you're talking about. So I'm gonna stand on this side –

A Okay.

Q -- so you can be out of the way of the jury seeing the picture. But I've shown you a map of the area before.

A Yes.

Q I'll give you an opportunity to get acclimated.

A Okay.

Q Okay. So what area would you be coming from if you left home?

A If I left home, I'd be coming from this area up here –

Q Okay.

A -- and coming around through that way.

Q So you'd be coming from the north?

A Yes.

Q Travel south –

A Yes.

Q -- to this perpendicular road on the picture. What is that road?

A I –

Q Do you know?

A I don't know the road number.

Q It's okay. Do you travel on it often?

MS. DIENER: Judge, is it okay if I ask the jury whether they can

see it?

THE COURT: They're indicate – can you see it? No. I think there is a glare. And I think yesterday if you had it –

MS. DIENER: See, I tried to put it where they –

THE COURT: Maybe move it a little bit forward.

MS. DIENER: Okay, let's try that.

THE COURT: Is that better?

MS. DIENER: Better?

THE COURT: Okay. Everybody's giving a thumbs-up. There we go.

MS. DIENER: Perfect. Everybody in the back row does a thumbs up. Anybody thumbs down?

THE COURT: Okay.

MS. DIENER: Okay. Thank you, appreciate that.

Q Okay. Coming from off the map. Okay. And you come down to the perpendicular road.

A Yes.

Q Okay.

A Come to this road here. (Indicates)

Q And where'd you go from there?

A Okay. I come down this road, come over. I stopped here at Ron Logan's house.

Q Okay. Why'd you stop at Ron Logan's?

A Well, I stopped to ask him if he might have seen the girls. Retired, I didn't know maybe if he'd seen them walk by or anything like that, so I thought I would

ask him if he had seen them.

Q Okay. And was there anything unusual about your conversation with Ron Logan?

A No.

Q Did he indicate he had seen the girls?

A No.

Q Okay. And then what'd you do?

A So I left there and I come on down the road, and I come to this edge, just turning into the cemetery here. (Indicates) Come in, parked my vehicle right in this area here. (Indicates)

Q Are you in the cemetery?

A Yes.

Q Okay.

A Still in the cemetery, yes. And there's a ravine that runs through here, so I come around, I think – I knew there was people on the bridge, I could hear them, I could see lights. So I come around and I walked along this ravine, this ridge, and I worked my way along the ridge to the bridge back here. Then I found they had a vehicle backed up, they were getting a drone out to fly a drone. I talked to the people there for a little bit. They said they had searched the area here, so talked to them for a little while, and then I left and come up to the Mears entrance, what they call the Mears entrance, followed the trail through here to the Mears entrance, and then Tom called, and I met him right in here. (Indicates)

Q On that road?

A Yes, on that road. Picked up – me and Tom picked up and then we took and drove around. We went out to the Heartland, come back around to 218,

went around the – there's an old gravel road, goes back through and it comes out by Mike and Becky's and around. We drove all around the country, looking to see if they were out walking.

Q Okay. So let's go back to what you observed here.

A Yes.

Q What part of this area is familiar to you?

A What part of it?

Q Yes.

A This part. (Indicates)

Q Okay. So the part to the west of the ravine –

A Yes.

Q -- toward the High Bridge trail?

A Yes.

Q Okay. And what do you know about this ravine area? Are you –

A Well, it's pretty steep and everything in there, so –

Q Okay. Would it be difficult to walk directly from the west of the trail and just go straight across?

A Yes, I think it would be.

Q Okay. And so even when you parked in the cemetery on what would be the west side of the drive, you went around the wooded area –

A Yeah, around –

Q -- to the north?

A -- because the ravine comes up through there, right around this.

Q Oh, okay. So it's even deep along the side –

A Yeah –

Q -- of the cemetery?
A -- I wouldn't say it's real deep, but in the dark, you could probably break a leg pretty easy in there.
Q Okay. So you come up around that wooded area that we can see and you walk along this –
A Walk along –
Q -- field or down in here?
A Walk along here and work my way to the bridge, right along through here and then to the bridge, yes.
Q Okay. Is there an area in here that you – where you could not walk close to the water?
A Yes. It's really steep right here, it's very steep.
Q So you came from the cemetery toward the High Bridge?
A Yes.
Q Did you ever cross the High Bridge?
A No.
Q And then you went backward on the trail?
A Yes, that way.
Q Okay. Where – it's dark; correct?
A It's dark.
Q Do you have a flashlight with you?
A Yes.
Q And can you see other people with flashlights?
A Yes.
Q In what vicinity do you see flashlights?

A I see flashlights over in here – (indicates) – and some back in here – (indicates) – and there were a couple back here at the bridge that had flashlights, too.

Q Could you tell –

A Right at the entrance area.

Q Okay. And the people that were there with the drone, did they look like they were with law enforcement in some capacity?

A I could not tell you.

Q Okay. Could have been random people?

A It could have been just someone that was (inaudible)

Q You get with Tom, you drive around –

A Yes.

Q -- the area (inaudible). Did you and he ever come back to the trail?

A Yeah. He brought me back to my truck and then he went home, I also went home. I got home and I talked to my wife, 'cause I needed a can of Skoal, so I drove back to town and got me a can of Skoal. And then, while I was in town, I drove some of the backroads, old 25 all the way out, but I stopped at the fire station at first and talked to the guys at the fire station and asked them what they heard. They hadn't heard anything, so like I said, I drove some of the backroads, old 25 down and I come to 218 and I went back home.

Q Was it your thought that the girls may have attempted to walk home?

A Yeah. Well, walk home, walk into town, I was just looking to see. I didn't know if they – where they would walk or –

Q Okay.

A So –

Q Because the Patty home is in the same vicinity as yours is off the map?
A Yes, they're off the map over there.
Q Okay. So you go home that night after you've stopped at the fire station and –
A Yes.
Q -- talked to some other people.
A Yes.
Q What do you do on the 14th of February? Would that have been a work day for you?
A Yes. I got up, I called off work to help search. I asked the wife if she heard anything or seen anything on Facebook and she had not seen anything, so I went ahead and call off work to help with the search, if there was one. I drove into town, I'm not sure of the time, it was still dark.
Q Okay.
A I drove into town, got a cup of coffee, talked to John Randle, he was going to work at the police station. And after I got done talking to him, we talked for a little bit, I drove back home, 'cause my daughter was getting ready for school. And then I drove back into town again after she'd got ready and gone. And I went to Stone House, I met Tom and his father-in-law at Stone House.
Q Now, just so the jury knows, the Stone House is a local restaurant –
A Yes.
Q -- is that correct?
A Yes.
Q Okay.
A It's a restaurant.

Q And it's in the downtown area?
A Yes.
Q Did you take your daughter to school or did she transport herself?
A No, no, she got on the bus.
Q On the bus, okay. Okay. So you're at the restaurant –
A Yes.
Q -- and what happens from there?
A Drinking coffee. Then we went across, because they was doing the thing over at the firehouse, so we went across to see what was going on over there, and that's when they was talking about the search and everything, and Mr. Mullins [sic] – Officer Mullins, he was – seemed to be heading it up, gave us his phone number and everything, and got the searchers ready.
Q So did you collect the phone number of Steve Mullin when you were at that meeting, in case you needed it later?
A Yes.
Q Prior to that, you would not have had it?
A No.
Q Did you know that he was the Delphi chief of police?
A No.
Q So you get a phone number. What area do you go to search and who goes with you?
A Me and Tom, we went together. We come out, 'cause they said they was gonna be using helicopters and stuff and fly them over this area here.
Q And what area are you referring to? The trail?
A This – yeah, the trail area.

Q Okay.
A All this area here. (Indicates) So we come out and went over this way.
Q And you're pointing to the right side of the map –
A Yes.
Q -- east of the cemetery?
A Yes, yes. We went over that way. There's a couple fields over there and farms along the creek, so we went over there, looked there. There used to be – years ago, there used to be a cave in the side of the – I don't know, hillside or whatever, there used to be a cave in there, so we went to check and see if maybe they had gotten in the cave; and the cave had been collapsed long before that, so – there were trees over it, so we moved on and checked a couple other places. And when we got done there, looking where we looked, we went back to Tom's house, 'cause he was getting some wood cut up, he has a sawmill. We went back there to his place, messed around a little bit, and then I went home, got a call from my daughter and she wasn't feeling well at school, so I went to school and I picked her up.
Q What time of day do you think that was?
A I'm gonna say 10:30, 11 maybe. I'm not sure.
Q So mid-morning?
A Yes.
Q Okay.
A So she wasn't –
Q You take her home?
A Yes.
Q All right.

A And then, like I said, I pick her up, took her home, got her home. We sat there for a little bit, ate lunch. I thought at that time they had – step across here, okay – this is where – this building here I think is where they had set up a command center.

Q And what do you mean by command center? What did you see there?

A Well, I never got there.

Q Oh, okay. You heard about it?

A Yes, yes, I heard they had a command center set up there.

Q Okay.

A I think they put a trailer there or something that they was working out of. So I left my house, was going to the command center to see what was going on, and that's when Tom Mears called me and he said, "Hey, I just got a phone call from Shane Haygood and they seen something along the creek." And he said, "If you can go look here" – Tom told me to – he was asking me if I could go look. So I told him, "Yeah, sure." So I come back to the cemetery and I pull in, I park right in here, in this area. (Indicates)

Q Same as the day before?

A Yes, right in that area, yes.

Q And at this point, do you know Shane Haygood?

A No, no, I don't.

Q And do you know anything about the area where they are?

A No, all I know is they're across the creek on that side.

Q On the south side?

A Yes.

Q So then how do you communicate with the people on the other side of the

water?

A Well, Tom told me that they had seen something. So I come to the cemetery and I tried to call Shane, 'cause he gave me his phone number, I tried to call him. He didn't answer, so I proceeded to come across the way here on the east; right?

Q Okay. Yes.

A That'd be on the east side, there's a gate, and I come through that gate and he called me after I got through the gate, he called me back and said they had seen something –

Q Wait, who is he?

A Shane Haygood.

Q And is that private property at that point, outside the cemetery?

A Yes, it is.

Q Okay.

A Yes, it is.

Q Is it marked?

A I don't know if it is or not.

Q Okay.

A So I cross over there and Shane calls, calls me back, and he says that they are across the creek and he could see something down from the cemetery along the creek. So I proceed to walk that way and that's when I ran into Melissa Marchand.

Q Okay.

A And me and her talked. She was coming from this direction somewhere and we met right in here. (Indicates) And we spoke for a little bit and I told her

that Shane had called, said that they had seen something by the creek, and they also said that the fireman – there was a fireman walking along the creek, go toward the fireman, so that's the direction we went.

Q At this point, when you're up here, can you see the water? Can you see –

A From here?

Q -- the water from here?

A A little bit, but not a lot.

Q Okay.

A So we proceeded to go towards the creek and that's when we came across the girls and –

Q What'd you do?

A I looked and, at first, I thought they were mannequins.

Q Okay. Did you say something out loud?

A Yeah. I said, "We found them." And –

Q It's okay.

A I need a minute.

Q Sure.

A That's when Melissa she took off and ran back towards the other way. I turned around, I don't – I turned around and, like I said, I yelled out we had found them, "You need to call the police." I got on the phone, I called Mr. Mullins, told him that we had found them. I stood there, facing away from them, and then, while I was standing there, Ben Mears come from the west with another fellow and they come over and they stopped. And the fireman that I – he come from the west and was here. So I was standing there. Three girls come from over here – (indicates) – and they come over and they did not get close to the

girls, but they stood there for a little bit and then they went up by the cemetery. I walked over to Ben Mears –

Q And –

A -- and –

Q Go ahead.

A At that point in time, we stood there and waited, and that's when police officers came.

Q Okay. I'd like to switch this out for a picture that's closer up so that you can help us with who you saw and where you saw them.

A Okay.

MS. DIENER: So, Judge, for the record I would indicate that – up to this point, Mr. Brown was referencing State's Exhibit 2, the large map.

Q Mr. Brown, now we have State's Exhibit 3, which is a closer view of the cemetery and Deer Creek area; would you agree?

A Yes.

Q Okay. Now, when you were pointing to the area, you were not very close to the water. I'd like you to be more specific about the location where you saw the girls with respect to Deer Creek?

A I'm gonna guess right in here I guess. (Indicates) It's hard to tell.

Q Okay.

THE COURT: They can't see.

MS. DIENER: Is it all glare?

THE COURT: He's standing in front of it.

MS. DIENER: Oh.

A Right in this area, I would say. (Indicates)

Q Okay. You felt like it was farther away?
A Yes. I mean, yeah, I don't –
Q You don't know?
A Yes.
Q Okay. Did you, at some point, go closer to the fireman that was in the water?
A Yes. I come to the creek –
Q Okay.
A -- where Ben Mears was with another guy, standing with him, so I followed him through, and the guy dressed in the firemans clothes was over here and I was standing –
Q Okay.
A -- there with them.
Q And when you were at the – when you were closer to the water, talking to the fireman, did you know that he had come from the water or where?
A No, I didn't know where he came from. I didn't know if he came from this way or – I didn't see him.
Q Okay. And you said you saw Ben Mears?
A Yes, ma'am.
Q Did you see what area he came from?
A Yes. He come from this direction. (Indicates)
Q From the west?
A From the west, yes.
Q Okay. Did he come from that direction after you saw the bodies?
A Yes.

Q And you said you were with Melissa. Did you know her to be a relative of L.G.'s family?
A Yes.
Q And what direction did she go?
A When she left?
Q Yes.
A She went back up this way and ran back the way we came, so –
Q Okay.
A -- I don't – after she got away from me, I don't know where she went.
Q Did you leave the vicinity of the bodies after you saw them?
A Yes. I walked over here with Ben Mears.
Q Were you still –
A I never left the area though.
Q Could you still see the area where the girls' bodies were?
A I could see where they was at, but I could not see them though.
Q So if you were along the edge of the water searching, looking toward the cemetery or this vicinity, do you believe you would have been able to see the bodies of L.G. and A.W.?
A From where I was at, no.
Q How close did you get to the bodies?
A Roughly five feet, right in there.
Q Were you any closer than you and I standing here?
A Probably this distance.
Q Okay. And did you see anyone with you get closer to the bodies?
A No.

Q Did you have a firearm with you that day?
A No, I did not.
Q Could you see Shane Haygood that was on the other side of the water giving you directions?
A No, I did not see anybody on the other side of the water, but I wasn't really paying attention after –
Q After you saw –
A -- we found the girls, yes.
Q Did police arrive before you left?
A Yes.
Q And what happened when police arrived?
A We were standing here, I was standing there, Ben, the other guy, and then the guy in the fire department garb. The police officers came down and that's when they kind of took our information and then they asked us to leave the way we walked in.
Q So you see law enforcement come from the cemetery area?
A Yes.
Q And those are the first police officers that you see?
A Yes.
Q And when you leave, you leave the same direction that you came?
A Yes; yes, ma'am.
Q And what about the other civilians that were in that area with you?
A They left the directions that – they told them to leave the directions that they came also.
Q Okay. So not everyone went with you to the cemetery?

A No, no.

Q You can have a seat back in the witness chair.

MS. DIENER: I'd pass the witness.

THE COURT: Mr. Baldwin.

CROSS EXAMINATION OF PATRICK BROWN

QUESTIONS BY MR. BALDWIN.

Q Hi, Pat. How are you?

A Good. How are you?

Q Doing good up there, you don't seem nervous. I've just got a few questions for you.

A Okay.

Q You said on your direct examination that up near – this is the cemetery?

A Yes.

Q You could hear people from the bridge when you were up here at the cemetery?

A Yes. That was – the day before or –

Q Yeah, on the 13th.

A Yes.

Q So the sound was pretty good from here –

A Yes.

Q -- to you?

A Yes.

Q And you could also see lights I think is what you said.

A Yeah, you could see flashlights.

Q All right. From the cemetery down to the bridge?

A Well, maybe not all the way to the bridge, but you could see lights in the woods there, yes.

Q Did you see the clothing? Did you see the clothing in the creek?

A No, I did not.

Q Okay. You weren't looking for it?

A No, I wasn't looking for that.

Q All right. I wanted to kind of clear up some stuff. The Ben Mears – try to get a better understanding of when and where he was. So he was – you – Ben Mears was walking along with another guy along this creek here?

A Yes. I don't know where they was walking, I just know where they come out.

Q They came out near the creek?

A Yes.

Q But they were heading this way?

A Yes.

Q So – and I'm indicating, for the record, east, from the west to the east; is that correct?

A Yes.

Q All right.

A Yes.

Q And you can walk along that creek there?

A There is – yeah, there's a ridge there, but I'm not sure, I haven't been back in that part, so I don't know.

Q Okay.

A I couldn't tell you how steep it is or – I just walked along the ridge there. I

don't know if there's a place along the creek you can walk or not.

Q And what – how far do you have to travel down from the cemetery to where you can see the creek? I think you testified to that, but I wanted to make sure.

A Oh, I would say maybe 30, 40 yards maybe before you could see the creek.

Q Where the girls were located, could you see the creek from there?

A Yes.

Q Okay. If you went up, you could see them even beyond that?

A You could see the creek a little bit, yes.

Q And just so the jury understands, I mean, the steepness is – it doesn't – you can't really see it here, but there's – this is pretty steep right here; right?

A Yes, through the – where the ravine is, yes.

Q Yeah. But by the time you get down to where the girls are, it's a flatter area?

A Yes, it gets flatter, yes.

Q Okay. In fact, it's pretty flat?

A Yes.

Q You wouldn't happen to know how many feet from the creek here to where the girls were?

A I would not know, no.

Q Difficult – where were – were you told that there was gonna be dogs searching in this area?

A I had heard that – yes, at the thing that they was gonna have dogs there, I had heard that, yes.

Q So there was some interest, you think, in searching in this area over here?

A Yes, I think they was gonna look there, yes.

Q And just so the jury understands, the other fellow that was coming in, the fireman, he was coming along the creek from this direction? (Indicates)
A That's – yes, from what I could see, that's the way he was coming in, yes.
Q Then, there was three girls, and they were more up here in this area; is that what you were saying?
A Well, they – when I seen them, they come from that area, yes.
Q Okay. But they were able to get down to the area where you were?
A Yes. I'm not sure which way they took, but they got to me, yes.
Q So you can get from this upper area to this lower area; correct?
A Oh, yeah, you could.
Q Okay.
A But it's very steep. There's some steep areas in there that's –
Q Sure. For guys of a certain age, maybe a little bit difficult than others?
A Yeah, some older guys, yes.
Q Yeah, yeah. So when you called Steve Mullins [sic] –
A Yes.
Q -- where were you on here?
A I was standing facing away from the girls, so –
Q And you had phone service there?
A Yes, I did.
Q You did? A bunch of police officers had arrived fairly quickly after you had made your phone call; is that correct?
A Well, the two showed up and they come and took our information and everything, and then, shortly after that, as we were leaving, they were coming in, yes.

Q Yeah. And you've described it in the past as a bunch of police officers coming down.
A Yes, there was several, yes.
Q Okay. And they were in uniform?
A Yes.
Q Guns?
A Yes.
Q And they walked in the area where you were?
A Yes, they walked straight in that area, yes.
Q In fact, you encountered, as you walked up from where the – from down here, I mean, you walked all the way up to the cemetery at some point in time; right?
A Yes.
Q And you encountered – oh, go ahead, I'm sorry.
A No, I wasn't saying anything.
Q Okay.
A I was just answering.
Q And you encountered police all the way up, as you were walking up to the cemetery?
A Yes.
Q Lots of police; correct?
A There was a few.
Q You are a deer hunter, I know that from – because of –
A Yes.
Q -- is that correct? Are there lots of scavenger-type of animals in Carroll

County, such as coyotes?

A Oh, there's coyotes, yes.

Q Buzzards?

A Yes.

Q Turkey buzzards?

MS. DIENER: Objection, Judge. Outside of direct.

THE COURT: Sustained.

Q Last question. This is a – they say don't ask a question you don't know the answer to. I'm about to do that. I though the schools were closed on that – oh, that's the next day.

A Yes.

Q Okay. Got it.

MR. BALDWIN: Thank you. No other questions.

THE COURT: Ms. Diener.

MS. DIENER: No other questions, Judge. I'd like to release Pat Brown from his subpoena.

THE COURT: Okay. Does anybody on the jury have any questions for Mr. Brown? Okay. All right. If counsel would approach, please.

(Sidebar conference conducted.)

THE COURT: "Who was your phone provider in 2017?"

MS. DIENER: Yes.

MR. BALDWIN: Firm?

MS. DIENER: Phone.

MR. BALDWIN: Phone, oh, okay.

THE COURT: Approximately how long did it take for the police to

get to the spot that the bodies were found in after you found them?

MS. DIENER: Yes.

MR. BALDWIN: Yeah.

THE COURT: "How fast was the crime scene secured when the people were told to leave the area?"

MR. BALDWIN: Fine.

THE COURT: How long is your next witness?

MS. DIENER: I will have to ask. I think it's (inaudible)

THE COURT: I'm just thinking it's – we ought to break?

MS. DIENER: I can't speak to how long the witness will be.

THE COURT: (Inaudible)

MR. BALDWIN: I'm still doing only three witnesses, so – we're trying to (inaudible)

MS. DIENER: (Inaudible)

THE COURT: Okay.

(Sidebar conference concluded.)

JUROR QUESTIONS OF PATRICK BROWN

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Mr. Brown –

A Yes.

Q -- who was your phone provider in 2017?

A That's a good question. I do believe it was Verizon.

THE COURT: Verizon. Any follow-up, Ms. Diener?

MS. DIENER: I did not hear his answer.

THE COURT: He said Verizon.

A Verizon.

MS. DIENER: Thank you. No follow-up.

THE COURT: Okay. Mr. Baldwin?

FOLLOW-UP EXAMINATION OF PATRICK BROWN

QUESTIONS BY MR. BALDWIN.

Q You believe it's Verizon? Do you pay the – in my house, I wouldn't – I don't have any idea who our –

A My wife pays the bill, but –

Q Your wife pays the bills?

A Yes. I do believe it was Verizon though.

Q Okay.

A Yes.

JUROR QUESTIONS OF PATRICK BROWN

QUESTIONS OF THE JURY, READ BY THE COURT.

Q Approximately how long did it take for the police to get to the spot that the bodies were found in after you found them?

A Well, honestly, it seems like it takes forever in a situation like that, but I would say maybe five minutes at the tops maybe.

THE COURT: Any follow-up, Ms. Diener?

MS. DIENER: No, Judge.

THE COURT: Mr. Baldwin?

MR. BALDWIN: No, Your Honor. Thank you.

Q And how fast was the crime scene secured when the people were told to leave the area?

A I would say they took over pretty quick.

THE COURT: Pretty quick. Any follow-up?

MS. DIENER: None from the State.

THE COURT: Mr. Baldwin?

MR. BALDWIN: No, Your Honor. Thank you.

THE COURT: All right. Thank you, Mr. Brown. You may step down.

THE WITNESS: Okay. Thank you.

THE COURT: All right. Well, ladies and gentlemen, I've been advised by the State that the next witness could be fairly lengthy; and rather than keep you well into the noon hour and having your lunch way late, we'll just go ahead and break a little bit early, get you a little bit more time. Again, while you're outside of the courtroom, please, keep your minds open. Please don't form any opinions or conclusions about anything. Since you will be in the company of the bailiffs, you cannot permit – I cannot permit you to discuss the evidence, so please, don't do that. I know we have a couple of activities planned for you today and tomorrow, so please, enjoy your time off. You will reconvene here in Carroll Circuit Court Monday at 9 a.m. Have a safe and peaceful weekend and we'll see you then. Gentlemen.

THE BAILIFF: All rise.

(Jury out at 11:35 a.m.)

THE COURT: You may be seated. Anything we need to do outside the presence of the jury?

MR. MCLELAND: No, Judge, I don't believe so. I think the State is fine until Monday.

THE COURT: Okay. Anything, Mr. Rozzi?

MR. ROZZI: No, Judge.

MR. BALDWIN: No, Your Honor.

THE COURT: Okay. Those of you in the audience are permitted to leave. And, media, you may approach into the well of the courtroom for your 15-minute review. Jodie, you can go off the record.

(Off record at 11:36 a.m.)

(On record October 21, 2024, at 9:05 a.m.)

THE COURT: All right. Well, good morning, ladies and gentlemen. We are back on the record in *State of Indiana versus Richard Allen*, 08C01-2210-MR-1. Show the Defendant's here in person with counsel. State is here by the elect and his deputies. The jury is here. Are we ready to begin?

MR. MCLELAND: Judge, can we approach just briefly just to address the Court?

(Sidebar conference concluded.)

MR. MCLELAND: Judge, the State's case today, we've got officers to testify and then we're gonna go the CSI officers that examined the scene, there's gonna be a lot of photos of it.

THE COURT: Okay.

MR. MCLELAND: Our next witness after that is coming from two hours away. I assumed that would take the whole day, so I have him coming at nine o'clock tomorrow.

THE COURT: Oh, okay.

MR. MCLELAND: So if I see we're getting done early, I can call him and give him. Are you giving some thought about giving the jury a mental break

after they see the –

THE COURT: Okay.

MR. MCLELAND: -- crime scene photos?

THE COURT: Okay.

MR. MCLELAND: I don't know all the timing, we still might be in a position where we ask the Court to recess a little early today –

THE COURT: Okay.

MR. MCLELAND: -- if the next witness isn't here.

THE COURT: Okay. And I'm meeting with media representatives at noon to give them back their equipment.

MR. MCLELAND: They filed another motion or somebody filed a motion last night.

THE COURT: The motion to intervene, yeah. Whatever. Who cares? We'll – I'll deal with that later.

MR. MCLELAND: Just trying to give you a heads-up.

THE COURT: Okay. All right. Thank you, I appreciate that.

MS. AUGER: Thank you.

THE COURT: Okay.

(Sidebar conference concluded.)

THE COURT: All right. Well, thanks for the update. Are we ready to bring the jury back in?

MR. MCLELAND: Yes, Your Honor.

THE COURT: Folks, we ready?

MR. ROZZI: Yes.

THE COURT: All right. Gentlemen.

THE BAILIFF: All rise.

(Jury in at 9:08 a.m.)

THE BAILIFF: Thank you. You may be seated.

THE COURT: Thank you, gentlemen. I'll let you get all settled in there, ladies and gentlemen. Well, good morning, ladies and gentlemen. It's nice to see you back this morning. I know that we had an activity planned for you on Saturday that you all took advantage of. We also provided an opportunity for you to spend some time with your families on Sunday, and I know several of you were able to have your family members come down. I know that your family members were told and honored the Court's directive that they weren't to bring any telephones or anything when they came to visit with you and you were constantly monitored under the supervision of our three bailiffs while you enjoyed your family time. And since we have parted company for several hours and had that opportunity to have some contact with outside folks, I'm gonna ask each of you, collectively as a group, the following questions. Ladies and gentlemen, have you read, seen, or heard any media accounts concerning this case?

A (All jurors respond in the negative.)

THE COURT: Have you discussed this case with anyone?

A (All jurors respond in the negative.)

THE COURT: Have you permitted anyone to discuss this case with you?

A (All jurors respond in the negative.)

THE COURT: And has anybody persisted in attempting to discuss this case with you?

A (All jurors respond in the negative.)

THE COURT: And have you conducted any research into this case?

A (All jurors respond in the negative.)

THE COURT: All right. Again, ladies and gentlemen, I appreciate your continued compliance with the Court's orders regarding outside influence. Again, it's important that you make your decision on what you see and hear in the courtroom, not on any outside discussion, so I appreciate that you continue to comply with the Court's directives. We are ready go begin. Mr. McLeland, you may call your next witness.

MR. MCLELAND: Thank you, Your Honor. The State would call Darren Giancola, please.

(Witness sworn.)

DIRECT EXAMINATION OF DETECTIVE DARREN GIANCOLA

QUESTIONS BY MR. MCLELAND.

Q Deputy, are you as comfortable as you can be in that chair?

A As I can be, yes.

Q Okay. Gonna ask you to speak up the best you can. The microphone amplifies for the audience, but it doesn't for us and Defense and the jury, and so everyone needs to be able to hear your answers; fair enough?

A Fair.

Q All right. Will you state your name, please.

A Darren Giancola.

Q And how are you employed?

A With the Carroll County Sheriff's Office.

Q And what is your rank with the Carroll County Sheriff's Department

currently?

A Currently a detective.

Q And how long have you been employed total with the Carroll County Sheriff's Department?

A Since 2011, but in there, there was a six-month leave and then I came back.

Q As a law enforcement officer, did you have to go through special education or training?

A Yes.

Q Can you tell me about that.

A I graduated the law enforcement academy, mandated training annually, and I attend multiple trainings in niche areas like drug investigations and interviewing, things like that.

Q Is that done on an annual basis?

A I attend some sort of extra training every year by my choice, yes.

Q Okay. And again, been a law enforcement officer since 2011; is that correct?

A Actually, since 2009. With the Sheriff's Office since 2011. I was with the Delphi City Police from 2009 to 2011.

Q And in your role as a law enforcement officer, is it fair to say you've investigated all types of offenses?

A The majority, yes.

Q I want to take you back to February 13th of 2017; do you recall that day?

A I do.

Q And were you on duty that day?

A I was not.
Q What shift do you typically work?
A At that time, I was working a night shift from 6P to 6A as a road-patrol deputy, and that would have been one of my regular scheduled nights off.
Q However, you came into work that night; is that correct?
A That's correct.
Q I want to take you to around 10 p.m. that evening; can you tell me what happened?
A I had seen something on social media about two missing juveniles in Delphi. I contacted now-Sergeant Kingery, 'cause he was the deputy on duty that night, and he advised there was gonna be some search efforts going, so I came in to help.
Q Did you get the identity of the two missing juveniles?
A Yes.
Q Who were they?
A L.G. and A.W.
Q After you got that information, what did you do?
A I believe I went to the Sheriff's Office and was helping look through some electronics that belonged to one of the girls, but they were locked, so we couldn't get into them.
Q Did you have information of where the girls went missing?
A I was told their last-known location was near the High Bridge.
Q After you completed your activities at the jail, what did you do next?
A I went out and actively helped in the physical search.
Q And do you recall where you went to help with the search?

A Yes. I went to – it was a private drive at the end of 625 West.

MR. MCLELAND: And, Judge, I'd ask the Court permission if the witness can come to the map so he can point that out to the jury.

THE COURT: You may.

Q Officer – or Deputy – Detective – sorry – Giancola, I'll have you come down to the map and I'm gonna have you use this pointer – okay, I'm gonna have you use this pointer, and I want you to step back as far as you can, so the jury can see the map. Can the jury see the map okay? Okay. Point out where you went – after you left the jail, you went out to assist in the search; is that your testimony?

A That's correct.

Q And where did you go?

A So I would have accessed this private drive here. (Indicates) This is 625 West and it dead-ends into a private drive that takes you into the woods back – it goes underneath a section of the High Bridge. I believe somewhere in this wooded area here is where I teamed up with some civilians and fire department personnel and we began searching that area.

Q Can you point that area out again on the map.

A Somewhere right in here, just south of the bridge. Right in here. (Indicates)

Q You were still on the private drive on 625?

A I parked my car there and then exited and we were – if I recall right, we were in like a line from the creek to the drive, a line of people pushing toward – pushing north.

Q Do you know what time of night this was?

A It was dark, it was midnight or so.
Q And this is a silly question, what were you using to search?
A A flashlight.
Q How far around you could you see with that flashlight?
A Not very far, that's why we do a chain like that, so that – 'cause you can only see so far, so if there's a decent space between the people in the search party, but we try to make a line so that nothing gets missed.
Q And you believe there was a line of people from the private drive to the creek?
A That's correct.
Q And how far did you go with that search?
A I went – I believe I was somewhere over here on the northern side of the bridge, between the creek and the bridge when I got the notification that it was – the search was being called off and to report back.
Q Once you got to that side of the bridge, and I'm gonna say the northeast side of the bridge, you were still actively looking for the girls; is that correct?
A Yes.
Q And when you got to that side of the bridge, there's something that stuck out to you in your mind; is that right?
A Yes.
Q Can you tell me about that?
A So as I got underneath the – the private drive goes underneath the bridge, and along the – I guess you could almost call it like a bank; under the bridge, there's large section of limestone or cinderblock, and I was climbing up on those and looking for anything, and I could see a wash of the leaves down the side of