

# AFFIDAVIT

## FOR PROBABLE CAUSE

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STATE OF INDIANA, COUNTY OF MARION, SS:

Michal Dinnsen swears (affirms) that:

On October 19, 2024, at approximately 12:28 AM, officers with the Indianapolis Metropolitan Police Department were called to investigate a hit and run accident in the parking lot of the Checkered Flag Tavern located at XXXX W Morris Street. Upon arrival, Officer M. Anderson located a male that was injured in the parking lot. The male, later identified as Perry Banks, was transported to Eskenazi Hospital in critical condition. After arriving at the hospital, Perry Banks was declared deceased at 12:57 AM by Dr. McGhee. Officer Anderson requested a homicide detective to the scene.

Detectives M. Dinnsen, G. Toms, C. Morgan, K. Hoover, D. Morning, and K. Gourley, responded to the scene. Detective C. Pearson responded to Eskenazi Hospital.

Detective Dinnsen took a recorded statement from a witness, E.J. E.J. stated he arrived at the bar later in the evening after his child's football game. Another male, Felipe Maguellar, was at the bar. E.J. has known Maguellar for over a year. E.J. is engaged to K.D. K.D.'s best friend, O.A., used to date Felipe Maguellar. After a previous disagreement between E.J. and Maguellar, Maguellar broke into E.J.'s residence. Because E.J. reported it to the police, Maguellar called E.J. a snitch.

On October 19, 2024, E.J. exited the bar and entered the patio area to go to his vehicle. E.J. passed by Maguellar, and Maguellar said something to him to begin an argument. E.J. said he told Maguellar it was not the time or place and continued to his vehicle. Maguellar followed E.J. to his vehicle where an argument ensued.

Other patrons of the bar observed the argument and began to break the two up. Other patrons told Maguellar to leave and told E.J. to go inside. E.J. began to head inside and observed Maguellar get into a black Cadillac Escalade. E.J. thought he heard someone yelling, "Gun!" He was concerned he was going to be shot because he knew Maguellar had been involved in a shooting recently. E.J. went inside the bar after he saw Maguellar get into the driver's door of the vehicle. E.J. was told right after that Maguellar had run over a person in the parking lot. There was no other person other than Maguellar that could have entered the vehicle.

Detective Dinnsen then spoke with co-owner of the bar, L.S. L.S. stated she was standing outside in the parking lot because she had heard there was an argument between a couple of people. She observed two smaller males standing in the parking lot. The males turned the corner, and she

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Michal Dinnsen

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**From:** Michal Dinnsen

could no longer see them. She then observed a black SUV pull into the entrance of the parking lot from the street, where the vehicle had been parked. L.S. stated the black SUV stopped at the entrance for approximately thirty seconds with its headlights on illuminating the parking lot. L.S. believed the group of people that had just broken up the argument were standing in the parking lot and were clearly visible. The driver then pushed the pedal down and accelerated as quickly as possible into the group of people that were standing in the parking lot. L.S. saw the black SUV strike Perry Banks. The SUV did not press the brakes at all and continued through the parking lot without striking any other vehicles before exiting the parking lot.

Detective Dinnsen conducted a search of police databases and learned Felipe Maguella was the registered owner of a 2008 black Cadillac Escalade. Detective Dinnsen located a license plate reader hit with license plate number on October 19, 2024, at 12:26 AM. The vehicle was recorded as traveling eastbound in the XXXX block of West Morris Street. Detective Dinnsen continued to search for license plate reader hits but found none after 12:26 AM on October 19, 2024. Detective Dinnsen sent a department wide email to sworn IMPD personnel with a photograph of the vehicle in an attempt to locate the vehicle. The vehicle has been entered into police databases as a felony vehicle with instructions to contact Detective Dinnsen should it be located. As of the writing of this affidavit, the vehicle has not been located.

On the morning of October 19, 2024, Detective Dinnsen attended the autopsy of Perry Banks. Doctor G. Schmunk determined the cause of death was multiple blunt force traumas and the manner of death was homicide.

On October 20, 2024, Park Ranger J. Burrello recovered video from a DVR system at the Checkered Flag Tavern. Ranger Burrello learned a second DVR system was given to the Checkered Flag Tavern's surveillance footage technician, AJ, to retrieve the rest of the surveillance footage. Detective K. Gourley recovered the second DVR from AJ and transported it to Ranger Burrello.

Detective Dinnsen learned of a second person that was potentially struck by the black Cadillac Escalade on the night of the incident. On October 21, 2024, Detective Dinnsen contacted M.C. and took a recorded statement. M.C. stated he was at the Checkered Flag Tavern on October 19, 2024, celebrating his birthday. While he was inside the bar, he learned about a fight that was occurring outside in the parking lot. He and his friends exited the bar and broke up the fight in the parking lot. M.C. told both parties that they cannot fight here. M.C. told a Hispanic male to leave and told E.J. to go back inside the bar. After the fight was broken up, he was talking to a black male (Perry Banks), when a black Cadillac Escalade attempted to run over several people in the parking lot. M.C. was struck by the vehicle but was able to jump out of the way to avoid

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major injury. The black male he was speaking with was run over by the Escalade. M.C. stayed on scene but did not volunteer to talk to police.

Detective Dinnsen later received a phone call from an Indiana State Police Trooper. The trooper identified himself as JH and stated his niece, O.A., was present at the Checkered Flag Tavern at the time of the incident. JH stated he would provide O.A.'s contact information via email the next day.

On October 23, 2024, Detective Dinnsen spoke with O.A. and took a recorded statement. O.A. stated she was in a romantic relationship with Felipe Maguellar, who she frequently refers to as "Flip". O.A. is also friends with K.D., E.J.'s fiancé. O.A. was at the Checkered Flag Tavern to celebrate K.D.'s father's birthday on the evening of October 18, 2024, into the morning of October 19, 2024. O.A. saw Felipe Maguellar was at the bar. At one point, Felipe Maguellar approached O.A. while she was purchasing a drink from the bar. Maguellar began a conversation by saying he was happy he got to see O.A. again. Detective Dinnsen later learned O.A. has a protection order protecting O.A. from Maguellar under cause number 41C01-2409-F6-000658. The protection order was served in open court on October 7, 2024.

E.J. arrived after his child's football game. Once E.J. learned Felipe was there, he expressed his intent to leave. E.J., K.D., and O.A. were carrying balloons and other party items out to their vehicle when Maguellar started an argument. Maguellar followed O.A., E.J., and K.D. into the parking lot and slapped E.J. in the back of the head. An altercation broke out causing the involved parties to trip over a motorcycle and fall into a parked vehicle. A group of bikers exited the bar, told the involved parties their behavior was unacceptable, ordered E.J. back into the bar, and ordered Maguellar to leave. O.A. saw Maguellar heading towards his vehicle, a black Cadillac Escalade, which was parked on the street. As O.A. was entering the bar, she observed the black Cadillac travel through the parking lot and into a group of people, striking Perry Banks.

Detective Dinnsen showed O.A. a photo array marked as Lineup ID 168733 with a known photo of Felipe Maguellar in the number five position. O.A. identified Felipe Maguellar in the number five position as the person she saw arguing with E.J.

Detective Dinnsen spoke with E.J. and K.D. separately. Detective Dinnsen showed E.J. a photo array marked as Lineup ID 168733 with a known photo of Maguellar in the number five position. E.J. identified Felipe Maguellar in the number five position as the person that he was arguing with on October 19, 2024. E.J. also told Detective Dinnsen that when Felipe Maguellar was walking towards the Cadillac Escalade, Maguellar said, "I got something for you," before he got into his vehicle. E.J. said he believed Maguellar meant he was going to retrieve a gun.

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Detective Dinnsen took a recorded statement with K.D. K.D. gave a similar statement of events as E.J. and O.A. K.D. also said she saw a black SUV enter the parking lot and strike a black male in parking lot of the Checkered Flag Tavern. K.D. was shown a photo array marked as Lineup ID 168734 with a known photo of Felipe Maguellar in the number three position. K.D. identified Felipe Maguellar in the number three position as the person that was arguing with E.J. on October 19, 2024.

Through the interviews Detective Dinnsen conducted, he learned the issues between E.J. Maguellar began when E.J. and his fiancé, K.D., had an argument. That argument led to K.D. leaving the house one evening and spending the evening with O.A. O.A. was with Maguellar on that night. Maguellar then posted a photo of himself, O.A., and K.D., at a bar, on social media. This social media post upset E.J. who then called Maguellar. E.J. argued with Maguellar before E.J. learned the photo was not taken on the night it was posted and was an old photo. E.J. and K.D. worked out their differences and stayed together. A few weeks later, O.A. broke up with Maguellar. Maguellar believed E.J. was at least partially at fault for the breakup. Maguellar then broke into E.J.'s house in the early morning of September 14, 2024. E.J. reported this to police under IMPD case number IP240087540.

After breaking into E.J.'s residence, E.J. called O.A. to warn her and tell her what had just happened. O.A. left her house and went to a neighbor's house. Maguellar went to O.A.'s residence in Greenwood, IN, broke in, and began a fire. Maguellar was arrested on that case under Greenwood PD case number G24L20762. Because these cases were reported to the police, Maguellar became even more upset with E.J. and believed he was a snitch.

On October 24, 2024, Detective Dinnsen learned that Detective M. McDonald of the IMPD Violent Crimes Unit and his team had located Felipe Maguellar. Detective McDonald transported Maguellar and a female he was with, P.T., to the IMPD Homicide office.

Detective Dinnsen spoke with P.T. P.T. was advised of her Miranda warnings and signed the rights waiver. P.T. stated that she and Felipe Maguellar were involved in a romantic relationship. P.T. denied any knowledge of Maguellar's involvement in a homicide. P.T. denied any knowledge of where Maguellar's black Cadillac Escalade was located.

Detective Dinnsen requested consent to search P.T.'s cell phone. P.T. gave her consent to search her cell phone. Detective Dinnsen read P.T. the consent to search electronic device waiver. P.T. stated she understood and signed the waiver and provided the passcode. Detective Dinnsen conducted an advanced logical extraction of the data on P.T.'s phone. Several of the text message threads were from different phone numbers that were not saved to the contacts in the phone, but the messages stated it was "Flip" writing the messages.

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Detective Dinnsen then spoke with Felipe Maguellar and advised him of his Miranda warnings. Maguellar signed the rights waiver. Maguellar stated since his release from jail on October 17, 2024, he has been with his child's mother. Maguellar stated he had not been to the Checkered Flag Tavern and denied any knowledge of anything that occurred there. When told that he was seen at the Checkered Flag Tavern along with his Cadillac Escalade, Maguellar stated he sold his Escalade. Detective Dinnsen asked Maguellar if he sold the Escalade while he was still in jail or if he had sold it after he got out. Maguellar then expressed that he wanted to speak with an attorney.

Detective Dinnsen placed Maguellar under arrest for murder. Maguellar was transported to the CJC by IMPD wagon.

On October 25, 2024, Detective Dinnsen applied for and was granted a search warrant for the 2011 blue Ford Fusion vehicle Maguellar and P.T. were located in. Officer M. Anderson of the IMPD assisted as the evidence technician during the execution of the warrant. Detective Dinnsen located a black iPhone in a brown case in the passenger door and Maguellar's driver's license in the center console. In the trunk of the vehicle, Detective Dinnsen located a license plate with the license plate number CWW237. Detective Dinnsen recognized this as the license plate belonging to the Cadillac Escalade registered to Maguellar. Detective Dinnsen transported the license plate and iPhone to the IMPD property room.

All of which occurred in Marion County, State of Indiana.

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