

1 STATE OF INDIANA IN THE SUPERIOR COURT I

2 SS:

3 COUNTY OF MORGAN 2018 TERM

5 CAUSE NO: 55D01-1611-MC-1805

7 IN RE: SEARCH WARRANT

10 BEFORE THE HONORABLE PETER R. FOLEY
11 SEARCH WARRANT HEARING HELD 11-23-16

24 HEATHER RHODEN
25 OFFICIAL COURT REPORTER

A P P E A R A N C E S

CASSIE MELLADY STARNES

DEPUTY PROSECUTING ATTORNEY

On behalf of the State of Indiana

LARRY SANDERS

On behalf of the Morgan County Sheriff's Department

HEATHER RHODEN

OFFICIAL COURT REPORTER

1 THE COURT: Now proceeding in cause 55D01-1611-MC-1805, in
2 the matter of Search Warrant. Now before the Court is deputy
3 prosecuting attorney Ms. Mellady, and has presented and tendered
4 to the Court, I guess, a request for a search warrant. How do
5 you wish to proceed?

6 MS. STARNES: Your Honor, I'd like to call my witness,
7 Detective Larry Sanders.

8 THE COURT: Okay, sir, why don't you go ahead and raise
9 your right hand. Do you swear or affirm the testimony you're
10 about to give in this matter is the truth, the whole truth, and
11 nothing but the truth?

12 MR. SANDERS: I do, Your Honor.

13 THE COURT: All right, you may proceed.

14 MS. STARNES: Thank you, Judge.

15 **LARRY SANDERS**, having first been duly sworn upon his oath,
16 now testifies as follows:

17 **DIRECT EXAMINATION:**

18 **QUESTIONING BY MS. STARNES:**

19 Q. Please state your name.

20 A. Larry D. Sanders, S A N D E R S.

21 Q. And where are you currently employed?

22 A. Morgan County Sheriff's Department since January 1, 1988.

23 Q. And in what capacity are you employed with the sheriff's
24 department?

25 A. I'm a Detective.

1 Q. How long have you been a detective?

2 A. For over ten years.

3 Q. And are you a graduate of the Indiana Law Enforcement
4 Academy?

5 A. Yes ma'am, within one year of being hired.

6 Q. Okay and over the course of the past ten years as a
7 detective, have you continued to have all required trainings and
8 ..

9 A. I'm currently up to date on all of my training, ma'am, plus
10 I have a little bit of extra.

11 Q. Okay. Thank you. All right. We're here today on a second
12 search warrant request. We .. since Judge Foley didn't hear the
13 previous search warrant request, can you give the Judge a
14 understanding of the other search warrant we had for to process
15 the crime scene in Mooresville, Indiana, and how you got
16 involved in that case?

17 A. Yes, Your Honor. Well I was contacted by our major crime
18 unit, at which time, Chad Richhart, Detective in Mooresville,
19 Your Honor, contacted me, asked to get a search warrant for 218
20 Springhill Drive in Mooresville, which is an apartment complex
21 in Mooresville. They had a suspicious death of a five year old
22 male, who was found in the morning by his mother at
23 approximately 10:30, they were notified. When they arrived, the
24 mother had blood on her, the deceased had blood on the face and
25 mouth areas, and it appeared that she'd been giving CPR, mouth

1 to mouth, to the deceased. The child was taken to St. Francis
2 Hospital where it was declared dead by the doctors. We got a
3 search warrant to process the apartment because due to the fact
4 that the child was sleeping on an upper bunk, and at some time
5 had bled during the night and blood had dripped down from the
6 upper bunk to the lower bunk, to the floors, and we are
7 processing it as a crime scene. And at which time we have the
8 mother, who's Meghan Price, phone, and we're asking to do a
9 forensic search of the phone for any ingoing, outcoming calls or
10 text messages that happened during this time period.

11 Q. So this investigation has been .. just started this morning
12 around 10:30 is when the initial call came in?

13 A. Yes ma'am.

14 Q. Okay. And so specifically what are you looking for on the
15 phone to help you in your investigation, or what contact, if
16 any, information have you gotten from mother with regards to the
17 phone?

18 A. I did not interview her, Detective Richhart had interviewed
19 her, which he secured her phone. We're asking to look for any
20 ingoing, outcoming phone calls, Your Honor, to see if we can do
21 a timeline of possibly when she first noticed this and when she
22 called 911 or notified law enforcement or medical personnel to
23 come in, because her story is, from what I understand, is that
24 she just discovered her son laying in the bed, and he wasn't
25 breathing, and unresponsive.

1 Q. And you indicated that the crime scene, there was blood in
2 more than one spot, in the bedroom, is that correct?

3 A. Yes ma'am.

4 Q. And there was also blood on the child and blood on the
5 mother?

6 A. Yes.

7 Q. So that would indicate that potentially her story would not
8 match up with the blood events?

9 A. We .. I don't know ..

10 Q. You're not sure? That's what they are trying to figure out
11 ..

12 A. We're trying to put the pieces of the puzzle together at
13 this time, ma'am. And also, Your Honor, Detective Downing
14 advised me that the body was, the best way I can put it, was so
15 stiff of rigor mortis that the mother or someone had made a
16 statement that they had to pry the mouth open with a screwdriver
17 so they could do CPR.

18 Q. Okay. And Detective Downing was a Coroner for several
19 years before becoming a Detective, is that correct?

20 A. Yes.

21 Q. Okay, so he'd be familiar with what rigor mortis is and how
22 long that process takes to set in.

23 A. Yes.

24 Q. Okay. So, securing .. after securing the search warrant
25 and for the crime scene this morning, was there any specific

1 reason that led us to the next search warrant being for mother's
2 phone, or is this just a normal course of your investigation,
3 trying to gather information as to what occurred this morning in
4 this house?

5 A. It's normal course of our investigation. We have a phone,
6 we're trying to cross all of our T's and dot all of our I's,
7 ma'am. Basically, Your Honor, we're trying to verify her story,
8 i.e. that at such time she called law enforcement or medical
9 personnel to arrive, to where we received the phone call about
10 10:30. We looked to see if there .. just a hypothetical
11 situation, Your Honor, at 8:30 there's a text or phone call out
12 to so and so, or a text message to someone saying my son is no
13 longer alive. We're looking for any items along that line.

14 Q. And where is mother currently at this point, or do you
15 know?

16 A. She's with family personnel.

17 Q. Okay. And how is the phone secured by the Morgan County
18 Sheriff's Department?

19 A. I received it from an evidence technician from Mooresville.

20 Q. Okay. Now are you aware of whether or not she turned the
21 phone over voluntarily?

22 A. She surrendered the phone to Mooresville.

23 Q. Okay. And since that time, has that .. since the phone has
24 been returned, was turned over to your possession, have you had
25 it in your possession the entire time?

1 A. As far as I know, yes.

2 Q. Okay. And let's see ..

3 A. Basically, Your Honor, after we do a forensic download of
4 the phone, the phone will be returned to her. We're just trying
5 to get any pertinent information on there because the phone
6 could be erased or factory reset and we'd lose any information
7 involving the investigation of a suspicious death.

8 Q. And throughout whenever you have an investigation when you
9 have a suspicious death or potential suspicious death, this
10 would be a normal course of your investigation in order to
11 verify the information that the witnesses or the personnel
12 involved are being truthful.

13 A. This is one of the steps we use, yes ma'am.

14 Q. Okay.

15 MS. STARNES: I have nothing further, unless
16 Detective, you have anything else, I have nothing else, Your
17 Honor.

18 THE COURT: Okay. The Court will grant the search
19 warrant request. It's limited in scope, the phone was turned
20 over voluntarily by Ms. Price. Based upon the testimony of the
21 officer, there is probable cause to support the warrant, it's
22 narrow in scope. Let's see. Is there a limitation of date as
23 to when the search would occur?

1 MS. STARNES: Judge, I did not put that in the face of
2 the search warrant. If the Court needs a specific day, I think
3 the Detective has a request.

4 DETECTIVE SANDERS: Your Honor, as soon as the Court
5 grants the search warrant, it's going to go over to Detective
6 Chambers from Martinsville. The phone will be forensically
7 downloaded and be returned back to the mother this evening.

8 THE COURT: Well what I'm talking about is within the
9 phone, what you're searching, the search of the data.

10 MS. STARNES: The forensic download would be anything
11 contained on the phone.

12 DETECTIVE SANDERS: Anything currently on the phone is
13 my understanding, is the way Detective Chambers explained it to
14 us, Your Honor.

15 MS. STARNES: So it would not be a specific date
16 range, Your Honor.

17 THE COURT: Okay.

18 MS. STARNES: And for the record, the photographs of
19 the search warrant, or photographs of the phone that we want to
20 search are on the back of the search warrant.

21 THE COURT: Okay. All right, we will grant the
22 request, find it is supported by probable cause, based upon the
23 testimony of the officer. Anything further?

24 MS. STARNES: No, Judge.

25 THE COURT: All right, we'll be adjourned.

1 MS. STARNES: Thank you.

2 (THIS CONCLUDES THE SEARCH WARRANT HEARING)

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7 IN RE:
8 SEARCH WARRANT
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11 I, Heather Rhoden, Official Reporter of the Morgan Superior
12 Court No. 1, State of Indiana, do hereby certify that I am the
13 Official Court Reporter of said Court, duly appointed and sworn
14 to record by mechanical device the evidence of causes tried
15 therein.

16 That on the 23rd day of November, 2016, the foregoing
17 evidence in regards to the hearing held was recorded and that
18 the foregoing is a transcript of the evidence so recorded.
19

20 DATED: 5/24/18
21

22 /s/ Heather Rhoden
23 Heather Rhoden, Court Reporter
24 Morgan Superior Court No. 1
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