

STATE OF INDIANA) IN THE WELLS CIRCUIT / SUPERIOR COURT
) SS: 2024 TERM
COUNTY OF WELLS)
STATE OF INDIANA CAUSE NO.
vs.

Name: John Fennelly

AFFIDAVIT FOR PROBABLE CAUSE

The undersigned swears or affirms that he believes and has good cause to believe that said defendant did on or about May, 7, 24, in the County of Wells, State of Indiana, unlawfully commit the crime(s) as described in the attached narrative report.

In support of his belief, he states that:

OR

In support of his belief, he states, based upon the police report of _____, that:

Personal Observations:

Officer observed acts per attached police report
 Officer did not observe acts but based upon the Officer's investigation (see attached police report) the Officer believes there is probable cause that the acts occurred.

I believe the victim's information to be true and credible for the following reasons:

Victim(s) have no apparent motivation to lie
 Statements by victim(s) are corroborated by other evidence in this case
 Statements by victim(s) are consistent with statements of other witnesses in this case.

I believe the witness(es)' information to be true and credible for the following reasons:

Witness(es) is a private citizen with no apparent motivation to lie
 Statements by witness(es) are corroborated by other evidence in this case
 Statements by witness(es) are consistent with statements of other witnesses in this case

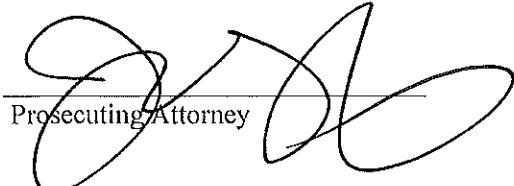
 Defendant was arrested on the 7th day of May 2024, at 8:00 A. M.
 Please issue Warrant / Summons in connection with the filing of the charges.
 Defendant was Summoned to appear on the _____ day of _____ 2018, at _____ P. M.

Anthony Repass
Officer's Signature

The State of Indiana will extradite as indicated below:

All States
 Continental United States
 East of Mississippi River
 Indiana and contiguous States
 Indiana only

APPROVED:


Prosecuting Attorney

Incident Narratives**Original Narrative**

Author: Date Created: Supp #:
TROOPER A. REPASS #ISP8998 05/07/2024 1524 Hrs 0

THIS INCIDENT NARRATIVE IS ACCCOMPANIED BY A LAW ENFORCEMENT RECORDING.

SUSPECT(S) / CHARGE(S):

John Fennelly
Resisting Law Enforcement, Class A Misdemeanor
Refusal to Identify Self, Class C Misdemeanor

NARRATIVE:

On 5/7/2024 I was working as an Indiana State Trooper and patrolling Wells County, Indiana. I was wearing the issued service uniform and driving a clearly marked police vehicle. At approximately 7:45 a.m, I was parked in a church parking lot on CR 450 E. and 400 N. in Wells County, Indiana, facing north bound in my police vehicle. At that time, I observed a vehicle that caught my attention. First, a white box truck was traveling south on CR 450 E. in front of me, and my radar indicated that the vehicle's speed was 44 miles per hour. Behind the box truck, I observed a light blue or gray Buick. This vehicle caught my attention because it appeared to be traveling at a high rate of speed and much faster than the box truck that was in front of it. Once the box truck passed through my radar antennas zone, the speed cleared out and the radar started tracking the Buick. My radar indicated that Buick was traveling 58 miles per hour. CR 450 E. in this area is a posted 45 mile per hour speed zone. I started traveling south on 450 E. to catch up to the speeding Buick and initiate a traffic stop.

As I caught up to the Buick, it turned into a residence at 3079 N. 450 E. I bypassed the vehicle and continued to the intersection at CR 450 E. and 300 N. As I passed the Buick, I observed the reverse lights come on and it start to back out of the driveway. The Buick then pulled forward back into the driveway. I stopped at the intersection and waited to see if the Buick was attempting to avoid me. The Buick pulled back onto CR 450 E. and started traveling south. When the vehicle got in sight of my car, it turned west on CR 300 N. I also turned west and got behind the Buick again, and it immediately turned into a residence at 4444 E. 300 N. Based on my training and experience I believed the driver of the vehicle was engaged in criminal activity. It is a criminal indicator for a vehicle occupant to attempt to elude law enforcement by "turning off" into a residence or behind a business etc. when they believe they are going to be stopped. I have had many cases with similar circumstances where the violators admitted they were attempting to hide from me because they knew I was coming to pull them over while they were committing a crime. It is also uncommon for violators of traffic offenses to use these tactics in my experience and is normally someone engaged in criminal activity. I activated my lights and stopped in front of the Buick to initiate a traffic stop for speeding and to investigate the criminal behavior I observed.

I approached the passenger door of the Buick and asked the driver how he was doing and requested his driver's license and registration. He replied that the license was in his pocket. He asked me why I was talking to him and I told him that he turned off on me multiple times and was speeding, and again ordered him to provide his identification. He stopped looking for his identification and started arguing with me that he was following the box truck and told me that if I did not leave him and go stop the box truck, he was "calling me in." I told him if he did not provide identification, he was going to jail. He continued to argue with me and was not providing his identification. I walked around the back of the vehicle and to the driver door to take the driver into custody for refusal to identify himself.

I opened the driver door to the Buick and ordered the driver to step out. He reached his left arm towards me and I grabbed it to gain control of him, as he was still argumentative and non-compliant. When I grabbed his arm, he tensed up, curled his arm back in, and forcefully pulled away from my grip. At this point the situation became tense, uncertain, and rapidly evolving. I told him again to step out, and told him if he did not exit the vehicle, he would be bitten by my K9 partner. When I said this, the driver jumped out of the vehicle and side stepped way from me and pulled his arm down again away from my grip. He yelled, "I'm telling you right now motherfucker, leave me alone!", turned to face me, and dropped his right hand to his waistband and into his pocket. Based on the initial criminal indicators I observed, the driver's non-compliance and refusal to identify, and forceful resistance when I attempted to arrest him, I believed he was attempting to retrieve a weapon. I know from training and experience that it is common to carry firearms and knives in one's waistband or pockets. I drew my firearm and held it in a ready position towards the driver, as he was still not complying. I also pressed the button to deploy my K9 from his kennel to attempt to de-escalate the situation with a non-lethal use of force. I gave K9 Buck the command "Packen" (bite) as he deployed from my vehicle and ran to me. K9 Buck bypassed the driver and came to my side, as he is trained to do when he is deployed from the vehicle by door popper. I told the driver to get on the ground, and he did not say anything and just stared at me. At that point, K9 Buck just got to me then targeted the driver and engaged him. I ordered him again to get on the ground as K9 Buck was running from me to the driver to engage him. Only when K9 Buck was within a few feet of the driver did he finally start to comply to my commands to lay on the ground. K9 Buck bit the driver on the left foot. When I saw the driver place both of his hands on the ground, I verbally recalled K9 Buck with the "heel" command while simultaneously approaching him and pulling him off by his collar to limit the time he was on the bite. K9 Buck was on the bite for approximately 3 seconds, and pulled the drivers shoe off of him. Once I pulled Buck off of the driver, the driver attempted to lunge back into the driver seat of the vehicle, but I closed the driver door and told him if he didn't lay on the ground he would be bitten again. He again reached into his pocket and withdrew a cellphone and started video recording. I told him to roll over to his stomach and put his arms behind his back. He refused to comply, stating it hurt his back. I requested an EMS come to the scene to render aid and returned K9 Buck to my vehicle.

I re-approached the driver and told him to keep his hands where I could see them. When I could see his hands, I moved over to him and maintained head control while I handcuffed him behind his back. While I was handcuffing him, he continued to tense up and pull away from me, forcibly resisting. I told him several times to stop resisting, and he responded by saying he was not resisting, while resisting. Once he was handcuffed, I rolled him on either of his sides to search him for weapons. I had him sit on his butt and told him to stay in this position, so EMS could check him for injuries.

Other officers and EMS arrived a few minutes later. I identified the driver as John Fennelly DOB 10/19/1964. Mr. Fennelly requested water so I gave him a bottle of water from his vehicle and held it while he drank it, as he was complaining of muscle cramps due to dehydration. I photographed Mr. Fennelly's left foot that K9 Buck bit. There was no visible puncture wounds and very minor scrape on Mr. Fennelly's heel. Mr. Fennelly refused medical treatment and his foot was wrapped in a bandage. Trp. Coffey adjusted the handcuffs on Mr. Fennelly and transported him to the Wells County Jail. The vehicle was towed to Freeman's per the homeowners request.

I spoke briefly with the homeowners at 4444 E. 300 N. and they stated they did not know Mr. Fennelly. They stated their grandchildren observed police in the driveway and went and got them. I also went to the Wells County Jail and assisted with booking in Mr. Fennelly. Mr. Fennelly refused to speak to officers when Miranda was read.

He was booked in for:

Resisting Law Enforcement, Class A Misdemeanor
Refusal to Identify Self, Class C Misdemeanor

SCENE PROCESSING:

NONE



TICKET

State of Indiana
County of: Wells
Township of: Lancaster



UTT #: 000191274293

THE UNDERSIGNED HAVING PROBABLE CAUSE TO BELIEVE SAYS THAT:

Last Name FENNELLY	First Name JOHN	M.I. P	Suffix N/A	Violator DRIVER
Street Address 6575 N 450 E		City OSSIAN	State / Country IN / US	ZIP 46777-9646
Race WHITE	Ethnicity NON-HISPANIC	Gender MALE	Height / Weight 6' 1" / 145	Hair Color HAZEL
Dr. Lic. # / ID # / SSN # 8913533548	Date of Birth 10/19/1964		License Type DRIVERS LICENSE	Expiration Date 10/19/2030

DID UNLAWFULLY OPERATE:

Vehicle Color BLUE	Year / Make 2003 / BUICK	Model PARK AVENUE	Lic. Year 2025	Lic. # / Exp. Date BKJ336	Placarded HAZMAT NO
Commercial Vehicle NO	Truck / Tractor N/A	DOT # N/A	Lic. State / Country IN / US	Lic. Type CM	Classification PASSENGER

DID COMMIT THE FOLLOWING OFFENSE(S):

Upon (A public street or highway) N 450 E / E 300 N CRAIGVILLE, SB	CIVIL COMPLAINT & SUMMONS	Upon (A public street or highway) N 450 E / E 300 N CRAIGVILLE, SB	CRIMINAL INFO & SUMMONS
Date 05/07/2024	Time 07:45 AM EDT	Actual Wgt. N/A	Actual Wgt. N/A
Vehicle Speed 58.00	Prima Facie Speed 45	Allowable Wgt. N/A	Allowable Wgt. N/A
Crash Involved NO	Local Crash # N/A	B.A.C. N/A	B.A.C. N/A
Contrary to the form of the I.C. CODE 9-21-5-2(a) - SPEEDING/IFC			
Upon (A public street or highway) N 450 E / E 300 N CRAIGVILLE, SB	CRIMINAL INFO & SUMMONS		
Date 05/07/2024	Time 07:45 AM EDT	Actual Wgt. N/A	
Vehicle Speed N/A	Prima Facie Speed N/A	Allowable Wgt. N/A	
Crash Involved NO	Local Crash # N/A	B.A.C. N/A	
Contrary to the form of the I.C. CODE 35-44.1-3-1(a)(1) - RESISTING LAW ENFORCEMENT DEF. KNOWIN			

I served Complaint and Summons and/or Information and Summons to the above named individual.

I AFFIRM, UNDER PENALTY OF PERJURY AS SPECIFIED BY IC 35-44.1-2-1, THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

Officer's Name TRP. ANTHONY REPASS	I.D. (Badge) No. 8998	Div/District Fort Wayne	Police Agency Indiana State Police
--	---------------------------------	-----------------------------------	--

PLEA and COURT APPEARANCE: You shall answer this Complaint and Summons and/or Information and Summons as follows:

Plea: <input type="radio"/> Admit <input type="radio"/> No Contest	Signature: _____	Date: _____
--	------------------	-------------

"My signature is an admission of the violation(s) or a pleading of no contest above and will have the same effect as a judgment of the court. I waive my rights including my right to a trial and will pay all fees and costs within the time allowed for payment. I understand that my admission or pleading of no contest may contribute to Habitual Traffic Violator Determination."

The record of the judgment will be sent to the commissioner of the motor vehicles of Indiana or the state where you received a license to drive (IC 34-28-5-12).

"I Deny the Violation(s)" Signature: _____ Date: _____

You may admit and pay the ticket now (contact the court for payment instructions), enter a denial, or decide not to answer. If you enter a denial or decide not to answer, you must appear by date below. If no date and time listed, contact the court to schedule appearance. If you have been cited for a civil infraction and/or an ordinance violation, failure to answer this Complaint and Summons and/or Information and Summons, or failure to appear at court, may result in a default judgment entered against you (Ind. R. Trial P. 55).

Court Wells Superior Court	Address 102 Market Street Bluffton, IN 46714 (260) 824-6484	Contact You will be contacted by the court
--------------------------------------	---	--