

STATE OF INDIANA)
COUNTY OF DUBOIS) SS: IN THE DUBOIS CIRCUIT COURT
CAUSE NO. 19C01- 1909 - F1 - _____

STATE OF INDIANA VS.

(Name) Brian Bender

(Address) [REDACTED]

(Address) [REDACTED]

(DOB) [REDACTED]

(SSN) (REDACTED)

(OLN) [REDACTED]

AFFIDAVIT FOR WARRANT FOR ARREST

I Detective Sgt. Tyler Stivers, an officer with the Huntingburg Police Department being first duly sworn upon his oath, states under the penalties of perjury, that he/she believes and has good cause to believe that on or about the 1st day of January, 20 13 to the 27th day May, 2019 at and in the County of Dubois, State of Indiana, the above named person committed the crime(s) of (8) Counts-Child Molesting, (5) Counts-Sexual Misconduct with a Minor, (1) Count-Rape, (1) Count- Dissemination of Matter Harmful to a Minor, (1) Count-Possession of Child Pornography, (1) Count-Attempted Criminal Confinement in violation of I.C. 35-42-4-3, 35-42-4-9, 35-42-4-1, 35-49-3-3, 35-42-4-4, & 35-42-3-3 and the affiant's beliefs are based on the following information, facts and circumstances, to-wit:

On 06/15/2019 at approximately 2200hrs, while off duty, I was contacted by Officer Ted Klem reference a juvenile that had been brought to the Huntingburg Police Station for a report of child molesting. Without any further information, I signed on duty and drove to station to speak to the complainants.

[REDACTED] and [REDACTED] brought [REDACTED] Victim 1 [REDACTED] hereinafter referred to as "Victim 1") to the Huntingburg Police station after she disclosed a long lasting inappropriate relationship with Brian Bender [REDACTED] hereinafter referred to as "Bender"). Bender is [REDACTED] I spoke with [REDACTED] and [REDACTED] separate from Victim 1. [REDACTED] told me that earlier in the evening Victim 1 came over to her house and disclosed that Bender had been doing things to her for the past approximately six years. [REDACTED] told me that Victim 1 disclosed that Bender fondled her and had sex with her over the course of that time.

Additionally, [REDACTED] learned that Victim 1 first disclosed to family friends [REDACTED] in March of 2019. [REDACTED] stated after Victim 1 disclosed the abuse she immediately contacted [REDACTED] and they agreed to bring Victim 1 to HPD to file a report. [REDACTED] and [REDACTED] are divorced and no longer live together. Victim 1 primarily lives with [REDACTED]

I did not question Victim 1 about specifics of the abuse. I contacted the South West Indiana Child Advocacy Center and scheduled a forensic interview. Furthermore, I contacted the Child Abuse Hotline to file a report. The Child Protective Services did not respond, but set up a safety plan over the phone with [REDACTED] and they agreed not to allow Victim 1 to have any contact with Bender.

On 06/16/2019 and 06/24/2019 I attended forensic interviews with Victim 1 at the Child Advocacy Center in Jasper. The following is a summary of Victim 1's disclosures during those interviews:

The first time Bender touched Victim 1 inappropriately was when her parents were still married and living together in [REDACTED]. Victim 1 was approximately 11 years old (2013). Bender came over to Victim 1's house with [REDACTED] [REDACTED] to stay the night because their farm house [REDACTED] [REDACTED] [REDACTED] was too cold and did not have heat. However, they forgot to bring blankets. So, Bender asked Victim 1 to go with him back to the farm house to retrieve blankets. While there, Victim 1 was sitting on the couch when Bender came over and started fondling her. Victim 1 disclosed Bender sat on the couch next to her and touched her vagina with his fingers and her breast with his hands. After, Bender gathered blankets he took Victim 1 back to her parents' house.

Victim 1 disclosed that Bender would come to her house and wake her up by fingering her on multiple occasions. These incidents took place in multiple locations including at the farm house when [REDACTED] lived with the Bender's after her divorce. The touching would also occur at Brian's home (redacted)

when Victim 1 would stay with him. Bender would stop at the home on his way to work in the morning and wake Victim 1 up by touching her vagina with his finger. This would occur approximately once a month while Victim 1 was out of school for the summer. Additionally, during these incidents Bender would sometimes perform oral sex on Victim 1 or make her perform oral sex on him.

Additionally, Victim 1 disclosed, when she was in 6th to 7th grade, Bender would touch her inappropriately while playing hide and seek with Bender's children. Victim 1 described that Bender would pretend to play, but always came to find her instead of his children. Then Bender would then put his hands down Victim 1's pants.

Victim 1 also disclosed multiple incidents of sexual intercourse, including anal intercourse, with Bender. One incident Victim 1 described she was helping [REDACTED] [REDACTED] with laundry at the farm house when Bender came into the laundry room and forced anal sex with her. Victim 1 was 15 or 16 years old when that occurred. Victim 1 described Bender bent her over the freezer to force himself on her. Victim 1 told Bender to "please stop it hurts", but he replied "It'll feel good in a minute". Victim 1 described she knew Bender ejaculated because she could feel it dripping down her leg.

Victim 1 also disclosed approximately five sexual encounters with Bender in the [REDACTED] truck. Bender, who is an employee of [REDACTED], regularly asked Victim 1 to go with him on wrecker runs. Victim 1

disclosed that Bender would put his hands down her pants in the truck and rub on her (vagina). Victim 1 stated she did not want to participate, but Bender said "If you love me you'll do this" and make her feel bad if he didn't. Furthermore, Bender told Victim 1 not to tell anyone.

Victim 1 disclosed the abuse continued until she was 16 and confronted Bender telling him to stop. However, one incident did occur in May over Memorial Day weekend when Victim 1 and Bender were helping [REDACTED] move. Victim 1 and Bender were at a storage unit with [REDACTED] moving boxes. Bender tried to push Victim 1 in against the storage unit and corner her. However, [REDACTED] walked around the corner and Bender quickly stopped. Victim 1 stated in the forensic interview that she did not think [REDACTED] saw anything that day.

After the forensic interview I contacted [REDACTED] and [REDACTED] and requested they come to HPD to speak with me. They came and spoke to me about Victim 1's disclosures to them back in March. Furthermore, [REDACTED] told me that he witnessed Bender trying touch Victim 1 while they were helping [REDACTED] move. [REDACTED] described he walked around the corner and saw Bender pushing Victim 1. When Bender realized [REDACTED] was there he quickly stopped and acted like he was just playing with Victim 1. Victim 1 did not know [REDACTED] witnessed the incident. Additionally, [REDACTED] and [REDACTED] told me that they had a recording of Victim 1 confronting Bender. They described that Victim 1 called them and kept the line open and her phone in her pocket for safety while she confronted him. [REDACTED] allowed me to listen to the recording. The audio quality is poor, but you can hear Victim 1 telling a male voice that "it has to stop".

On 06/14/2019 I requested assistance from Detective Sgt. Jesus Monarrez to interview Bender at the Huntingburg Police Department. Bender came to HPD and Detective Manarrez read him Miranda Warnings from a form which he signed and agreed to answer questions without a lawyer present. However, Bender denied the allegations and requested a lawyer.

On 07/03/2019 I conducted a follow up interview with [REDACTED] after she called to inform me of concerning statements made by Bender to her. [REDACTED] explained that after Bender was interviewed the family told his wife, [REDACTED], about the allegations. [REDACTED] experienced a medical emergency after hearing the allegations and an ambulance was requested at her residence. While the EMTs were assessing [REDACTED] Bender asked [REDACTED] to speak to him. [REDACTED] told Bender she did not want to talk to him, but he insisted. Bender told [REDACTED] that "he didn't want people to think she was a little girl." Then later at Memorial Hospital in Jasper Bender again attempted to speak to [REDACTED] Bender told [REDACTED] that "there came a time where she could've said no". [REDACTED] explained that the family has been experiencing difficulty from the allegations and that she was very concerned by Bender's comments.

I affirm, under the penalties of perjury as specified by I.C. 35-44.1-2-1, that the foregoing representations are true.

Tyler Steiner 38
Affiant