

CAUSE NUMBER 19C01-1909-F1-

COUNT 1:
CHILD MOLESTING
I.C. 35-42-4-3(a)(1)
CLASS A FELONY

COUNT 2:
CHILD MOLESTING
I.C. 35-42-4-3(a)(1)
CLASS A FELONY

COUNT 3:
CHILD MOLESTING
I.C. 35-42-4-3(a)(1)
CLASS A FELONY

COUNT 4:
CHILD MOLESTING
I.C. 35-42-4-3(b)
CLASS C FELONY

COUNT 5:
CHILD MOLESTING
 I.C. 35-42-4-3(a) and I.C. 35-42-4-3(a)(1)
LEVEL 1 FELONY

COUNT 6:
CHILD MOLESTING
 I.C. 35-42-4-3(a) and I.C. 35-42-4-3(a)(1)
LEVEL 1 FELONY

COUNT 7:
CHILD MOLESTING
 I.C. 35-42-4-3(a) and I.C. 35-42-4-3(a)(1)
LEVEL 1 FELONY

COUNT 8:
CHILD MOLESTING
I.C. 35-42-4-3(b)
LEVEL 4 FELONY

COUNT 9:
SEXUAL MISCONDUCT WITH A MINOR
I.C. 35-42-4-9(a) and I.C. 35-42-4-9(a)(1)
LEVEL 4 FELONY

COUNT 10:
SEXUAL MISCONDUCT WITH A MINOR
 I.C. 35-42-4-9(a) and I.C. 35-42-4-9(a)(1)
LEVEL 4 FELONY

COUNT 11:

SEXUAL MISCONDUCT WITH A MINOR
I.C. 35-42-4-9(a) and I.C. 35-42-4-9(a)(1)
LEVEL 4 FELONY

COUNT 12:

SEXUAL MISCONDUCT WITH A MINOR
I.C. 35-42-4-9(a) and I.C. 35-42-4-9(a)(1)
LEVEL 4 FELONY

COUNT 13:

SEXUAL MISCONDUCT WITH A MINOR
I.C. 35-42-4-9(b)(1)
LEVEL 5 FELONY

COUNT 14:

RAPE
I.C. 35-42-4-1(a)(1)
LEVEL 3 FELONY

COUNT 15:

DISSEMINATION OF MATTER HARMFUL
TO MINORS
I.C. 35-49-3-3(a)(1)
LEVEL 6 FELONY

COUNT 16:

POSSESSION OF CHILD PORNOGRAPHY
I.C. 35-42-4-4(d)
LEVEL 6 FELONY

COUNT 17:

ATTEMPTED CRIMINAL CONFINEMENT
I.C. 35-42-3-3(a) and I.C. 35-41-5-1
LEVEL 6 FELONY

Count 1: On or between January 1, 2013 and June 30, 2014 in Dubois County, State of Indiana, the following named defendant, Brian Bender, a person of at least twenty-one (21) years of age, did knowingly or intentionally perform or submit to deviate sexual conduct with Victim 1, a child under the age of fourteen (14) years, whose date of birth is [REDACTED] to wit: with his finger, the defendant penetrated the sex organ of Victim 1.

Count 2: On or between January 1, 2013 and June 30, 2014 in Dubois County, State of Indiana, the following named defendant, Brian Bender, a person of at least twenty-one (21) years of age, did knowingly or intentionally perform or submit to deviate sexual conduct with Victim 1, a child under the age of fourteen (14) years, whose date of birth is [REDACTED] to wit: with his mouth, the defendant touched the sex organ of Victim 1.

Count 3: On or between January 1, 2013 and June 30, 2014 in Dubois County, State of Indiana, the following named defendant, Brian Bender, a person of at least twenty-one (21) years of age, did knowingly or intentionally perform or submit to deviate sexual conduct with Victim 1, a child under the age of fourteen (14) years, whose date of birth is [REDACTED] to wit: the defendant caused or allowed Victim 1 to touch the defendant's penis with Victim 1's mouth.

Count 4: On or between January 1, 2013 and June 30, 2014 in Dubois County, State of Indiana, the following named defendant, Brian Bender, did perform or submit to fondling or touching with Victim 1, a child under the age of fourteen (14) years, whose date of birth is [REDACTED] with the intent to arouse or satisfy the sexual desires of Victim 1 or the defendant.

Count 5: On or between July 1, 2014 and November 2, 2015 in Dubois County, State of Indiana, the following named defendant, Brian Bender, a person of at least twenty-one (21) years of age, did knowingly or intentionally perform or submit to other sexual conduct as defined in Indiana Code Section 35-31.5-2-221.5 with Victim 1, a child under the age of fourteen (14) years, whose date of birth is [REDACTED] to wit: with his finger, the defendant penetrated the sex organ of Victim 1.

Count 6: On or between July 1, 2014 and November 2, 2015 in Dubois County, State of Indiana, the following named defendant, Brian Bender, a person of at least twenty-one (21) years of age, did knowingly or intentionally perform or submit to other sexual conduct as defined in Indiana Code Section 35-31.5-2-221.5 with Victim 1, a child under the age of fourteen (14) years, whose date of birth is [REDACTED] to wit: with his mouth, the defendant touched the sex organ of Victim 1.

Count 7: On or between July 1, 2014 and November 2, 2015 in Dubois County, State of Indiana, the following named defendant, Brian Bender, a person of at least twenty-one (21) years of age, did knowingly or intentionally perform or submit to other sexual conduct as defined in Indiana Code Section 35-31.5-2-221.5 with Victim 1, a child under the age of fourteen (14) years, whose date of birth is [REDACTED] to wit: the defendant caused or allowed Victim 1 to touch the defendant's penis with Victim 1's mouth.

Count 8: On or between July 1, 2014 and November 2, 2015 in Dubois County, State of Indiana, the following named defendant, Brian Bender, did, with a child under the age of fourteen (14) years of age, to-wit: Victim 1, whose date of birth is [REDACTED] perform or submit to fondling or touching of either Victim 1 or the defendant with the intent to arouse or satisfy the sexual desires of the Victim 1 or the defendant.

Count 9: On or between November 3, 2015 and November 2, 2017 in Dubois County, State of Indiana, the following named defendant, Brian Bender, a person at least twenty-one (21) years of age, did knowingly or intentionally perform or submit to sexual intercourse with

Victim 1, a child at least fourteen (14) years of age but less than sixteen (16) years of age, whose date of birth is [REDACTED] [REDACTED]

Count 10: On or between November 3, 2015 and November 2, 2017 in Dubois County, State of Indiana, the following named defendant, Brian Bender, a person at least twenty-one (21) years of age, did knowingly or intentionally perform or submit to other sexual conduct, as defined by I.C. 35-31.5-2-221.5, with Victim 1, a child at least fourteen (14) years of age but less than sixteen (16) years of age, whose date of birth is [REDACTED] [REDACTED] to wit: with his finger, the defendant penetrated the sex organ of Victim 1.

Count 11: On or between November 3, 2015 and November 2, 2017 in Dubois County, State of Indiana, the following named defendant, Brian Bender, a person at least twenty-one (21) years of age, did knowingly or intentionally perform or submit to other sexual conduct, as defined by I.C. 35-31.5-2-221.5, with Victim 1, a child at least fourteen (14) years of age but less than sixteen (16) years of age, whose date of birth is [REDACTED] [REDACTED] to wit: with his mouth, the defendant touched the sex organ of Victim 1.

Count 12: On or between November 3, 2015 and November 2, 2017 in Dubois County, State of Indiana, the following named defendant, Brian Bender, a person at least twenty-one (21) years of age, did knowingly or intentionally perform or submit to other sexual conduct, as defined by I.C. 35-31.5-2-221.5, with Victim 1, a child at least fourteen (14) years of age but less than sixteen (16) years of age, whose date of birth is [REDACTED] [REDACTED] to wit: the defendant caused or allowed Victim 1 to touch the defendant's penis with Victim 1's mouth.

Count 13: On or between November 3, 2015 and November 2, 2017 in Dubois County, State of Indiana, the following named defendant, Brian Bender, being at least twenty-one (21) years of age, did perform or submit to fondling or touching with Victim 1, a child at least fourteen (14) years of age but less than sixteen (16) years of age, whose date of birth is [REDACTED] [REDACTED] with the intent to arouse or satisfy the sexual desires of Victim 1 or the defendant.

Count 14: On or between July 1, 2014 and May 27, 2019 in Dubois County, State of Indiana, the following named defendant, Brian Bender, did knowingly or intentionally cause Victim 1 to submit to other sexual conduct (as defined in I.C. 35-31.5-2-221.5) when Victim 1 was compelled by force or imminent threat of force, to wit: with his penis, the defendant penetrated the anus of Victim 1.

Count 15: On or between July 1, 2014 and May 27, 2019 in Dubois County, State of Indiana, the following named defendant, Brian Bender, did knowingly or intentionally disseminate matter to Victim 1, a minor, that is harmful to minors, to-wit: a photo of the defendant's penis.

Count 16: On or between July 1, 2014 and May 27, 2019 in Dubois County, State of Indiana, the following named defendant, Brian Bender, did knowingly or intentionally possess a

photograph that depicted or described sexual conduct by a child who the defendant knew to be less than eighteen (18) years of age, to wit: Victim 1, and that lacked serious literary, artistic, political or scientific value.

Count 17: On or between May 24, 2019 and May 27, 2019 in Dubois County, State of Indiana, the following named defendant, Brian Bender, did attempt to commit the crime of Criminal Confinement by knowingly or intentionally trying to pin Victim 1 against a wall without her consent, which conduct constituted a substantial step toward the commission of the crime of Criminal Confinement, which is defined as knowingly or intentionally confining another person without the other person's consent.

All of which is contrary to the form of the Statute in such cases made and provided against the peace and dignity of the State of Indiana.

Dated: September 18, 2019

/s/ Brian D. Lucchi
BRIAN D. LUCCHI
Deputy Prosecuting Attorney

WITNESSES:

Tyler Stivers

Ted Klem

Jesus A. Monarrez

[REDACTED]

Victim 1