

STATE OF INDIANA }
COUNTY OF ALLEN } SS:

IN THE ALLEN SUPERIOR COURT
CAUSE NO.

STATE OF INDIANA

02D05-15 08 - FC - 000230

VS.

AFFIDAVIT FOR PROBABLE CAUSE

Lee M Rager

I, [REDACTED] swear or affirm under penalty of perjury, that I am a Law Enforcement Officer with the Allen County Police Department, and that:

Sometime during the period of time between the 1st day of August, 2012 and the 11th day of October, 2012, in the County of Allen and in the State of Indiana, said defendant, having the care of [REDACTED], a dependent, whether assumed voluntarily or because of a legal obligation, did knowingly or intentionally place [REDACTED], in a situation endangering his health, resulting in bodily injury:

The Defendant, Lee M Rager, is described as being a male white, whose date of birth is 3/26/1967, Social Security Number REDACTED, tall, lbs, Hair Color: , Eye Color: .

The affiant, [REDACTED] believes and has good cause to believe that the said Defendant Lee M Rager committed the aforesaid offense. The affiant, [REDACTED], bases his belief on the fact that on October 18, 2012, the Affiant received an Indiana Department of Child Services form 310. The report stated that the victim, [REDACTED], lived with his legal guardian, the defendant, at [REDACTED]. The report stated that [REDACTED]'s biological mother and father are unknown,. The report stated the defendant may have adopted [REDACTED].

The report stated [REDACTED] was found on October 11, 2012 with marks around his wrist and right ankle. Along with back and head injuries. The report indicated that [REDACTED] said that he had been tied up " like Jesus on the cross" and spanked with a belt by Diana Haley. The report stated that the marks on [REDACTED]'s ankle and wrists were consistent with that story. The report stated that the cheating was reported back to Diana Haley. [REDACTED] stated he was tied up and spanked as a result of a report to Diana Haley that he had been cheating.

The report stated that [REDACTED] has fetal alcohol syndrome and functions at about a first grade level. The report also indicated that [REDACTED] had a spot on his right hand that looks like it was bleached. The report stated that the mark on his hand is reported to have been the result of a burn. The report stated that the injury had been treated by a doctor.

According to the Department of Child Services caseworker, [REDACTED] she conducted a safety assessment of the family house. [REDACTED] observed that [REDACTED]'s room contained only a mattress, pillow and sheet. [REDACTED] mentioned that while in [REDACTED]'s room, his room smelled overwhelming of urine and feces. [REDACTED] also observed a broken pair of handcuffs, a small nail, a pocket knife, a pop tab from a can, a small metal piece and two other steak knives on the island in the kitchen. Diana Haley stated that these were all items found in [REDACTED]'s bedroom.

DCS caseworker [REDACTED] then spoke with [REDACTED]. According to [REDACTED] he would have to knock on his door or yell out the window from his bedroom to get somebody's attention to let him out of his room to go to the bathroom. [REDACTED] indicated to [REDACTED] that there have been times when no one will let him out of his room, so he has to defecate in the vents or urinate on the floor. [REDACTED] asked [REDACTED] what he does when he gets home from school and he indicated that he eats dinner, gets a drink, goes to the bathroom, goes to bed and "they lock the door". [REDACTED] asked [REDACTED] if he ever gets spankings or whoopings. [REDACTED] responded "yes". [REDACTED] questioned [REDACTED] on what part of the body he gets spankings and whoopings, [REDACTED] indicated on his butt, legs, my ding-ding and back. [REDACTED] stated he gets whoopings with a belt by his mom. [REDACTED] stated that his pants are on sometimes. [REDACTED] stated that his mom ties him up sometimes with a belt and stuff. [REDACTED] stated "she uses a belt on my head if I don't stand up and take it". [REDACTED] used gestures to demonstrate how he gets tied up around his thighs, stomach, and sometimes his feet too. [REDACTED] asked [REDACTED] who ties him up and he indicated his mom ties him up.

During the course of the affiant's investigation he spoke with multiple teachers and administration from the Timothy I. Johnson academy. This is the last known school where [REDACTED] had attended. All staff members stated that [REDACTED] told the same story about being tied up and beaten with a belt. [REDACTED] had told them he was bound by his wrists and ankles " like Jesus". Staff members stated they saw no signs of self abuse by [REDACTED]. Administration at the academy stated the abuse was reported to the Indiana Department of Child Services. Administration stated that once the abuse was reported [REDACTED] was removed from the school by his mother, Diana Haley.

0108443/lprice
RED. BY: M.G.

AUG 01 2013

The affiant also spoke with a former teacher of [REDACTED], [REDACTED], at Hickory Creek Center Elementary School. [REDACTED] stated she was [REDACTED]'s teacher from August of 2011 through February 2012. [REDACTED] stated [REDACTED] has confided in her once and stated that he was tied to his bed and beaten. [REDACTED] stated she reported this to the Indiana Department of Child Services. [REDACTED] stated that when this was reported [REDACTED]'s parents then removed him from the school.

The Affiant was able to locate medical records from St. Joseph Hospital for [REDACTED]. In the medical records it shows that [REDACTED] had been treated multiple times at that facility for abrasions to his wrists and ankles. The records indicated that [REDACTED] was also seen multiple times at that facility for frost bite to one of his hands and at least one of those fingers on that hand had "self amputated".

On October 11, 2012, [REDACTED] was taken to St. Joseph Hospital by Diana Haley. Per medical records [REDACTED] was brought to the ER per his adoptive mother, Diana Haley. [REDACTED] presents with multiple wounds, bilateral wrist wounds and abrasions. According to the records, per Diana Haley, these may have been due to the child's play handcuffs or from self-inflicted wounds from a piece of metal. [REDACTED] also has bilateral leg abrasions from the handcuffs as well. [REDACTED] states that he did this to himself. According to the medical records, when [REDACTED] was specifically asked if he caused the wounds on his bilateral arms and legs and he said "yes". According to the medical records, [REDACTED] had numerous old lacerations and abrasions on his body. According to the records, [REDACTED] mother, Diana Haley was instructed to come to the hospital per CPS, due to the child's history of self-inflicted wounds and also [REDACTED] had told his teacher that his mother, Diana Haley "chained him up like Jesus Christ".

According to Dr. Morrison, in his professional opinion indicated that [REDACTED] would have been in extreme pain and could not have caused the injuries to himself. Dr. Morrison also believes in his professional opinion that [REDACTED] injuries were inflicted by trauma. The marks on [REDACTED] ankles were also consistent with being tied up and beaten with an object. Dr. Morrison indicated that there appear to be multiple episodes that take place over a couple month period of time.

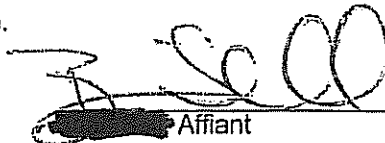
According to medical records, on August 31, 2012, [REDACTED] was taken to Parkview where he was presented to the emergency room with his mother after sustaining a questionable chemical versus thermal burn versus cold exposure burn to his bilateral hands, per the medical records Diana Haley had indicated that [REDACTED] had a brick fall on his hand the day before while working outside, she then put an ice pack on his hand. Diana Haley indicated that [REDACTED] fell asleep with the icepack on his hand. Approximately 4-5 hours later, Diana Haley noticed some mild blistering to [REDACTED] second through fifth digits on the right as well as his second digit on the left. According to the medical records the physician believed [REDACTED] burns are at least second degree if not third degree. According to the medical records, the ER physician urged the parents of [REDACTED] to go directly to St. Joseph Hospital without delay and had called ahead and sent the family to St. Joseph Burn unit. Dr. Morrison treated [REDACTED] for the burns to his hands. According to Dr. Morrison, the injuries were consistent with frostbite, chemical burns, or thermal burns. The injuries ultimately resulted in the loss of a portion of one of his fingers and permanent discoloration and disfigurement to multiple fingers. Given the circumstances of this case, Dr. Morrison does not believe that the account given by Diana Haley is credible. Between the significant pain from the injury, pain caused by the application of ice, and the length of time necessary for an icepack to cause injuries such as those on [REDACTED], reflex reaction would have been to pull away from the icepack before the burns would have been inflicted.

The Affiant was also informed of information that was provided by Dr. Lumbar, Ph.D. from the Center for Applied Behavioral Studies, who conducted a psychological assessment of [REDACTED]. This information indicated that in Dr. Lumbar's professional opinion, the actions against [REDACTED] by Diana Haley would have caused a risk to his mental health well-being.

According to [REDACTED], the defendant knew that he was being handcuffed, locked in his room and spanked with a belt. [REDACTED] indicated that the belt that was used was the defendant's belt.

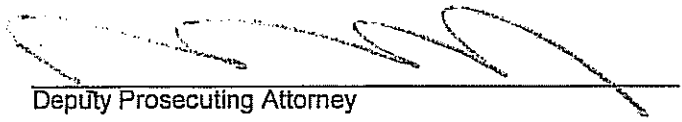
During this period of time, Lee Rager, the defendant lived with Diana Haley and [REDACTED] along with Diana Haley's son, [REDACTED].

The Affiant believes the witnesses to be credible and reliable.



[REDACTED] Affiant

Subscribed and sworn to before me this 22nd day of July, 2013.



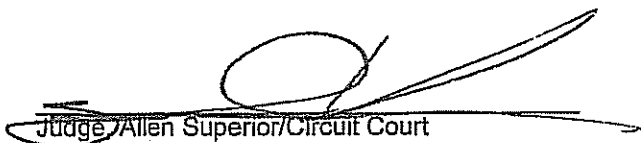
Deputy Prosecuting Attorney

KAREN E. RICHARDS
PROSECUTING ATTORNEY
38TH JUDICIAL CIRCUIT
STATE OF INDIANA

ORDER

Hearing on issue of probable cause held. State of Indiana, by Prosecuting Attorney, Karen E. Richards, files Affidavit for Probable Cause, which is examined by the Court. Court finds probable cause does exist for the arrest of Defendant, Lee M Rager, and orders Clerk to issue a warrant for the arrest of Lee M Rager, for the crime of NEGLECT OF A DEPENDENT, a CLASS C FELONY, Bail fixed in the amount of \$10,000.00 subject to PTS Conditions,

Dated: 7-31-13



Judge Allen Superior/Circuit Court