

STATE OF INDIANA

COUNTY OF ST. JOSEPH

STATE OF INDIANA

VS

DEVIN MYCHAL BUTLER

DOB: [REDACTED] 1995

)

) SS:

)

- FILED -

AUG 23 2016

)
St. Joseph Superior Court

)

)

IN THE ST. JOSEPH SUPERIOR COURT

CAUSE NUMBER. 71D03-1608-F6-000155

INFORMATION IN TWO COUNTS:

COUNT I:

RESISTING LAW ENFORCEMENT
A LEVEL 6 FELONY

COUNT II:

BATTERY AGAINST A PUBLIC SAFETY
OFFICIAL
A LEVEL 6 FELONY

COUNT I

KENNETH P COTTER, upon information and belief, affirms under penalty of perjury that:

On or about August 20, 2016 in St. Joseph County, State of Indiana, Devin Mychal Butler did knowingly forcibly Resist, obstruct or interfere with Aaron Knepper, a law enforcement officer, while said officer was lawfully engaged in his duties as a law enforcement officer and in committing said act the defendant inflicted bodily injury on or otherwise caused bodily injury to Aaron Knepper.

All of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-44.1-3-1(a)(1) and I.C. 35-44.1-3-1(b)(1)(B), and against the peace and dignity of the State of Indiana.

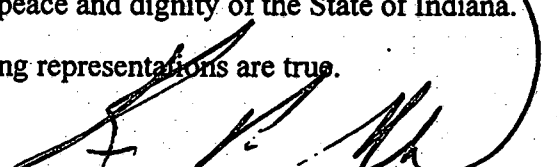
COUNT II

KENNETH P COTTER, upon information and belief, affirms under penalty of perjury that:

On or about August 20, 2016 in St. Joseph County, State of Indiana, Devin Mychal Butler did knowingly touch Aaron Knepper, a public safety official, in a rude, insolent, or angry manner while the said official was engaged in the official's official duty.

All of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-42-2-1(c)(1) and I.C. 35-42-2-1(e)(2), and against the peace and dignity of the State of Indiana.

I affirm under the penalties for perjury that the foregoing representations are true.


KENNETH P COTTER
PROSECUTING ATTORNEY

WITNESSES:

Officer Aaron Knepper -SBPD

Officer Luke Pickard - SBPD

Officer David Johnson - SBPD

Officer Kyle Bilinski - SBPD

All witnesses listed in police, medical and laboratory reports

STATE OF INDIANA)
ST. JOSEPH COUNTY) SS:
STATE OF INDIANA)
VS.)
DEVIN BUTLER)
DOB: XX/XX/1995)

IN THE ST. JOSEPH SUPERIOR COURT
CAUSE NO. 71D03-1608-F6-000755

- FILED -

AUG 23 2016

St. Joseph Superior Court Clerk

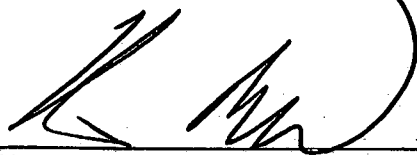
PETITION FOR FINDING OF PROBABLE CAUSE

Kenneth P. Cotter, the Prosecuting Attorney for the 60th Judicial Circuit, State of Indiana, has reviewed verified police reports and prepared the attached Affidavit for Probable Cause and has reason to believe that the above-named individual has committed:

<u>IC CODE(S)</u>	<u>CHARGES</u>	<u>CLASS/LEVEL</u>
<u>COUNT I:</u> 35-44.1-3-1	Resisting Law Enforcement (injury)	Level 6 Felony
<u>COUNT II:</u> 35-42-2-1	Battery to Police Officer	Level 6 Felony

The State advises the Court that more time is required to evaluate the case, gather further information, and determine whether a charge should be filed. The State is therefore asking the Court, pursuant to IC 35-33-7-3, to recess the initial hearing for up to seventy-two (72) hours, excluding intervening Saturdays, Sundays, and legal holidays.

Respectfully submitted:



PROSECUTING ATTORNEY

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

STATE OF INDIANA)
)
VS.)
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DEVIN BUTLER)
DOB: XX/XX/1995)

IN THE ST. JOSEPH SUPERIOR COURT
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St. Joseph Superior Court Clerk

FINDING OF PROBABLE CAUSE AND ORDERS OF COURT

The undersigned, Judge of the St. Joseph Superior Court, FINDS that the State of Indiana has filed a Petition for Finding of Probable Cause in the above-captioned action, and the Petition and the Affidavit for Probable Cause attached thereto establishes probable cause to believe that on or about the 20th day of August, 2016, the above-named individual committed the offense(s) stated in the Petition and that the Office of the Prosecuting Attorney needs additional time to evaluate the case and determine what type of criminal charge(s), if any, should be filed. The State is given until the 24th day of August, 2016 to file charges or advise the Court that no charges shall be filed.

Accordingly, the above-named individual is ORDERED held by the Sheriff of St. Joseph County, Indiana, or other law enforcement agency, until such time as said individual posts a Bond in the amount of \$ 10,000.00 corporate surety or \$ 1,000.00 cash in lieu thereof. The Clerk of the Court and/or the Prosecuting Attorney shall forward a copy of this Order to the Sheriff of St. Joseph County, Indiana, or other law enforcement agency, who shall be charged with execution of this Order of Commitment, and further hearing in this matter is continued until the 24th day of August, 2016 at 1:15 P.M., in the St. Joseph Superior Court, 1855 Courthouse, 122 South Lafayette Boulevard, South Bend, Indiana.

SO ORDERED THIS 20 DAY OF August, 2015 AT 12:49 A.M./P.M.

JUDGE

ST. JOSEPH SUPERIOR COURT

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

IN THE ST. JOSEPH SUPERIOR COURT

CAUSE NO. 71D0 3-1608-F6-00 0755

STATE OF INDIANA

VS.

DEVIN BUTLER
XX-XX-1995

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St. Joseph Superior Court

AFFIDAVIT OF PROBABLE CAUSE

KENNETH P. COTTER, upon information and belief, affirms under the penalty of perjury that:

I am the Prosecuting Attorney for the 60th Judicial Circuit, St. Joseph County, Indiana. I have reviewed verified police reports concerning the arrest of DEVIN BUTLER that occurred in the early morning hours of August 20, 2016. I make this affidavit based upon those reports.

According to the reports, on August 20, 2016 (just after midnight), officers with the South Bend Police Department were dispatched to the 1600 block of E. South Bend Avenue (The Linebacker Lounge Bar) in reference to a fight in the Lounge. Those officers included Luke Pickard and Aaron Knepper. All officers were in uniform and marked squad car.

When officers arrived, they found that security employees at the Lounge had detained a person. After speaking with employees of the Lounge and the detained person, officers were told that while there had been a scuffle, no one wanted any law enforcement action taken.

Officers with the South Bend Police Department then left the Lounge and began walking back to their police cars. At that point, officers heard several women begin

screaming at one another. Officers saw one woman (sitting on a curb) get kicked in the head by another woman. Officers then approached that woman to arrest her for Battery.

Before officers could intercede, a person later identified as DEVIN BUTLER became angry and lunged at the woman who had kicked the other. Officers then observed DEVIN BUTLER forcibly shove the woman by her head and body, causing her to move approximately 3 to 4 feet. Officer Pickard then grabbed DEVIN BUTLER and pushed him away from the woman. Officer Pickard ordered DEVIN BUTLER to "stay back" in order to avoid any further fighting.

Instead of staying back, DEVIN BUTLER began cursing at the officers and approached them. Fearing further violence, Officers (including Pickard and Knepper) then attempted to physically detain DEVIN BUTLER. Instead of stopping, DEVIN BUTLER began to physically struggle with Officer Knepper. Specifically, DEVIN BUTLER pushed Officer Knepper off balance, picked him up over a curb and tackled Officer Knepper to the ground. A struggle then ensued on the ground. During the struggle, DEVIN BUTLER struck Officer Knepper in the side and stomach several times. DEVIN BUTLER continued to swear at the officers and threaten them.

By this time, other officers came to assist Officer Knepper, trying to pull DEVIN BUTLER off of Officer Knepper. DEVIN BUTLER then grabbed onto Officer Knepper's duty belt and physically ripped it off of him. Officer Knepper was forced to strike DEVIN BUTLER and deploy a Taser.

Eventually, officers were able to detain DEVIN BUTLER and pull him off of Officer Knepper. While struggling with Officer Knepper, DEVIN BUTLER caused

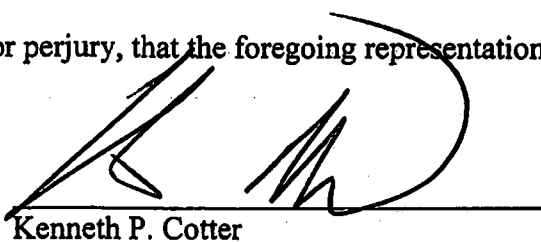
Officer Knepper injury to his elbow, wrist, neck, back and arm. Officer Knepper went to Memorial Hospital for treatment and was released.

While being transported to the St. Joseph County Jail, DEVIN BUTLER apologized, stating that he had been incredibly emotional and intoxicated.

By the time officers were able to detain DEVIN BUTLER, the other individuals in the area had left.

All of the events occurred in St. Joseph County, Indiana.

I affirm under the penalties for perjury, that the foregoing representations are true.



A handwritten signature in black ink, appearing to read 'K. Cotter', is written over a horizontal line. The signature is stylized with a large 'K' and a circular flourish at the end.

Kenneth P. Cotter