

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

IN THE ELKHART SUPERIOR COURT NO. 1

CAUSE NO.: 20D01-1704-MC- 1302

STATE OF INDIANA)
)
-VS-)
)
BRADLEY J. HORVATH)
DOB: 4-6-1983)

ORDER OF THE COURT

FILED
IN OPEN COURT

APR 10 2017

CLERK ELKHART SUPERIOR
COURT 1 & 2

The undersigned, being the Honorable Magistrate of the Elkhart Superior Court No. 1, finds that the Affidavit set forth herewith establishes probable cause to believe that on or about the 8th day of April, 2017, the above-named individual committed the offense(s) of:

Operating While Intoxicated - PRIOR ≤ 5 Years (Level 6 felony)

Theft - PRIOR (Level 6 felony)

Possession of Hypodermic Needle/Syringe (Level 6 felony)

Driving While Suspended - Prior (Class A misdemeanor)

that the Prosecuting Attorney requires more time to evaluate the case and determine whether a charge should be filed; and, accordingly, the above-named individual is ordered held by the Sheriff of Elkhart County, Indiana, or other law enforcement agency, until such time as said individual posts Bond in the sum of SIX Thousand

Hundred and 00/100 (\$ 6000.00) Dollars. The Clerk of this Court shall forward a copy of this Order to the Elkhart County Sheriff, Elkhart County, Indiana, or other law enforcement agency, who shall be charged with the execution of the Order of Commitment, and this hearing is continued to the 17th day of April, 2017, at 8:30 o'clock a.m., in the Elkhart Superior Court 5, Elkhart County, Indiana. Formal charges to be filed in the Elkhart Superior Court 5.

Probation requests 15 day hold, 20D05-1601-FB-59 DB

SO ORDERED, THIS 10th day of April, 2017.


The Honorable Dean O. Burton, Magistrate
Elkhart Superior Court No. 1

IC 9-30-5-3(a)(1)
IC 35-43-4-2(a)(1)(c)(i)
IC 16-42-19-18
IC 9-24-19-2

Elkhart County Sheriff's Dept.
17-003652

*Extremely lengthy criminal record
in multiple counties

E91

STATE OF INDIANA, COUNTY OF ELKHART, Ss:

THE STATE OF INDIANA	)	CAUSE NO. _____
	)	
Vs.	)	In the Elkhart Superior Court No. IV
	)	in said County and State
Bradley J Horvath	)	AFFIDAVIT TO ESTABLISH PROBABLE CAUSE
DOB: 4/6/1983	)	Poss of Hypodermic Needle / I.C. 16-42-19-18
	)	Poss of Paraphernalia / I.C. 35-48-4-8.3
	)	Driving While Susp Prior / I.C. 9-24-19-2
	)	Theft / I.C. 35-43-4-2
	)	A Level 6 Felony
	)	A Class C Misdemeanor
	)	A Class A Misdemeanor
	)	A Level 6 Felony

Comes now the undersigned affiant and after first being duly sworn upon his oath says the following.

- 1) That his or her name is Cpl N Minder A235
- 2) That this affiant has probable cause to believe the crime of Poss of Hypodermic Needle, Poss of Paraphernalia, Driving While Suspended-Prior, Theft, under Indiana code IC 16-42-19-18; 35-48-4-8.3; 9-24-19-2; 35-43-4-2 occurred based on the following facts and circumstances.
- 3) That this affiant believes the following individual, namely Bradley J Horvath, committed this crime.
- 4) That the facts and circumstances that lead this affiant to believe the above listed crime occurred are as follows:
On the 8th of April, 2017, at approximately 5:59 pm dispatch advised they received a call from Heidi McRobie of Loss Prevention with Walmart located at 30830 Old US Hwy 20. Ptl M Newman was enroute to Walmart to speak with the complainant at the time the call was put out. Dispatch advised the accused had left at a high rate of speed traveling east bound on Old US Hwy 20 in a black passenger car. At this time I was traveling south bound on Nappanee St in the area of Bypass Rd.

As I turned west bound on Old US Hwy 20 from Nappanee ST onto Bypass Road I observed a black Oldsmobile Alero traveling east bound on Old US Hwy 20 approaching Nappanee St. As I made eye contact with driver of the vehicle the accused looked away quickly and abruptly switched lanes failing to signal the lane change. The accused vehicle then made a left turn from the right lane cutting in front of several vehicles, failing to signal its turn. At this time I initiated my overhead lights and the accused turned into a parking lot on the east side of Nappanee St just north of Bypass Rd.

As I approached the vehicle the driver of the vehicle opened his door. I gave loud verbal commands for the driver to show me his hands and to exit the vehicle keeping his hands where I could see him. I then placed the driver in handcuffs and advised him he was being detained at this time and not arrested. During this time dispatch advised a description of the accused. They advised the accused was wearing blue jeans and a blue and white jacket. I observed a blue and white jacket matching the description laying on the driver's seat and also observed the accused was wearing blue jeans. Dispatch then advised the name of the accused was Bradley J Horvath. Heidi McRobie and Andrew Wynn were able to identify Bradley J Horvath as he has been involved in numerous thefts from Walmart ranging from South Bend to Fort Wayne.

At this time the driver of the vehicle advised he was Bradley J Horvath and advised he did not have an identification card on him. At this time I advised him of his Miranda warning and placed him in the rear of my squad car. Bradley J Horvath advised he did not have any items from Walmart in the vehicle as he was stopped by loss prevention when he attempted to leave and he left the items at the store.

At this time I re-approached the vehicle to speak with the passenger in the car. The passenger advised me her name was Jessica at the time she exited the vehicle. She was later identified as Brittany Highland by an Indiana ID card after dispatch advised Loss Prevention new her name as well. Brittany Highland was placed in handcuffs and advised shew as being detained as well for further investigation. Brittany Highland was advised her Miranda Warning by Ptl C Thayer A296. Loss Prevention from Walmart advised Brittany Highland was not involved in the theft.

During the course of the investigation it was determined the vehicle was not registered through the Bureau of motor vehicles and that it was bearing a license plate no belonging to the vehicle. The plate Michigan DAE8451 returned to a Sofia Solis 315 Jameson St Saginaw, MI on a 2001 Saturn 2 door passenger car. When I ran the vehicle by VIN I received a return advising it was owned by Jennifer Angela-Rose Fuller of 1370 Horseshoe Circle Aptl 105 Ann Arbor, MI. The vehicle was not entered stolen at the time it was checked. Bradley J Horvath and Brittaney Highland advised they had recently purchased the vehicle and advised there was paperwork in the vehicle.

Ptl J Ray with the Elkhart City Police Department arrived on scene as well as Ptl J Yoder A290. Inside the driver's side door under Bradley Horvath's wallet I observed a hypodermic needle which appeared to have been used. The needle fell to the ground as I pulled Bradley Horvath's wallet from the door. Ptl J Yoder A290 and Ptl J Ray along with his K9 partner then conducted a search of the vehicle. Inside the vehicle several items were found:

- A large amount of hypodermic needles both used and unused in various areas of the vehicle.
- 25 green pills with the letter "M" on one side and c/14 on the other. Identified as Clonazepam by pill finder. Pills located in a small plastic baggy inside of Brittaney Highland's purse.
- A utility box full of hypodermic needles and a glass pipe commonly used to ingest methamphetamine. Box located under passenger seat.

Brittaney Highland provided the following statements in regard to the items found:

- Bradley Horvath purchased the pills for her and she does not have a prescription for them.
- She uses the pills for anxiety and to deal with the withdraw of heroin.
- The pipe was not hers because she does not use meth.
- She does use heroin and advised there were used needles in the vehicle she had used.

Bradley Horvath provided the following statements in regard to the items found:

- He does use heroin and he had used the night before.
- The hypodermic needles in the vehicle were used to shoot heroin and he had used them.
- The pills were his and not Brittaney Highland's.

While speaking with Bradley Horvath I observed his eyes were glassy and his speech was slurred. I also observed his balance was staggered when he exited the vehicle. I also observed he was sweating extremely bad when placed in the rear of my squad car. Due to these observation I believed Bradley Horvath was impaired and operating while intoxicated. When Ptl M Newman A276 arrived on scene I had him transport Bradley Horvath to the Elkhart County Jail and perform Standard Field Sobriety Tests on him. Ptl M Newman advised Bradley Horvath failed SFST's and failed a DRE. Bradley Horvath then refused a blood draw and was also charged with operating while intoxicated. During a routine check of Bradley Horvath's driving record I found him to be Driving While Suspended-Prior. Bradley Horvath had a previous conviction for driving while suspended on 1/29/2014 Indiana Court Case 20D04-1401IF000074. He also had an open suspension for Failure to Appear 6/13/2015, suspension being indefinite. I also found Bradley J Horvath had a previous conviction for Operating While Intoxicated out of St Joseph County, Indiana. Court case 71D08-1404CM001511 on 4/14/2014. I also observed him to have previous convictions for theft. Bradley Horvath was also found to have a warrant for larceny through LaPorte County, Indiana.

Heidi McRobie advised the following information to Ptl M Newman A276 in regards to the theft at Walmart:

- She observed Bradley Horvath inside the store pushing a cart full of items.
- She recognize Bradley Horvath as a suspect in several previous Walmart's across northern Indiana.
- Bradley Horvath pushed the cart with the items in it past all points of payment and through the first set of doors leading to the outside of the building.
- She told Bradley Horvath she needed to speak with him at which point he fled from the store leaving the cart behind.

-She observed Bradley Horvath get into a black passenger car with a sunroof and leave traveling east bound on Old
Us Hwy 20.
-The item's totaled \$514.77.

Refer to Ptl M Newman's supplement for further information on the theft from Walmart and for the Drug
Recognition Evaluation/OWI.

Photographs of the Hypodermic Needles, Pills and Pipe were taken at the scene by Ptl J Yoder A290. I then entered
the items into evidence at the Elkhart County Sheriff's Department.

5) That the material witnesses to these events are: Ptl M Newman; Ptl J Yoder; Ptl J Ray

6) That the affiant's investigation has corroborated the statements of these witnesses.

I swear (affirm), under penalty of perjury as specified by I.C. 35-44-2-1, that the forgoing representations are true.



Cpl N Minder A235
Elkhart County Sheriff Department

The court finds probable cause exists for arrest of defendant.

Date: _____

(Judge's Signature)

INCARCERATED FELONY

STATE OF INDIANA IN THE (ELKHART) MAGISTRATE COURT COURT COUNTY OF ELKHART SS
 State of Indiana)
 vs.) COURT CAUSE NUMBER AGENCY CASE NUMBER 17001818
 HORVATH, BRADLEY J.

AFFIDAVIT FOR PROBABLE CAUSE

I, CPL N MINDER a law enforcement officer with the (agency) ELKHART COUNTY SHERIFF DEPARTMENT, affirms that on (date) 04/08/2017, at approximately 6:10 ☐ am ☒ pm the accused, (first name) BRADLEY (middle initial) J (last name) HORVATH, a ☒ Male ☐ Female, (d/o/b) 04/06/1983 (DL number or last four digits of SSN) 8971863838 (license type) IDENTIFICATION CARD, was observed in (location) BYPASS RD / N NAPPANEE ST ELKHART, EB (county) ELKHART, Indiana operating a (vehicle description, include CMV and Hazmat indicator): 2002 OLDSMOBILE ALERO BEIGE IN / US DAE8451 under the following circumstances.

I. PRELIMINARY OBSERVATION/REASON FOR STOP (check all that apply)

- ☒ I observed the accused operate a vehicle in my presence and view.
☐ observed the accused operate a vehicle.
☐ I had reason to believe the accused operated the vehicle because:
☒ The accused committed the following violation(s): 9-21-8-11(1), 9-21-8-25
☐ Passenger under age 18 pursuant to IC 9-30-5-3(2)
☐ Other:
 Crash Involved: ☐ Yes ☒ No Crash involved Local Crash Number: Time of Crash: ☐ am ☐ pm
☐ The accused admitted to being the driver involved in the crash.
☐ The result of the accused driving resulted in: ☐ serious bodily injury ☐ fatality
 Name(s) of person(s) injured:

II. OBSERVATIONS

I had reason to believe the accused was INTOXICATED because I observed the following:

☐ Odor of alcoholic beverage	☐ Left vehicle in gear	☒ Field Test HGN	☐ Passed	☒ Failed
☐ Alcohol beverage containers in view	☐ Failed to shut off vehicle	☒ Walk and Turn	☐	☒
☒ Speech was SLURRED	☐ Could not open door	☒ One Leg Stand	☐	☒
☒ Eyes were GLASSY	☐ Pulled self from vehicle	☐ Rhomberg Balance	☐	☐
☐ Manual dexterity	☐ Staggered from vehicle	☐ P.B.T./Alco-sensor 0. gram of alcohol per 210 liters of breath		
☐ Abusive attitude	☐ Leaned against vehicle	DRE: Conclusion: DEPRESEN/NARC Performed by: PTL M NEWMAN		
☒ Balance was STAGGERED				
☐ Soiled/disorderly clothing				
☐ Other observations/test:				

III. CHEMICAL TEST

- ☒ I advised the accused of the Implied Consent Law and the accused: ☐ submitted to, or ☒ refused a chemical test ☐ results are pending
☐ I was unable to offer a chemical test to the accused because such person was: ☐ unconscious ☐ injured
☒ PTL M NEWMAN A276, a certified chemical test operator, determined from a chemical test that the accused had an alcohol concentration equivalent to 0.0 gram of alcohol per 210 liters of breath. The chemical test was administered at (location) 26816 CR 26 at 7:28 ☐ am ☒ pm using certified instrument number 010874
☐ I was told by the result of the chemical test was an alcohol concentration equivalent to 0. gram of alcohol per 100 milliliters of blood. Such test was administered by drawing or taking a sample of whole blood at ☐ am ☐ pm. Drawn by:
☐ I was told by (name) the result of the chemical test determined that the accused had in his/her body a controlled substance, a controlled substance metabolite, or a drug, to wit. Such test was administered by drawing or taking a sample of: ☐ blood, ☐ urine, other at (location) at (time) ☐ am ☐ pm.
 Drawn by:

IV. WITNESS INFORMATION (Only Print Witness Information on Officer and Prosecutor Copy.)

1. Name Address TX Number
 2. Name Address TX Number

V. PREVIOUS INDIANA AND OUT OF STATE CONVICTION(S)

1. Offense, Court Information, Conviction Date and Court Cause/Case number. OPERATING WHILE INTOXICATED, ST JOSEPH COUNTY IN, 4/4/14, 71D08-1404CM001511
 2. Offense, Court Information, Conviction Date and Court Cause/Case number.

THE ACCUSED COMMITTED A VIOLATION OF IC 9-30-5, IC 14-15-8, OR IC 31-37-19.

I AFFIRM PURSUANT TO IC 35-34-1-2.4 UNDER THE PENALTY OF PERJURY THAT THE FOREGOING FACTS ARE TRUE.

Signature of Affiant: [Signature] Date (month, day, year): 4/8/17 Print name and department: CPL N MINDER / ELKHART COUNTY SHERIFF DEPARTMENT
 ORIGINAL TO PROSECUTOR/COURT 1st COPY TO BMV FROM COURT 2nd COPY FOR OFFICER

BUREAU OF MOTOR VEHICLES CERTIFICATE

Court Cause/Case Number: Agency Case Number: 17001818
 Offense Date (month, day, year): 04/08/2017 Time: 6:10 ☐ am ☒ pm (DL number or last four digits of SSN) 8971863838
 Driver License Type: IDENTIFICATION CARD Driver License State: INDIANA
 Full Name: (First) BRADLEY (Middle Initial) J (Last) HORVATH
 Date of Birth: 04/06/1983 Gender: MALE Weight: 150 Height: 5'8" Eye Color: BROWN Hair Color: BROWN Race: WHITE
 Address (number and street, city, state, and ZIP code): 744 E 8TH ST MISHAWAKA, IN 46544
 Vehicle Type: ☒ Passenger ☐ CMV ☐ Hazmat ☐ Other:
 The above Motorist: ☒ Refused ☐ Failed Alcohol Test 0. BAC Drugs: ☐ Yes ☐ No ☐ Pending Results of Alcohol or Drug Test(s)
 PROBABLE CAUSE FOUND THAT DEFENDANT VIOLATED IC 9-30-5 OR IC 14-15-8 and charges are pending. THE COURT RECOMMENDS THAT THE BMV TAKE THE FOLLOWING ACTION ON DEFENDANT'S DRIVING PRIVILEGES:
☐ Immediate Suspension ☐ Suspend upon notice from the Bureau of Motor Vehicles ☐ Court Ordered Ignition Interlock Device in Lieu of Suspension

Judge's Signature:

Date (month, day, year): / /