

STATE OF INDIANA)

ST. JOSEPH COUNTY. **FILED** ss:)

APR 26 2017

St. Joseph Superior Court

IN THE ST. JOSEPH SUPERIOR COURT

CAUSE NO. 71D0 8 1704 F1-~~00000~~ le

STATE OF INDIANA)

VS.)

STEVEN POLITO)
XX-XX-1997)

INFORMATION FOR FOUR (4) COUNTS:

COUNT I:**ATTEMPTED MURDER, a LEVEL 1 FELONY****COUNT II:****POINTING A FIREARM, a LEVEL 6 FELONY****COUNT III:****CRIMINAL MISCHIEF, a CLASS B
MISDEMEANOR****COUNT IV:****INTIMIDATION, a LEVEL 5 FELONY**

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

COUNT I:

On about April 25, 2017, in St. Joseph County, State of Indiana, with the intent to commit the crime of murder, did retrieve a handgun and travel to the work of Melissa Heatherly, which act constituted a substantial step toward the crime of murder, that is, intentionally kill another human being, to wit: Melissa Heatherly.

All of which is contrary to the form of the statute in such cases made and provided, to wit: Indiana Code 35-42-1-1(1) and 35-41-5-1, and against the peace and dignity of the State of Indiana.

COUNT II:

On about April 25, 2017, in St. Joseph County, State of Indiana, STEVEN POLITO knowingly pointed a firearm at Dhana Lord.

All of which is contrary to the form of the statute in such cases made and provided, to wit: Indiana Code 35-47-4-3, and against the peace and dignity of the State of Indiana.

COUNT III:

On about April 25, 2017, in St. Joseph County, State of Indiana STEVEN POLITO did recklessly damage the property of Melissa Heatherly without her consent, to wit: her vehicle.

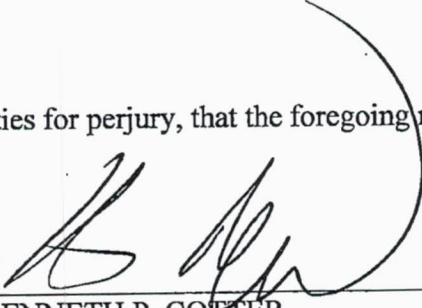
All of which is contrary to the form of the statute in such cases made and provided, to wit: Indiana Code 35-43-1-2(a(1)), and against the peace and dignity of the State of Indiana.

COUNT IV:

On about April 25, 2017, in St. Joseph County, State of Indiana, STEVEN POLITO communicated a threat to Dhana Lord with the intent that Dhana Lord engage in conduct against her will, to wit: move out of his way, and while doing so, STEVEN POLITO did draw or use a deadly weapon, to wit: a handgun.

All of which is contrary to the form of the statute in such cases made and provided, to wit: Indiana Code 35-45-2-1(b(2)), and against the peace and dignity of the State of Indiana.

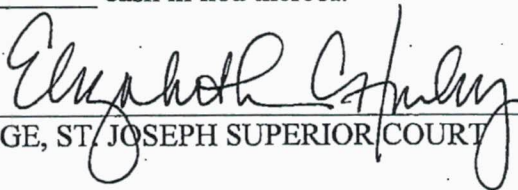
I affirm under the penalties for perjury, that the foregoing representations are true.



KENNETH P. COTTER
CHIEF DEPUTY PROSECUTING ATTORNEY

Probable cause found. Arrest warrant ordered issued. Bond set at \$ 2,500,000

Corporate surety or \$ 250,000 cash in lieu thereof.


JUDGE, ST. JOSEPH SUPERIOR COURT

WITNESSES:

Dhana Lord

Rebecca Polito

Melissa Heatherly

Raelynn McLean

Officer Boutsomsky, SBPD

Det. JT Taylor, SBPD

*HTS bond - Δ poses a significant danger to both listed victims.

) IN THE ST. JOSEPH SUPERIOR COURT
) SS:

CAUSE NO. 71D0 8 -1704 F1- 000006

SUPPLEMENTAL AFFIDAVIT IN
SUPPORT OF PROBABLE CAUSE

STEVEN POLITO
XX-XX-1997

JAMES TAYLOR, upon information and belief, affirms under the penalties for perjury, that:

I am a police officer with the City of South Bend and have been so employed for the past 18 years. Currently, I am assigned as a detective. Among other duties, I have tasked with investigating shootings and illegal use of firearms. I was assigned to investigate the attempted murder of Melissa Heatherly that occurred on April 25, 2017. I make this affidavit based upon my own personal observations as well as information gained from other law enforcement officers. All events occurred in St. Joseph County, Indiana.

On April 25, 2017, officers with the South Bend Police Department were dispatched to the 400 block of Hickory Road in reference to shots fired. When they arrived, they noted a vehicle that had damage from gun shots. Additionally, there were a number of witnesses who appeared to be extremely upset and crying.

Officer spoke with Rebecca Polito, Dhana Lord and Melissa Heatherly. They advised officers that STEVEN POLITO and Melissa Heatherly had recently broken off their relationship of four (4) years. They further advised us that STEVEN POLITO was very upset about this breakup. Earlier in the day, STEVEN POLITO and Melissa Heatherly had been arguing about

their ending relationship. Both work at Polito's. Therefore, Melissa Heatherly was sent home and told to come back later in the day.

At approximately 4 pm, Melissa Heatherly returned to work. STEVEN POLITO was still there and began arguing with Melissa. STEVEN POLITO then left, but returned a short time later. When he returned, STEVEN POLITO then confronted Melissa Heatherly again. Melissa was told to go into the office and lock the door. Instead of letting her leave, STEVEN POLITO stood in her way. When told to calm down and let Heather leave, STEVEN POLITO told Dhana Lord to "get the fuck out of my way". He later stated that he was going to "shoot up her car". STEVEN POLITO then went outside.

Fearing what he might do, Dhana Lord followed STEVEN POLITO where she saw him get into his car and retrieve a handgun. STEVEN POLITO then pointed the handgun at Dhana Lord and stated "if you don't move I'm going to capp your ass". STEVEN POLITO then walked up to her, pointed the gun over her shoulder and fired one (1) shot next to her ear. STEVEN POLITO then fired a number of rounds into the vehicle owned by Melissa Heatherly.

STEVEN POLITO then walked over to the vehicle of Melissa Heatherly and wrote "I hate you" in his own blood on the vehicle. Dhana Lord and Rebecca Polito were then able to get the handgun away from STEVEN POLITO. STEVEN POLITO then fled the area, before officers arrived.

Eventually, STEVEN POLITO was apprehended by law enforcement. I interviewed STEVEN POLITO, after advising him of his right and him waiving the same.

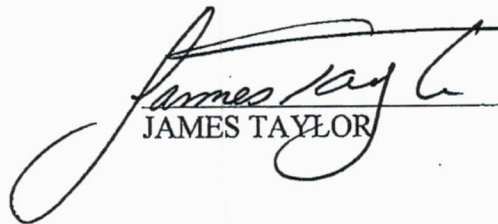
STEVEN POLITO readily admitted to committing the acts described above. STEVEN POLITO stated that Melissa Heatherly had just broken up with him and he was upset with that. He further stated that when he saw Melissa Heatherly in the afternoon and left, he left with the

intention of obtaining his handgun and shooting Melissa Heatherly. He further stated that it was his intention to kill Melissa Heatherly, because "if I can't have her, I didn't want anyone else to have her". He therefore drove home and obtained his handgun, which was in a safe. He then returned with the intention of killing Melissa Heatherly.

He admitted to pointing the handgun at Dhana Lord, stating that if anyone would have gotten in his way, he would have killed them, too.

Based upon the violent acts as well as his admitted intention to kill Melissa Heatherly, the STATE believes he is a danger to the community and is asking that bond be set in the amount of one million dollars (\$1,000,000) corporate surety or one hundred thousand dollars ((\$100,000) cash.

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


JAMES TAYLOR

STATE OF INDIANA

COUNTY OF ST. JOSEPH

STATE OF INDIANA

VS

STEVEN POLITO

DOB: 1/31/1997

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) SS:

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IN THE ST. JOSEPH SUPERIOR COURT

CAUSE NUMBER. 71D0 8-1704-F1-00000 6

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Clerk

St. Joseph Superior Court

ADDITIONAL CONDITIONS OF BOND

Pursuant to IC 35-33-8-3.2 and upon finding of PROBABLE CAUSE, This Court **FINDS** that **ADDITIONAL CONDITIONS OF PRE-TRIAL RELEASE** are necessary in order to assure the defendant's appearance at any stage of the legal proceedings, or that by clear and convincing evidence, the defendant poses a risk of physical danger to another person or the community .

WHEREFORE, the Court hereby **ORDERS** the following **ADDITIONAL CONDITIONS OF PRE-TRIAL RELEASE**:

- The Defendant shall have **NO CONTACT OR INDIRECT CONTACT** with **Melissa Heatherly or Dhana Lord**;
- The Defendant shall maintain a distance of at least 1000' from **Melissa Heatherly or Dhana Lord**;
- The Defendant shall maintain a distance of at least 1000' from **residence of Melissa Heatherly or Dhana Lord**;
- The Defendant shall maintain a distance of at least 1000' from **workplace of Melissa Heatherly or Dhana Lord**;
- The Defendant shall maintain a distance of at least 1000' from **the school(s) of any children of Melissa Heatherly or Dhana Lord**;
- The Defendant shall be required to wear a **GLOBAL POSITIONING DEVICE (GPS)** bracelet;

- Upon posting bond, **but before release from custody**, Community Corrections shall affix the GPS monitoring device upon the Defendant if the Defendant has suitable accommodations for the technology;
- If the Defendant does not have suitable accommodations for GPS supervision, the Defendant shall remain in the custody of the St. Joseph County Jail until such time as the Defendant can be brought to this Court for further hearing;
- The Defendant shall be responsible for the reasonable costs of the GPS monitoring device;
- The GPS monitoring device shall remain affixed upon the Defendant until further Order of this Court or upon a Dismissal from this Cause;
- If the Defendant has violated the Conditions of the Pre-Trial Release, attempted to tamper with the GPS unit, or has failed to maintain the CPS unit as directed by Community Corrections, Law Enforcement Officers and Community Corrections Officers are **hereby authorized to seize and detain** the Defendant in the St. Joseph County Jail until such time as the Defendant is brought in front of the Court for further hearing.

SO ORDERED this 26th of April, 2017.


JUDGE, ST. JOSEPH COUNTY SUPERIOR COURT