

STATE OF INDIANA)
ST. JOSEPH COUNTY)

) IN THE ST. JOSEPH SUPERIOR COURT
) SS:
)

CAUSE NO. 71D0 _____ 1205-CM-_____

STATE OF INDIANA)
VS.)
THOMAS KEVIN REES)
DOB: XX-XX-1992)

) INFORMATION FOR FOUR (4) COUNTS:
) **COUNT I:** ILLEGAL CONSUMPTION OF
) ALCOHOL BY A MINOR, A CLASS C
) MISDEMEANOR:
) **COUNT II:** RESISTING LAW ENFORCEMENT, A
) CLASS A MISDEMEANOR:
) **COUNT III:** RESISTING LAW ENFORCEMENT, A
) CLASS A MISDEMEANOR
) **COUNT IV:** BATTERY, A CLASS A
) MISDEMEANOR

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

COUNT I

On or about the 3rd day of May, 2012, in St. Joseph County, State of Indiana, THOMAS KEVIN REES did knowingly possessed or consumed an alcoholic beverage while under the age of twenty one (21) years of age, to wit: born in 1992.

All of which is contrary to the form of the statute in such cases made and provided, to wit: Indiana Code 7.1-5-7-7, and against the peace and dignity of the State of Indiana.

COUNT II

On or about the 3rd day of May, 2012, in St. Joseph County, State of Indiana, THOMAS KEVIN REES did knowingly flee from Officer Brandon Stec of the South Bend Police Department after Officer Stec had identified himself by visible and audible means and ordered THOMAS KEVIN REES to stop.

All of which is contrary to the form of the statute in such cases made and provided, to wit: Indiana Code 35-44-3-3, and against the peace and dignity of the State of Indiana.

COUNT III

On or about the 3rd day of May, 2012, in St. Joseph County, State of Indiana, THOMAS KEVIN REES did knowingly forcibly struggled with Officer Brandon Stec of the South Bend Police Department while Officer Stec was lawfully engaged in his duties.

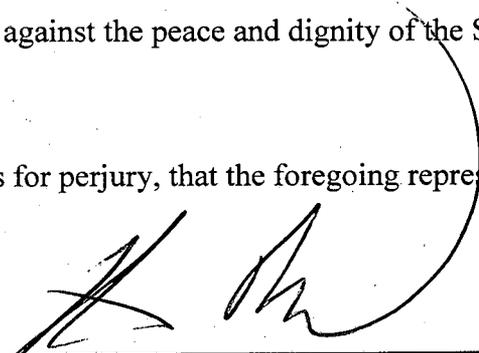
All of which is contrary to the form of the statute in such cases made and provided, to wit: Indiana Code 35-44-3-3, and against the peace and dignity of the State of Indiana.

COUNT IV

On or about the 3rd day of May, 2012, in St. Joseph County, State of Indiana, THOMAS KEVIN REES did knowingly touch Brandon Stec in a rude, angry or insolent manner resulting in bodily injury to Brandon Stec, to wit: pain and scrapes.

All of which is contrary to the form of the statute in such cases made and provided, to wit: Indiana Code 35-42-2-1, 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 \$ 2500⁰⁰
Corporate surety or \$ 250⁰⁰ cash in lieu thereof.



JUDGE, ST. JOSEPH SUPERIOR COURT
Magistrate

WITNESSES:

Cpt. Jeff Rynearson, SBPD

Sgt. Dorian Finley, SBPD

Ofc. Brandon Stec, SBPD

Ofc. Greg Howard, SBPD

James Stagers

Ofc. Tyler Donlon, SBPD

STATE OF INDIANA)
) SS: IN THE ST. JOSEPH SUPERIOR COURT
ST. JOSEPH COUNTY)

CAUSE NO. 71D0 _____-1205-CM-_____

STATE OF INDIANA)
)
VS.) SUPPLEMENTAL AFFIDAVIT IN
) SUPPORT OF PROBABLE CAUSE
THOMAS KEVIN REES)
DOB: XX-XX-1992)

KENNETH P. COTTER, upon information and belief, affirms under the penalties for perjury, states that:

I am a Chief Deputy Prosecuting Attorney for the 60th Judicial Circuit, St. Joseph County, Indiana. I have reviewed verified South Bend Police Reports concerning the arrest of THOMAS KEVIN REES that occurred on May 3rd, 2012. I make this affidavit based upon that review. THOMAS KEVIN REES was born in 1992. All events occurred in St. Joseph County, Indiana.

According to the reports, officers with the South Bend Police Department were dispatched to the 700 block of North Notre Dame Avenue in regards to a loud party. Brandon Stec of the South Bend Police Department was in uniform and marked squad car, and was one of the officers to respond to this complaint. When the officers arrived, they could hear loud music coming from one of the homes. As officers came closer to that home, the music was turned down. Officers then noted a large group of people in the back yard of one of the homes. They noted several opened containers of beer and other alcoholic beverages in that back yard.

Officers also heard a voice yell out from the back yard "the cops are here!" Several people then fled from that back yard. Officer Stec was in the rear alleyway at this time. He

observed a group of roughly five (5) males jumping the fence from the home. According to Officer Stec, those individuals appeared to be under the age of twenty one (21).

Knowing that the home that these individuals fled from had alcoholic containers in the back yard, Officer Stec ordered them to stop (in order to further investigate this matter). Instead, one of the individuals yelled at Officer Stec. The five (5) males then fled.

One of the males, later identified as THOMAS KEVIN REES, ran back behind one of the neighboring houses. Officer Stec chased after him, continually identifying himself as a police officer and continually asking that he stop. THOMAS KEVIN REES refused to do so. Instead, THOMAS KEVIN REES ran back to Notre Dame Avenue.

A cab was passing by at that time. The driver heard Officer Stec yelling for THOMAS KEVIN REES to stop. When THOMAS KEVIN REES refused to do so, the cab driver pulled his taxi in a position that blocked THOMAS KEVIN REES from further fleeing across the street. This allowed Officer Stec to catch up to THOMAS KEVIN REES.

As Officer Stec approached THOMAS KEVIN REES, Mr. REES turned toward Officer Stec. THOMAS KEVIN REES then used his right knee to hit Officer Stec in the lower chest area, knocking the wind out of him, making it difficult to breath. The cab driver then grabbed THOMAS KEVIN REES in order to keep him from running away.

Officer Stec then also grabbed THOMAS KEVIN REES. Instead of complying with demands that he desist with his attempt to get away, THOMAS KEVIN REES began struggling with Officer Stec and the cab driver. Ofc. Stec and THOMAS KEVIN REES then went to the pavement, still struggling. Eventually, Officer Stec was able to reach his pepper spray. When THOMAS KEVIN REES continued to struggle, Officer Stec was forced to use pepper spray on

THOMAS KEVIN REES. Other officers then arrived, and were able to secure THOMAS KEVIN REES.

Officer Stec noted the odor of alcoholic beverages coming from the breath of THOMAS KEVIN REES. A PBT was performed, indicating the presence of alcohol, with a .11 BAC.

Officer Stec sustained pain in his stomach area from where THOMAS KEVIN REES kned him, and sustained scrapes from the struggle on the pavement.

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



KENNETH P. COTTER