

FELONY AND/OR MISDEMEANOR

STATE OF INDIANA
COUNTY OF ALLEN } SS:

IN THE ALLEN SUPERIOR/CIRCUIT COURT

CAUSE NO. _____

STATE OF INDIANA
VS.
Peter Allen Downey
AKA Pete Downey

FWPD Control # 17F058597

AFFIDAVIT FOR PROBABLE CAUSE

1. The undersigned swears and affirms, under the penalties for perjury, that he/she has good cause to believe that:

X Sometime during the period of time between the 8th day of February, 2008, and the 3rd day of May, 2009 in the County of Allen and in the State of Indiana said Defendant did knowingly commit the crime(s) of

Count I: Child Seduction, IC 35-42-4-7, a Class D Felony (Intercourse and/or Other Sexual Conduct- 04/01/2008 – 05/03/2009)

Count II: Child Seduction, IC 35-42-4-7, a Class D Felony (Fondling 02/08/2008 – 05/3/2009)

2. The Defendant, Peter Allen Downey , is described as being: Caucasian, Male, 06/05/1963

3. The Affiant, Todd A. Battershell, FWPD 1610, is a Sergeant of the Fort Wayne Police Department (FWPD). The Affiant believes and has good cause to believe that the said Defendant committed the aforesaid offense(s). The Affiant bases his belief on the fact that between said dates, *Victim Redacted* ("VICTIM") was seduced by her former New Haven Middle School Principal named Peter Allen Downey ("DEFENDANT"). VICTIM was interviewed by your Affiant. VICTIM said that she was enrolled with the East Allen County School Corporation (EACS), namely New Haven High School and DEFENDANT was employed by EACS as the Principal of New Haven Middle School at the time. A sexual relationship with DEFENDANT began when VICTIM turned sixteen (16) years old. They kissed on the lips and hugged in his office on February 8, 2008. VICTIM was 16 years old. DEFENDANT had sex with VICTIM in various hotels in Fort Wayne, his mother's residence located at *Redacted*, Fort Wayne, his residence located at *Redacted*, Fort Wayne, *Redacted*, Fort Wayne, and the New Haven Middle School which has been razed. The location of the former middle school was 900 Prospect Avenue, New Haven. All are located in Allen County, Indiana. VICTIM told your Affiant that she only told her friends that she was dating a man named "D". VICTIM remembered going to a Komiet hockey game with DEFENDANT and her friend, *Witness* DEFENDANT impregnated VICTIM in 2008 when she was seventeen (17) years old. VICTIM worked as an Extern at the middle school for DEFENDANT at the time. VICTIM told your Affiant that DEFENDANT signed off on paperwork for her Externship so she would get credit for it toward her diploma. On September 02, 2008 DEFENDANT drove VICTIM to a Planned Parenthood clinic located at 1200 North LaSalle Street, Chicago, Illinois where VICTIM obtained an abortion. VICTIM was found parked alongside DEFENDANT'S vehicle by NHPD Officer Jordan Palmer on December 15, 2008 (report # 08N015196). VICTIM told Officer Palmer that she service worked for DEFENDANT at the middle school. VICTIM told your Affiant that she referred to DEFENDANT as "D" when conversing with her friends and didn't share with friends what happened until she was in college. DEFENDANT also stayed overnight with VICTIM at the Columbia Club Hotel located at *Redacted*

VICTIM provided numerous items of corroborating evidence to your Affiant; such as, calendars and student handbooks noting dates for events like "First kiss", first time having sex, and trips. VICTIM told your Affiant that DEFENDANT kissed her for the first time in his office of the middle school just after she turned sixteen (16). VICTIM also said the first time they had sexual intercourse was on April 1, 2008 at his mother's residence. VICTIM also provided photographs of them together and the medical records from Planned Parenthood with her name and DEFENDANT'S name written on them. The telephone number listed on the form with DEFENDANT'S name belonged to his residence located at *Redacted*. VICTIM listed her address as *Redacted*, Fort Wayne, Indiana even though she lived in New Haven, Indiana. The records included an ultrasound and VICTIM was told she was one (1) day shy of being six (6) weeks pregnant. VICTIM told your Affiant that she and DEFENDANT participated in oral sex, digital penetration,

and fondling when they were alone together.

VICTIM turned eighteen (18) years old on May 3, 2009. Contact between VICTIM and DEFENDANT ceased in February 2013. DEFENDANT mailed a letter to VICTIM date stamped on December 24, 2014 in which he apologized for ending the relationship the way he did. DEFENDANT signed the letter, "Love Pete".

Your Affiant interviewed two (2) friends of VICTIM; *Redacted* ("WITNESS 2") and *Redacted* ("WITNESS 1"). They told your Affiant they were suspicious of the relationship between VICTIM and "D" because she would not provide any details about his true identity. WITNESS 2 remembered going to Komet hockey games with DEFENDANT and VICTIM. WITNESS 1 said that VICTIM told her who "D" was when they were in college. They were sitting in a local restaurant when VICTIM disclosed what had happened.

Your Affiant interviewed DEFENDANT'S former spouse, *Redacted* ("WITNESS 3"). She told corroborated many of the allegations made by VICTIM; such as, when she gave birth to their daughter on July 8, 2008. DEFENDANT was supposed to be at a conference in Indianapolis. He turned off his cellphone, but later told WITNESS 3 that he stayed at the Columbia Club. She also corroborated the telephone number listed on the Planned Parenthood records for "Pete Downey" saying that telephone was the landline to their residence at *Redacted*.

Your affiant graduated from the Indiana Law Enforcement Academy (ILEA) as a member of class 94-118. He joined the FWPD in 1995 as a Patrol Officer. Your affiant is a Sergeant with the Fort Wayne Police Department ("FWPD") assigned to the Crimes Against Persons – Sex Crimes Section of the Investigative Support Division (ISD). He is currently a supervisor on a squad that investigates personal crimes, including various sex crimes, child abuse and neglect, elder abuse and neglect, and kidnapping. Your affiant holds a Bachelor's degree in Criminal Justice. He also has two additional years of law enforcement experience with the North Manchester, Indiana Police Department. Your affiant has investigative experience as a Sex Crimes Detective, Robbery Detective and Homicide Detective prior to being promoted to Sergeant in April 2015. He has personally investigated more than 500 cases during his tenure and specializes in cases involving child sex abuse. As a Supervising Police Sergeant, your affiant is an investigative or law enforcement officer of the State of Indiana and is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 7, Title 9 and Title 35 of the Indiana Criminal Code.

The facts set forth in this affidavit come from your affiant's personal involvement with this investigation, interviews with witnesses and other law enforcement officers, and his review of documents and information provided by other law enforcement agents. In submitting this affidavit, your affiant has not included each and every fact known about this investigation. Rather, your affiant has included only those facts that he believes are sufficient to establish probable cause.

Det. Sgt. Todd A. Battershell
Det/Sgt Todd A. Battershell, 1610F Affiant *1610F*

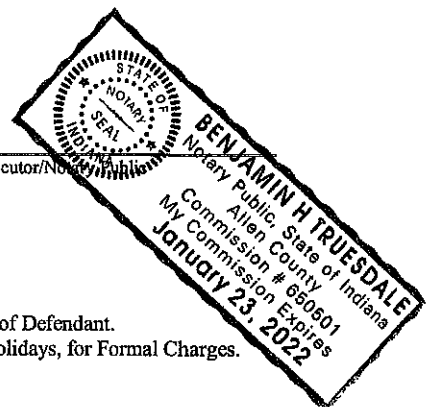
STATE OF INDIANA
COUNTY OF ALLEN } SS:

Subscribed and sworn to before me in and for said County and State this 30th day of December, 2021.

My Term/Commission Expires:

01/23/22

02/11/21
Deputy Prosecutor/Notary Public



ORDER

Defendant appears in person. Review of probable cause held. The Court now finds probable cause does exist for arrest of Defendant. On motion of the State, cause continued for seventy-two (72) hours, excluding intervening Saturdays, Sundays, and legal holidays, for Formal Charges. Bail fixed in the sum of \$ _____.

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 arrest of Defendant, and orders Clerk to issue a warrant for arrest of Defendant for the crime(s) of _____.