

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

IN THE JOHNSON _____ COURT
DIVISION _____

CAUSE NUMBER 1: D 021012FD00248

STATE OF INDIANA

INFORMATION FOR:

VS

Count 1:
Official Misconduct
a Class D Felony

BRYAN BURTON

Count 2:
Battery
a Class B Misdemeanor.

DOB: 09/14/1975
SSN: XXX-XX-6882

FILED

DEC 23 2010

Tim B. Jackson
CLERK, JOHNSON CIRCUIT & SUPERIOR COURTS

Count 1

The undersigned, being duly sworn upon his oath, says that on or about June 19, 2009 in Johnson County, State of Indiana, Bryan Burton, being a public servant, to-wit: a Franklin Police Department Officer; did knowingly perform an act that the public servant is forbidden by law to perform, to-wit: Battery, a Class B Misdemeanor, in violation of I.C. 35-44-1-2(1).

Count 2

The undersigned, being duly sworn upon his oath, says that on or about June 19, 2009 in Johnson County, State of Indiana, Bryan Burton did then and there knowingly touch M.R. in a rude, insolent, or angry manner, in violation of I.C. 35-42-2-1(a).

I swear under the penalties for perjury as specified by I.C. 35-44-2-1 that the foregoing representations are true.

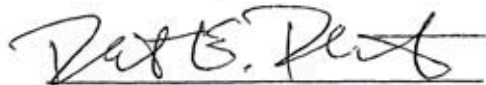

Detective Matthew Lawrence

Date: December 23, 2010

WITNESSES:

APPROVED BY ME:

Matt Lawrence
Ryan Mears
M.R.


Robert E. Roberts
Special Prosecutor
Chief Deputy Prosecuting Attorney
Vigo County, Indiana

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

IN THE JOHNSON _____ COURT
DIVISION _____

CAUSE NUMBER: 41D021012FD00248

STATE OF INDIANA

AFFIDAVIT OF PROBABLE CAUSE AND
REQUEST FOR SUMMONS

VS.

BRYAN BURTON

Indiana State Police Detective Matthew Lawrence, states that he believes and has good cause to believe that on or about June 19, 2009, in Johnson County, Indiana, Bryan Burton committed the crimes of Battery, a Class B misdemeanor and Official Misconduct, a Class D felony and such belief is based on the following:

1. Affiant is a regularly employed member of the Indiana State Police Department and has been assigned as a detective during all relevant portions of this investigation. During the course of the investigation, your affiant learned the following facts.
2. On or about June, 2009, Bryan Burton, a detective and officer with the Franklin Police Department, was working in a capacity that included narcotics investigations and supervising confidential informants during the controlled purchases of controlled substances. These controlled purchases generally involved the confidential informant wearing an audio/video recording device to record the transaction. Detective Burton would "wire" the informant up with the recording device by placing the device on the informant in a fashion that would conceal the existence of the device.
3. During this same time period, Ryan Mears, also a detective and officer of the Franklin Police Department, was working in the same capacity alongside Detective Burton.
4. Affiant learned from statements given by M.R. and by interviewing M.R. that on or about June, 2009, M.R. was working with the Franklin Police Department as a confidential informant, performing controlled purchases of controlled substances under the direct supervision of Detective Burton. M.R. was working as an informant for the purpose of potentially having drug related charges against her reduced or dismissed.
5. On or about June 19, 2009, M.R. notified Detective Burton that she believed that she could conduct a controlled purchase of a controlled substance from a male acquaintance. The opportunity was a spur of the moment opportunity on a hot day. When M.R. met with Detective Burton to prepare for the controlled purchase, she was wearing a pair of shorts and a tank top. She arrived at the prearranged location to begin the process of conducting the controlled transaction.
6. Prior to conducting the controlled transaction, M.R. was to be searched by Detective Burton to insure no money, drugs or contraband were on her person. After the search, the audio/video recording device would be attached to M.R. by Detective Burton. M.R. would then be provided previously recording money to conduct the purchase. She was then to be driven to the area of the controlled purchase by Detectives Burton and Mears.

After the controlled purchase had taken place, she was to be picked up in the area of the purchase by the detectives. After being picked up, the substance was to be given to the detectives. The group would then return to the prearranged location to remove the recording device, where the CI would then be searched to verify she had not additional money, drugs or other contraband.

7. During the process of being wired, Burton and M.R. decided to wire her up by attaching the device to an area of her body other than her genital area. During this process, Detective Burton told M.R. to unbutton her shorts. M.R. did as instructed. Detective Burton then instructed M.R. to pull her shorts down to her ankles so that he could begin taping. M.R. did as instructed. Detective Burton then had M.R. pull her underwear completely down. As Detective Burton knelt down by the bathroom sink and in front of M.R., he touched M.R.'s genital piercing and genitals for a period of time, manipulating the piercing. During this same time, Detective Mears was in an adjoining room. Detective Burton called out to Detective Mears and instructed him to look at the genital piercing. Burton then taped the device to her genital area. The controlled transaction took place and the device was later removed from M.R.'s genital area by Detective Burton.
8. Affiant learned from statements given by Detective Ryan Mears and by interviewing Detective Mears that he was present during the preparation for the controlled purchase to be done by M.R. on June 19, 2009. Mears advised that he met with M.R. and Detective Burton at a prearranged location to prepare for the controlled transaction. Detective Mears advised that after he was in one of the rooms photocopying the money for the controlled purchase, he walked into the area of the kitchen table. At this time, he observed M.R. in the bathroom, standing up, leaning against the counter with her pants and underwear down. Detective Mears also observed Burton kneeling in front of M.R. with his hand by her crotch. Moments later, Detective Burton, who was still knelt down next to M.R., told Detective Mears that he needed to see M.R.'s genital piercing and then touched the piercing, moving it back and forth.

Affiant requests a summons be issued ordering Bryan Burton, DOB: 9/14/1975, SS#: XXX-XX-6882, W/M, 5' 8", 185 lbs, Bald, Brown Eyes to appear before this court for the crimes of Battery, a Class B misdemeanor and Official Misconduct, a Class D felony.

I, Matthew Lawrence, affirm under penalty of perjury as specified by I.C. 35-44-2-1, that the foregoing representations are true.

Date 12.23.10

