



**OFFICE OF THE PROSECUTING ATTORNEY
ERIC M. HOFFMAN, PROSECUTOR
46TH JUDICIAL CIRCUIT
DELAWARE COUNTY, INDIANA**

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FOR IMMEDIATE RELEASE

From: Eric Hoffman, Prosecuting Attorney
Subject: Press Release
Date: August 12, 2019 5:20 pm

Formal charges filed against Evan Massie

The Prosecutor's office has received multiple requests from various media outlets for public records relating to the August 7, 2019 arrest of the Muncie Central High School Student. That individual is fifteen (15) years old. Indiana Code § 31-39-2-8 provides that certain juvenile records are public records. Accordingly, attached to this release are documents responsive to your request for public records in this matter.

It is important to remember that an arrest and/or the filing of a criminal charge is simply an allegation and is not evidence of guilt. All suspects are presumed innocent unless and until proven guilty beyond a reasonable doubt at trial.

The ethical rules for prosecutors in Indiana prohibit further comment on this matter. At this time, there will be no further comment.

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STATE OF INDIANA

COUNTY OF DELAWARE

IN THE DELAWARE CIRCUIT COURT

CAUSE NO. 18C02-1908-JD-000064

Filed: 8/9/2019 3:06 PM
Delaware Circuit Court 2
Delaware County, Indiana

IN THE MATTER OF EVAN MASSIE
Child Alleged to be a Delinquent Child

REQUEST OF PROSECUTOR TO FILE DELINQUENCY PETITION

The undersigned Deputy Prosecuting Attorney for the 46th Judicial Circuit of the State of Indiana, respectfully requests that the Court authorize the filing of a Petition herein alleging the said child **Evan Massie** is a delinquent child.

Probable cause has been previously found by this court as to Count 4, Possession of Firearm on School Property, I.C. 35-47-9-2(a)(1), a Level 6 Felony; Count 5, Dangerous Possession of a Firearm, I.C. 35-47-10-5(a), a Class A Misdemeanor; and Count 6, Resisting Law Enforcement, I.C. 35-44-1-3-1(a)(1), a Class A Misdemeanor.

The undersigned deposes and says upon information and belief that Evan Massie, date of birth being 10/6/2003, has committed the offense of Intimidation, I.C. 35-45-2-1(a)(2), a Level 5 Felony; Intimidation, I.C. 35-45-2-1(a)(3)(B), a Level 5 Felony; Intimidation, I.C. 35-45-2-1(a)(4), a Level 5 Felony; and in support thereof says as follows:

1. That this affiant is an investigator for the Delaware County Prosecutor's Office.
2. The affiant is advised in writing by Investigator Ryan McCorkle of the Muncie Police Department that on or about August 7, 2019, Evan Massie committed Intimidation, I.C. 35-45-2-1(a)(2), a Level 5 Felony; Intimidation, I.C. 35-45-2-1(a)(3)(B), a Level 5 Felony; Intimidation, I.C. 35-45-2-1(a)(4), a Level 5 Felony.
3. On the above date after visiting Muncie Central High School [REDACTED] encountered Evan Massie in the area of N. Walnut St. and Myrtle Ave., an intersection directly across the street from Muncie Central High School. Evan Massie and [REDACTED] knew each other from attending Muncie Central High School. While speaking with [REDACTED] Evan Massie produced a firearm. While doing so Evan Massie told [REDACTED] that he had some issues at school earlier in the day, specifically, that he had been escorted to class and had "beef" with some people at the school and then Evan Massie told [REDACTED] that he might have to shoot some people.
4. That on the same date Evan Massie had been instructed several times by Officer Brandon Qualls and Assistant Principal Justin Oliver to remove a red bandanna he was wearing and that it was against school policy to have it on while in school. Evan Massie seemed agitated during these encounters and continually was located with the red bandanna on.
5. That on the same date, during his fourth (4th) period class Evan Massie told a teacher, Tammy Underwood, that he would not do his school work because he would not be here much longer.
6. That [REDACTED] immediately began texting a school resource officer the information from Evan Massie.

WHEREFORE, the affiant, respectfully requests the Court to find that probable cause does exist to believe that the child is a delinquent child and that it is in the best interests of the child or the public that the petition be filed.

I affirm under the penalties for perjury that the foregoing representations are true to the best of my knowledge and belief.

/s/ Charles F. Zimmers, Jr

Approved by:

/s/ Jagen Arnold

Deputy Prosecuting Attorney
For the 46th Judicial Circuit of the State of
Indiana

STATE OF INDIANA)
) SS:
COUNTY OF DELAWARE)

IN THE DELAWARE CIRCUIT COURT 2

CAUSE NO. 18C02-1908-JD-000064

IN THE MATTER OF **EVAN MASSIE**
A Child Alleged to be a Delinquent Child

ORDER AUTHORIZING FILING OF DELINQUENCY PETITION

Comes now the (Deputy) Prosecuting Attorney for the 46th Judicial Circuit of Indiana, and files a request for authority to file a petition alleging that **Evan Massie** is a delinquent child.

A written information heretofore filed with an Intake Officer of this Court and said Intake Officer's written report of preliminary inquiry are now filed and made a part of the record.

The Court having considered the preliminary inquiry and the evidence of probable cause finds probable cause to believe that said child is a delinquent child in that:

Said child committed an act that would be a crime if committed by an adult, to-wit:

Intimidation, I.C. 35-45-2-1 (a) (2) and I.C. 35-45-2-1 (b) (2) (A), a Level 5 Felony

Intimidation, I.C. 35-45-2-1 (a) (3) (B) and I.C. 35-45-2-1 (b) (2) (A), a Level 5 Felony

Intimidation, I.C. 35-45-2-1 (a) (4) and I.C. 35-45-2-1 (b) (2) (A), a Level 5 Felony

Possession of Firearm on School Property, I.C. 35-47-9-2(a) (1), a Level 6 Felony


Dangerous Possession of a Firearm, I.C. 35-47-10-5(a), a Class A Misdemeanor

Resisting Law Enforcement, I.C. 35-44.1-3-1 (a) (1), a Class A Misdemeanor

and that said child needs care, treatment or rehabilitation that he is not receiving, that said child is unlikely to accept voluntarily, and that is unlikely to be provided or accepted without the coercive intervention of the court, and that it is in the best interests of the child and/or the public that the delinquency petition be filed.

The Court authorizes the filing of said petition.

SO ORDERED THIS August 11, 2019


Magistrate

STATE OF INDIANA)

) SS:

COUNTY OF DELAWARE)

IN THE DELAWARE CIRCUIT COURT
CAUSE NO. 18C02-1908-JD-000064

IN THE MATTER OF Evan Massie
A Child Alleged to be a Delinquent Child

PETITION ALLEGING DELINQUENCY

Your petitioner alleges and says:

1. The above name child, **Evan Massie**, was born [REDACTED] and is 15 years of age.
2. That said child resides at [REDACTED], **Muncie, IN 47302**.
3. That the names and residences of the child's parents, guardian or custodian are as follows:

Name	Relationship	Address
Tiffany Phillips	Mother	[REDACTED] Muncie, IN 47302
Ronald P. Massie II	Father	[REDACTED] Muncie, IN 47302

4. The citation to the section of the Indiana Juvenile Code that gives this Court jurisdiction in this proceeding is IC 31-30-1-1 Et. seq.
5. That said child is a delinquent child as defined in IC 31-37-2-1, in that: on or about August 7, 2019, in the County of Delaware, State of Indiana, Evan Massie, did commit an act that would be a crime if committed by an adult, to-wit:

Count 1: Intimidation, I.C. 35-45-2-1(a)(2) and I.C. 35-45-2-1(b)(2)(A), a Level 5 Felony
Evan Massie did communicate a threat to another person with the intent that Brandon Qualls and/or Justin Oliver and/or Tammy Underwood be placed in fear of retaliation for a prior lawful act, and in committing said act Evan Massie used and/or drew a deadly weapon.

Count 2: Intimidation, I.C. 35-45-2-1(a)(3)(B) and I.C. 35-45-2-1(b)(2)(A), a Level 5 Felony
Evan Massie did communicate a threat to another person with the intent of interfering with the occupancy of a building, to-wit: Muncie Central High School, and in committing said act Evan Massie used and/or drew a deadly weapon.

Count 3: Intimidation, I.C. 35-45-2-1(a)(4) and I.C. 35-45-2-1(b)(2)(A), a Level 5 Felony
Evan Massie did communicate a threat to another person, specifically [REDACTED] with the intent that [REDACTED] and/or Justin Oliver and/or Brandon Qualls be placed in fear that the threat will be carried out, and in committing said act Evan Massie used and/or drew a deadly weapon.

Count 4: Possession of Firearm on School Property, I.C. 35-47-9-2(a)(1), a Level 6 Felony
Evan Massie did knowingly possess a handgun in or on school property, to-wit: Muncie Central High School.

Count 5: Dangerous Possession of a Firearm, I.C. 35-47-10-5(a), a Class A Misdemeanor
Evan Massie did recklessly possess a firearm for any purpose other than a purpose described in Indiana Code Section 35-47-10-1.

Count 6: Resisting Law Enforcement, I.C. 35-44.1-3-1(a)(1), a Class A Misdemeanor
Evan Massie did knowingly forcibly resist, obstruct or interfere with Grant Brown, a law enforcement officer, while said officer was lawfully engaged in his duties as a law enforcement officer.

WHEREFORE, the petitioner prays for a hearing to determine if said child is a delinquent child and for any and all relief proper in the premises.

The undersigned affirms under the penalties of perjury that the foregoing statements and representations are

Dated: August 9, 2019

ERIC M. HOFFMAN
PROSECUTING ATTORNEY
46TH JUDICIAL CIRCUIT OF INDIANA

By: /s/ Jagen Arnold
Deputy Prosecuting Attorney
46th Judicial Circuit of the State of Indiana

Witnesses: Brandon Qualls, Grant Brown, Scott Sherwood, Steve L Cox, Alexander Moore, Dustin M. Lee, Justin Oliver, Tammy Underwood, Bryce Campbell, Ryan McCorkle, Ray A. Dudley Jr., Aaron Brooks, Hunter Decker, [REDACTED], Eric Small, Nicholas Vollmar, Amanda Massie, Joseph Duckham, Ronald W. Miller, [REDACTED]

APPEARANCE FORM (JUVENILE)
State of Indiana

Case Number: 18C02-1908-JD-000064

1. Name of Defendant: Evan Massie
2. Case Type of proceeding: Juvenile Delinquency
3. Prosecuting Attorney Information:

Name: Eric M. Hoffman	Attorney No. 24232-18
Address: 100 W. Main St.	Phone: (765) 747-7801
Muncie, IN 47305	FAX: (765) 747-7830

Deputy assigned case: Jagen Arnold, #35159-18

4. Will the State accept service by FAX: Yes
5. Arresting Agency: Muncie Police Department
6. Arrest report number (Originating Agency Case Number): 19-33632
7. Additional information required by state or local rules:

STATE OF INDIANA)
) SS:
COUNTY OF DELAWARE)

IN THE DELAWARE CIRCUIT COURT 2

CAUSE NO. **18C02-1908-JD-000064**


IN THE MATTER OF **EVAN MASSIE**
A Child Alleged to be a Delinquent Child/In Need of Services


**ORDER SETTING INITIAL HEARING ON DELINQUENCY PETITION
AND FOR ISSUANCE OF SUMMONS**

Comes now (Deputy) Prosecuting Attorney for the 46th Judicial Circuit of Indiana/Attorney for the Delaware County Department of Public Welfare, and files a Petition alleging that Evan Massie is a delinquent child/child in need of services, which petition is in the following words and figures, to-wit:


(H.I.)

The Court sets this cause for initial hearing August 14, 2019 at 8:00 AM and orders a summons issued for the following parent, guardian, custodian, guardian ad litem or other persons:

Name	Relationship	Address
Tiffany Phillips	Mother	 Muncie, IN 47302

Ronald P. Massie II	Father	 Muncie, IN 47302
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Dated August 11, 2019


Magistrate

STATE OF INDIANA CAUSE NO. 18C02-1908-JD-64

EVAN MASSIE DOB: [REDACTED] AGE:15
A Child Alleged to be a Delinquent Child

(X) Reasonable efforts as to services made prior to the removal of the child: Reasonable efforts could not be made due to the serious nature of the allegations.

3. That the undersigned reasonably believes that the information summarized in paragraph (4.) below establishes probable cause to believe that the child committed the indicated offense or offenses:

- () Runaway offense contrary to IC 31-37-2-2
- () Truancy offense contrary to IC 31-37-2-3;
- () Ungovernable offense contrary to IC 31-37-2-4
- () Curfew offense contrary to IC 31-37-2-5;
- () Alcoholic beverage offense contrary to IC 31-37-2-6);
- (X) Criminal acts contrary to IC 31-37-1-2:

<u>Count:</u>	<u>Specific Offense/Class</u>	<u>Statutory Cite</u>
1)	Intimidation/Level 6 Felony	35-45-2-1(b)(1)(A)
2)	Possession of Firearm on School Property/Level 6 Felony	35-47-9-2(a)(1)
3)	Dangerous Possession of a Firearm/A Misdemeanor	35-47-10-5(a)
4)	Resisting Law Enforcement/A Misdemeanor	35-44.1-3-1(a)(1)

4. That the undersigned reasonably believes that the following information establishes probable cause to believe that the child committed the offense or offenses indicated above in paragraph (3.) of this Affidavit:

On or about August 7, 2019 at approximately 2:43 pm, school resource officers with Muncie Central High School (MCHS) in Delaware County, Muncie, Indiana, received information from a person/witness that there was a subject with a gun across the street from the school. That person/witness informed school resource officers via texts the suspect was a white male wearing a red bandana and was last seen in an alley nearby.

School resource officers, along with officers from Muncie Police Department located a juvenile subject matching the description at N. Walnut Street and E. Myrtle Avenue. He was wearing grey sweat shorts, no shirt, red bandana, and a grey backpack. The suspect was identified as Evan Massie (DOB: [REDACTED]) MPD Officer G. Brown could see around Massie's waist and could see no gun on his waist and his hands were overlapped on his stomach. Officer Brown gave Massie a verbal command to put his hands up and he refused. Officer Brown gave Massie the same verbal command two more times. Each time Officer Brown gave Massie a verbal command he closed the gap between them. By the third command the situation became tense, uncertain, and rapidly evolving. After Massie refused Officer Brown was close enough to go hands on. He was able to get Massie to the ground and had control of both of Massie's arms and weight on top of Massie to avoid him from getting up. Three other officers arrived to assist. Massie was still resisting and not giving up his hands. Officer Brown had to safely remove his hands from underneath his body to handcuff Massie. Before getting his hands out from under his body, there was still the unknown whether he had a firearm or not. Once handcuffed, Massie was searched. During the search, a firearm was located inside of Massie's shorts pocket with two fully

loaded magazines with 6 380 rounds in each magazine. The firearm was a Silver and Black Jimenez Arms 380 Semi-Auto Handgun (Serial # 081768). At that point, Massie was taken into custody.

The witness, a former MCHS graduate, had visited with the school administrators and resource officers earlier in the day. As the witness was leaving the school, they were called over to the area of "Smoker's Corner" (intersection of N. Walnut St. and E. Myrtle Ave.) by Massie. The witness and Massie are acquaintances. Massie told the witness he had a "strap" and showed the witness the handgun. Massie told the witness that he had the gun on him while inside the school earlier, but left during the school day. Massie told the witness that he had issues at school earlier in the day. He told the witness he had been escorted to class and that he has "beef" with some people and that he might have to shoot a couple of people. He made a comment about wanting to be locked up so he could get his life straight.

Massie was transported to CID to be interviewed with his mother, Tiffany Phillips. Tiffany waived Massie's rights, however, Massie did not and stated that he would not be speaking with detectives.

School resource officers confirmed that Massie was at school today (8/7/19). Detectives were informed that Massie was causing issues while at school and not following rules. He left school after his 4th period class.

On August 8, 2019 Officers from MPD obtained a search warrant for backpacks belonging to Massie. In one of the backpacks, they located a box of .380 hollow points and four cellphones. The rest of the items included a box cutter, small plastic bags, and clothes.

SECURE DETENTION OPTION

5. That in addition, the officer reasonably believes that the child should be detained in secure detention at the Delaware County Juvenile Detention Center for one or more of the following reasons:
- () Said child has committed an act which would be murder or a Class A or Class B Felony if committed by an adult;
 - (X) Detention is essential to protect the child and detention is essential to protect the community;

-OR-

NON-SECURE DETENTION OPTION

5. That in addition, the officer reasonably believes that the child should be detained in non-secure detention at _____ for one or more of the following reasons:
- () The parent, guardian or custodian of the child cannot be located or is unable or unwilling to take custody of said child; or
 - () The child is unlikely to appear for subsequent proceedings; or

- ☐ The act involved is murder or a Class A or class B felony; or
- ☐ Detention is essential to protect the child and the community; or
- ☐ The child has a reasonable basis for requesting that he or she not be released.

-OR-

RELEASE WITH ALTERNATIVES OPTION

5. That in addition, the officer reasonable believes that the child should be released to the custody of his/her parent, guardian or custodian under the following alternative(s) to detention:

- ☐ Informal House Arrest
- ☐ Electronic House Arrest
- ☐ GPS Monitoring
- ☐ Day Reporting
- ☐ Other: _____

6. What reasonable efforts were made to prevent or eliminate the need for removal:

Or

Due to the emergency nature of the situation, no reasonable efforts could be made to prevent removal because: **the allegations are of a serious nature and removal was necessary for protection of the community.**

And

Remaining in the home is contrary to the welfare of the child and placement is in the best interests of the child because: **Juvenile's alleged behaviors pose a danger to the community and self.**

Juvenile's Custodial Information:

Prior to current removal, juvenile resided w/: Tiffany Phillips

Relationship: Mother

Phone: (765) [REDACTED]

Address: [REDACTED] Zip: 47303

Parent Information:

Mother: Tiffany Phillips

Phone: (765) [REDACTED]

Address: [REDACTED] Zip: 47303

Approved: 8.08
Revised:

D-1.05

Father: Ronnie Massie II

Phone: Unknown

Address: Unknown

Zip:

I affirm under the penalties of perjury that the following representations are true to the best of my knowledge and belief on this 8th day of August, 2010.

Hollie Partin, Probation Officer
Signature

Printed Hollie Partin

Date: 8/8/19

Delaware County Juvenile Probation Department 765-747-7793 ext. 

DELAWARE COUNTY JUVENILE COURT
NOTICE TO APPEAR

IN THE MATTER OF:

CAUSE NUMBER:

Massio

1908JD64

Please arrive at least 30 minutes prior to your hearing if you wish to speak to your Public Defender

Initial Hearing: 8/14/19 @ 8:00 AM

Disposition Hearing: _____

Status Hearing: _____

Review Hearing: _____

Pre-Trial Conference: _____

Permanency Hearing: _____

Fact Finding Hearing: _____

Other: _____

FAILURE TO APPEAR MAY RESULT IN A WARRANT FOR YOUR ARREST FOR CONTEMPT OF COURT

- ☐ Contact the Department of Child Services for information @ 765.751.9565
- ☒ Contact the Delaware County Juvenile Probation Department for information @ 765.747.7793
- ☒ Public Defender appointed. Contact the Public Defender's Office for information @ 765.281.9451

The above matter is set for a hearing at the Delaware County Juvenile Court, 3600 W. Kilgore Ave., Suite 505, Muncie, IN 47304