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DELAWARE COUNTY, INDIANA**

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**FOR IMMEDIATE RELEASE**

From: Eric M. Hoffman, Prosecuting Attorney  
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Date: July 16, 2020

**Andrea Hughes charged with false informing**

*Muncie Indiana* – The Delaware County Prosecutor’s Office has received a number of media requests for access to public documents relating to the recent charge filed against Andrea Hughes. Therefore, the Prosecuting Attorney is issuing this Press Release.

On July 9, 2020 the Delaware County Prosecuting Attorney formally charged Andrea Hughes with the criminal offense of false informing, a Class B Misdemeanor. That charge is pending in the Muncie City Court in Cause Number 18H01-2007-CM-879. Judge Amanda Dunnuck has set the matter for an initial hearing on September 14, 2020 at 1:00 p.m. and has ordered Hughes to appear. A copy of the Affidavit of Probable Cause and the Charging Information is attached to this release. Pursuant to Indiana law, upon conviction, a Class B Misdemeanor carries a penalty from 0 – 180 days in jail and a fine from 0 - \$1,000.

At this time, Indiana’s Rules of ethics for prosecutors prohibit release of evidence in a pending case, including the police body camera footage. At trial, that footage will be presented as evidence and entered into the formal record of the case.

It is important to remember that any accusation that someone has committed a crime, 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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DM1639071

STATE OF INDIANA )  
 ) SS:  
COUNTY OF DELAWARE)

IN THE MUNCIE CITY COURT

STATE OF INDIANA

CAUSE NUMBER. 18H01-2007-CM

VS

AFFIDAVIT FOR PROBABLE CAUSE

ANDREA R. HUGHES

False Informing

I.C. § 35-44.1-2-3(d)(1)

a Class B Misdemeanor

The undersigned deposes and says upon information and belief that Andrea R. Hughes has committed the offense of False Informing, a Class B Misdemeanor, and in support thereof says as follows:

1. That this Affiant is a Muncie Police Department Officer who is currently assigned as an investigator in the internal affairs unit.
2. On February 4, 2020 at approximately 12:31 a.m. Muncie Police Department (MPD) Officers were dispatched to the Taco Bell restaurant located at 1725 W. McGalliard, Muncie, Delaware County Indiana regarding an intoxicated driver in the drive thru. An employee from the restaurant called the police. Dispatch advised the officers that there was an intoxicated female in a tan Chevrolet Tahoe. While dispatch was on the phone with the caller, dispatch could hear a female arguing with Taco Bell employees.
3. MPD Sgt. Michael Nickens arrived in on scene and observed the Tahoe that was being driven by Andrea Hughes. Sgt. Nickens initiated a traffic stop on the east side of the Taco Bell parking lot. Sgt. Nickens observed that Hughes' speech was slurred. She told Sgt. Nickens that she had not had anything to drink that night.
4. Shortly thereafter MPD Officer Brandon Qualls arrived on the scene. While speaking with Hughes, Officer Qualls noticed that her eyes were bloodshot and watery, her speech was slow and slurred, and he could smell the odor of alcohol coming from her breath. Officer Qualls repeatedly attempted to have Hughes complete Standardized Field Sobriety tests, but she refused. Hughes was argumentative and verbally combative. Among other things Hughes was yelling "they fucked up my tacos." Hughes refused to do Standardized Field Sobriety Tests or take a portable breath test. She was advised that the officers will need to get a warrant for a blood sample and she said "do what you need to do." Hughes demanded that the officers simply "follow her home" as opposed to conducting field sobriety tests. Hughes was very uncooperative and at one point told the officers she was a "sovereign citizen." Hughes said she had consumed two (2) beers that night. Officer Qualls then secured Hughes into handcuffs and placed her in the backseat of his squad car. He read her implied consent as she continued to yell and curse at him. She refused to take a chemical test as required by law. All of this was captured on MPD body camera footage.
5. Officer Qualls transported Hughes to IU Health Ball Memorial Hospital. While at the hospital Hughes continued to be uncooperative. She yelled and cursed at medical staff, hospital police, and Officer Qualls. Officer Qualls obtained a search warrant for a blood sample. When Officer Qualls informed Hughes that he obtained a search warrant signed by a judge to take a blood sample, Hughes repeatedly yelled "I don't give a fuck." Hughes repeatedly yelled "fuck you bitch." She told Officer Qualls that "I hope your kids die from cancer, bitch" and "I hope your kids fucking die, every fucking one of them." Hughes said "I wish death on your kids. I pray to God that they fucking die" and "Officer Qualls, I pray to God that your kids

die from a tragic death." All of which was captured on Officer Qualls' body camera video.

6. Hughes blood sample was taken by a registered nurse. Hughes was uncooperative and combative during the entire time. That sample was later tested by the Indiana Department of Toxicology. Hughes' blood alcohol content was 0.278 %.
7. After the sample was taken pursuant to the search warrant, Officer Qualls placed Hughes back into his police car and transported her to the Delaware County Jail where jail staff took custody of Hughes. While at the jail, Hughes continued to be verbally hostile and combative calling officers "dick suckers."
8. Hughes' vehicle was not towed. Rather officers, permitted a friend or relative to come and pick the vehicle from the parking lot.
9. On February 18, 2020, Andrea Hughes was formally charged by the State of Indiana with Count 1, Operating a Vehicle While Intoxicated Endangering a Person, a Class A Misdemeanor, Count 2: Operating a Vehicle with an ACE of .15 or More, a Class A Misdemeanor, and Count 3: Disorderly Conduct, a Class B Misdemeanor. Those charges are pending in the Muncie City Court in Cause Number 18H01-2002-CM-269.
10. On May 25, 2020, George Floyd was killed by a Minneapolis Minnesota police officer during an arrest. This case received extensive coverage in the media. The officer knelt on Mr. Floyd's neck for approximately eight (8) minutes during which time Mr. Floyd was reported to have yelled "I can't breathe."
11. On June 4, 2020, Andrea Hughes filed a written and signed complaint with the City of Muncie. In said complaint she made certain allegations that occurred in the Taco Bell parking lot on February 4, 2020. She stated that in the Taco Bell parking lot, Officer Qualls "threw me onto the ground and put his knee into the left side of my neck with pressure. I then felt a knee in my upper midsection of my back. I started to yell as loud as I could letting him know that I could not breathe, please get off of me, I have asthma, continuously, a few minutes went by, I was handcuffed and then lifted from the ground." Hughes' written complaint alleging that Officer Qualls placed his knee on her neck and back accuses Officer Qualls of committing battery which is defined by Indiana law as to knowingly or intentionally touch another person in a rude, insolent, or angry manner. Those accusations are demonstrably false.
12. On February 4, 2020, MPD Officer Qualls was wearing a body camera that recorded the entire interaction with Andrea Hughes in the Taco Bell parking lot. It also captured the interaction with Hughes in his police car on the way to the hospital, at the IU Health Ball Memorial Hospital, in his police car on the way to the Delaware County Jail, and at the Delaware County Jail.
13. On February 4, 2020, MPD Sgt. Michael Nickens as wearing a body camera that recorded the entire interaction with Andrea Hughes in the Taco Bell parking lot.
14. On February 4, 2020, MPD Officer Lance Clay as wearing a body camera that recorded the entire interaction with Andrea Hughes in the Taco Bell parking lot.
15. On February 4, 2020, MPD Officer John Henderson as wearing a body camera that recorded a portion of the interaction with Andrea Hughes in the Taco Bell parking lot.
16. After Hughes filed her June 4, 2020 written complaint, the body camera footage of Sgt. Nickens, Officer Clay, Officer Henderson, and Officer Qualls was reviewed. The body camera footage demonstrates that Hughes made multiple demonstrably false and untrue statements and allegations in her June 4, 2020 written complaint regarding her February 4, 2020 encounter with police officers and subsequent arrest. Those demonstrably false and untrue statements and allegations include: (a) that she was thrown onto the ground; (b) that Officer Qualls put his knee on her neck and back; and (c) and she said that she could not breathe. At no time was Hughes thrown to the ground or ever even on the ground. At no time did any officer put a knee on her neck or back. At no time did she say she could not breathe. At all times Hughes was upright and standing until Hughes was placed into handcuffs, sat in a police car, and seat belted in.

17. Based upon Hughes' complaint and accusations of battery, the Affiant initiated an investigation. The Affiant contacted Hughes by telephone and asked if she would be willing to come to city hall to discuss the facts of her complaint.
18. On June 11, 2020, Andrea Hughes voluntarily came to City Hall to speak with the Affiant concerning the allegations made in her complaint. This interview was audio recorded by the Affiant. The Affiant asked Hughes to state what happened on February 4, 2020. She stated that on the night in question she went to Taco Bell. She had a verbal argument with the Taco Bell staff who called the police.
19. Hughes went on to state that "Officer Qualls approached her driver's side window and asked her to step out of her vehicle." She stated that she asked for what because no crime was committed. "He pulled me, yanked me out of my vehicle. Was thrown to the ground. Had a knee in my neck. Felt like one was in by back. I don't know which one. I was down on the ground. Got yanked up. He never asked me to do a field sobriety." She also stated that "every officer had their hand on their pistol." She also stated that when Officer Qualls had his knee on her neck she screamed that she could not breathe and that is when they let her up. Hughes stated that all of those things happened in the Taco Bell parking lot. Every one of the aforementioned statements and accusations made by Huges are demonstrably false and untrue. All of the interaction between the police officers and Andrea Hughes in the Taco Bell parking lot was captured on MPD body camera footage. Officer Qualls, or any other police officer, did not pull or yank her out of her vehicle. Hughes was not thrown to the ground (she was never on the even on the ground, she stood upright the entire time). Officer Qualls nor any other officer placed a knee on her neck, back, or any other body part. Hughes never screamed or said she could not breathe. Hughes was not yanked up. She was asked to complete field sobriety tests, which she refused to do. The officers did not have their hands on their duty weapons. Rather, their hands are clearly seen down at their side or holding on to or resting on the top portion of their body armor vests.
20. Hughes was then given an opportunity to watch the entire body camera video footage from Sgt. Nickens and Officer Qualls from February 4, 2020. After watching the footage and personally seeing that none of her allegations were true, Hughes' only response was that the video had to have been "edited," which was yet another false statement.
21. After the interview, Hughes was free to go and left the Muncie Police Department.
22. The State is not requesting the issuance of an arrest warrant on the charge. Rather, State is asking that the Court issue a Summons to the Defendant pursuant to the Court's standard practice and procedure.

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

Date:

7/9/2020

  
Sgt. Ryan Winningham

STATE OF INDIANA )  
 ) SS:  
COUNTY OF DELAWARE )

IN THE MUNCIE CITY COURT  
CAUSE NUMBER. 18H01-2007-CM  
INFORMATION:

STATE OF INDIANA

VS

False Informing  
I.C. § 35-44.1-2-3(d)(1)  
a Class B Misdemeanor

ANDREA R. HUGHES

2108 N. Hollywood Ave.  
Muncie, IN 47304

DOB: 4/11/1978  
SSN: XXX-XX-0297

Count 1:

The undersigned says that between June 4, 2020 and June 11, 2020 in Delaware County, State of Indiana, Andrea R. Hughes did give a false report of the commission of a crime, to-wit: battery; knowing the report to be false or gave false information in the official investigation of a crime, to-wit: battery; knowing said information to be false contrary to the form of the statutes in such cases made and provided by I.C. 35-44.1-2-3(d)(1) and against the peace and dignity of the State of Indiana.

ERIC M. HOFFMAN  
Prosecuting Attorney  
46th Judicial Circuit of Indiana

BY: /s/ Eric M. Hoffman  
Eric M. Hoffman # 24232-18  
Prosecuting Attorney  
46th Judicial Circuit of Indiana