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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 3, 2024

**MAN CONVICTED OF RACIALLY MOTIVATED
INTIMIDATION SENTENCED TO PRISON**

Muncie Indiana – on May 6, 2024, the H Honorable Douglas Mawhorr, Judge of the Delaware Circuit Court No. 3 sentenced Trenton A. Whitaker-Blakey (DOB 5/17/1997) to thirty (30) months in prison. On April 15, 2024, Judge Mawhorr convened a bench trial wherein he convicted Whitaker-Blakey of Intimidation, a Level 6 Felony. A copy of the Affidavit of Probable Cause for Arrest that was initially filed with the case is attached. Pursuant to Indiana law, a Level 6 Felony is punishable by 6 months – 2.5 years in prison and up to a \$10,000 fine. After the sentence was imposed, Delaware County Prosecuting Attorney Eric Hoffman said “The facts of this case are very disturbing. In sentencing the Defendant, the Court noted that ‘[t]he Defendant has admitted to being affiliated with members of a white supremacy groups and attends said organizations’ meetings. Further, there is police records that associate the Defendant with the American Nazis Party hate group.’ (a copy of the Court’s Sentencing Order is attached) Bigotry, hatred, and intolerance have no place in our society. The Delaware County Prosecutor’s Office will not tolerate intimidation of any kind, especially racially motivated intimidation. I am proud of Deputy Prosecutor Michael Bozoian and Prosecutor’s Investigator Alyssa Sorrell for their hard work and dedication in this case.”



Trenton
Whitaker-Blakey

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STATE OF INDIANA) **THE DELAWARE CIRCUIT COURT NO. 3**
) SS
DELAWARE COUNTY) **CAUSE NO: 18C03-2401-F6-000058**

STATE OF INDIANA

vs.

TRENTON AUSTIN WHITAKER-BLAKEY
(DOB: 05/17/1997)

ORDER ON SENTENCING HEARING

This matter came before the Court for Sentencing Hearing on May 6, 2024. Deputy Prosecuting Attorney Michael Bozoian appeared in person on behalf of the State, and the Defendant, Trenton Austin Whitaker-Blakey, appeared in person and by counsel, Scott Mandrich. Defendant was in in custody at the time of sentencing.

BE IT REMEMBERED that on April 15, 2024 after bench trial proceedings, the Court found the Defendant, Trenton Austin Whitaker-Blakey, guilty of Count 1: Intimidation, a Level 6 felony, and judgment of conviction for same was so entered on the record.

Evidence was heard and concluded. Defendant was advised that he has the right of allocution. Court asked in open court if he would like to speak. Defendant did not invoke his right to allocute. The Court heard the final comments and recommendations of counsel with regard to the Court’s sentence.

The Court now considers the evidence presented at the bench trial, the serious nature of the offense, the character of the Defendant, the Presentence Investigation Report, the testimony of witnesses presented during the sentencing hearing, and the final comments and recommendations of legal counsel.

First, the Court turns to the range of penalties that are allowed in this case. State law provides as follows:

1. Count 1: Intimidation, a Level 6 felony, has a minimum term of imprisonment of 6 months, a maximum term of imprisonment of 2 1/2 years, and the advisory term of imprisonment is 1 year. State law allows for the sentence in Count 1 to be suspended.

4. In addition, a fine may be imposed up to no more than \$10,000.00, and the court costs for the case are \$189.00.

When determining an appropriate sentence, the Court is to consider the nature of the offense and the character of the Defendant. Whether a sentence is appropriate turns on the

culpability of the Defendant, the severity of the crime, the damage done to others, and a myriad of other factors that come to light in a given case.

The Court considers the nature of the crime. The nature of the crime in this case is serious. Arin B. Phillips, is an African-American female Muncie police officer. She was surprised by the Defendant when he appeared from behind a police vehicle in the City Hall parking lot. The Defendant was wearing a white pillow case with eye holes cut out. It was very reminiscent of the type of hoods worn by members of the Ku Klux Klan in the late 19th and early 20th Centuries. While so dressed, the Defendant stepped towards Officer Phillips and said, "Nigger." Officer Phillips was surprised, caught completely unaware and very freighted by the Defendant's sudden and unexpected appearance, the manner of his dress with a white hood and the use of the racial slur towards her. The Defendant admitted to police that at the time he used the racial slur, he knew or believed Officer Phillips to be either a FBI Agent, a CIA Agent or a police officer of some kind. Officer Phillips testified that there were no other people within the area of the parking lot. There may have been people across the street from the parking lot. Officer Phillips testified she was fearful the Defendant would cause her harm based upon the historical violence done to African Americans by Klan's members, the outright racism and violence she experienced growing up African American and her position as a lone, female police officer in an empty parking lot.

The Defendant admitted to using the term "nigger" but said it was not directed at Officer Phillips. He admitted to wearing a pillow case with the eyes cut out, but he was wearing to keep warm. Yet he removed his pillow case hood shortly after his encounter with Officer Phillips. The explanation the Defendant gave, in the Presentence Investigation Report ("PSI"), for crouching down by a cop car was to get information from an "old crown vic on the QR scan" to inquire about a possible job. The Defendant never explained why he used such a strong racial slur in the presence of an African American person.

Court now considers the character of the Defendant.

1. The Defendant has a demonstrated history that shows a clear lack of respect for authority. This lack of respect is not just for the authority of the Court, but of law enforcement, probation officer and parental authority or persons placed in the position of parents.
2. The Defendant has admitted to being affiliated with members of a white supremacy groups and attends said organizations' meetings. Further, there is police records that associate the Defendant with the American Nazis Party hate group.
3. The Defendant has not shown any true remorse, but continues to deny or minimize his actions. The Defendant is only showing remorse in order to be

place on probation. He claims he was profiled because he was homeless and that his right to free speech allows him to say what he wants.

4. He is violent in that he has been convicted of forcibly resisting law enforcement, committed battery against a public safety official, and previously convicted of intimidation. The intimidation conviction is particularly enlightening into the character of the Defendant. He told a witness that he, "hated all Christians and intended to kill all of the Christians in the basement of the Commonway Church". Further, he stated he would kill Governor Holcomb because of his Covid orders and he wanted to find a mosque.
5. The Court takes note that the Defendant has not shown any true remorse or regret for his actions. He has not apologized to Officer Phillips. He had opportunities to show remorse while incarcerated, in the Presentence Investigation Report, or during allocution. He chose to not take advantage of those opportunities. Instead, the Defendant has chosen to try to excuse and blame others for his actions.
6. Based upon the Defendant's criminal history for violence (convictions for forcibly resisting law enforcement, battery on a public safety officer and intimidation) the Court finds the Defendant to be a person who resorts to violence to solve issues.

The Court, now finds as follows regarding the mitigating and aggravating circumstances in this sentencing:

Mitigating Circumstances:

1. The Defendant is of a youthful age, to-wit: 26 years old.
This factor should be given little weight as the Defendant has had involvement with the criminal justice system since the age of 16 and has accumulated 7 convictions in 10 years. The Court gives this factor minimal weight.
2. The Court recognizes the Defendant's difficult child hood of foster care and parental rights being terminated. The Court understands that the Defendant may have experienced childhood trauma in the form of mental, physical and verbal abuse. The Court gives this factor minimal weight

Aggravating Circumstances:

1. As a juvenile, the Defendant was charged with 2 status offenses. These charges resulted in 1 status offense adjudication. The Defendant was afforded the opportunities of probation and home-based therapy.

As an adult, including the instant offense, the Defendant has been charged with 9 misdemeanors and 4 felonies. These charges have resulted in 5 misdemeanor convictions and 3 felony convictions. The Defendant has been afforded the

opportunities of unsupervised and supervised probation, community service, parole, and Indiana Department of Correction programming. The Court gives the Defendant's criminal history significant weight.

2. The Defendant committed the offense with bias due to the victim's or the group's real or perceived characteristic, trait, belief, practice, association, or other attribute the court chooses to consider, including but not limited to an attribute described in IC 10-13-3-1. The Court gives this factor significant weight.
3. There is a pattern of offenses against law enforcement or people of authority indicated in the Defendant's legal history, to-wit: The Defendant has been previously convicted of Resisting Law Enforcement, a Class A Misdemeanor (33C03-1808-CM-000851) and Battery Against a Public Safety Official, a Level 6 Felony (33C03-2007-F6-000283). The Court gives this factor significant weight.
4. The Defendant has demonstrated he has not benefited from prior attempts of correctional treatment and rehabilitation through incarceration, adult probation and alternative community resources. The Court gives this factor some weight.
5. The Defendant reports a lack of emotional support from his friends and family which could hinder his rehabilitation. The Court gives this factor minimal weight.
6. The Defendant has become a threat to the community due to his beliefs regarding race and religion and his reported association with a hate group. The Defendant has previously been convicted of Intimidation, a Class A Misdemeanor, as a lesser-included offense, in cause 18C02-2209-F6-000548, when he told a witness that he "hated all Christians and intended to kill all of the Christians in the basement of the Commonway Church". The Court gives this factor significant weight.

In imposing sentence, the Court does consider these facts and circumstances, the character of the Defendant and, most importantly, the nature of the offense. The Court finds that the aggravating circumstances significantly outweigh the mitigating circumstances in this sentencing. The significant difference between the aggravating and mitigating circumstances calls for the sentence in this matter to be enhanced.

Therefore, the Court sentences the Defendant, Trenton Austin Whitaker-Blakey as follows:

1. Count 1: Intimidation, a Level 6 Felony – 30 months Executed to the Indiana Department of Correction.

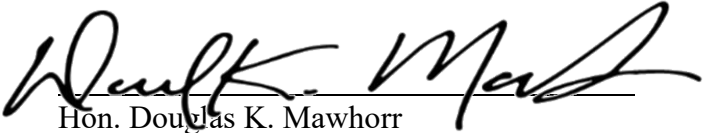
The Court orders Defendant to pay court costs of \$189.00 and the \$100.00 Public Defender Fee. This order to pay court costs and fees is hereby reduced to a judgment against the Defendant, Trenton Austin Whitaker-Blakey.

Court grants Defendant, Trenton A. Whitaker-Blakey, accrued credit for 109 days served in the Delaware County Jail from January 18, 2024 to May 5, 2024, plus Class A credit of 109 days for a total credit time of 218 days.

Defendant was advised of his right to appeal pursuant to Criminal Rule 11. Defendant indicated that he plans to appeal the conviction and the sentence in this cause of action. Defendant requests that the Delaware County Public Defenders' Office be appointed to represent him in his appeal. Court grants his request and appoints the Delaware County Public Defenders' office to assign legal counsel to represent the Defendant for appellate purposes.

The Clerk is directed to issue notice to the Central State Repository regarding disposition of this cause of action.

ALL OF WHICH IS SO ORDERED this 6th day of May, 2024 in Muncie, Delaware County, State of Indiana.

A handwritten signature in black ink, appearing to read "Douglas K. Mawhorr", written over a horizontal line.

Hon. Douglas K. Mawhorr
Judge, Delaware Circuit Court No. 3

Distribution:

All parties and counsel of record – via IEFS
Delaware County Clerk
Delaware County Sheriff's Office

STATE OF INDIANA) IN THE DELAWARE COUNTY COURTS
)
DELAWARE COUNTY) 2024 TERM 172

AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WITHOUT WARRANT

COMES NOW, Sgt. Ryan Winningham , a police officer of the Muncie Police Department, and being first duly sworn upon oath, deposes and says that the following described person was arrested, without Warrant, upon the charge(s) and circumstances hereinafter stated, and makes this affidavit for the purpose of establishing probable cause for said arrest.

NAME OF ARRESTEE: Trenton Austin Whitaker-Blakley D.O.B.: 05/17/1997

ADDRESS OF ARRESTEE: N/A

DATE OF ARREST: 01/18/2024 TIME OF ARREST: 11:19p.m.

CHARGE 1: Intimidation Level 6 Felony

CHARGE 2:

CHARGE 3:

The basis and reasons why this officer believes that said Arrestee committed the aforesaid offense (s) are as follows:

On January 18, 2024 at approximately 10:05a.m., a female, African American, Muncie Police parked her commission in the parking lot of Muncie City Hall located at 300 N. High St. She observed a subject wearing a black hoodie crouched beside a marked police vehicle. The subject wore what appeared to be a white face mask with two holes cut into it. As the officer gathered belongs from her vehicle, she made eye contact with the subject. The subject then referred to her as, "Nigger." The officer who was concerned for her immediate safety declined to make contact with the subject and walked into the Muncie City Hall. I met with the officer and showed her surveillance video taken from the Muncie City Hall. The video depicted a subject wearing a dark hooded jacket, black backpack, baseball cap and a white face mask covering his face. The subject was observed walking on the east side of the building north through the parking lot toward where the encounter was described to have taken place. The officer identified this as the subject who had made the racial commit toward her. I took a photograph of the subject to the Muncie Mission and showed it to a staff member. The subject was immediately identified as Trent Whitaker. I reviewed surveillance video at the Muncie Mission and observed the subject identified as Trent Whitaker wearing the same jacket, pants, tennis shoes and baseball cap as depicted in the Muncie City Hall surveillance video. I asked staff to contact the Muncie Police Department once Mr. Whitaker returned to the Muncie Mission for the evening. At approximately 9:00 p.m., I received a message that Trent Whitaker returned to the Muncie Mission. Muncie Police Officers arrived on scene, detained Trent and transported him to the Muncie City Police Department Criminal Investigation Division. Trent voluntarily gave an officer a white face mask. I read Trent the Muncie Police Department Miranda rights waiver form. Trent signed the form and agreed to speak with me. Trent admitted to have associated with members white supremacy groups and had attended the organizations gatherings. Trent admitted that he was the subject pictured in the surveillance video. Trent admitted that he was wearing the white face mask. Trent admitted that he was crouched beside the marked Muncie Police vehicle. Trent admitted that he observed the African American female exit her vehicle. Trent stated that he believed the female to be a high-ranking C.I.A. agent, detective or a police officer. Trent admitted to saying the word, "Nigger" in the presence of the African American female. Trent stated that he didn't direct this toward the female but to other individuals that were in the area.

STATE OF INDIANA)
)
DELAWARE COUNTY)

IN THE DELAWARE COUNTY COURTS

2024 TERM

I affirm under penalty of perjury that the foregoing is true and accurate to the best of my information and belief.

/s/ OFFICER: Sgt. Ryan Wunif #0408 DATE: 01/18/2024

JUDICIAL DETERMINATION

The undersigned, being a Judicial officer of Delaware County, and having reviewed the foregoing affidavit, now determines that probable cause existed for the arrest of said arrestee, and now fixes bond in the penal sum of \$ 5,000 C/Sr/10%.

DATED: 1/19/2024 SIGNED: Mark K. Moore, Judge

CHARGES TO BE FILED BY: January 25, 2024 @ 1pm

AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WITHOUT WARRANT

Bail Doubled \$ 10,000