

(COPY-75 COPY)

STATE OF INDIANA
MARION COUNTY, ss:

IN THE MARION SUPERIOR COURT
CRIMINAL DIVISION

THE STATE OF INDIANA

vs.

DAVID C. WISE
WM DOB: 9/30/1961

CAUSE NO. 49G011108FB059703
(AS TO COUNT(S) I, II, III,
IV, V, VI)

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INFORMATION
COUNT I
RAPE, CLASS B FELONY I.C. 35-42-4-1
COUNT II
CRIMINAL DEVIATE CONDUCT, CLASS B FELONY I.C. 35-42-4-2
COUNT III
CRIMINAL DEVIATE CONDUCT, CLASS B FELONY I.C. 35-42-4-2
COUNT IV
CRIMINAL DEVIATE CONDUCT, CLASS B FELONY I.C. 35-42-4-2
COUNT V
CRIMINAL DEVIATE CONDUCT, CLASS B FELONY I.C. 35-42-4-2
COUNT VI
CRIMINAL DEVIATE CONDUCT, CLASS B FELONY I.C. 35-42-4-2

On this date, Detective Chris Edwards came before the Prosecuting Attorney of the Nineteenth Judicial Circuit and, being duly sworn (or having affirmed), stated that in Marion County, Indiana

COUNT I

DAVID C. WISE, on or about August 10, 2008, did knowingly have sexual intercourse with [REDACTED], a member of the opposite sex, when [REDACTED] was unaware that the sexual intercourse was occurring;

COUNT II

DAVID C. WISE, on or about August 10, 2008, did knowingly cause [REDACTED] to perform or submit to deviate sexual conduct,

an act involving a sex organ, that is: penis of David C. Wise and the mouth of [REDACTED], when [REDACTED] was unaware that the conduct was occurring;

COUNT III

DAVID C. WISE, on or about August 10, 2008, did knowingly cause [REDACTED] to perform or submit to deviate sexual conduct, by inserting an object, that is: finger(s), into the sex organ of [REDACTED] when [REDACTED] was unaware that the conduct was occurring;

COUNT IV

DAVID C. WISE, on or about August 10, 2008, did knowingly cause [REDACTED] to perform or submit to deviate sexual conduct, an act involving a sex organ, that is: penis of David C. Wise and the mouth of [REDACTED], when [REDACTED] was unaware that the conduct was occurring;

COUNT V

DAVID C. WISE, on or about September 13, 2008, did knowingly cause [REDACTED] to perform or submit to deviate sexual conduct, an act involving a sex organ, that is: penis of David C. Wise and the mouth of [REDACTED], when [REDACTED] was unaware that the conduct was occurring;

COUNT VI

DAVID C. WISE, on or about September 13, 2008, did knowingly cause Mandy Wise to perform or submit to deviate sexual conduct,

AFFIDAVIT FOR PROBABLE CAUSE

STATE OF INDIANA, COUNTY OF MARION, SS:

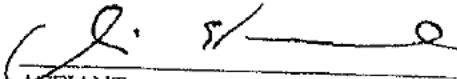
Detective Chris Edwards swears (affirms) that:

On May 9, 2011 I received a rape report involving [REDACTED]. I made contact with Ms. Wise and she came into the sex crimes office on May 10th. She told me the following, the conversation was recorded.

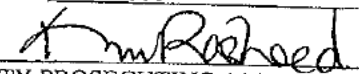
While Ms. Wise was married to her husband David C. Wise she began to experience some strange events. These events began about three years before she and her husband divorced in 2009. She began to wake up often with a pill dissolving in her mouth, or would find what looked like powder floating in her soft drinks. After a while she began to notice she was always sleepy had no energy. Ms. Wise stopped waking up with pills in her mouth, but began to find medication vials and medicine droppers "hidden" in places around her bedroom. She continued to occasionally wake up to find a horrible taste in her mouth instead of a dissolving pill. When confronted her husband said he didn't know what she was talking about. A number of times she woke up in the middle of the night to see her husband running away from the bed holding a flashlight in his hand. Once when she confronted Mr. Wise about the medicine droppers and vials he grabbed them away from her.

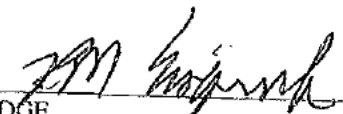
In September of 2008 Ms. Wise found her husband's cell phone that he had left at home. She began going through the phone and discovered three videos of her husband having sex with her while she was completely passed out and unaware of what was going on. Ms. Wise recorded the videos with a

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.


AFFIANT

DATED: 08/23/2011


DEPUTY PROSECUTING ATTORNEY
NINETEENTH JUDICIAL CIRCUIT


JUDGE

Affidavit for Probable Cause

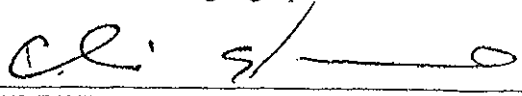
From: Detective Chris Edwards

handheld camcorder while playing the video on Mr. Wise's phone, and then had a friend place the video onto a CD.

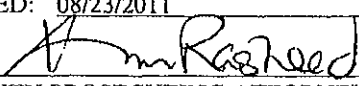
When I watched the video, dated 08/10/2008 at 4:37 AM, I observed that a male, identified by Ms. Wise as David C. Wise, was indeed having sexual contact with her while she was unconscious. Specifically, on the first video I observed a man's penis penetrating a woman's vagina. Ms. Wise identified the man as her ex-husband David C. Wise and the woman as herself. She said she had no memory of the video being made. .

The second and much longer video, dated 09/13/2008 at 1:45 AM, began with a man's penis inserted into Ms. Wise's mouth. Ms. Wise is clearly unconscious. She identifies the man in the video as David C. Wise. On The video when Ms. Wise turns her head away Mr. Wise is seen moving her head with his hands back into position, and then pressing his penis against her lips until he is able to get her mouth open again.

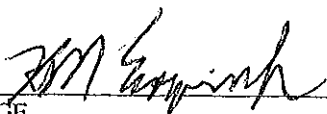
When he reinserted his penis, a snoring sound can be heard coming from Ms. Wise's nose. It appeared that her breathing was obstructed and her head jerked away, but she was still clearly unconscious. An unintelligible phrase comes from her mouth like someone talking in their sleep. Mr. Wise was then seen rubbing his penis on Ms. Wise's face. Mr. Wise then pushed his penis back inside her mouth. It is clear on the video that Ms. Wise is not opening her own mouth. Instead Mr. Wise used his penis to push open her lips until her mouth opens, and then reinserted his penis. Once again distinct snoring sounds come from Ms. Wise's nose. It is obvious that it takes some effort for Mr. Wise to push his penis further into Ms. Wise's mouth due to her being unconscious. Several more times Ms. Wise is I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.



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seen jerking her head away, and Mr. Wise repositioning her head and pushing his penis back into her mouth.

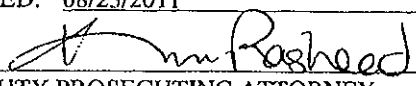
The third video, also dated 08/10/2008, begins with Mr. Wise clearly moving Ms. Wise's head while she is unconscious and snoring to better position her head toward his penis. Then with some difficulty he inserted his penis into her mouth. At one point he was able to push her lips open, but has trouble getting his penis past her closed teeth due to her being unconscious. When he was unable to get her mouth open he began rubbing his penis on Ms. Wise's face. Mr. Wise then fondles Ms. Wise's breast while she is unconscious. The camera then pulled back and Mr. Wise removed the blanket off Ms. Wise. She is lying on her side and is naked. One leg is pulled up and Mr. Wise pulled back her thigh exposing her vagina. He then inserted his fingers into her vagina while she was unconscious. Mr. Wise again fondled her breast and then returned and inserted his penis back into her mouth.

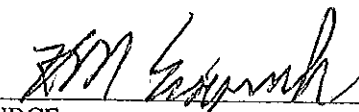
Ms. Wise said that Mr. Wise did finally tell her that he had been drugging her with Xanax and other medication and having sex with her while she was unconscious. She also showed me emails where Mr. Wise spoke about doing this to her.

In one email Mr. Wise wrote, "I hurt bad like you did when I was taking advantage of you in your sleep and you kept coming to me and telling me it was NOT ok. I needed to stop." He also wrote, "you are a better person than me by not putting me in real jail." In another email he says, "You have the film," and, "You are afraid of my sexual behavior, that it will return." The Emails are dated April 13 and 16 of 2009.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.


AFFIANT

DATED: 08/23/2011

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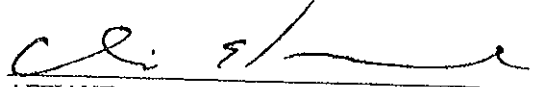
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medicine vials she saved them, but told Ms. Davis that Mr. Wise had taken them away from her. It was after this that Ms. Wise brought her the video and asked for help in storing it on a CD.


On August 22, 2011 I located Mr. Wise at his home and brought him to the sex crimes office. I read him the advice of rights form, and he said he understood. When I read him the waiver of rights portion of the form he also said he understood. He signed the form, but when I told him I needed to talk to him about his ex-wife alleging that he had sexually assaulted her when they were married he asked to speak with his attorney. I then arrested Mr. Wise, and he was transported to the APC by wagon.

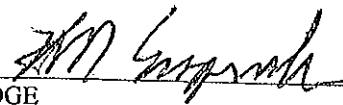
All events occurred in Indianapolis, Marion County, IN.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.


AFFIANT

DATED: 08/23/2011


DEPUTY PROSECUTING ATTORNEY
NINETEENTH JUDICIAL CIRCUIT


JUDGE