

## AFFIDAVIT FOR PROBABLE CAUSE

---

STATE OF INDIANA, COUNTY OF MARION, SS:

Sergeant Mark A. Prater swears (affirms) that:

On Thursday, July 27, 2017 at approximately 1440 hours, Lieutenant Aaron Allan with the Southport Police Department and Major CT Bowman with the Homecroft Police Department were dispatched to the area of South Madison Avenue and Maynard Drive on a personal injury (PI) accident with an overturned vehicle. When the officers arrived at the location, they observed a blue BMW on its roof in the front yard at 66xx S. Madison Avenue. Inside the vehicle was Jason Brown, w/m date of birth 2/22/89, who was in the driver seat. Brown was suspended upside down due to being held in by his seat belt. H.L., b/m date of birth XX/XX/XXX (a person known to law enforcement), was the passenger; however, he was outside the vehicle when the officers arrived.

Major Bowman was interviewed and stated he was dispatched to a PI accident at South Madison Avenue and Maynard Drive. Major Bowman arrived at the scene and saw the vehicle inverted on the east side of Madison Avenue. Major Bowman arrived at the accident and parked his vehicle on the east side of Madison Avenue along the curb in the northbound lane. He said Lt. Aaron Allan, Southport Police Department, drove up and parked his police vehicle behind him. Major Bowman advised that he talked to a female witness who said that she was northbound on Madison Avenue when the car came towards her at a high rate of speed, became airborne, went upside down and landed in the front yard at 66xx S. Madison Avenue.

Major Bowman further stated that he went to the driver side of the vehicle and the driver was hung up in the seat belt. Major Bowman said Lt. Allan went to the passenger side of the vehicle, stuck his head inside, and spoke with the driver. Major Bowman said the person in the vehicle became hysterical and Lt. Allan told the driver to be calm and that help was on the way. Major Bowman said there was another passenger in the BMW who was outside sitting in the grass near the rear of the vehicle. Major Bowman asked this person if he was okay and he replied "I think so."

Major Bowman then heard several gunshots which he thought to be 10 – 12 in number. He could not tell from where they were coming. Major Bowman stated Homecroft Chief John

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Mark A. Prater

---

AFFIANT

DATED: August 1, 2017

**Affidavit for Probable Cause**

**From:** Sergeant Mark A. Prater

Ryan, who was also at the location, called a Code 1 which means officer needs assistance. Major Bowman stated there was a lull after the 10 – 12 gunshots, but then he heard 2 -3 more.

Subsequent investigation revealed that Chief Ryan was on the north side of the vehicle when the shooting began and fired at least one time from his duty weapon. Reserve Johnson County Sheriff's Deputy K. Conjelko had also been on scene, off duty, having stopped to see if he could be of assistance. Deputy Conjelko fired several shots at the 2004 BMW after Lt. Allan had been struck by gunfire.

After the shooting ceased, Major Bowman approached the vehicle and saw a blue steel semi – automatic pistol with the slide locked back, laying on the roof of the BMW. Major Bowman said additional officers began arriving and he told them about the gun inside. The driver, later identified as Jason Brown, was pulled out of the vehicle by assisting officers.

**M.S.** (a person known to law enforcement) was on scene and provided a statement. She advised that she is a nurse, and was travelling northbound on Madison Avenue when she observed a blue BMW traveling southbound, go airborne and flip several times. Upon observing this, she parked and exited her vehicle to check on the occupants of the BMW. **M.S.** stated the passenger in the vehicle got out and came around to the driver side of the BMW to check on the driver.

While this was occurring, **M.S.** stated that a male nurse also arrived to render assistance. **M.S.** spoke to the driver who was still in the car; he was suspended and trapped in the upside down vehicle. She stated two police officers arrived on the scene and were on the passenger side of the vehicle giving the driver commands not to move. **M.S.** also told the driver not to move because she was worried he would hurt himself further. **M.S.** would further state that the driver became very agitated and belligerent and began cussing. She then heard six gunshots and ran to her car. She stated she looked on the passenger side of the vehicle and saw the police officer on the ground. **M.S.** and the male nurse ran to the police officer and began performing CPR. **M.S.** stated she believed the officer was shot at least twice stating she saw blood near his shoulder and in the groin area.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Mark A. Prater

---

AFFIANT

DATED: August 1, 2017

**Affidavit for Probable Cause**

**From:** Sergeant Mark A. Prater

Detective Marcus Kennedy interviewed **A.C.** (a person known to law enforcement). **A.C.**, a registered nurse, stated he was travelling south on Madison Avenue and saw the BMW flipped over and went to the vehicle to assist. **A.C.** stated the driver was upside down in the driver's seat and seemed agitated. **A.C.** said there was a black male who was the passenger sitting in the grass. **A.C.** was at the driver's door and saw the suspect kept trying to reach for something behind his back and observed a pistol come out. **A.C.** heard someone say gun but didn't know who it was. He stated he and the female nurse ran to a white pick-up truck.

It was discovered on scene that Lt. Allan was shot several times. He had been partially inside the vehicle on the rear passenger side at the beginning of the PI investigation, and had been talking calmly with the driver Jason Brown when Brown became agitated. Shortly afterwards, Brown started shooting a pistol towards Lt. Allan. Lt. Allan was shot multiple times and was able to get a few feet back from the vehicle when he collapsed. His duty firearm remained holstered. Lt. Allan was transported to Eskenazi Hospital by IEMS Medic 23 and was pronounced deceased at 1525 hours on 7/27/17 by Dr. Simons.

Detective Lehn and Detective Torres interviewed **H.L.**, the passenger of the BMW, at Eskenazi Hospital. He stated he was the only other occupant in addition to Jason Brown, the driver. **H.L.** said Brown picked him up at the Country Club Apartments and they stopped at a gas station. After leaving, they eventually began driving south on Madison Avenue. **H.L.** said Brown began driving at a high rate of speed for an unknown reason. Brown began maneuvering around the vehicles and struck the curb on South Madison Avenue. **H.L.** said Brown drove over the median of South Madison Avenue and struck the opposite curb. He said the vehicle flipped and landed upside down. **H.L.** exited the vehicle and went to Brown until assistance arrived. **H.L.** walked to the north side of the vehicle and spoke to an officer. When **H.L.** was speaking to the officer, shots were fired. **H.L.** stated that Brown has a handgun permit and does carry a black semi-automatic 9mm.

IMPD Officer J. Fritsche was interviewed by Det. J. Torres on 7/27/17. He stated that he and Officer Kreutzberger arrived at the scene of the accident about the same time. Officer Fritsche stated there was a car on its roof in front of a residence. There were two Homecroft Officers present, which were Chief J. Ryan and Major C.T. Bowman. They were both standing outside the driver side of the vehicle with their weapons drawn on an occupant of the vehicle.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Mark A. Prater

---

AFFIANT

DATED: August 1, 2017

**Affidavit for Probable Cause**

**From:** Sergeant Mark A. Prater

Officer Fritsche said he drew his weapon and said the occupant of the vehicle was the driver. Officer Fritsch said there still was a weapon in the vehicle and commands were being given to the driver to leave his hands where they were and not to move.

Officer Fritsch, Officer J. Kreutzberger and Corporal C. Hemphill of Homecroft PD made the decision to get the driver out of the vehicle. Corporal Hemphill cut the seatbelt which was holding the driver and all three officers removed Brown from the vehicle. Corporal Hemphill also observed a semi-automatic pistol on the roof of the inverted BMW. Brown was transported to Eskenazi Hospital by IEMS Medic 97. Injuries Brown sustained from the shooting was a gunshot wound to right cheek, gunshot wound to the right clavicle and gunshot wound to his left arm.

In addition to the aforementioned statements, IMPD Critical Incident Response Team members and homicide detectives took several statements of witnesses throughout the area.

The overturned vehicle was a 2004 BMW, four doors / blue in color. The VIN was WBAET37434NJ96139 with 2018 IN Plate "INKMAN". A search warrant for the BMW was obtained by IMPD Det. Julie Dutrieux. Crime Scene Specialists Christine Ondek and Erica Laduca processed the crime scene and recovered several items of evidence, including a black semi-automatic pistol from inside the BMW. The firearm was identified as a Springfield XDM-9 serial # MG735582. The slide of the firearm was locked back and contained an empty magazine which fit 20 rounds. Numerous shell casings were recovered from inside and around the BMW. Additionally, recovered from the vehicle was one-quart zip lock bag containing 13 smaller baggies containing suspected marijuana. IMPD Officer Kreutzberger transported the zip lock bag to the IMPD Property Room.

Sgt. Prater attended the autopsy of Lt. Aaron Allan, a human being, at the Marion County Coroner's Office on 7/28/17. The autopsy was performed by Dr. Kent Harshbarger. Lt. Allan suffered from eleven (11) gunshot wounds, with one of the rounds striking the heart. The cause of death is multiple gunshot wounds and manner of death is homicide.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Mark A. Prater

---

AFFIANT

DATED: August 1, 2017