

**STATE OF INDIANA  
MARION COUNTY, ss:**

**IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION**

**Cause No: 49D20**

**STATE OF INDIANA** )  
)  
**vs.** )  
)

**INFORMATION**

**COUNT I**

**RESISTING LAW ENFORCEMENT  
I.C. 35-44.1-3-1(a)(3) and I.C. 35-44.1-3-1(c)  
(3)  
A LEVEL 3 FELONY**

**LUIS LEYBA-GONZALEZ W/Male  
DOB 2/6/2004**

**COUNT II**

**RESISTING LAW ENFORCEMENT  
I.C. 35-44.1-3-1(a)(3) and I.C. 35-44.1-3-1(c)  
(3)  
A LEVEL 3 FELONY**

**COUNT III**

**RESISTING LAW ENFORCEMENT  
I.C. 35-44.1-3-1(a)(3) and I.C. 35-44.1-3-1(c)  
(3)  
A LEVEL 3 FELONY**

On this date, the undersigned Deputy Prosecuting Attorney of the Nineteenth Judicial Circuit, being duly sworn on his/her oath (or having affirmed), says that in Marion County, Indiana

**COUNT I**

On or about September 26, 2023, LUIS LEYBA-GONZALEZ did knowingly flee from D. Munn and T. Jones, law enforcement officers, after said officers identified themselves by visible or audible means and visibly or audibly ordered LUIS LEYBA-GONZALEZ to stop and in committing said act LUIS LEYBA-GONZALEZ operated a vehicle in a manner that caused the death of Makayla Hankins;

**COUNT II**

On or about September 26, 2023, LUIS LEYBA-GONZALEZ did knowingly flee from D. Munn and T. Jones, law enforcement officers, after said officers identified themselves by visible or audible means and visibly or audibly ordered LUIS LEYBA-GONZALEZ to stop and in committing said act LUIS LEYBA-GONZALEZ operated a vehicle in a manner that caused the death of C. L-G.;

**COUNT III**

On or about September 26, 2023, LUIS LEYBA-GONZALEZ did knowingly flee from D. Munn and T. Jones, law enforcement officers, after said officers identified themselves by visible or audible means

and visibly or audibly ordered LUIS LEYBA-GONZALEZ to stop and in committing said act LUIS LEYBA-GONZALEZ operated a vehicle in a manner that caused the death of Jose Lebya-Gonzalez; all of which is contrary to statute and against the peace and dignity of the State of Indiana.

September 29, 2023

Date

**RYAN MEARS**

Marion County Prosecutor  
19th Judicial Circuit

/s/ Robert Beatson

Robert Beatson, #31221-49  
Deputy Prosecuting Attorney

**State's Witnesses:**

B. Fletcher/ISP/9327

B. Alberts/ISP/9065

J. Hall/ISP/8121

D. Munn/ISP/9743

T. Jones/ISP/8887

Arlene Crooke

Jose Leyba

Jose Leyba-Valadez Sr.

Cheicline Meatyer

Sophia Vervet

, STATE OF INDIANA  
COUNTY OF MARION

)  
) IN THE \_\_\_\_\_ COURT  
) Cause Number: \_\_\_\_\_

State of Indiana  
VS.  
Luis Lebya-Gonzalez  
DOB: 02/06/2004  
OLN: 9370440194

AFFIDAVIT FOR PROBABLE CAUSE

Your affiant, Trooper Brandon S. Fletcher, swears or affirms and has probable cause to believe the following:

I am authorized to conduct investigations on behalf of the State of Indiana. Furthermore, the information stated in this affidavit is based either on personal knowledge gained through the course of this investigation or from information provided to me by person(s) identified herein.

This affidavit is made in support of a complaint against the above named individual(s) charging violation(s) of the following offense(s):

Dwight King

- IC 35-44.1-3-1: Resisting Law Enforcement Resulting in Death (3x) F3
- IC 9-21-8-52: Reckless Driving causing death (3x) F5

Case #: 23ISPC015670

On 09/26/2023, at approximately 2219 hours, I received a phone call from Indiana State Police Sergeant Josh Graves. Sgt. Graves is the Squad Leader for the investigations division of Indiana State Police District 52. According to Sgt. Graves, Indianapolis District troopers had recently been in pursuit of a vehicle. Sgt. Graves continued, stating the previously pursued vehicle had continued driving and was involved in a collision near the intersection of E 10<sup>th</sup> Street and Mitthoefer Road. Sgt. Graves informed me this crash led to three fatalities. I was directed to respond to the scene.

When I arrived at the scene, I observed an extremely large field of debris. The debris extended from the intersection, westbound, to 9825 E 10<sup>th</sup> Street. The western end of the debris field included multiple signs, vehicle parts, a vehicle wheel, and a fire hydrant.

As I exited my vehicle and approached the intersection, I observed a Dodge Challenger in the grass embankment on the south side of the roadway. The Challenger had extensive damage and appeared to have rolled several times and come to a rest on its roof. I located the rear bumper of the Challenger to the east of the vehicle. The vehicle was identified by Indiana Registration [REDACTED]. BMV records showed the Challenger was registered to **Luis Lebya-Gonzalez (DOB: 02/06/2004)** of Indianapolis.

Closer to the intersection, I observed a second passenger car. This vehicle was also in grass on the south side of the roadway. The second vehicle also had extensive damage. The second vehicle was identified by Indiana Registration [REDACTED]. BMV records showed the vehicle was a Toyota Camry, registered to an owner in Indianapolis. As I looked at the Toyota Camry, I observed the engine was not intact. The engine was found across the street, in the driveway of the residence located at 9920 E 10<sup>th</sup> Street.

Next, I approached Indiana State Police First Sergeant Bill Dalton. According to F/Sgt. Dalton, all the involved people had been transported to local hospitals by multiple ambulances. Three males were removed from the Dodge Challenger, and one female was ejected from the Toyota Camry. Two of the males in the Challenger were deceased, and the female from the Toyota Camry was also deceased.

Due to the nature of the collision, crash reconstructionists responded to the scene. As the reconstructionists began to process the scene, I observed two Hispanic males shouting and walking from the parking lot of Pulos Family Dentistry (1002 N Mitthoefer Rd SUITE B, Indianapolis, IN 46229). I approached the males and began to speak with them.

The eldest male was identified by Mexico Consular Card as Jose Luis Layba Valdez. The younger male was identified, verbally, as Jose Leyba Valadez. The younger male spoke English, so my conversation was with him. First, I asked if he observed the crashed Challenger, and if he was familiar with the vehicle. In response, Jose asked if the Challenger had red stripes, when I confirmed the Challenger had red stripes, Jose said he believed the vehicle belonged to his brother. Jose identified his brother as **Luis Leyba-Gonzalez (DOB: 02/06/2004)**. This was consistent with the BMV registration that I had observed near the crashed Challenger. After confirming the vehicle, I asked Jose if he knew who was in the vehicle. Jose said his brother Luis was in the vehicle with their juvenile brother CL-G (DOB: 12/18/2008) and their cousin Jose Gonzalez. Jose said he had last seen his brothers that morning and had known them to be together. When speaking with his father, he stated Luis, CL-G, and Jose Gonzalez were all together, and had left in the Challenger to get McDonalds. This information was relayed to ISP Detective Alberts (9065) who was at Eskenazi Health with Luis and one of the deceased males from the Challenger. According to Det. Alberts, a fingerprint scanner was used to identify the deceased as Jose Gonzalez (DOB: 09/05/1991). I notified both men of the circumstances of the crash and documented their information. They left the scene of the collision.

Next, I attempted to identify the female that had been ejected from the Toyota. In the roadway to the east of the vehicle, I found a Chime bank card, bearing the name Makayla Hankins. Next, I learned Hankins had been identified while at a local hospital. Hankins was identified due to her child's name and birthdate being tattooed on her leg. Hospital records and birth records were used to confirm and verify her identity.

Next, I spoke to Trooper D. Munn (9743). According to Trp. Munn his Sergeant T. Jones (8887) was riding with him, in the front passenger seat. Trp. Munn said he and Sgt. Jones had been in a vehicle pursuit with the Dodge Challenger prior to the collision. Trp. Munn said he and Sgt. Jones had attempted to conduct a traffic stop due to observing the Challenger speeding, following vehicles too closely, and weaving in-and-out of traffic. Trp. Munn terminated the pursuit at the intersection of E 10<sup>th</sup> Street and German Church Road, which is approximately one mile East of the crash.

Next, I viewed Trp. Munn's dashcam and bodycam. Trp. Munn's dashcam and bodycam document the vehicle pursuit. The highest speed Trp. Munn verified was approximately 140mph. According to dispatch records, Trp. Munn and Sgt. Jones terminated the pursuit at approximately 2150 hours. The dashcam and Trp. Munn's bodycam confirm the pursuit was terminated at the intersection E10th Street and German Church Road. As Trp. Munn states he is terminating the pursuit, he is seen deactivating his emergency lights and stopping for a red light at the intersection of E 10<sup>th</sup> Street and German Church Road. The recordings stop at that time. Trp. Munn and Sgt. Jones both said they traveled northbound on German Church Road after waiting at the lighted signal. According to dispatch records, IMPD received the first calls of the vehicle crash at 2153 hours.

According to Sgt. Jones, he and Trp. Munn were notified of the collision and immediately responded. Sgt. Jones said when he and Trp. Munn arrived at the scene of the collision, medics were already on scene. Sgt. Jones said he observed the female, ejected from the Toyota Camry, laying in the roadway. Sgt. Jones said Fire and EMS worked for several minutes to extract the occupants from the Dodge Challenger. Sgt. Jones said when the occupants of the vehicle began to be extracted, he approached the Dodge Challenger and observed **Luis Leyba-Gonzalez** being extracted from the driver's seat. Sgt. Jones said Luis was repeatedly stating that he was the driver of the vehicle and asking medics to render aid and check on his brother, whom he stated was a passenger in the vehicle. Sgt. Jones said he remained with Luis as he was placed in an ambulance, and Luis continued to tell both Fire and EMS that he was the driver of the Dodge Challenger, and his brother was in the vehicle.

After all the occupants of the vehicles were transported to local hospitals, Sgt. Jones began to search for witnesses of the collision. Sgt. Jones located a witness, A. Croke, near the intersection of E 10<sup>th</sup> Street and Mitthoefer Road. According to this witness, she was stationary at the intersection, at a redlight, facing westbound. The witness claimed the Dodge Challenger traveled past her, at an extremely high rate of speed, and disregarded the red light. Croke estimated the Challenger to be traveling over 100mph. She also claimed the Toyota was traveling southbound, with the right of way, when it was struck by the Challenger.

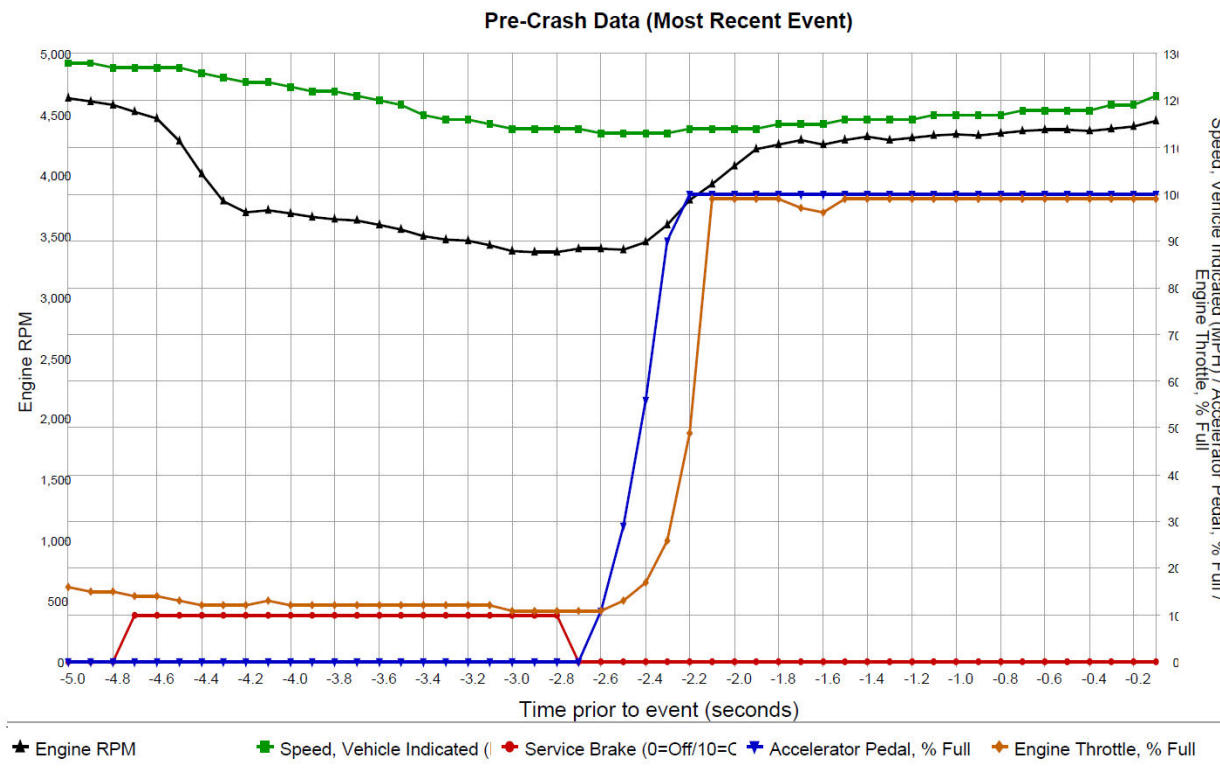
IMPD officers that had responded to the scene spoke to another pair of witnesses, S. Vervet and C. Meatyer. According to Vervet and Meatyer, they were stopped at the lighted signal, facing southbound, on Mitthoefer Road. Both Vervet and Meatyer said they observed the Dodge Challenger traveling westbound on E 10<sup>th</sup> Street. Vervet and Meatyer both believed the Challenger was traveling over 100 miles per hour. Vervet and Meatyer observed the Toyota Camry enter the intersection and be struck by the Challenger. Neither Vervet nor Meatyer were aware of a police pursuit. Neither Vervet nor Meatyer saw any emergency lights or heard police sirens prior to the collision.

While at the crash scene, I had contact with Det. Alberts (9065). Det. Alberts was at Eskenazi Health with Luis. According to Det. Alberts, a search warrant was granted, allowing law enforcement to obtain blood samples from Luis. Det. Alberts also said he notified Luis of the deaths of his brother and cousin. Det. Alberts remained with Luis until he was relieved by Trp. J. Hall (8121).

Later, at approximately 0250 hours, I spoke with Trooper J. Hall (8121). Trp. Hall was sitting outside of Luis' hospital room. According to Trp. Hall, Luis called him into the room and said he wished to make a statement. Trp. Hall said he immediately read Luis his Miranda Rights. Luis said he understood his Miranda Rights and stated he wanted to claim full accountability for the crash. Luis said he was sorry for his actions and sorry to the law enforcement officers that he fled from. According to Luis, his cousin was in the front passenger seat and his brother was in the back seat. Luis said his cousin had never ridden in his Challenger before, so he took his cousin and his brother out joyriding to impress them. Luis said while joyriding the police attempted to stop them, and he panicked. Luis said he fled from law enforcement, went through an intersection, and struck another vehicle. Luis said he did not remember anything immediately after the crash and did not know if the police were still chasing him. Luis' statements to Trp. Hall were captured on bodycam.

On 09/28/2023, at approximately 1100 hours, I met with Troopers J. Perez (8153) and M. Holley (7912) at Indiana State Police Post 52 to execute the warrant for the airbag control module (ACM) and complete some necessary work for the crash reconstruction. While with Perez and Holley, I submitted an additional search warrant for the ACM of the 2009 Toyota Camry as well. This search warrant was granted at approximately 1127 hours, under cause no. 49D20-2309-MC-027527.

Through the Dodge Challenger's ACM, I obtained data from approximately 5 seconds prior to the crash. This data showed the 2014 Dodge Challenger was traveling more than 120MPH at the time of the crash. According to the data, the engine throttle and accelerator pedal were both at 100% at the time of the collision, and the brakes were at 0% (Data table below).



Next, I returned to the intersection of E 10th Street and Mitthoefer Road and canvassed the area for cameras. A camera at a local business was discovered. The footage from the camera showed Hankins' vehicle, traveling southbound on Mitthoefer Road. Hankins' vehicle entered the intersection at 10<sup>th</sup> Street, at approximately 21:50:16 hours. Nearly one second later, the vehicle operated by Luis Leyba-Gonzalez entered the intersection, resulting in the collision. The force of the collision caused both vehicles to roll, spin, and tumble westbound on 10<sup>th</sup> Street. The motor to be launched from Hankins' vehicle and tumble into the driveway of a local business. (Images below).



Figure 1- Hankins enters intersection, traveling southbound.





*Figure 2- Luis Leyba-Gonzalez enters intersection. Collision occurs.*



*Figure 3- Force of collision sends both vehicles westbound on 10th Street.*

Next, to confirm the time of the business' security footage, I checked the time stamps of the ISP dashcam. According to Trp. Munns' dashcam footage, he informed dispatch he was terminating the pursuit at approximately 21:50:05. Trp. Munn stated the fleeing vehicle was last observed traveling westbound on E 10<sup>th</sup> Street. The emergency lights of Trp. Munns' vehicle were deactivated at 21:50:11, and Trp. Munn stopped at the lighted traffic signal at the intersection of German Church and E 10<sup>th</sup> Street. Reviewing radio traffic, Trp. Munn can be heard contacting an ISP K9 officer and requesting to meet at Luis Leyba-Gonzalez's registered address on E 17<sup>th</sup> Street (Image below).



*Figure 4-Trp. Munn's emergency lights deactivated. Time stamp in Zulu time. Other Motorists following lighted signals at intersection.*

The dashcam and radio traffic verify that Trp. Munn and Sgt. Jones had recently been in pursuit of Luis Leyba-Gonzalez, but they had terminated the pursuit prior to the collision. Trp. Munn and Sgt. Jones were actively coordinating with other Troopers to effect the arrest in a safer manner.

Portions of this investigation was captured on body worn cameras and dash cam.

All these events occurred in Marion County, Indiana.

I swear or affirm under the penalties of perjury that the foregoing representations are true.

Date: 09/29/2023

Affiant Signature: /S/ Trooper Brandon S. Fletcher 9327