

STATE OF INDIANA
MARION COUNTY, ss:

IN THE MARION SUPERIOR COURT
CRIMINAL DIVISION

THE STATE OF INDIANA

vs.

Alice Howe W/F
DOB 2/26/63
CAUSE NO. 49G051110FA070189
(AS TO COUNT(S) I, II, III,
IV, V, VI)

) INFORMATION
) COUNT I
) ATTEMPT MURDER, CLASS A FELONY
) I.C. 35-41-5-1 I.C. 35-42-1-1
) COUNT II
) CRIMINAL CONFINEMENT, CLASS B
) FELONY I.C. 35-42-3-3
) COUNT III
) CRIMINAL CONFINEMENT, CLASS B
) FELONY I.C. 35 42 3 3
) COUNT IV
) BATTERY, CLASS C FELONY I.C.
) 35-42-2-1
) COUNT V
) RESISTING LAW ENFORCEMENT,
) CLASS A MISDEMEANOR I.C. 35-44-
) 3-3
) COUNT VI
) RESISTING LAW ENFORCEMENT,
) CLASS A MISDEMEANOR I.C. 35-44-
) 3-3

On this date, M. Howard 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

Alice Howe, on or about September 30, 2011 - October 1, 2011, did attempt to commit the crime of Murder, which is to intentionally kill another human being, namely: Judith Lionetti, by engaging in conduct, that is: binding with duct tape on hands, feet and mouth and leaving Judith Lionetti without food and water, with the specific intent to kill Judith

Lionetti, which conduct constituted a substantial step toward commission of said crime of Murder;

COUNT II

Alice Howe, on or about September 30, 2011, did knowingly, by force, or threat of force, remove Judith Lionetti from one place to another, that is: from the kitchen to the bedroom, which resulted in serious bodily injury, that is: extreme pain, to Judith Lionetti;

COUNT III

Alice Howe, on or about September 30, 2011 - October 1, 2011, did knowingly confine Judith Lionetti, without the consent of Judith Lionetti, by binding Judith Lionetti with duct tape on hands, feet and mouth, which resulted in serious bodily injury, that is: extreme pain and/or severe dehydration, to Judith Lionetti;

COUNT IV

Alice Howe, on or about September 30, 2011, did knowingly touch Judith Lionetti in a rude, insolent, or angry manner, that is: struck with feet and/or hands and/or fists, which resulted in serious bodily injury, that is: extreme pain and/or bruising, to Judith Lionetti;

COUNT V

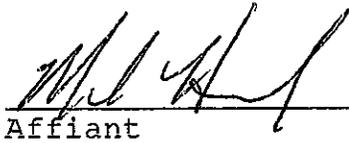
Alice Howe, on or about October 1, 2011, did knowingly flee from Jeffrey Viewegh, a law enforcement officer empowered by the Indianapolis Metropolitan Police Department, after Jeffrey Viewegh had identified himself by visible or audible means and ordered Alice Howe to stop;

COUNT VI

Alice Howe, on or about October 1, 2011, did knowingly and forcibly resist, obstruct, or interfere with Jeffrey Viewegh, a law enforcement officer empowered by the Indianapolis Metropolitan Police Department, while Jeffrey Viewegh was lawfully engaged in the execution of his duties as a law enforcement officer;

all of which is contrary to statute and against the peace and dignity of the State of Indiana.

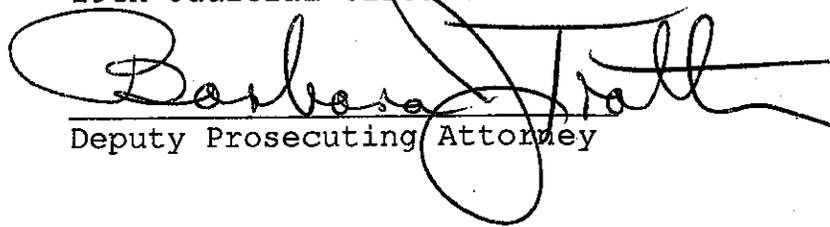
I swear or affirm under penalty of perjury as specified by I.C. 35-44-2-1 that the foregoing representations are true.



Affiant

10/04/2011
Date

TERRY R. CURRY
Marion County Prosecutor
19th Judicial Circuit



Deputy Prosecuting Attorney

State's Witnesses:

M. Howard 20676 IMPD
J. Viewegh V0297 IMPD
K. Anders C2545 IMPD
D. Danner D6785 IMPD
Judith Lionetti
Robin Gounder
Donna Dye
Terry Pemberton
Janet Jones
James Leonard
David Mobley
William Steele
L. Michael Koch
Amanda James
Even Cissell

AFFIDAVIT FOR PROBABLE CAUSE

STATE OF INDIANA, COUNTY OF MARION, SS:

Mark Howard swears (affirms) that:

On Saturday, October 1st, 2011 at 7:23pm, Officer Jeffrey Viewegh with the Indianapolis Metropolitan Police Department was dispatched to 2920 S. Bluff Rd. Apartment #2 on a loud music complaint. Dispatch advised Officer Viewegh that the complainant stated that there was loud music, and what sounded like someone beating on the wall coming from the apartment. Upon arrival Officer Viewegh was met outside by several people that lived on both sides of apartment #2, being apartments #1 and #3. The tenants stated that there was an elderly woman named Judy, and her roommate identified as Alice, that lived in apartment #2. The tenants stated that Alice had left the night before, but they thought Judy was still in the apartment and were afraid she may be sick or hurt.

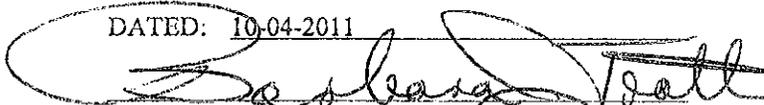
Officer Viewegh approached apartment #2 and knocked on the front door, but got no answer. Officer Viewegh could hear a loud radio inside, but still got no response. Officer Viewegh then checked the window that was north of the front door, and found it unlocked. Officer Viewegh raised the window and pushed the curtain aside, and could see the radio sitting on the kitchen floor, facing toward the back of the apartment. Officer Viewegh yelled through the window announcing that he was the police, and was there anyone inside. Officer Viewegh immediately noticed someone banging on the floor or wall from the back of the apartment. Officer Viewegh immediately thought that someone might need help, and trying to get his attention. A male tenant from apartment #1 was standing nearby, and with his assistance, Officer Viewegh helped him through the window where he walked the few feet straight to the front door, unlocked the door, and let Officer Viewegh in. Officer Viewegh then instructed the neighbor to wait outside while he checked the apartment.

As Officer Viewegh went through the kitchen he unplugged the radio, at which time the knocking was much clearer and coming from the back bedroom. Officer Viewegh opened the door, shined his flashlight into the dark room, and illuminated an elderly woman lying on a mattress in the middle of the room. The elderly woman was gagged, with her hands bound behind her back, and her feet and ankles also bound. Officer Viewegh immediately advised dispatch to start an ambulance, and began cutting the

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AFFIANT

DATED: 10-04-2011


DEPUTY PROSECUTING ATTORNEY
NINETEENTH JUDICIAL CIRCUIT

JUDGE

Affidavit for Probable Cause

From: Mark Howard

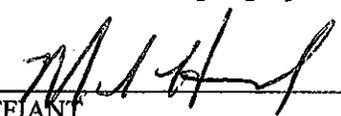
duct tape from around the woman's mouth, hands and feet.

The woman began crying as Officer Viewegh removed the duct tape gag, begging him to get her hands and feet free. She appeared very pale, bruised and dehydrated. As she was begging Officer Viewegh to get the tape off her hands and feet, she began to tell him that she was in great pain, and at the same time scared that 'Alice' would be upset that he removed the tape from her face, hands and feet. Officer Viewegh asked the elderly woman who Alice was, and she stated her roommate Alice Howe. Officer Viewegh continued to try to remove the duct tape from the elderly woman, but was in fear that he was going to cause more injury trying to remove it from her skin. Officer Viewegh told her that he would try to cut her free, but to leave the tape on her skin until the medics arrived to try to remove it without further injury.

Officer Viewegh identified the woman as Judith Lionetti, white female, age 68. Judith appeared to be in great pain and stated that she had been bound and gagged since approximately 9:00 PM of the night before. Aside from the pain that Judith was in, she seemed more concerned about Alice Howe finding out she had been released from being tied up. Paramedic M. James from Medic 64, EMS 1559 arrived on the scene to treat Judith. As the Paramedics were treating Judith, she told them that she had been bound since 9:00pm the night before, and had not eaten or drank since approximately 6:00pm the prior day. Officer Viewegh, who is also a Certified Evidence Technician, photographed the apartment and the injuries to Judith, shortly after freeing her. Officer Viewegh collected the duct tape from Judith's body and two rolls of duct tape found in the apartment, as well as other items of evidence.

Sergeant Derrick Danner, who was on scene and had met with Officer Viewegh, contacted Detective Mark Howard to respond to the scene. Det. Howard arrived on scene and met with Sgt. Danner, then with Officer Viewegh. At that time the medics were assisting Judith with cleaning up. Since Judith had been gagged, bound and left on the mattress on the floor in the bedroom for several hours she had soiled herself. It was determined that the person who bound Judith placed earplugs in her ears then placed plastic wrap around her mouth and back of head with gray duct tape on top of that. Judith also had grey duct tape around her wrists that were behind her back and duck tape around her ankles. Judith was also wearing adult diapers that were soaked with urine when Officer Viewegh and the paramedics arrived on scene.

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


AFFIANT

DATED: 10-04-2011


DEPUTY PROSECUTING ATTORNEY
NINETEENTH JUDICIAL CIRCUIT

JUDGE

Affidavit for Probable Cause

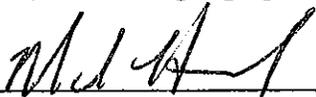
From: Mark Howard

After the paramedics were able to get Judith cleaned up and after the medics checked Judith's vitals, Det. Howard began to interview Judith at approximately 8:15 PM. Judith stated that her roommate, Alice Howe, who has been living with her for about a year, pushed her from the kitchen into the bedroom of her apartment. Alice then pushed Judith in the bedroom, causing her to fall on the bedroom floor. Judith stated that Alice placed duct tape on her ankles and her wrists in front of her body. Judith stated that she was able to get out of the duct tape and Alice struck her several times about her face and upper body, including kicking her in the back. Judith then stated that Alice duct taped her wrists behind her back. Alice then placed duct tape on Judith's mouth. Judith remembered that Alice had the radio on loud during the incident. Judith stated that this was very unusual for Alice to do something like this to her. Det. Howard noticed that Judith had bruising all over her body. Judith was still complaining of pain at that time and stated that her neck hurt. Judith was transported to Community South Hospital by ambulance Medic 64.

Prior to Judith being transported she was able to give officers an idea where Alice could be located. Shortly after leaving the scene, Officer Viewegh, Det. Kimberlee Anders, and Sgt. Derrick Danner located Alice Howe (DOB: 2/26/1963, Age: 48) at a residence located at 49 E. Palmer St. Det. Anders and Officer Viewegh identified themselves as police officers and asked the female, Robin Gounder, who answered the door, if Alice Howe was there. At that time, the female that was standing behind Robin took off running through the house. Det. Anders in plain clothes and Officer Viewegh in full IMPD uniform pursued the female later identified as Alice Howe through the house where she resisted arrest by pulling and pushing her hands and arms away from Officer Viewegh and Det. Anders. Officer Viewegh and Det. Anders had to place Alice on the floor to gain control of her. Officer Viewegh and Det. Anders walked Alice out of the house and she attempted to flee from them when they stepped outside. Officer Viewegh then transported Alice Howe to 551 N. King Ave., Southwest District Headquarters for further investigation by Det. Howard.

On October 1, 2011, at approximately 10:38PM, Det. Howard met with Alice Howe and read Alice her Miranda Rights that she waived and signed. Alice gave an audio and video statement of events. Det. Howard showed Alice photographs taken of Judith and she denied striking and binding Judith. Alice stated that she never hit Judith and said that Judith hurts herself. Alice stated she did not know who would have taped Judith up. Alice did not seem concerned of Judith's well being during the interview and never

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AFFIANT

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DEPUTY PROSECUTING ATTORNEY
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Affidavit for Probable Cause

From: Mark Howard

asked if she was okay. It was determined that Alice purchased duct tape today (Saturday morning, 10/1/2011) at the Dollar Store. Alice stated the duct tape was for insulating the windows for winter. Alice stated that she had lived with Judith for approximately one year. Alice also stated that she was Judith's caregiver and that she has been taking care of her by making sure she gets fed and her medication. Alice also lives at the residence rent free. It was determined that Judith has a Life Insurance Policy with Lincoln Heritage Life Insurance Company. The life insurance application was signed by Judith on June 7, 2011, and designated Alice Howe as the sole beneficiary. Judith did advise Det. Howard that she did not have any living family members. During the interview Alice also stated that she has power of attorney over Judith.

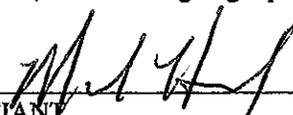
Due to the fact the Judith was obviously in fear that Alice Howe would be upset and mad that she was freed and the fact that Judith positively identified Alice Howe as the person that had battered her causing her pain, confined her with duct tape, placed her in danger by leaving her bound for nearly 24 hours, as well as the acts of resisting law enforcement she was placed under arrest. Alice was transported to APC by Marion County Sheriff's Department wagon.

Officer Viewegh transported the photographs and evidence to the Indianapolis Metropolitan Police Department property room to be held as evidence.

On Sunday, October 2nd, 2011, Det. Howard and Det. Anders both met with Judith at the Community South Hospital where she has been admitted for her injuries. Det. Howard met with on duty nurse caring for Judith at the time of his visit. Det. Howard was informed that Judith suffered from dehydration, malnourishment and being bruised all over her body.

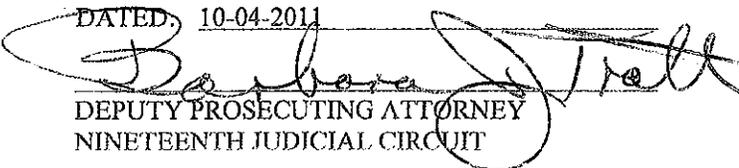
Det. Howard and Det. Anders then conducted an audio taped interview of Judith reference the events that had occurred to the night before and the past year. Judith stated that she has known Alice for several years and that approximately a year ago Alice was going to be evicted from her residence so Judith agreed to have Alice move in with her. During the time that Alice lived with Judith, Alice had consumed crack cocaine several times. Judith stated that Alice was okay until she consumed crack cocaine and then she became very mean. Alice was able to talk Judith in allowing her to get power of attorney over her. On June 7th, 2011, Alice talked Judith into getting a Life Insurance

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



AFFIANT

DATED: 10-04-2011



DEPUTY PROSECUTING ATTORNEY
NINETEENTH JUDICIAL CIRCUIT

JUDGE

Affidavit for Probable Cause

From: Mark Howard

Policy for \$10,000 with Alice being the beneficiary. Det. Howard asked Judith why she allowed Alice to get power of attorney over her and why the life insurance policy and Judith stated that she was scared of Alice and did what she said.

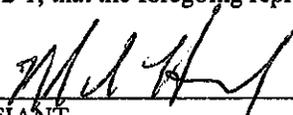
Judith continued to state when Alice would use crack she would become a very angry person; however, when she was not on crack she was a very nice and caring person. Judith stated that Alice has hit her before in the past however she had never placed her in duct tape before. Judith stated on Friday night, September 30, 2011, that Alice had two "tricks" and made \$30.00. Judith stated that Alice would prostitute herself out of the apartment. After that Alice purchased and consumed crack. Alice became upset pushed Judith down on the bedroom floor and duct taped her feet, ankles and wrist. Judith was able to get out of the tape and Alice became even more upset and slapped Judith and kicked her several times and then placed duct tape on her again being her feet, ankles, wrist behind her back and mouth.

Judith stated that Alice told her that she would check on her in about a week and then she would be able to collect the \$10,000 that she owed her. Det. Howard asked Judith if she owed Alice any money and she stated no. Judith stated that Alice told her since she had moved in with her and taking care of her that she has not been able to work and that is the reason she owes her money. Det. Howard asked Judith why she had not called the police or told anyone about the way Alice has treated her. Judith stated that she was scared of Alice and Alice told her not to say anything.

Judith stated that Alice had told her that she and her friend, Robin, would cut her up with a chainsaw and have her dig a hole and bury her behind the apartment. Alice further stated that Judith would not be missed because no one cared about her. Judith also stated that Alice continued to tell her that the neighbors and people did not like her. Judith further stated that she thought that she was going to die.

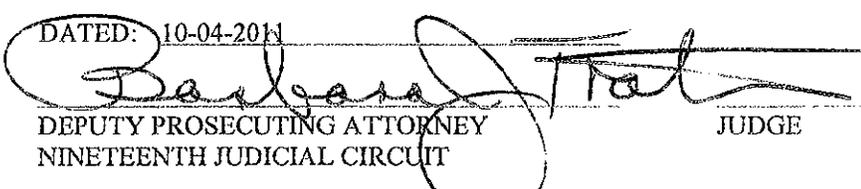
On October 3, 2011, Det. Howard interviewed Robin Gounder. Robin stated that she went to Judith's apartment on Saturday afternoon, 10/1/2011. At that time, she observed Alice arriving in a car driven by her 75 year old boyfriend, James Leonard. Robin noticed that the stereo was "blasting" and she thought that was unusual because Alice always wanted to be quiet. Additionally, Robin noticed that Alice was very nervous. They left the apartment a couple of minutes later. Judith's bedroom door was closed and she never saw Judith during her time in the apartment.

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



AFFIANT

DATED: 10-04-2011



DEPUTY PROSECUTING ATTORNEY
NINETEENTH JUDICIAL CIRCUIT

JUDGE

Affidavit for Probable Cause

From: Mark Howard

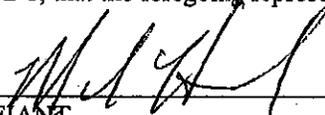
On October 3, 2011, Det. Howard interviewed Donna Dye, the resident of apartment #1. Donna stated that Alice had called her on Friday evening, September 30, 2011 at approximately 9:00PM. At that time, Alice asked Donna if the stereo was too loud. Donna thought that was an unusual call and Alice had never made that request before.

On October 3, 2011, Det. Howard talked to Insurance agent, William Steele. Mr. Steele confirmed that Alice had contacted him about a life insurance policy for Judith. Mr. Steele met with both Alice and Judith, and the application was completed on June 7, 2011. At this time, Alice is the sole beneficiary of this life insurance policy issued through Lincoln Heritage Life Insurance Company.

On October 1, 2011, Alice Howe was arrested and brought to the Southwest District headquarters. At that time, the contents of her pockets were removed, in front of Det. Howard and Officer Viewegh. Alice was carrying numerous cards belonging to Judith, including: Indiana Identification Card, Lincoln Heritage Insurance/ Funeral Planning card, and a VISA/ Debit card for Chase Bank. Additionally, Alice had a Chase Bank Balance Inquiry slip for Judith's checking account. This Balance Inquiry ATM transaction was completed on 10/1/2011 at 9:57 AM. This inquiry revealed that Judith had an available balance of \$784.25.

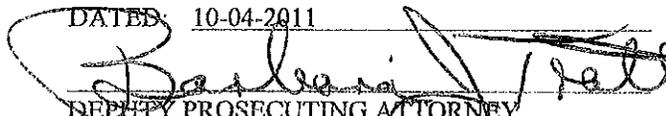
All the above events occurred in Marion County, City of Indianapolis, and State of Indiana.

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



AFFIANT

DATED: 10-04-2011



DEPUTY PROSECUTING ATTORNEY
NINETEENTH JUDICIAL CIRCUIT

JUDGE

STATE OF INDIANA)
)
COUNTY OF MARION)

IN THE MARION COUNTY SUPERIOR COURT
CRIMINAL DIVISION ROOM FIVE

STATE OF INDIANA)

FILED

v.

CAUSE NO. 49G05-11101-FA-070189

ALICE HOWE



NOV 27 2012

Elizabeth A. White
CLERK OF THE MARION CIRCUIT COURT

PLEA AGREEMENT

The Defendant, in person and by counsel, and the State of Indiana, hereby enters into this plea agreement made pursuant to negotiations. The parties agree as follows:

1. This agreement, signed by the Defendant, Defense Counsel, and the Deputy Prosecuting Attorney assigned to the above case, shall be introduced into evidence by stipulation of all the parties at the time of the guilty plea.
2. Defendant enters into this agreement knowing that the Court has the authority to accept or reject the agreement and understands that the Court may take the Defendant's criminal record into consideration in determining whether to accept or reject this plea agreement.
3. The Defendant agrees to plead guilty to:
COUNT I, ATTEMPT MURDER, A FELONY
4. At the time of sentencing, the State will dismiss:
COUNT II, CRIMINAL CONFINEMENT/FB
COUNT III, CRIMINAL CONFINEMENT/FB
COUNT IV, BATTERY/FC
COUNT V, RESISTING LAW ENFORCEMENT/MA
COUNT VI, RESISTING LAW ENFORCEMENT/MA
5. At the time of the taking of the guilty plea and again at the time of the Defendant's sentencing, the State reserves the right to question witnesses and comment on any evidence presented upon which the Court may rely to determine the sentence to be imposed; to present testimony or statements from the victim(s) or victim representative(s), and the State of Indiana and the Defendant agrees that the Court shall impose the following sentence:
 - a. **Thirty (30) years total sentence, five (5) years suspended, twenty-five (25) years to be served at the Department of Corrections**
 - b. **All remaining terms open to argument**
6. Defendant hereby waives the right to appeal any sentence imposed by the Court, including the right to seek appellate review of the sentence pursuant to Indiana Appellate Rule 7(B), so long as the Court sentences the defendant within the terms of this plea agreement (A)-1
7. The Defendant acknowledges that the State's recommendation, or agreement to make no recommendation, is based on the Defendant's criminal history known to the Deputy Prosecutor

representing the State at the time this agreement is executed and who entered into the agreement. In the event that such information is incomplete, that a further or more accurate criminal history is discovered prior to the entry of judgment or the Defendant is charged with the commission of another offense prior to sentencing, the State reserves the right to unilaterally withdraw from this agreement at any time prior to the entry of judgment herein. It is further agreed that the sentence recommended and/or imposed is the appropriate sentence to be served pursuant to this agreement and the Defendant hereby waives any future request to modify the sentence under I.C. 35-38-1-17 (AH)

8. The Defendant understands and acknowledges by his/her initials that if this agreement is accepted by the Court, the Defendant will give up the following rights:

- AH (a) the right to a public and speedy trial by jury;
- AH (b) the right to confront and cross examine the witnesses against him/her;
- AH (c) the right to have compulsory process for obtaining witnesses in his/her favor;
- AH (d) the right to require the State to prove his/her guilt beyond a reasonable doubt;
- AH (e) the right to remain silent and the right not to be compelled to testify against oneself;
- AH (f) the right to present evidence on one's own behalf and to be presumed innocent until proven guilty beyond a reasonable doubt;
- AH (g) the right to appeal the conviction(s).

9. The Defendant further acknowledges that entry of a guilty plea pursuant to this agreement constitutes an admission of the truth of all facts alleged in the charge or counts to which the Defendant pleads guilty and that entry of the guilty plea will result in a conviction on those charges or counts. (AH)

10. The Defendant acknowledges satisfaction with Defense Counsel's representation and competency in this matter (AH). The Defendant believes this agreement to be in the Defendant's best interest (AH)

11. The Defendant acknowledges that he/she has a right to pursue post-conviction relief, if there is a legal and factual basis to do so, and that entering a guilty plea herein does not operate as a waiver of that right. (AH)

12. The Defendant affirms that if he/she is not a citizen of the United States, he/she wishes to enter a guilty plea even if a conviction in this case results in deportation, denial of re-entry, prohibition of citizenship, or loss of any future immigration benefit. (AH)

13. This agreement embodies the entire agreement between the parties and no promises or inducements have been made or given to the Defendant by the State which is not part of this written agreement. (AH)

Whit Howe
Defendant

[Signature]
Defendant's Counsel

Wend J. Carroll

1056F-49

May Hui / mary hutchison
Deputy Prosecutor (Print Name)

I certify that I have informed the victim and / or victim's representative of the fact that the State has entered into discussions with defense counsel concerning this agreement and of the contents of the State's recommendation, if any; and, that I will notify the victim and his/her representative of the opportunity to be present when the Court considers the recommendation.

May L Hutchison
Deputy Prosecutor