

STATE OF INDIANA)
) SS
COUNTY OF VIGO)

IN THE DIVISION 6 COURT

CAUSE NO. 84D06-0319-F6-

STATE OF INDIANA
VS.

AFFIDAVIT OF PROBABLE CAUSE
FOR ARREST WARRANT

David Nathaniel Powell
DOB: 11-28-1951

[REDACTED]
Terre Haute, IN 47804

DET. BRADLEY A. RUMSEY, STATES THAT HE BELIEVES AND HAS GOOD CAUSE TO BELIEVE THAT ON 02/19/2019 IN VIGO COUNTY, INDIANA, DAVID NATHANIEL POWELL, COMMITTED THE CRIME OF VOYEURISM I.C. 35-45-4-5(C)(1) A LEVEL 6 FELONY, AND SUCH BELIEF IS BASED ON THE FOLLOWING:

1. Affiant is a regular member of the Terre Haute Police Department, being duly sworn on 04-29-1998
2. On 02-19-2019 [REDACTED] filed a police report with the Terre Haute Police Department, Case #2019-1288. He reported to Officer Walker #221 that he while working at Planet Fitness, at 138 West Honey Creek Drive, Terre Haute, IN 47802, he was in and out of the men's locker room several times during his shift and that on at least one occasion during the shift he had gone in to find a man whom he later found to be David Powell in the locker room standing in front of the mirror while naked. He said that he later went in again so he could use the restroom and then after closing the stall door he realized there was someone standing outside of the stall. He looked up and saw someone was holding a cellular telephone above the wall with the camera facing him. He was able to exit the stall and take the camera from the person in an effort to erase the video but is unsure if he was able to actually get it erased. He also advised he saw other naked men on the phone at the time he was in possession of it. He also advised the Officer that the man apologized to him by saying "I'm sorry, I made a mistake." [REDACTED] and another employee informed Mr. Powell that he is no longer allowed to return to the business and cancelled his membership.
3. On 02-20-2019 Affiant was able to interview [REDACTED] about this incident. At that time he advised Affiant that he was working at Planet Fitness on 02-19-2019 and that he needed to use the restroom. He went in and got in the stall and saw a shadow outside the stall and thought it was strange. [REDACTED] was using the bathroom at the time of the incident and his pants and underwear were down exposing his body below the waste. He said he looked and saw feet at which time he looked up and saw a phone hanging over the top of the stall. He became upset immediately and yelled out "Hey" at which time the telephone went away. He immediately was able to exit the stall and called out to the man asking him "What do you think you're doing?" to which the man responded by apologizing to him and saying he wasn't thinking and it was at this time that the victim, [REDACTED] took the man's telephone from him. He looked through it for the video and

was able to locate it. He said he didn't watch the video but saw himself on the screen and he deleted the video. He then proceeded to check the other pictures and videos to see if they may show patrons or any other persons that would suggest voyeurism. He didn't find any but saw numerous other items of pornography on the phone. He said that he kept the phone at that time and then brought the man to the front desk at which time the man said that he promises it won't happen again. The victim responded by telling the man that he was right about it not happening again because he was not going to be coming to another Planet Fitness ever again. He also advised that twice during his shift he had personally discovered Mr. Powell naked standing in front of the mirror. He thought that was odd and even told a co-worker [REDACTED] about it at which time [REDACTED] told him he had also seen the same guy earlier doing the same thing. It was clear to Affiant that the length of time the man had been naked in front of the mirror was much longer than it would normally be for someone changing clothes. He also told Affiant that the way he determined what the man's name was is because when he brought the man to the counter he had asked the man his phone number and looked him up in the computer that way. He said there was a photograph of the account holder and it was the same person he had at the counter. The name was David Powell, it also included his address.

4. On 03-04-2019 Affiant was able to get the video from Planet Fitness at the time of this incident. The video shows the victim, [REDACTED] and the suspect, Mr. Powell, as they exit the bathroom and then shows them all the way to the counter described by [REDACTED]. It also shows that [REDACTED] is in possession of the man's telephone. [REDACTED] can be seen behind the counter and he is also seen entering information on the computer and then returning the telephone to the suspect as previously learned in the interview. Although the video was deleted Affiant believes that this Planet Fitness surveillance video does corroborate the Victims story and leads the Affiant to believe that this incident did occur as reported to police.
5. On 03-05-2019 at approximately 9:45am Affiant, along with Det. Sgt. Troy Davis #187 went to 2212 North 23rd Street to see if we could find Mr. Powell. He was at home at the time and spoke with myself and Det. Sgt. Davis. Det. Sgt. Davis told him that we are all aware of why we were there to speak with him and that he is aware of what the allegation is. He responded by saying "It was a bad situation, and I have sought counsel. I was told not to speak with you about this."

Affiant believes the aforementioned persons spoke from personal knowledge and observation. Their demeanor in speaking did not indicate in any manner that they may be fabricating their stories. Wherefore, Affiant requests a warrant for the arrest of David Nathaniel Powell DOB: 11/28/1951 SSN: [REDACTED] HEIGHT: 5'10" WEIGHT: 140 HAIR: Brown EYES: Blue

Pursuant to IC 35-44.1-3-1(b)(1) and IC 9-21-8-52(b) I affirm, under penalty for perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

DATE: 03-07-2019

/s/ Bradley A. Rumsey #173
Bradley A. Rumsey #173