

**AFFIDAVIT
FOR PROBABLE CAUSE**

STATE OF INDIANA, COUNTY OF MARION, SS:

I, [REDACTED] OF THE INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT, SWEAR OR AFFIRM THAT I BELIEVE AND HAVE GOOD CAUSE TO BELIEVE FROM MY INVESTIGATION THE FOLLOWING FACTS AND ATTENDING CIRCUMSTANCES:

On January 23, 2011 at 9:03 a.m., Metropolitan Emergency Communications Agency (MECA) received an emergency 911 call from a [REDACTED] who reported that she had heard shots fired across the street from her residence located at [REDACTED] N Temple Ave., Indianapolis, Marion County, Indiana and that when she looked out the window she saw a gold vehicle pull away from the house across the street and leave at a high rate of speed. [REDACTED] also reported that there was an officer lying on the ground in front of a police vehicle that was parked in the driveway of the residence, later determined to be [REDACTED] N Temple Ave. [REDACTED] stated that the driver of the gold vehicle was a black male. A short time after the emergency call from [REDACTED], [REDACTED] who lives at [REDACTED] N Temple Ave. also called MECA and reported that there was an officer lying on the ground in front of his house, and the officer was not moving.

Another emergency call was then received from a [REDACTED] who reported that her blue 2002 Chrysler Sebring was struck by what she described as a beige vehicle at the intersection of 35th St. and Temple Ave. The beige vehicle continued east on 35th St. then south on Rural St. After this had occurred, [REDACTED] stated that she observed a police vehicle with emergency equipment (lights) on and activated in the 3400 block of N. Temple Ave. so she went to this police vehicle to report what had happened. When she got closer to the vehicle, she observed an officer lying on the ground.

At approximately 9:02 a.m., Indianapolis Metropolitan Police Department (IMPD) Officer [REDACTED] was leaving IMPD North District roll call located at 3120 E 30th Street when he heard multiple shots being fired north of his location. Shortly after hearing the shots, the MECA control operator dispatched a possible officer down in the 3400 block of N. Temple Ave. Officer [REDACTED] immediately responded; when he arrived at [REDACTED] N Temple Ave. he observed a fully marked IMPD police car with the emergency equipment (lights) on and an officer, in IMPD uniform, lying on the ground directly in front of the car. After asking for emergency medical personnel, Officer [REDACTED] went to the officer and found Officer David Moore lying on his left side with his head facing north. It appeared that Officer Moore had been shot in the head. Officer [REDACTED] advised that he checked Officer Moore for a pulse and noticed that he had a faint and fading pulse, but was otherwise unresponsive. Officer [REDACTED] assisted by Officer [REDACTED] rolled Officer David Moore onto his back and noticed that he had trauma to his head and neck area. Both Officers [REDACTED] and [REDACTED] stated that Officer Moore's handgun was still secured in his duty holster.

Officer David Moore was transported to Wishard Hospital by Medic #10 EMS #1579 in critical condition. IMPD Officer [REDACTED] escorted the ambulance to Wishard and upon

arrival followed medics and Officer Moore into trauma room 4 where he assisted medical personnel with the removal of Officer Moore's handgun. While Officer [REDACTED] was collecting David Moore's clothing, he was given a bullet projectile by medical personnel that had fallen out of Officer Moore's clothing. Officer [REDACTED] immediately secured the projectile, as well as Officer Moore's clothing.

Communications personnel at MECA learned through Computer Aided Dispatch records that at 9:01 a.m. IMPD Officer David Moore, while on duty and in the performance of his official duties, made an Indiana Bureau of Motor Vehicles inquiry on Indiana plate number "319LOT." This plate returned to a gold 1998 Toyota Camry that was reported stolen on December 22, 2010 by [REDACTED]

On January 23, 2011 at about 9:21 a.m., this affiant was dispatched to the scene at 3400 N. Temple Ave. as part of the IMPD Critical Incident Response Team (CIRT). I was responsible for investigating the incident that occurred.

When I arrived on the scene I met with Indianapolis Marion County Forensic Services Agency (IMCSFA) crime scene specialists [REDACTED] and [REDACTED] who were processing the area adjacent to [REDACTED] and [REDACTED] N. Temple Ave. These residences have drives that run parallel to each other. Officer Moore's fully marked police vehicle was parked at a slight angle as though he had made a traffic stop, and the emergency lights were on.

During the course of my investigation at the scene I learned that [REDACTED] had located and recovered seven spent shell casings and one bullet projectile from the area where Officer David Moore had been found lying. Crime scene specialist [REDACTED] advised that all of the shell casings recovered were marked as being .380 caliber. These items were photographed and collected as evidence. The front panel of Officer Moore's bullet resistant vest had been cut off by emergency medical personnel and laid on the hood of his police car. This was also photographed and collected.

During a canvas of the area, Detective [REDACTED] talked to [REDACTED] who lives at [REDACTED] N Temple Ave. During a field interview with [REDACTED] Det. [REDACTED] found that [REDACTED] is blind, but he distinctly heard four shots, then a slight pause, then an additional three shots.

Officer [REDACTED] conducted research on Thomas Hardy and found that in November of 2010 he listed 2156 S Emerson Ave. as his home address. Officer [REDACTED] and Sergeant [REDACTED] responded to 2156 S Emerson Ave. in search of Thomas Hardy. At about 11:00 a.m., Sgt. [REDACTED] talked to the resident at 2156 S Emerson Ave. who identified herself as [REDACTED]. During an interview, Sgt. [REDACTED] and Officer [REDACTED] learned that [REDACTED] was the niece of Thomas Hardy and that Hardy had contacted [REDACTED] on January 23, 2011 at about 9:27 a.m. During [REDACTED] conversation with Thomas Hardy, he asked [REDACTED] if she would come and get him when he "got where he was going." She told him that she would. The phone number that Hardy called [REDACTED] from was [REDACTED]. During a check of this phone number, Officer [REDACTED] learned that this phone number belonged to [REDACTED]. At about 10:42 a.m., [REDACTED] received two additional phone calls from [REDACTED] but told

investigators that the reception was bad; however, she stated that she believed that it was Thomas Hardy calling back. Officer [REDACTED] found through research that the phone number 317-636-2189 was registered to a pay phone at Circle Center Mall located at 49 West Maryland St. in Indianapolis. [REDACTED] also told Sgt. [REDACTED] that she had seen Thomas Hardy in a tan car a few weeks prior to January 23, 2011.

This affiant requested that Detectives [REDACTED] and [REDACTED] respond to the Circle Center Mall and attempt to find the pay phone associated with [REDACTED]. With the assistance of mall security officer [REDACTED], detectives were able to view recordings from the area around that particular pay phone. When they observed the time period associated with the call to [REDACTED], they observed a black male, wearing clothing later found to be consistent with that worn by an individual who had robbed a Dollar General store earlier that same date and who was later positively identified as Thomas Hardy, enter and exit the area where that pay phone was located.

On January 23, 2011 at about 2:20 p.m., Officer [REDACTED] was notified that the gold Toyota Camry bearing Indiana license plate "319LOT" was located in the parking garage of the J.W. Marriott hotel, located at 601 West Washington St., Indianapolis. After locating the vehicle, Marriott employee [REDACTED] assisted officers with recovering the video surveillance footage from the parking garage area. Upon reviewing the footage, officers learned that the gold Camry entered the parking garage at about 10:14 a.m. At about 10:16 a.m. Thomas Hardy is seen exiting the garage.

Later that same day, Detective [REDACTED] applied for and received a search warrant for the 1998 Toyota Camry. The vehicle was towed to the IMCSFA processing location located at 47 South State St. and was processed by IMCSFA crime scene specialist [REDACTED].

Officer David Moore's police vehicle was transported to the IMCSFA processing location at 47 South State St. where crime scene specialist [REDACTED] began checking the vehicle for evidence. Sgt. [REDACTED] went to the processing site. I later learned from Sgt. [REDACTED] that when she checked Officer Moore's laptop computer, that the National Crime Information Center stolen response for Indiana 2011 plate "319LOT" was the only message visible on Moore's laptop screen.

On January 23, 2011 at about 5:25 pm officers of the IMPD responded to 2356 Indianapolis Ave. Through research, officers learned that this was the residence of [REDACTED] who was the registered owner of the cellular phone that Thomas Hardy used to call [REDACTED]. Officers surrounded the house and ordered Hardy and other occupants to exit the house. After making announcements, Thomas Hardy exited the residence along with [REDACTED].

Thomas Hardy was taken into custody by officers [REDACTED], [REDACTED], and [REDACTED]. Officers subsequently searched Hardy and placed the items that he had in his pockets into a clear plastic bag for transportation. Among the items found on Hardy's person were a glass pipe commonly used to ingest crack cocaine; \$19.00 in US Currency; two rolls of pennies; a roll of quarters bearing the name "Gollier" and the address 36 S. Colorado; two Rock

Bottom employee cards; and a pair of brown leather gloves. Officers asked [REDACTED] to come to IMPD headquarters so that she could be interviewed and she consented. Before she was transported, [REDACTED] told officers that there was a handgun in a green bag inside her residence.

During an interview with [REDACTED] this affiant learned that on January 23, 2011 at about 9:25 a.m., Thomas Hardy appeared at 2356 Indianapolis Ave. and woke [REDACTED] up. She stated that he asked her for money but she told him that she did not have any. According to [REDACTED], Hardy then used her phone and called [REDACTED] asking her if she would pick him up later. [REDACTED] said that Hardy told her he was going to get some money and left the house. She stated that he returned some time later and had US currency in his possession. He told her that he stopped by the Dollar General and got some money. Thomas Hardy told [REDACTED] that he needed to get rid of the car that he was driving because the police were looking for him because he was involved in a hit and run accident. She stated that he left the Indianapolis Ave. address and returned later in a cab.

Becoming suspicious of his activity, [REDACTED] asked Hardy what he had done. Hardy told her that he had picked up a firearm over at [REDACTED] house. He obtained the firearm because he intended to shoot a person who had cheated him out of \$100.00. He told [REDACTED] that as he was traveling west on 34th St. he noticed a police officer exiting the park adjacent to 34th St. Hardy told [REDACTED] that he immediately turned right (north) onto Temple Ave. and pulled into a driveway. Hardy said that the officer pulled in behind him and had his lights on. The police officer exited his patrol car and told Hardy to get out of his car so he could explain why he had been stopped. Hardy told [REDACTED] that he knew he would go back to prison if the officer found the gun on him, so he put a round in the chamber and took the gun off safety. Hardy then told [REDACTED] that "one thing led to another." According to [REDACTED] she then asked Hardy what he did after he shot the officer and he told her that he backed around the police car and left, but slid into a car up the street. [REDACTED] also said that Hardy was trying to find the means to leave the state but was having difficulty. Once the police officers surrounded her house at 2356 Indianapolis Ave. [REDACTED] said that Hardy pulled the gun out of his jacket and stuck it in a bag. [REDACTED] said that she had ridden with Hardy in the gold Toyota Camry before but believed the vehicle was his.

Sgt. [REDACTED] requested and received a search warrant for 2356 Indianapolis Ave. At about 7:15 p.m. Sergeants [REDACTED] and [REDACTED] executed the search warrant and located a Bersa .380 semi automatic pistol, serial number 607009. This weapon was photographed and recovered by Crime Lab technician [REDACTED] for further analysis.

On January 24, 2011 this affiant found intelligence through the Bureau of Alcohol Tobacco and Firearms that the male identified by [REDACTED] as [REDACTED] (and who allegedly supplied the Bersa .380 handgun to Thomas Hardy) is actually [REDACTED]

On January 25, 2011 this affiant was notified by Crime Scene Specialist [REDACTED] that he had recovered another bullet projectile from Officer David Moore's bullet resistant vest.

On January 25, 2011 IMCSFA Firearms Examiner [REDACTED] advised that the bullet projectiles recovered from David Moore's clothing at Wishard, from [REDACTED] N Temple Ave, and

from his bullet resistant vest panel were fired from the .380 caliber Bersa firearm located at 2356 Indianapolis Ave. [REDACTED] was also able to determine that all seven shell casings located at 3428 N Temple Ave. were ejected from that same Bersa handgun.

On January 25, 2011 at about 1:20 p.m., this affiant and Sgt. [REDACTED] interviewed [REDACTED]. [REDACTED] was advised of his Miranda warnings and waived his rights and agreed to give a statement. During the interview with [REDACTED] he stated that he was in the Mallard Cove apartment complex on January 22, 2011 about 5:00 a.m. He said that he was in an apartment with Thomas Hardy and several other individuals and they were smoking crack cocaine. During his time in the apartment, he was afforded the opportunity to trade a rock of crack cocaine for two handguns. One handgun was a .38 caliber revolver and the other was a .380 caliber semi automatic. He said that he did not need the handguns so he gave the .380 semi automatic to Thomas Hardy. [REDACTED] said he told Hardy not to shoot the male who had cheated him out of \$100.00. He told me that Thomas Hardy was with his girlfriend while at the Mallard Cove apartments, but she stayed in the vehicle. [REDACTED] stated that he was contacted by [REDACTED] on January 23, 2011 and she told him that Thomas Hardy had shot someone and he was in trouble.

During the course of medical treatment of David Moore, it was determined that he had been shot several times, including to the head. On January 25, 2011 a physician at Wishard Hospital performed a Magnetic Resonance Imaging (MRI) test on the brain of David Moore and determined that there was no brain activity. On January 26, 2011 in the early morning hours David Moore was pronounced deceased by medical personnel at Wishard Hospital due to the injuries he sustained in this shooting.

On January 26, 2011 at about 11:20 a.m., Crime Scene Specialist [REDACTED] notified me that he had recovered a fourth bullet projectile. This projectile had penetrated Officer David Moore's ammunition magazine pouches on his gun belt and struck a live round. The round was submitted to firearms examiner [REDACTED]. After examining the round, [REDACTED] was able to determine that the round recovered was fired from the Bersa .380 semiautomatic recovered at 2356 Indianapolis Ave.

On January 26, 2011 this affiant and Sgt. [REDACTED] conducted an interview of [REDACTED] Thomas Hardy's girlfriend. During the interview I learned that [REDACTED] and Hardy were together at Mallard Cove apartment which is located in the 4200 block of N. Shadeland Ave., Indianapolis. Hampton stated that Hardy went into an apartment and came out after about 20 or 30 minutes. When Hardy came out he was accompanied by a male she knows as [REDACTED]. [REDACTED] stated that as they were leaving the complex, [REDACTED] flagged them down and handed a black semiautomatic handgun to her for Thomas Hardy. [REDACTED] further advised that she and Hardy left the apartment complex and stayed the night at the Motor Eight Motel located at 3731 N Shadeland Ave. She stated that at about 8:00 a.m. on January 23, 2011 she and Hardy became involved in an argument and Hardy took her home to 3352 N Butler. As he was dropping her off he told her that she would never see him again and left. At approximately 11:12 a.m. Thomas Hardy called [REDACTED] and told her that he was in big trouble with the police and asked her if she could come meet him one last time before he (Hardy) went back to prison. [REDACTED] stated that she told Hardy that she would not meet him.

On January 23, 2011, after the shooting of Officer David Moore and at approximately 9:56 a.m., IMPD Officer [REDACTED] responded to a business robbery at 1801 S. Emerson Avenue. Upon arrival, Officer [REDACTED] spoke with the victim employee, [REDACTED] stated a short black male approximately 5'2", in his 50's, and 160 pounds came into the store. The suspect selected some bags of Cheetos and brought them to the counter as if to purchase the items. As [REDACTED] began to ring up the items, the suspect stated he was not done yet. He walked back and forth between the cash register and the candy aisle. According to [REDACTED] the suspect approached the counter and displayed a black handgun and demanded money from the cash register. The suspect then reached over and took money from the register and ordered [REDACTED] to get a bag. The suspect fled the store. [REDACTED] went and told the manager, [REDACTED] about the robbery and she came to the front of the store and called the police. While [REDACTED] was calling the police she observed a gold colored vehicle, possibly a Toyota Camry, leave the parking lot. [REDACTED] stated the suspect was wearing a black leather coat with a fur along the hood of the coat, tan dress pants, black or dark colored dress shoes, and black gloves. Detective [REDACTED] was assigned to the investigation of the robbery case and has related to me the details of his investigation which was initially thought to be unrelated to the shooting of Officer Moore but later determined otherwise.

Detective [REDACTED] observed the surveillance video and confirmed the clothing description of the suspect. The manager, [REDACTED] advised \$101.00 was taken from the business in the robbery. Some of the money consisted of rolled coin. The coin was described by [REDACTED] as rolled pennies in clear plastic and rolled quarters in brown paper.

Evidence Technician Officer [REDACTED] photographed the scene and collected the Cheetos bags to be processed at the crime lab.

Det. [REDACTED] received information from Sgt. [REDACTED] that Thomas Hardy had placed a phone call to a family member at approximately 9:28 a.m. stating he may need a ride. The family member lives within close proximity of the Dollar General store. The same family member received a phone call at approximately 10:42 a.m. from an unfamiliar phone number. The phone was traced back to Circle Center mall pay phone. Det. [REDACTED] recovered surveillance video from Circle Center Mall. The video shows a similar suspect to video images from the Dollar General. The video at the Mall shows a black male subject wearing a black coat with a hood, tan pants, dark colored shoes, and a black dress hat.

On January 23, 2011 at approximately 4:30 p.m., Det. [REDACTED] showed a photo array #100446 containing Thomas Hardy to the victim employee. The victim positively identified Thomas as the subject who robbed her. When Thomas Hardy was later taken into custody, he was wearing a black coat with fur around the hood, tan dress pants, and black dress shoes.

On January 23, 2011 Det. [REDACTED] learned that crime lab examiner [REDACTED] processed the bag of Cheetos for latent prints and compared the latent prints to Thomas Hardy. [REDACTED] identified the latent prints recovered from the Cheetos bag as have being made by Thomas Hardy.

On January 27, 2011, an autopsy was performed on the person of David Moore by forensic pathologist, Dr. [REDACTED]. Dr. [REDACTED] determined the cause of death to be gunshot wounds and the manner of death to be a homicide.

Thomas Hardy has a previous conviction for Burglary, a Class B felony, which occurred out of Marion Criminal Court 6 with a conviction entered on July 29, 1983 under cause number CR83075F.

ALL ABOVE EVENTS OCCURRED IN MARION COUNTY, INDIANA.

DATED: 1/27/11

[REDACTED]



**DEPUTY PROSECUTING ATTORNEY
NINETEENTH JUDICIAL CIRCUIT**

JUDGE