

# AFFIDAVIT FOR PROBABLE CAUSE

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STATE OF INDIANA, COUNTY OF MARION, SS:

Master Detective David Miller swears (affirms) that:

On Wednesday, May 29, 2024, Detective Anthony Weaver of the Indianapolis Metropolitan Police Department (IMPD) was assigned a case involving a missing person. Officer Evan Smith, also with IMPD was dispatched to an investigation at 2:45am, in which he spoke with the complainant, LW. LW wanted to report her brother, identified as Brandon Perry (DOB 3/7/89) as a missing person (IMPD case # IP240049455). She told Officer Smith that Brandon Perry was last seen on Sunday, May 26, 2024, as he left his home, located at 95XX Vandergriff Rd, to go to a job in Westfield, Indiana, at 7:00am. This information was later learned to have come from David Perry, the son of Brandon Perry.

Detective Weaver contacted LW by phone. LW told Detective Weaver that Brandon Perry is a subcontractor and has an LLC for his own HVAC business. She said he works a lot and owns his own equipment which he takes great care of. She said he owns a black Dodge Ram pickup truck and keeps his equipment in a black-enclosed trailer, he pulls with his truck. She explained he does not take his trailer off his truck and always keeps his equipment locked up.

On Monday, May 27, 2024, at 11:40 AM Officer David Ellis was dispatched to the 7200 block of East Thompson Rd, after CP, a resident in the area, called in to report a black enclosed trailer, sitting and blocking the turn lane on E Thompson Rd. near Five Points at the Ashland Neighborhood. CP stated he heard loud noises coming from outside his home at approximately

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

/s/ David Miller

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AFFIANT

DATED: 06/05/2024

**Affidavit for Probable Cause**

**From:** Master Detective David Miller

12:00 AM on May 27, 2024. He looked outside through his window and saw the trailer parked facing west with what he described as a black Ford F350 with oversized tires and a front passenger headlamp out. The truck was backed up to the back door of the trailer. CP observed a small and thin build male with jeans and dress shirt take something out of the trailer and put it into the back of the truck and then leave. The vehicle was Brandon Perry's Formula Trailer which is registered to BP Heating and Cooling LLC. Both the rear access door, as well as the side access door were open and it was unknown if or what tools and equipment were missing. Officer Ellis was not able to contact the owner, so he had the trailer towed to Auto Return by Indy's Best Towing (under IMPD case #IP240048810).

Detective Weaver also learned LW had located Brandon Perry's truck, a 2015 Dodge Ram bearing Indiana license plate number HVACXXX in the parking lot of Mickie's Pub located at 5135 S. Emerson Avenue Indianapolis, IN. LW told Detective Weaver she had found the vehicle parked in the middle of an empty parking lot, early in the morning of May 29, 2024, and she called the police to notify them Brandon Perry's vehicle had been located and was unoccupied. Officer Nicholas Draher responded and made a supplement to case # IP240049455.

LW told Detective Weaver she had been waiting with the vehicle to see if her brother would show up to get it. Detective Weaver explained the situation to Sergeant Aaron Hamer and suggested towing the truck to Auto Return, where it could be checked for any evidence as to the whereabouts of Brandon Perry.

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Detective Weaver met LW at the location of the truck, where she had been waiting for her brother's return. Detective Weaver had Brandon Perry's 2015 black Dodge Ram towed to Auto Return to be held for the investigation.

Detective Weaver had also attempted to call Brandon Perry on his personal, T-Mobile phone (# 317-937-XXXX) as well as his work phone number 317-896-XXXX. Brandon Perry's personal phone went straight to voicemail and the detective was able to leave a message on his work phone.

Detective Weaver also called numerous hospitals in the Indianapolis area, as well as the Marion County Coroner' Office and checked within the jail systems of Indiana but had no new information on the whereabouts of Brandon Perry.

LW told Detective Weaver that Brandon Perry has not shown up for work, nor has he contacted any of his family or friends (that she was aware of). He had also not used his bank card in the time he had been missing.

Detective Weaver requested a search warrant for Brandon Perry's truck and trailer which were granted on May 29, 2024, at 10:11pm, Cause Number 5601FD30BE214D0. On Thursday, May 30, 2024, at 8:50am, Detective Weaver and Detective Eric Parish met with Crime Scene Unit Lakota Hodges of the Marion County Crime Lab at Auto Return to process the truck and trailer. At 10:21am, IMPD Officer Robert Chandler called Detective Weaver and told him he had been dispatched to the missing persons home, located at 95XX Vandergriff Rd, (CAD 0715).

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He said LW and her mother, MD, had gone to her brother's house and were looking for any clues as to the whereabouts of Brandon Perry. While there, she noticed what she believed to be a large amount of blood on the bottom of her brother's mattress, when she flipped it over. She said she and her mother left the house and called the police. Officer Chandler stood by with LW and MD until Detective Weaver, Sergeant Tara Asher and Lieutenant Steven King arrived. While processing the scene several areas of the bedroom, other portions of the home, and the stairs to the basement showed signs of possible blood with the use of Bluestar, a special reagent used to detect blood which may no longer be visible to the naked eye.

After the home was mostly processed Master Detective David Miller with the Homicide Unit was contacted to take over the investigation. Once on-scene Detective Miller learned Detective Weaver had run his cadaver dog over the property and the dog had indicated on a makeshift burn pit which was located in the side yard of the residence. Detective Miller searched the burn pit and located the driver's license of Brandon Perry in it. The license did not appear to have suffered damage but was under the ashes and other debris which had been fully burned also located in the burn pit were some credit cards which had suffered extreme thermal damage and a portion of a business card which matched that of Brandon Perry's business card.

Detective Miller learned through his investigation the only other person living in the home at the time of the disappearance was David Perry, the son of Brandon Perry. David told family members as well as Lt. Eli McAllister, he last saw his father pulling out of the driveway

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in his truck between 7:00 AM and 8:00AM on Sunday, May 26, 2024, to go to a job. David never reported his father missing and only stated anything to family members once his aunt, LW contacted him inquiring about if he had seen him. Detective Miller also learned Brandon had never arrived at the job he was scheduled to do on Sunday, May 26, 2024. David Perry was living in the home for nearly three full days between the last time he reported seeing his father until his aunt contacted him. This was the first moment David showed any concern about his father having not returned home. David also told Lt. McAllister his father had a handgun which was missing from his truck, which he believed had been stolen a week prior to his father's disappearance. David later tells Lt. McAllister there was a handgun in the safe in his blue Ford Mustang which looks just like the one his father had which was stolen. David explained the firearm his father purchased for him on his 13<sup>th</sup> birthday but they never told anyone. This firearm was later recovered and a trace of it showed the firearm had been purchased by Brandon Perry on February 27, 2016, when David Perry was 8 years old. David also told Lt. McAllister he had ordered some sort of key to take the hinges off his father's gun safe so he could "get his stuff out of it." There were subsequent searches on his cell phone's browser history from May 27, 2024, which are for "safe cracking". Located inside of the safe at the residence were weapons, a small bag of suspected cocaine, and \$31,550 in cash.

Detective Miller reviewed video footage from Mikie's Pub located at 5135 S. Emerson Avenue of the missing pickup truck of Brandon Perry arriving at the location it was dumped.

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The video is from Monday May 27, 2024, at 05:03 AM (according to the time stamp on video recovered from the location. This is 6:03 AM actual time). A skinny male who is not Brandon Perry is seen walking away from the pickup truck. The male resembles David Perry in both stature and gate. He is wearing what appears to be a tan hat, black t-shirt, and brightly colored pajama pants with white a white design of some sort on them. Additional video taken from Planet Fitness gives a better view of the pants which appear to be a red/orange pajama pants with a white design on them.

During the course of the investigation Detective Miller learned from LW, there had been two large trash cans at the home and one appeared to be missing. She later spoke with a neighbor who confirmed there had been two trash cans there previously: both blue Republic trash cans. There was also a large amount of trash scattered on the ground next to the trash can which was remaining on scene.

On May 31, 2024, Detective Miller received a phone call from LW stating, "My brother is in the White River." LW stated she didn't know how to say it over the phone so she was on her way with her nephew, David, to the Homicide Office. She inquired if Detective Miller could talk to her nephew without his mother present, "even if he was the person who committed this crime." Detective Miller stated he would need David's mother present in order to talk with him. LW then contacted David's mother, K and had her come to the IMPD homicide office as well.

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Detective Miller then took a taped statement from LW in which she stated, my brother is in the White River in a trash can and I have legal representation that says I can tell you where the body is but not answer any other questions. She further elaborated that the location was somewhere around an hour away from her home but had no further details. LW stated once she was told this information she did not want to hear any additional details.

Detective Miller then read a “Juvenile Waiver of Rights Form” to David Perry and his mother. Both stated they understood and were given a lengthy amount of time to consult with each other outside the presence of a police officer. Once back in the room David stated he was willing to answer some questions now but would like an attorney for others. Detective Miller explained if he wanted one now, no other questions, could be asked and he stated he was willing to answer some questions now without one present but would not answer some questions. Detective Miller asked when the last time David saw his father was. David replied, I can’t answer that question right now. Detective Miller asked if he could help locate his father. David stated that was not something he could answer until he talked to an attorney but he’d be willing to help once he spoke with one. Later without being questioned while talking to his mother about staying with his aunt if he were released David stated, “LW doesn’t believe me”, in reference to why he may not be able to stay with his aunt.

David was wearing a tan hat and black t-shirt which look to be the same or similar to the ones being worn by the individual seen on video walking away from Brandon Perry’s pickup truck when it was abandoned at Mikie’s Pub after the disappearance. A search warrant was

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sought and granted for a buccal swab, the tan hat, and the black t-shirt of David Perry. The buccal swab was collected by Detective Miller the clothing was collected by Crime Scene Unit Megan Gilliam.

Also while executing a previously granted search warrant on a Blue Ford Mustang belonging to David Perry the following items were located, a pair of brightly colored pajama pants with white design that appear to be the same as the ones worn by the individual walking away from the pickup truck, a muddy/wet pair of jeans from the trunk, a safe containing a handgun, (which was described by David to Lt. Eli McAllister as looking just like the one his father had stolen from the truck), and \$1000 cash.

A warrant to seize and analyze the cell phone of David Perry was also sought and previously granted. Detective Miller provided the cell phone to the Digital Forensic Unit and the data on the phone was extracted. A preliminary examination of the phone showed David Perry's cell phone employed the location tracking app Life360. After review of the location data on David Perry's phone he was placed under arrest for murder and transported to the Marion County Juvenile Detention Center.

On the morning of May 26th, 2024, at approximately 7:33 AM, the same time frame David reported last seeing his father, David's phone is shown going to the Walmart located at 4650 S. Emerson Avenue. Video obtained by Detective Miller shows David Perry entering the Walmart and purchasing only a red dolly and paying cash. Subsequent trips back to Walmart on the same day showed him purchase a dust buster, small fan, seat covers, a candle, a belt, and a I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

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small gun safe which was later located inside of his blue Ford Mustang housing a handgun which belongs to his father, Brandon Perry along with \$1000 cash. David Perry's cell phone location is in the 7200 block of E. Thompson Road on Monday, May 27, 2024, from 12:15 AM to 12:33 AM, the same timeframe which CP reported seeing a skinny male in a pickup truck taking stuff from the back of the trailer and pulling away. The phone's location is shown to be in Morgan County off of Interstate 69 South (Old State Road 37), where the White River crosses under Interstate 69 near New Harmony Road, on May 27, 2024, from 1:48 AM until 2:22 AM. The phone is later shown to be in the area of 5135 S. Emerson Avenue, Mikie's Pub, on May 27, 2024, from 6:03 AM until 6:06 AM. Video from Mickie's Pub shows Brandon Perry's pickup truck being dropped off at that location at 6:05 AM, with a male who matches stature and gate of David Perry.

Detective Miller enlisted the help of the Indiana State Police Dive Team to attempt to locate and recover the body of Brandon Perry. Detective Miller directed Sgt. David Ploog with Indiana State Police to the area of New Harmony Rd. and I69 South as a potential dumping point for the body of Brandon Perry. Sgt. Ploog responded to the area and located a pull off area with what appeared to be wheel marks running down toward the river from the interstate. The marks end near the river's edge along with boot prints. Detective Miller responded to the scene along with Crime Scene Unit Megan Gilliam. Casts were taken of the wheel marks along with the boot print. The wheel marks were measured in width of the wheel as well as the distance between the

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wheel marks. They appear to be the same width as that of a Republic trash can, the size of which was missing from the home of Brandon and David Perry.

On June 2, 2024, Detective Miller executed a previously granted search warrant to re-enter the truck and trailer of Brandon Perry which had been missing. Crime Scene Unit Jenna Hood assisted with the collection of evidence. The chemical reagent Bluestar was used. The trailer ramp showed the presence of possible blood which was swabbed for testing purposes. The truck bed also showed a positive test for what appears to be an extremely large presence of possible blood. Swabs were taken and a cutting of the wooden ramp in the trailer was taken for future testing.

On June 4, 2024, Detective Miller re-interviewed LW. LW rehashed her involvement in the investigation. She then recounted that David told her, "his dad is in the White River and that he was in the trash can." David stated he was about an hour south. David then told her that "the trash can lid was shut and it wasn't going to open." LW stated she had spoken with David on the phone while, he was in the juvenile detention facility. While inquiring as to why he had done this, LW reported David responded by asking LW what she would have done if it were her daughter there instead of her friend's daughter that night, trying to justify why he did what he did. LW told David he needed to stop lying and trying to create an alibi for himself and David ended up hanging up on her. This conversation is in reference to an allegation David had made against his father in 2023 about having caught his dad attempting to pull the pants down of a 9-year-old girl who was staying at the house. LW stated she spoke with a neighbor to inquire about I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

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her trash cans prior to learning Brandon had been put in one of them. The neighbor had stated there were two trash cans prior and showed her a picture from what she believed to be May 3, 2024, with two trash cans at the end of the driveway. LW stated she had also spoken with David about having a fire going outside since his father was missing. The neighbors had stated there was fire and that the only vehicle that was over at the home was her Prius which David drives. She was also stopped by a neighbor who stated she saw David walking back and forth and back and forth and back and forth from the home to the fire on Sunday (the day of the incident) around 1:15 PM. She stated David had replaced the gun which had been missing from Brandon's truck with her dad's .44. David said to LW's mom that he had been afraid his dad was missing, so he had gone out into the woods and shot the gun one time. David then tried to hand a single shell casing to LW and her mom but they did not take it. Detective Miller asked if from the conversation she had with David, there was any doubt in her mind that he had killed her brother and LW stated, "no".

Detective Miller then conducted a follow-up audio recorded statement with MD, the grandmother of David Perry. MD stated while at the home before the Blue Mustang was removed from the home but before the second search of the home was conducted, David walked up to LW and her and attempted to hand them a single fired cartridge casing. David was asked where it had come from and he stated he had fired it from his gun out back. MD stated while David was at her home at a later date he told her he had something to tell her but he was worried she would hate him. She stated she would never hate him and David replied, his dad had done I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

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bad things and he had never hated him but that he was pretty sure she was going to hate him. MD stated she had the feeling David was about to tell her something very bad she could not take so she asked him if he needed to talk with LW and David said yes. She then called LW back to talk to David. MD talked about how any issues Brandon had stemmed from when he was drinking but that she knew for certain he was not drinking on the night of the incident since she was with him. She stated Brandon had been talking to her in the truck just before she left about how David had been lying to him a lot lately especially surrounding time spent at his girlfriend's home. Brandon was planning to let David "stew" on the fact he would not be allowed to drive anymore for his deceit.

Further review of the cell phone of David Perry showed a conversation with a contact listed as "T's Dad". "T's Dad" was identified as being CE. On May 17, 2024, David sent a message to CE stating, "Hey I just wanted to let you know that I'm safe Brandon yelled at me for a while but he finally got tired and went to bed. I'm going to try and get my car fixed and make some more money before I leave." A subsequent message sent on May 18, 2024, from David to CE states, "Hey if you have the opportunity to talk to me I get off of work tomorrow at 6PM at the Arby's on Thompson and Emerson. If not it's not a problem. I will be leaving this month on the 31<sup>st</sup> with my car. David sends a message at 12:35 PM on May 26, 2024, stating, "Hey it popped off". CE replies, "What?" David then replies, "I'll talk to you about it in person can't say over text." CE gives his address to David and it is apparent from the location data in David's phone that he eventually ends up at Chance's home located at 6XXX Bluff Crest Court.

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Detective Miller spoke with CE. CE is the father of TE, who CE described as David Perry's best friend. CE stated TE moved to Texas but he has kept contact with David. David reached out to TE on May 26<sup>th</sup> and stated he and his dad had "got into it" and that his dad was drinking again. David also stated that they had gotten into an altercation and he couldn't go back to the house. CE stated David didn't elaborate further on specifics only that he could not return to the home because of the altercation. David later reached out to him about providing updates but CE did not respond.

A review of the location data from David Perry's cell phone along with witness statements allows the following timeline to emerge:

**May 26, 2024**

**12:30 AM** – David is at home, 9511 Vandergriff.

**Between 1:00 AM and 1:20 AM** – Brandon Perry and MD arrive at 95XX Vandergriff.

**1:38 AM** - MD arrives back at her home. She texts Brandon Perry and he responds.

**7:33 AM** - David Perry arrives near the Walmart and purchases a red dolly.

**8:12 AM** - David Perry returns home at 95XX Vandergriff.

**10:55 AM** – David Perry returns to Walmart and purchases additional items including a small fan and hand-held vacuum.

**11:20 AM** – David Perry goes to the Lowe's lot. Video did not seem to show him entering the store.

**11:44 AM** – David Perry returns home at 95XX Vandergriff.

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**3:06 PM** – David Perry goes by his girlfriend's address

**3:18 PM** – David Perry returns home 95XX Vandergriff.

**5:00 PM** – David Perry goes to CE's home.

**6:32 PM** – David Perry is at his girlfriend's address.

**10:11 PM** – David Perry returns to Walmart and purchases a candle, a belt, and gun safe.

10:44 PM – David Perry returns home to Vandergriff.

**May 27, 2024**

**12:15 AM** - David Perry arrives at 7200 Thompson Rd. the dump site of Brandon Perry's trailer.

**12:34 AM** – David Perry leaves the dump site of Brandon Perry's trailer.

**1:48 AM** – David Perry arrives in the immediate area of the likely dumping point for the body of Brandon Perry. He remains just north of the final dumping site on near the bridge for approximately 7 minutes.

**1:58 AM** - David Perry passes the likely dump site of Brandon Perry's body but backs up and stops at New Harmony Rd. and I69 just north of Martinsville, Indiana. He remains at this location for 19 minutes. David then turns around at the next exit and returns home.

**2:52 AM** – David Perry arrives back home at 95XX Vandergriff.

**5:23 AM** – David Perry is in the area of his girlfriend's home.

**5:42 AM** – David returns home.

**6:03 AM** - David stops at Mikie's Pub, the dumping point for the Dodge Ram pickup belonging to Brandon Perry.

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