

STATE OF INDIANA )  
 ) SS:  
ST. JOSEPH COUNTY )

IN THE ST. JOSEPH SUPERIOR COURT

CAUSE NO. 71D0 8 -0810-FD-01046

STATE OF INDIANA )  
 )  
VS. )  
 )  
BROOKE M. BIGGS )  
DOB: XX-XX-1981 )

INFORMATION IN TWO COUNTS:  
COUNT I: CHILD SEDUCTION,  
CLASS D FELONY  
COUNT II: CHILD SEDUCTION,  
CLASS D FELONY

**- FILED -**  
**OCT 03 2008**  
Clerk  
St. Joseph Superior Court

COUNT I.

JOEL R. GABRIELSE, upon information and belief, affirms under the penalty of perjury that:

On or about the 27th day of July, 2008, in St. Joseph County, State of Indiana, BROOKE M. BIGGS, being over eighteen (18) years of age, whose date of birth is [REDACTED], 1981 and being a child care worker at a school attended by [REDACTED], who is sixteen (16) years of age, whose date of birth is [REDACTED], 1992, engaged in touching with [REDACTED] with the intent to arouse or satisfy the sexual desires of herself and/or [REDACTED].

All of which is contrary to the form of the statute in such cases made and provided, to wit: Indiana Code 35-42-4-7, and against the peace and dignity of the State of Indiana.

COUNT II.


JOEL R. GABRIELSE, upon information and belief, affirms under the penalty of perjury that:

On or between the 1<sup>st</sup> day of August, 2008 and the 31st day of August, 2008, in St. Joseph County, State of Indiana, BROOKE M. BIGGS, being over eighteen (18) years of age, whose date of birth is [REDACTED], 1981 and being a child care worker at a school attended by [REDACTED], who is sixteen (16) years of age, whose date of birth is [REDACTED], 1992, engaged

in touching with [REDACTED] with the intent to arouse or satisfy the sexual desires of herself and/or [REDACTED].

All of which is contrary to the form of the statute in such cases made and provided, to wit: Indiana Code 35-42-4-7, and against the peace and dignity of the State of Indiana.

I affirm under the penalties for perjury, that the foregoing representations are true.

  
\_\_\_\_\_  
JOEL R. GABRIELSE  
DEPUTY PROSECUTING ATTORNEY

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Probable cause found. Arrest warrant ordered issued. Bond set at \$ 20,000

Corporate surety or \$ 2,000 cash in lieu thereof (Multiple counts)

*Defendant to have no contact with alleged victim to completion of trial.*

  
\_\_\_\_\_  
JUDGE, ST. JOSEPH SUPERIOR COURT

WITNESSES:

All witnesses listed in police, medical and laboratory reports.

STATE OF INDIANA )  
ST. JOSEPH COUNTY )

IN THE ST. JOSEPH SUPERIOR COURT

) SS:

CAUSE NO. 71D0 8 -0810-FD- 01046

STATE OF INDIANA )  
VS. )  
BROOKE M. BIGGS )  
DOB: XX-XX-1981 )

SUPPLEMENTAL AFFIDAVIT IN  
SUPPORT OF PROBABLE CAUSE

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**OCT 03 2008**  
Clerk  
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JOEL R. GABRIELSE, upon information and belief, affirms under the penalties for perjury, states that:

I am a Deputy Prosecuting Attorney with the 60th Judicial Circuit, St. Joseph County, State of Indiana, and make this affidavit after reviewing verified St. Joseph County Special Victims Unit Police (FVU) reports which were submitted to me and after speaking with Lt. Mark Reihl and Commander Brent Hemmerlein of the FVU.

In July, 2008, [REDACTED] contacted authorities with concerns that their teenage daughter was in an inappropriate relationship with an adult. They said that their daughter, [REDACTED] (who turned sixteen (16) on [REDACTED], 2008 and whose date of birth [REDACTED], 1992), was a student at Penn High School in St. Joseph County, Indiana. A softball coach at Penn High School, BROOKE M. BIGGS, had been in contact with their daughter so much that they were very concerned. They indicated that their daughter was not cooperating with them in this matter because she liked BROOKE M. BIGGS and did not want her to get into trouble. They also said that on many occasions recently, after they had forbidden [REDACTED] to have any further contact with BROOKE M. BIGGS, they caught [REDACTED] sneaking out. They

also believed that [REDACTED] had acquired a new cell phone from BROOKE M. BIGGS after they confiscated [REDACTED] phone from her.

[REDACTED] provided to Lt. Mark Reihl of the St. Joseph County Special Victims Unit various phone numbers for [REDACTED] cell phone. They said that during the last month or two (2) there had been an extremely high number of text messages between [REDACTED] phone and BROOKE M. BIGGS' phone. Indeed, after obtaining records from the phone company, Lt. Reihl saw that there had been thousands of text messages between the two (2) during July, 2008. Lt. Reihl also obtained actual text message content from the phone companies for many of these texts.

Lt. Reihl interviewed BROOKE M. BIGGS, who admitted that she exchanged text messages with [REDACTED] more than with other students, and that for a couple of weeks she had given [REDACTED] a different cell phone to use. BROOKE M. BIGGS admitted that some of the text messages she exchanged with [REDACTED] might cause someone concern, but initially claimed that she "was just joking around." Lt. Reihl then read the content of several of the text messages to BROOKE M. BIGGS. These messages contained numerous references to being on BROOKE M. BIGGS' bed, to kissing, to "making out," and to other very explicit sexually intimate touching that they had done. BROOKE M. BIGGS then admitted to Lt. Reihl that she had been having an inappropriate relationship with [REDACTED] and admitted that she had been with [REDACTED] on her (BIGGS'S) bed and had kissed her. Investigation revealed that BROOKE M. BIGGS was born on [REDACTED], 1981.

Lt. Reihl interviewed [REDACTED], who said that there had been a pool party at BROOKE M. BIGGS's house. ([REDACTED] mother confirmed that the date of that party was July 27, 2008). [REDACTED] said that at this party, she had been in the bathroom wearing only her bathing suit when

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BROOKE M. BIGGS entered and began licking her back. [REDACTED] said that later that day they went into the bedroom and began kissing on BROOKE M. BIGGS's bed.

[REDACTED] also said that during August, 2008 when her parents were gone in Michigan, BROOKE M. BIGGS came over. [REDACTED] admitted that they were on the couch together kissing, and that BROOKE M. BIGGS touched her ([REDACTED]) breasts. ([REDACTED] parents confirmed that they had been out of town to Michigan during August, 2008.) It should be noted that [REDACTED] continued to say that she didn't want BROOKE M. BIGGS to get into trouble, and that she thought about moving in with BROOKE M. BIGGS.

The State requests a **HIGHER THAN STANDARD BOND** in this matter, because in spite of prohibitions from [REDACTED] parents and Penn High School authorities, BROOKE M. BIGGS and [REDACTED] successfully continued to contact each other as this investigation unfolded. Several of these additional contacts between them, including emails, contained plans for concocting false stories and having [REDACTED] take the blame for their relationship because [REDACTED] was the juvenile.

I affirm, under the penalties for perjury, that the foregoing representations are true.

  
\_\_\_\_\_  
JOEL R. GABRIELSE  
DEPUTY PROSECUTING ATTORNEY

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APPEARANCE FORM (C R I M I N A L)

State of Indiana

Cause Number: 71D0 8 -0810-FD- 01046

1. Name of Defendant: BROOKE M. BIGGS

2. Case Type of proceeding: FD

3. Prosecuting Attorney Information:

Michael A. Dvorak  
St. Joseph County Prosecuting Attorney  
227 W. Jefferson Boulevard, Room 1004  
South Bend, Indiana 46601-1870

Attorney No. 4651-71  
Telephone: (574) 235-9544  
FAX: (574) 235-9761

Deputy assigned case (Optional): FVU

4. Will the State accept service by FAX: NO

5. Arrest report number (Originating Agency Case Number): SJCPD 08-26920

6. Additional information required by state or local rule:

Authority: Pursuant to Criminal Rule 2.1(A), this form shall be filed at the time a criminal proceeding is commenced. In emergencies, the requested information shall be supplied when it becomes available. Parties shall advise the court of a change in information previously provided to the court. This format is approved by the Division of State Court Administration.

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