



appointing judge shall limit the scope of the special prosecutor's duties to include only the investigation or prosecution of a particular case or particular grand jury investigation."

6. From the inception of exercising prosecutorial duties over the cases of State of Indiana vs. Sean M. Purdy and Jerry Edward Cox II, I understood my duties to include all of the facts, circumstances, witnesses and law as they applied to the Lake Monroe incident of July 4th, 2020. When assigned to a Special Prosecutor "case", it has always been this Special Prosecutor's understanding that I had the authority to accept the case as presented and filed by the former prosecutor, or that I could add charges, dismiss charges or dismiss charges and submit the entire investigation to a Grand Jury for review.

7. Before I had even entered a formal acceptance and appearance in the cases, defense counsel raised the prospect of a restorative justice approach to resolving the cases. Mr. Booker's attorney, Katherine Liell, was consulted and agreed that this type of resolution should be explored. From November 2020 through June 2021 the process of restorative justice was actively pursued by all parties, including Mr. Booker. Throughout the process this Special Prosecutor made it clear that the process of active prosecution (discovery, motions, consideration of additional charges, plea negotiations, etc.) would have to remain in abeyance to allow the restorative justice process to flow in an organic fashion. This Special Prosecutor made it clear on more than one occasion that should the restorative justice option fail, she would return to "square one" to determine if additional or different charges should be considered or whether submission of the case to a Grand Jury might be the appropriate course of action.

8. Between November 13th, 2020, and August 20, 2021, Judge Hamner presided over four (4) informal pre-trial conferences involving the attorneys of record in these cases. In those conferences he was repeatedly advised of the status of the restorative justice measures that were being attempted and that the Special Prosecutor was retaining and affirming her authority to review this entire case for additional charges or a possible Grand Jury investigation should the restorative justice process not result in a path towards resolution of the matters arising out of the incidents at Lake Monroe on July 4, 2020. Katherine Liell and Mr. Booker were also advised of her position.

9. On or about July 4, 2021 efforts at restorative justice collapsed.

10. On July 30th, 2021, this Special Prosecutor elected to file charges of Battery Resulting in Moderate Bodily Injury, a Level 6 Felony, and Criminal Trespass, a Class A Misdemeanor, against Vauhxx R. Booker. The charges arose out of the same events, statements of witnesses and investigation that constituted the basis for the charges

against Mr. Purdy and Mr. Cox. The Probable Cause Affidavit that was filed in support of the charges against Mr, Booker was identical to the one filed in the cases of Mr. Purdy and Mr, Cox.

11. Based upon the Special Prosecutor's assumption that a Special Judge's jurisdiction, applies to a case arising from a particular set of facts and circumstances, where the witnesses are identical and the parties - both defendants their attorneys and a potential defendant and his attorney - have been engaged in processes surrounding this unique incident, as supervised by Special Judge Hamner, the Special Prosecutor filed a Petition for Mr. Booker's case to also be assigned to Special Judge Hamner. Based upon the review of I.C. 33-39-10-2, it was the Special Prosecutor's belief that the Special Judge would retain jurisdiction unless the prosecution had been concluded, or if the Special Judge became inactive or unable to serve due to a conflict of his own.

12. The State would further assert that the grounds that existed prompting Judge Haughton's recusal in the matters of State vs. Purdy and Cox still exist and mandate a recusal on her part from this cause of action, as well.

Wherefore, the State of Indiana would seek to have clarification concerning the appointment of Special Judge Hamner over all three (3) prosecutions arising out of one set of facts and circumstances, that being the Lake Monroe incident of July 4, 2020, and for all other just and proper relief in the premises.

I affirm under the pains and penalties for perjury that the above facts are true and correct to the best of my knowledge and belief.

\_\_\_/s/ Sonia J. Leerkamp\_\_\_\_\_  
Special Prosecuting Attorney  
Attorney No. 8753-29

#### CERTIFICATE OF SERVICE

I do hereby certify that a copy of this Petition has been served upon all parties of record this 16th day of August, 2021.

\_\_\_/s/Sonia J. Leerkamp\_\_\_\_\_

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