



**OFFICE OF THE PROSECUTING ATTORNEY
ERIC M. HOFFMAN, PROSECUTOR
46TH JUDICIAL CIRCUIT
DELAWARE COUNTY, INDIANA**

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FOR IMMEDIATE RELEASE

From: Eric M. Hoffman, Prosecuting Attorney
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Date: August 26, 2022

DELAWARE COUNTY JURY CONVICTS ANTONIO DAVIS OF THEFT

Muncie Indiana – Today a Delaware County jury deliberated for a little more than an hour before convicting Antonio Davis (DOB 3/5/1980) of: Count 3: Theft, a Level 6 Felony. However, the Jury found Davis not guilty of Count 1, Neglect of a Dependent resulting in serious bodily injury a Level 3 Felony and Count 2, Neglect of a Dependent resulting in serious bodily injury a Level 3 Felony.

A copy of the Affidavit of Probable Cause for Arrest is attached. The Honorable Thomas A. Cannon Jr., Judge of the Delaware Circuit Court No. 5 will set the matter for sentencing. Pursuant to Indiana law: a Level 6 Felony is punishable by 6 months – 2.5 years in prison and up to a \$10,000 fine.



Antonio Davis

After the verdicts were returned, Delaware County Prosecuting Attorney Eric Hoffman said “the Defendant in this case showed absolutely no concern whatsoever for the kids he left in the car while he went into Walmart to steal. However, the jury saw it differently and that is okay. We have to respect the judicial system. I am proud of my Deputy Prosecutor Doug Mawhorr for his hard work and dedication in this case.”

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AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WITHOUT WARRANT

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COMES NOW, Andrew Sell, a police officer of the Muncie Police Department, and being first duly sworn upon oath, deposes and says that the following described person was arrested, without Warrant, upon the charge(s) and circumstances hereinafter stated, and makes this affidavit for the purpose of establishing probable cause for said arrest.

MPD Case Report # 22-3780

NAME OF ARRESTEE: Antonio K. Davis

D.O.B.: 03/05/1980

ADDRESS OF ARRESTEE: 418 I St. NE, Miami, OK 74354

DATE OF ARREST: 02/04/2022

TIME OF ARREST: 1512

CHARGE 1: Neglect of a dependent – Level 3 Felony

CHARGE 2: Neglect of a dependent – Level 3 Felony

CHARGE 3: Theft – A misdemeanor

The basis and reasons why this officer believes that said Arrestee committed the aforesaid offense (s) are as follows:

On 02/04/2022 at approximately 1216 Muncie Police Department Officers were dispatched to Walmart at 4801 W. Clara Lane. The complainant advised a 2-year-old and 8-year-old child in aisle 8 of the parking lot were unconscious. I Detective A. Sell, responded to assist. Upon my arrival 2-year-old DD, and 8-year-old KM were being treated by medical personnel. Their mother, Brittany Rogers was on scene. DD's father, Antonio Davis, was also on scene.

Rogers advised that she was inside Walmart shopping for approximately 30 minutes, and left KM and DD unattended in the car, with the vehicle running and locked. She advised DD was asleep when they arrived at Walmart so they left her in the car with KM to watch her. When she and Davis returned to the car both were unconscious and completely unresponsive. While on scene both signed a consent to search form for the vehicle. Rogers stated that she owns the vehicle, and it does have an exhaust issue, and no catalytic converter, which was stolen. It appeared when looking under the vehicle that the majority of the exhaust system was missing. I placed a carbon monoxide detector in the vehicle on the driver's seat with the car running and doors closed. After approximately one minute the alarm sounded. MFD personnel advised me that the carbon

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monoxide level within the car reached nearly 500 parts per million in that time. MFD stated a reading of 7 parts per million is dangerous and triggers the alarm.

Both children were transported to Ball Memorial Hospital for treatment. At BMH I was advised by medical staff that both children had high carbon monoxide levels in their blood. Medical personnel stated that prolonged exposure to the levels of carbon monoxide they were exposed to would have certainly been fatal.

Detective Dulworth went to Walmart and reviewed security video. He found that the two were in the store from 11:22am until 12:14pm. Detective Dulworth also found that the two stole a variety of clothing items from Walmart. I told Rogers at BMH that I was aware she stole clothing from Walmart and she stated that she was only trying to get clothing for her children because they had none.

Upon discovering that Rogers and Davis were in Walmart with their children unattended for nearly an hour while shoplifting they were both taken into custody for two counts of Neglect of a Dependent, and one count of theft.

I affirm under penalty of perjury that the foregoing is true and accurate to the best of my information and belief.
/s/ Officer Andrew Sell 1902 DATE: 2/4/2022

JUDICIAL DETERMINATION

The undersigned, being a Judicial officer of Delaware County, and having reviewed the foregoing affidavit, now determines that probable cause existed for the arrest of said arrestee, and now fixes bond in the penal sum of \$ 42,500 cash or surety bond

*Double cash bond
#85,000*

DATED: 2/5/2022

SIGNED: *T. J. R. Williams*

CHARGES TO BE FILED BY: *2/14/22 @ 1pm*

AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WITHOUT WARRANT