



**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
prosecutor@co.delaware.in.us
Date: September 23, 2004

**TRICIA CAVANAUGH SENTENCED TO 16 YEARS FOR NEGLECT OF A
DEPENDENT RESULTING IN SERIOUS BODILY INJURY**

Muncie Indiana – Earlier today, the Honorable Douglas Mawhorr, Judge of the Delaware County Circuit Court No. 3 sentenced Tricia Cavanaugh (DOB 5/16/1990) to 16 years. The Court ordered 14 of those years to be served at the Department of Corrections and 2 years suspended on supervised probation. in prison. On September 3, 2024, Cavanaugh pled guilty to Neglect of a Dependent Resulting in Serious Bodily Injury, a Level 3 Felony. The charge alleged that Cavanaugh took drugs and then subjected her 4-month-old baby to unsafe sleep practices including having the baby sleep in the same bed as Cavanaugh. On June 6, 2016, Muncie Police Officers were dispatched to Cavanaugh's home and found her 4-month-old baby unconscious. The baby was later pronounced dead at the hospital. The responding police officers reported that Cavanaugh appeared to be intoxicated upon their arrival. Cavanaugh told the officers that when she woke up that morning, her baby was next to her in bed, face down. A copy of the Affidavit of Probable Cause for Arrest is attached. During the sentencing hearing, Cavanaugh referred to herself as a "super mom," a comment that was quickly rebuffed by Judge Mawhorr who responded "I am not so sure about that."



Tricia Cavanaugh

After the sentencing hearing, Delaware County Prosecuting Attorney Eric Hoffman said "This case is a prime example of a needless death of an infant due unsafe sleep practices. I, and others, have been sounding the alarm on unsafe sleep practices for years. Parents and caregivers must follow the ABC's of the safe sleep. Infants and babies should always sleep Alone, on their Backs, and in a safe Crib. Sleeping with the infant in an adult bed can result in the fatal smothering of an infant. Contrary to the belief of some, sleeping in adult bed with your infant or, engaging in other unsafe sleep practices is, by definition, child neglect. Despite the wide spread availability of these prevention programs, locally we continue to see these types of child abuse and neglect. I am proud of Chief Deputy Prosecutor Zach Craig and Deputy Prosecutor Maricel Driscoll for their hard work and dedication in this case."

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STATE OF INDIANA)
)
DELAWARE COUNTY)

IN THE DELAWARE COUNTY COURTS

AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WITHOUT WARRANT

COMES NOW, **Amy Kesler**, 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.

NAME OF ARRESTEE: **Tricia K. Cavanaugh**

D.O.B.: **5/16/1990**

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ADDRESS OF ARRESTEE: **394 Sand Brook Drive. Noblesville IN 47396**

DATE OF ARREST:

TIME OF ARREST:

JUL 11 2017

CHARGE 1: **Neglect of a Dependent Resulting in Death** a LEVEL 1 FELONY

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

- 1) The Affiant is an investigator with the Muncie Police Department assigned to the Criminal Investigations Division.
- 2) On June 9, 2016, at approximately 9:17 am, officers with the Muncie Police Department were dispatched to 2132 N. Glenwood Ave., Muncie, IN, on a call of an unconscious 4 month old child.
- 3) When officers arrived, they entered the residence and found the Defendant, Tricia Cavanaugh, kneeling on the floor in the living room next to her 4 month old daughter, Celina Miller. Officers observed Celina unresponsive lying on the floor. Cavanaugh was crying hysterically and trying to give Celina CPR. Once officers arrived, they took over CPR efforts until EMS arrived. After EMS arrived, Celina was transported to IU Health Ball Memorial Hospital. Medical staff continued working on Celina until she was pronounced dead at 10:11 am.

4) While officers were inside the residence administering aid, they detected the odor of burnt marijuana.

5) MPD Officer Kevin Durbin was one of the officers that responded to 2132 N. Glenwood Ave. While he was on-scene, Officer Durbin spoke with Cavanaugh. Cavanaugh advised that she resides at 2132 N. Glenwood with her children. Cavanaugh told Durbin that she had woken up a few hours earlier and brought Celina to her bed to breastfeed her. Cavanaugh said that after Celina was done eating, she (Cavanaugh) fell asleep with Celina on the bed next to her. Cavanaugh advised that when she woke up again, Celina was next to her face down.

6) The Affiant arrived on scene a short time later and made contact with Cavanaugh. At that time, Cavanaugh appeared to be intoxicated, with unsteady balance, slow and slurred speech, and poor manual dexterity. While the Affiant was on scene, she overheard Cavanaugh say to a family member, "I know what happened, I shouldn't have taken my Norco." Cavanaugh was subsequently transported to IU Health Ball Memorial Hospital. While Cavanaugh was at the hospital, investigators obtained a search warrant authorizing a legal blood draw. Prior to submitting to the blood draw, Cavanaugh submitted to a saliva drug screen at the request of Cindy Baldwin from the Department of Child Services. The results of the DCS screen were positive for Hydrocodone, Diazepam, Nordiazepam, and Oxycodone. Cavanaugh then submitted to the legal blood draw. The results of the legal blood draw were positive for Hydrocodone and Nordiazepam.

7) A search warrant was subsequently obtained for 2131 N. Glenwood Ave. During the search of the residence, investigators located multiple medication bottles containing different substances, including 1 bottle of Gabapentin (Neurontin) 300MG that was filled on June 8, 2016 (1 days prior to Celina's death). The prescription had a quantity of 90 pills and only 72 pills were remaining inside the bottle. The bottle was found in the Defendant's bed. Investigators also located

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several empty medication bottles within the residence, including two (2) bottles of Gabapentin, six (6) bottles of Hydrocodone, and one (1) bottle of Diazepam.

8) An INSPECT Report was ran to determine Cavanaugh's prescription history in the months leading up to Celina's death. INSPECT is a state-operated database that compiles information and data that pharmacists operating in the State of Indiana are required to report. The information included in INSPECT is obtained and inputted by pharmacists when filling prescriptions for controlled substances. A review of Cavanaugh's INSPECT Report shows that she had been prescribed a prescription for 90 Hydrocodone on June 6, 2016 (3 days prior to Celina's death). The INSPECT Report also shows that Cavanaugh had not received a prescription for Diazepam since April 21, 2016, and had not received any prescription for Oxycodone in the year preceding Celina's death.

9) An autopsy was performed on Celina by Forensic Pathologist Dr. Jolene Clouse. Dr. Clouse was unable to determine a manner of death or cause of death. However, Dr. Clouse found unsafe sleeping conditions to be a contributing factor in Celina's death.

10) The Affiant later obtained records from the Department of Child Services pertaining to Cavanaugh and her four (4) children. These records indicate that Cavanaugh had been investigated by the DCS on multiple occasions, and that she had previously tested positive for illegal or illicit substances. During one prior investigation from January of 2015, a DCS Case Manager had visited Cavanaugh's residence and found her co-sleeping with her youngest child, who was 2-months old at the time. During that investigation DCS Case Manager Alyssa Kistler spoke with Cavanaugh. During that conversation, Cavanaugh stated that she is "really bad" about co-sleeping but "understands why it is risky." A drug screen was performed at that time, and came

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back positive for Xanax, Marijuana and Cocaine. That child was removed from the home by the DCS Case Manager due to the dangerous sleeping conditions and Cavanaugh's drug screen results.

11) The Affiant also obtained medical records from IU Health Ball Memorial Hospital from Celina's birth. At the time of her birth on February 9, 2016, Celina tested positive for opiates and had to be placed in the NICU for neonatal drug withdrawal. Following Celina's birth, the hospital educated Cavanaugh about unsafe sleep and the dangers of co-sleeping. Cavanaugh was instructed that newborns should sleep alone, on their back, in a crib or a pack-n-play. The hospital provided Cavanaugh with a document titled "Newborn Safety Information for Parents." This instructional and educational sheet, which was signed by Cavanaugh, informed of the dangers of co-sleeping with an infant. Specifically, the form, signed and acknowledged by Cavanaugh, states "Do not sleep with your baby in your bed or while relaxing on the couch or chair." The medical records indicate that despite being provided with this information, the nursing staff in the Labor and Delivery Unit found Celina sleeping in bed with Cavanaugh. The staff again educated Cavanaugh of the danger of co-sleeping and the importance of putting the infant back in the crib when she became drowsy. The staff also noted that Cavanaugh had a stuffed animal in the bed with her and Celina. Cavanaugh was once again educated about safe sleep. Prior to Celina being discharged from the hospital on February 14, 2016, Cavanaugh was provided with additional educational material pertaining to safe sleep. This material included instructions for Cavanaugh to not have the child sleep with her in bed. These instructions were signed by Cavanaugh. The instructions clearly stated that "Baby to sleep alone on her back in crib with fitted sheet. Nothing in the crib but the baby. Do not sleep with the baby."

12) The Affiant interviewed Tricia Cavanaugh on July 1, 2016. During this interview, Cavanaugh admitted that she had been co-sleeping with Celina when she woke up and found Celina

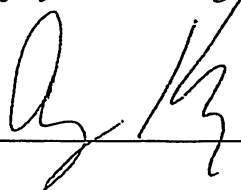
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Mrs. J. A. King
CLERK

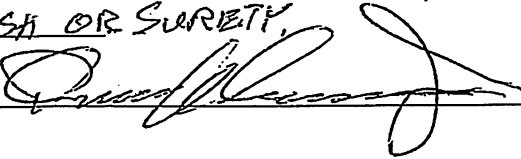
unresponsive. Cavanaugh stated that another one of her other children (KJ) was also in bed with her and Celina when she woke up. Cavanaugh stated that she had gotten her medication (Neurontin) the night before Celina died, and that she was prescribed 3 pills, 3 times a day. If this was accurate, then Cavanaugh should have had 81 pills remaining on June 9; however, only 72 pills were remaining. Cavanaugh was unable to explain what had happened to her missing medication.

I affirm under penalty of perjury that the foregoing is true and accurate to the best of my information and belief.

DATE: _____ OFFICER: 

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 \$50,000.00 CASH OR SURETY.

DATED: 07/11/2017 SIGNED: 

CHARGES TO BE FILED BY: _____

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