

STATE OF INDIANA  
COUNTY OF NOBLE  
STATE OF INDIANA

**FILED**  
SS:

FEB 07 2023

IN THE NOBLE CIRCUIT COURT

CAUSE NO. 5701-2302-MR-001

**AFFIDAVIT OF PROBABLE CAUSE  
REGARDING THE CHARGE OF  
MURDER; A FELONY  
I.C. §35-13-4-1 (as of 1975) &  
I.C. §35-1-29-1 (as of 1975)**

-vs-

**JOHN WAYNE LEHMAN**  
DOB: 10/10/1955  
SSN: XXX-XX-2443

*Johnny Lehman*  
CLERK, NOBLE CIRCUIT COURT

Kevin Smith/PE #5054, the undersigned, is a law enforcement officer with the Indiana State Police Department, and has probable cause to believe that John Wayne Lehman, did commit the offenses of:

**Murder, in violation of I.C. §35-13-4-1 (as of 1975) & I.C. §35-1-29-1 (as of 1975);**

Said belief is based on the following information:

1. On Thursday, August 7, 1975 at approximately 4:16 a.m., the Indiana State Police received a missing person report from Richard and Wilma Mitchell who reported their daughter, Laurel J. Mitchell, had not yet come home;
2. That same day at approximately 10:30 a.m., Dana Homister called the Indiana State Police Ligonier Post and reported that there was a body found in the river at the bridge on County Road 600 North just West of County Road 400 West, in Noble County, Indiana. The bridge that Dana Homister described is adjacent to the "Mallard Roost" public access site;
3. State and local police officers responded to the area and encountered Glen Dixon and his son, who had discovered the human body in the Elkhart River, after notifying Dana Homister of the discovery, Glen Dixon and Clyde Homister returned to the scene, waded into the water and pulled the body up onto the bank;
4. The officers who arrived at the scene reported seeing the body of a white female laying face down on the West bank of the river, near the boat landing ramp; on the body, officers found a class ring from Wawasee High School, for the Class of 1976 with the initials LJM on the inside of the ring;
5. Before the body was removed from the scene, Kosciusko County Sheriff's Deputy Blackburn arrived with a photograph of Laurel J. Mitchell, which showed a white female, consistent with the appearance of the body;
6. An autopsy was performed on Laurel J. Mitchell's body later in the day on August 7, 1975 by Dr. P.L. Sankey, M.D. at the Goshen General Hospital and was witnessed by Sgt. T.P. Malone of the Indiana State Police; Dr. Sankey determined that the cause of Laurel J. Mitchell's death was drowning. Based upon the anatomical findings, Dr. Sankey concluded that Laurel J. Mitchell's death occurred rapidly and that she made a violent struggle to survive;
7. Dr. Sankey also noted that, based upon her anatomical findings, Laurel J. Mitchell's death likely occurred within two hours of her last meal;
8. Noble County Coroner, John E. Ramsey, M.D., issued a Certificate of Death for Laurel J. Mitchell which indicates that the cause of death is "drowning";

9. All the clothing and belongings found on Laurel J. Mitchell's body were noted and preserved for testing; these items included shoes, a sweatshirt that was zipped up, bra, underwear and blue jeans that were unzipped and unbuttoned and were inside out; as well as a silver necklace and 1 silver earring;
10. An investigation ensued and Indiana State Police Investigators were able to determine that:
  - a. On Wednesday August 6, 1975, Laurel J. Mitchell (who was then 17 years old) was dropped off at work by her mother at the Epworth Forest church camp snack bar. Epworth Forest is on the North side of North Webster Lake in North Webster, Indiana.
  - b. According to her co-worker at the snack bar, when it got close to the time to close (approximately 10:00 p.m.) the co-worker offered Laurel J. Mitchell a ride home, and she declined indicating she had a ride.
  - c. Laurel J. Mitchell left work around 10:00 p.m., Scott Pruitt advised he saw Laurel J. Mitchell walking in Epworth Forest and waived at her. Laurel J. Mitchell was supposed to meet friends at the Adventureland amusement park on the north side of North Webster. This would have required her to walk out to Epworth Forest Road approximately 1/2 mile to the Adventureland amusement park.
11. The investigating officers were provided many potential leads by members of the public, most of which were not actionable, however, Indiana State Police Detectives:
  - a. Interviewed Frank Overmeyer and his wife on August 14, 1975. Overmeyers lived on Epworth Forest Road just west of Epworth Forest. Frank Overmeyer advised on August 6, 1975 he was at home watching TV and heard a loud car go, and the car turned around and stopped East of their house. Frank reported he then heard what he thought sounded like someone slamming the trunk on a car. Frank reported he turned on his porch light and stepped outside. When he stepped out, two cars were leaving the area. The first car was the one that had gone by his house that he described was a red-orange GM product, possibly an Oldsmobile Cutlass. The second vehicle was a medium green mustang. The Oldsmobile was very loud and sounded like it was loud by design.
  - b. Interviewed Kathryn Flynn, who lives 1/2-mile east of Epworth Forest on Epworth Forest Road. She advised she was home on Wednesday August 6, 1975 and that around 10:00 p.m., or a little later, an old car turned into the drive next door and turned around as it came back by her house, she informed investigators that she heard several voices say, "Let's get" or "Let's get her". She advised the car was very loud and probably a dark color.
12. No arrests were made and the case remained open for many years. Leads were investigated and potential suspects were identified, but no information that would support an arrest was developed.
13. In 2013 Detective Shawn Dunafin of the Noble County Sheriff's Department, was contacted by Ranae Sexton from Port Charlotte Florida. Det. Dunafin interviewed Sexton in Florida on June 7, 2013. Sexton informed Det. Dunafin that:
  - a. She lived in Noble County as a teenager and that she was 16 years old in 1975;
  - b. She went on a date with a man named John Wayne Lehman and while on the date they went to a party. After the party John Wayne Lehman was driving her home when John Wayne Lehman admitted his involvement in a crime that he committed with his friend, Fred Bandy;

- c. John Wayne Lehman provided details of the crime to Sexton that are consistent with the findings made by police where Laurel J. Mitchell's body was found and the anatomical findings made by Dr. Sankey during the autopsy of Laurel J. Mitchell's body;
14. On July 3, 2014, I interviewed Bill McDonald at the Ligonier Police Department. McDonald indicated that back in the 1975 he was a sophomore at West Noble High School and that he socialized with a man named Fred Bandy, Jr. Bill McDonald informed me that after the Laurel J. Mitchell murder, Fred Bandy, Jr., told him that he had committed the crime that took place at Mallard's Roost.
  15. On September 25, 2019, Noble County Sheriff's Department Det. Joe Hutsell met with Rick Johnson to interview him about the Laurel J. Mitchell case. Rick Johnson informed Det. Hutsell that he was friends with Bill McDonald and that while he was in high school, he, Bill McDonald, Fred Bandy, John Wayne Lehman and others were at a party together. While at the party, a conversation about the Murder of Laurel J. Mitchell came up and Fred Bandy Jr. stated he and John Wayne Lehman committed that crime, together.
  16. In 2019, I resubmitted items of Laurel J. Mitchell's clothing to the Indiana State Police Laboratory Division for examination and potential DNA testing in this case. In February 2020 a Certificate of Analysis was generated by the Indiana State Police Laboratory Division that shows a male DNA profile from was developed from Laurel J. Mitchell's clothing. It was further determined that both profiles came from the same person. The investigation in this case had generated three other potential suspects, other than Fred Bandy, Jr., and John Wayne Lehman. All three of the other suspects were eliminated as possible contributors of the DNA profile obtained from the Laurel J. Mitchell's clothing.
  17. In late 2022, I directed Indiana State Police Detective Arthur Smith to obtain a DNA sample from suspect Fred Bandy Jr. based upon the information that had been provided about Fred Bandy Jr. possibly being involved. Detective Arthur Smith obtained a voluntary DNA sample (buccal swab) from Fred Bandy Jr. on December 5, 2022 at Fred Bandy's residence in Goshen, Indiana.
  18. Fred Brandy Jr.'s buccal swab was submitted to the Indiana State Police Laboratory Division. On January 13, 2023 Sharon Pollock, Forensic Scientist with the Biology Unit of the Indiana State Police Laboratory Division sent me a Certificate of Analysis which shows, among other things, that Fred Bandy Jr. is thirteen billion (13,000,000,000) times more likely to be the contributor of the DNA in Laurel J. Mitchell's clothing than any other unknown person.
  19. A review of Indiana State Police records revealed an case report from August 14, 1974 showing Fred Bandy Jr., was driving a 1971 "Olds" at that time;

Based upon the above described facts, I believe that Laurel J. Mitchell left work at the Epworth Forest church camp snack bar on August 6, 1975 around 10:00 p.m. walking in the direction of the Adventureland amusement park. At some point she was removed from that area by Fred Bandy, Jr., and John Wayne Lehman, using Fred Bandy Jr.'s 1971 Oldsmobile. Fred Bandy, Jr. and John Wayne Lehman brought Laurel J. Mitchell to the Mallard Roost public access site on County Road 600N in Noble County, Indiana. At that location, Fred Bandy, Jr., and John Wayne Lehman forcibly removed Laurel J. Mitchell from the car to the water, where she was then forcibly, deliberately drowned. It is my belief that by these actions Fred Bandy, Jr. and John Wayne Lehman committed the crime of Murder in violation of I.C. §35-13-4-1 (as of 1975) by intentionally killing Laurel J. Mitchell with premeditated malice.

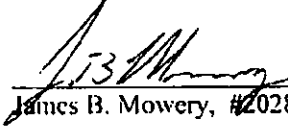
I affirm under the penalties for perjury as specified by I.C. § 35-44.1-2-1 that the foregoing representations are true and accurate to the best of my knowledge.

Dated this 2<sup>nd</sup> day of February, 2023.



Capt. Kevin Smith/PE #5054  
Indiana State Police

Form approved by:



James B. Mowery, #20280-02  
Prosecuting Attorney  
33rd Judicial Circuit of Indiana  
Noble County, Indiana

STATE OF INDIANA )  
 ) SS:  
COUNTY OF NOBLE )

IN THE NOBLE CIRCUIT COURT

CAUSE NO. 5701-2302-MR-2

STATE OF INDIANA )  
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-vs- )  
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FRED BANDY, Jr. )  
DOB: 08/01/1955 )  
SSN: XXX-XX-3674 )

AFFIDAVIT OF PROBABLE CAUSE  
REGARDING THE CHARGE OF  
MURDER; A FELONY  
I.C. §35-13-4-1 (as of 1975)

**FILED**

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Kevin Smith/PE #5054, the undersigned, is a law enforcement officer with the Indiana State Police Department, and has probable cause to believe that Fred Bandy, Jr., did commit the offenses of *Anthony Burnes*  
MURDER, in violation of I.C. §35-13-4-1 (as of 1975), and;

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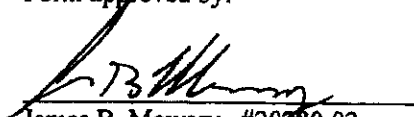
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I affirm under the penalties for perjury as specified by I.C. § 35-44.1-2-1 that the foregoing representations are true and accurate to the best of my knowledge.

Dated this 2<sup>nd</sup> day of February, 2023.

  
Capt. Kevin Smith/PE #5054  
Indiana State Police

Form approved by:

  
James B. Mowery, #20780-02  
Prosecuting Attorney  
33rd Judicial Circuit of Indiana  
Noble County, Indiana