



APPEARANCE FORM (CRIMINAL)
State of Indiana

Case Number: 37C01-0403-FD-

1. Name of Defendant: Kyle S. Hamilton

2. Case Type of proceeding: D Felony

3. Prosecuting Attorney information:

Name: Michael D. O'Neill

Attorney No. 9758-37

Address: 128 N. Cullen

Phone: 219-866-5321

Rensselaer, IN 47978 FAX: 219-866-4967

4. Will the State accept service by FAX: Yes

5. Arrest report number:

6. Additional information required by state or local rules:

STATE OF INDIANA) IN THE JASPER CIRCUIT COURT
)
 COUNTY OF JASPER)
)
) CAUSE NO. 37C01-
 STATE OF INDIANA)
)
) VS.
 KYLE S. HAMILTON)
)

O R D E R

Comes now the State of Indiana by its (Deputy) Prosecuting Attorney in and for the 30th Judicial Circuit of Indiana and files Probable Cause Affidavit along with Information charging the Defendant, with Six (6) Counts of Conversion as Class A Misdemeanors and two (2) Counts of Theft as Class D Felonies, all of which reads as follows: (Insert).

The Court, having reviewed the probable cause affidavit and being duly advised in the premises, now finds that probable cause exists for the arrest of the Defendant. The Court further finds however, that there is reasonable grounds to believe that the Defendant will appear in response to a summons, and therefore, the Clerk of this Court should issue a summons by Certified Mail to the Defendant.

IT IS THEREFORE ORDERED AND DECREED by the Court that the Clerk of this Court shall issue a summons to the Defendant, Kyle S. Hamilton , P.O. Box 471, N. Hollywood, California

FURTHER ORDERED, that this matter is hereby scheduled for initial hearing on the ____ day of _____ 2004 at 9:00 o'clock A_M. to be held in the Jasper Circuit Court, Courthouse, 115 West Washington St., Rensselaer, IN 47978. The Defendant is ordered and directed to appear on said date and at said time.

ORDERED THIS _____ DAY OF _____, _____.

 E. Duane Daugherty, Judge

STATE OF INDIANA)
) SS:
COUNTY OF JASPER)

IN THE JASPER CIRCUIT COURT
CAUSE NUMBER: 37C01-0403-FD-

STATE OF INDIANA

INFORMATION FOR:

VS

Count 1:

KYLE S. HAMILTON

Conversion

P.O. Box 471
N. Hollywood, CA

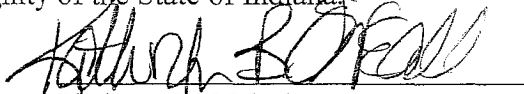
I.C. 35-43-4-3

a Class A Misdemeanor

DOB: 2/15/1954
SSN: 322-50-7790

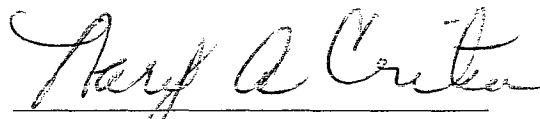
Count 1


The undersigned, being duly sworn upon oath, says that on or about May 29, 2001 in Jasper County, State of Indiana, Kyle S. Hamilton did knowingly exert unauthorized control over the property of Martha Ham, or the Martha E. Ham Revocable Living Trust, to-wit: cash in the amount of \$93,304.49, contrary to the form of the statutes in such cases made and provided by I.C. 35-43-4-3 and against the peace and dignity of the State of Indiana.


Kathryn B. O'Neill

Subscribed and sworn to before me this 18th day of March, 2004.

My commission expires: July 15, 2007


Mary A Critser
A Resident of Jasper County

APPROVED BY ME:

Kathryn B. O'Neill
Chief Deputy Prosecuting Attorney

STATE OF INDIANA)
) SS:
COUNTY OF JASPER)

IN THE JASPER CIRCUIT COURT
CAUSE NUMBER: 37C01-0403-FD-

STATE OF INDIANA

INFORMATION FOR:

VS

Count 2:

KYLE S. HAMILTON

Conversion

P.O. Box 471
N. Hollywood, CA

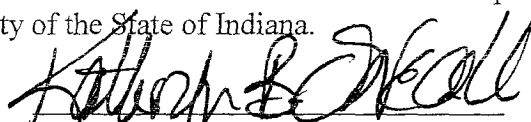
I.C. 35-43-4-3

a Class A Misdemeanor

DOB: 2/15/1954
SSN: 322-50-7790


Count 2

The undersigned, being duly sworn upon oath, says that on or about July 23, 2001 in Jasper County, State of Indiana, Kyle S. Hamilton did knowingly exert unauthorized control over the property of Martha Ham, or the Martha E. Ham Revocable Living Trust, to-wit: cash in the amount of \$25,000.00, contrary to the form of the statutes in such cases made and provided by I.C. 35-43-4-3 and against the peace and dignity of the State of Indiana.



Kathryn B. O'Neall

Subscribed and sworn to before me this 18th day of March, 2004.

My commission expires: July 15, 2007


Mary A Critser
A Resident of Jasper County

APPROVED BY ME:


Kathryn B. O'Neall
Chief Deputy Prosecuting Attorney

STATE OF INDIANA)
) SS:
COUNTY OF JASPER)

IN THE JASPER CIRCUIT COURT
CAUSE NUMBER: 37C01-0403-FD-

STATE OF INDIANA

INFORMATION FOR:

VS

Count 3:

KYLE S. HAMILTON

Conversion

P.O. Box 471
N. Hollywood, CA


I.C. 35-43-4-3

a Class A Misdemeanor

DOB: 2/15/1954
SSN: 322-50-7790

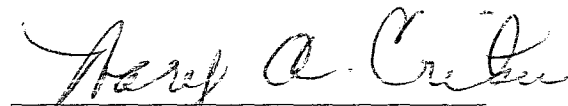
Count 3

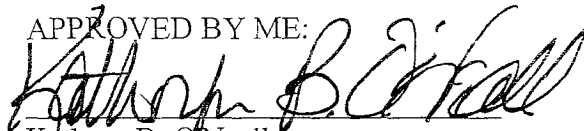
The undersigned, being duly sworn upon oath, says that on or about October 31, 2001 in Jasper County, State of Indiana, Kyle S. Hamilton did knowingly exert unauthorized control over the property of Martha Ham, or the Martha E. Ham Revocable Living Trust, to-wit: cash in the amount of \$10,000.00, contrary to the form of the statutes in such cases made and provided by I.C. 35-43-4-3 and against the peace and dignity of the State of Indiana.


Kathryn B. O'Neill

Subscribed and sworn to before me this 18th day of March, 2004.

My commission expires: July 15, 2007


Mary A Critser
A Resident of Jasper County

APPROVED BY ME:

Kathryn B. O'Neill
Chief Deputy Prosecuting Attorney

STATE OF INDIANA)
) SS:
COUNTY OF JASPER)

IN THE JASPER CIRCUIT COURT
CAUSE NUMBER: 37C01-0403-FD-

STATE OF INDIANA

INFORMATION FOR:

VS

Count 4:

KYLE S. HAMILTON

Conversion

P.O. Box 471
N. Hollywood, CA

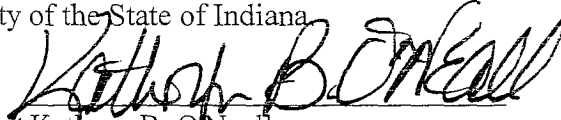
I.C. 35-43-4-3

a Class A Misdemeanor

DOB: 2/15/1954
SSN: 322-50-7790

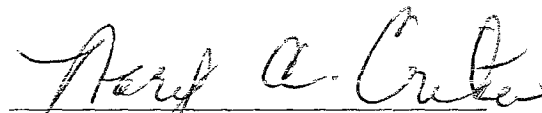
Count 4

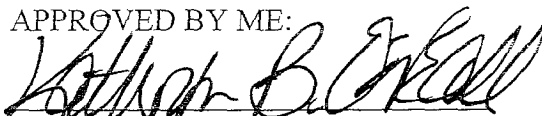
The undersigned, being duly sworn upon oath, says that on or about November 8, 2001 in Jasper County, State of Indiana, Kyle S. Hamilton did knowingly exert unauthorized control over the property of Martha Ham, or the Martha E. Ham Revocable Living Trust, to-wit: cash in the amount of \$10,000.00, contrary to the form of the statutes in such cases made and provided by I.C. 35-43-4-3 and against the peace and dignity of the State of Indiana.


Kathryn B. O'Neill

Subscribed and sworn to before me this 18th day of March, 2004.

My commission expires: July 15, 2007


Mary A Critser
A Resident of Jasper County

APPROVED BY ME:

Kathryn B. O'Neill
Chief Deputy Prosecuting Attorney

STATE OF INDIANA)
) SS:
COUNTY OF JASPER)

IN THE JASPER CIRCUIT COURT
CAUSE NUMBER: 37C01-0403-FD-

STATE OF INDIANA

INFORMATION FOR:

VS

Count 5:

KYLE S. HAMILTON

Conversion

P.O. Box 471
N. Hollywood, CA

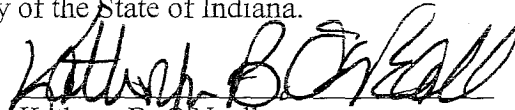
I.C. 35-43-4-3

a Class A Misdemeanor

DOB: 2/15/1954
SSN: 322-50-7790


Count 5

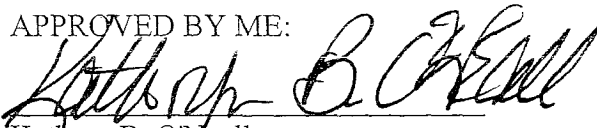
The undersigned, being duly sworn upon oath, says that on or about December 4, 2001 in Jasper County, State of Indiana, Kyle S. Hamilton did knowingly exert unauthorized control over the property of Martha Ham, or the Martha E. Ham Revocable Living Trust, to-wit: cash in the amount of \$10,000.00, contrary to the form of the statutes in such cases made and provided by I.C. 35-43-4-3 and against the peace and dignity of the State of Indiana.


Kathryn B. O'Neall

Subscribed and sworn to before me this 18th day of March, 2004.

My commission expires: July 15, 2007


Mary A Critser
A Resident of Jasper County

APPROVED BY ME:

Kathryn B. O'Neall
Chief Deputy Prosecuting Attorney

STATE OF INDIANA)
) SS:
COUNTY OF JASPER)

IN THE JASPER CIRCUIT COURT
CAUSE NUMBER: 37C01-0403-FD-

STATE OF INDIANA

INFORMATION FOR:

VS

Count 6:

KYLE S. HAMILTON

Conversion

P.O. Box 471
N. Hollywood, CA


I.C. 35-43-4-3

a Class A Misdemeanor

DOB: 2/15/1954
SSN: 322-50-7790


Count 6

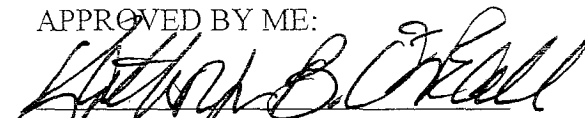
The undersigned, being duly sworn upon oath, says that on or about January 2, 2002 in Jasper County, State of Indiana, Kyle S. Hamilton did knowingly exert unauthorized control over the property of Martha Ham, or the Martha E. Ham Revocable Living Trust, to-wit: cash in the amount of \$5,000.00, contrary to the form of the statutes in such cases made and provided by I.C. 35-43-4-3 and against the peace and dignity of the State of Indiana.


Kathryn B. O'Neill

Subscribed and sworn to before me this 18th day of March, 2004.

My commission expires: July 15, 2007


Mary A Critser
A Resident of Jasper County

APPROVED BY ME:

Kathryn B. O'Neill
Chief Deputy Prosecuting Attorney

STATE OF INDIANA)
) SS:
COUNTY OF JASPER)

IN THE JASPER CIRCUIT COURT
CAUSE NUMBER: 37C01-0403-FD-

STATE OF INDIANA
VS

INFORMATION FOR:
Count 7:

KYLE S. HAMILTON

Theft

P.O. Box 471
N. Hollywood, CA

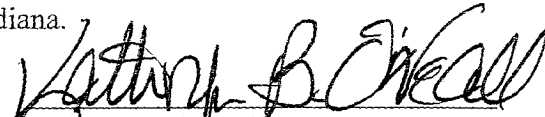
I.C. 35-43-4-2(a)

a Class D Felony

DOB: 2/15/1954
SSN: 322-50-7790

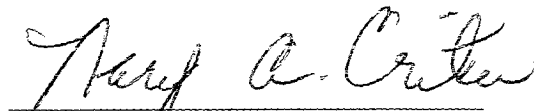
Count 7

The undersigned, being duly sworn upon oath, says that on or about September 3, 2002 in Jasper County, State of Indiana, Kyle S. Hamilton did knowingly exert unauthorized control over the property of Martha Ham, to-wit: cash in the amount of \$1600.00; with the intent to deprive said person of any part of the use or value of the property contrary to the form of the statutes in such cases made and provided by I.C. 35-43-4-2(a) and against the peace and dignity of the State of Indiana.



Kathryn B. O'Neall

Subscribed and sworn to before me this 18th day of March , 2004.

My commission expires: July 15, 2007


Mary A Critser
A Resident of Jasper County

APPROVED BY ME:


Kathryn B. O'Neall
Chief Deputy Prosecuting Attorney

STATE OF INDIANA)
) SS:
COUNTY OF JASPER)

IN THE JASPER CIRCUIT COURT
CAUSE NUMBER: 37C01-0403-FD-

STATE OF INDIANA

INFORMATION FOR:

VS

Count 8:

KYLE S. HAMILTON

Theft

P.O. Box 471
N. Hollywood, CA

I.C. 35-43-4-2(a)

a Class D Felony

DOB: 2/15/1954
SSN: 322-50-7790

Count 8

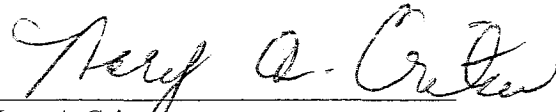
The undersigned, being duly sworn upon oath, says that on or about September 21, 2001 in Jasper County, State of Indiana, Kyle S. Hamilton did knowingly exert unauthorized control over the property of the Martha E. Ham Revocable Living Trust to-wit: cash, by using an ATM card to withdraw money from Martha E. Ham Revocable Living Trust account in the National City Bank, in Jasper County, IN with the intent to deprive said person of any part of the use or value of the property

contrary to the form of the statutes in such cases made and provided by I.C. 35-43-4-2(a) and against the peace and dignity of the State of Indiana.

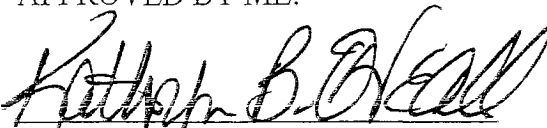

Kathryn B. O'Neill

Subscribed and sworn to before me this 18th day of March, 2004.

My commission expires: July 15, 2007


Mary A Critser
A Resident of Jasper County

APPROVED BY ME:


Kathryn B. O'Neill
Chief Deputy Prosecuting Attorney

STATE OF INDIANA)
) SS:
COUNTY OF JASPER)

IN THE JASPER CIRCUIT COURT
CAUSE NUMBER: 37C01-0403-FD-

STATE OF INDIANA

AFFIDAVIT FOR PROBABLE CAUSE

VS

Count 1:

KYLE S. HAMILTON

Conversion

I.C. 35-43-4-3

a Class A Misdemeanor

Count 2:

Conversion

I.C. 35-43-4-3

a Class A Misdemeanor

Count 3:

Conversion

I.C. 35-43-4-3

a Class A Misdemeanor

Count 4:

Conversion

I.C. 35-43-4-3

a Class A Misdemeanor

Count 5:

Conversion

I.C. 35-43-4-3

a Class A Misdemeanor

Count 6:

Conversion

I.C. 35-43-4-3

a Class A Misdemeanor

Count 7:

Theft

I.C. 35-43-4-2(a)

a Class D Felony

Count 8:

Theft

I.C. 35-43-4-2(a)

a Class D Felony

The undersigned, being duly sworn upon her oath, deposes and says upon information and belief that Kyle S. Hamilton has committed the offense of Count 1: Conversion, a Class A Misdemeanor, Count 2: Conversion, a Class A Misdemeanor, Count 3: Conversion, a Class A Misdemeanor, Count 4: Conversion, a Class A Misdemeanor, Count 5: Conversion, a Class A Misdemeanor, Count 6: Conversion, a Class A Misdemeanor, Count 7: Theft, a Class D Felony, and Count 8: Theft, a Class D Felony, and in support thereof says as follows:

That on the 20th day of February, 2001, Kyle Hamilton accepted guardian of the person of Martha Ham, which guardianship is filed in the Jasper Superior Court, under Cause No. 37D01-0102-GU-048.

Due to Martha Ham's incapacity and incompetence, Kyle Hamilton became successor Trustee over the Martha E. Ham Revocable Living Trust.

On 08-13-02, Kyle Hamilton was removed as guardian by the Jasper Superior Court. Further, on or about 23rd day of August, 2002, Kyle Hamilton was removed as Trustee of the Martha E. Ham Revocable Living Trust.

On or about May 29, 2001, there was a wire transfer from the Martha E. Ham Revocable Living Trust at National City Bank, Rensselaer, IN to Union Bank of CA, Manhattan Beach, CA. in the amount of \$93,304.49. Further on or about July 23, 2001 check #01098 was drawn on Martha E. Ham Revocable Living Trust, National City Bank, Rensselaer, IN in the amount of \$25,000.00 and signed by Kyle Hamilton. Further, on or about October 31, 2001, check # 01098 was drawn on the Martha E. Ham Revocable Living Trust, National City Bank, Rensselaer, IN in the amount of \$10,000.00 and signed by Kyle Hamilton. On or about November 8, 2001, a check, check # 0435 was drawn on the Martha E. Ham Revocable Living Trust, National City Bank, Rensselaer, IN in the amount of \$10,000.00 and signed by Kyle Hamilton. On or about December 4, 2001, a check, check #01142 in the amount of \$10,000.00 was drawn on the Martha E. Ham Revocable Living Trust, National City Bank, Rensselaer, IN and signed by Kyle Hamilton. On or about January 2, 2002, a check, check #01154 in the amount of \$5,000.00 was drawn on the Martha E. Ham Revocable Living Trust, National City Bank, Rensselaer, IN and signed by Kyle Hamilton. All checks were payable to the Martha E. Ham Revocable Living Trust but not deposited in the local Trust Account. All checks were indorsed by Kyle Shana Hamilton without showing any representative capacity.

Bank statements from the National City Bank of Rensselaer for the Martha E. Ham Revocable Living Trust account show an ATM/Check card withdrawal on September 21, 2001 for "cash" from an ATM at 1701 Super Mall Way in Auburn, Washington.

As of March 16, 2004, no monies which were so transferred above have been returned or account made to the successors of Kyle Hamilton. Inquires made to the Union Bank of CA, Manhattan Beach, CA branch by successor Trustee, Richard Comingore, show approximately \$15.00 remaining in said account.

On September 3, 2002, after being removed as successor Trustee and removed as Guardian, Kyle Hamilton removed funds from the account of Martha E. Ham which account was held by the National City Bank of Rensselaer, Jasper County, Indiana.

Kyle Hamilton accomplished this by traveling to another National City Bank branch (where her situation was not known) some forty-five (45) miles away. Kyle Hamilton was unable to withdraw funds with her own signature and returned to Rensselaer, went to her mother, Martha E. Ham, a person adjudicated incompetent over a year before, confined to a nursing home facility, and had Martha E. Ham sign a bank draft (check) in the amount of \$1,600.00. Said check made payable to Kyle Hamilton. Kyle Hamilton then took the check back to Merrillville and cashed the check at the National City Bank branch there.

At no time did Kyle Hamilton tell the bank that Martha E. Ham had been adjudicated incompetent. Kyle Hamilton had no permission from her successors as guardian and/or trustee to remove monies from these account .

Deric A. Beier
Deric Beier

Subscribed and sworn to before me this 30th day of March, 2004.

My Commission Expires;
July 15, 2007

Mary A. Critser
Mary A. Critser, a Resident
Of Jasper County, IN