

STATE OF INDIANA ) IN THE MARION SUPERIOR COURT  
 ) SS:  
COUNTY OF MARION ) CAUSE NO. 49G04-1807-MC-022315  
 )  
IN RE THE, )  
APPOINTMENT OF A )  
SPECIAL PROSECUTOR )

**CURTIS HILL'S RESPONSE TO THE MARION COUNTY PROSECUTOR'S  
VERIFIED MOTION FOR APPOINTMENT OF SPECIAL PROSECUTOR**

Comes now Curtis Hill, Jr., by counsel, James H. Voyles and Jennifer M. Lukemeyer, and respectfully files his Response to Marion County Prosecutor Terry Curry's Verified Motion for Appointment of Special Prosecutor. In support of this Response, Curtis Hill Jr., would show the Court the following:

1. Indiana Code 33-39-10-2(c)(2) provides that a person appointed to be a special prosecutor must be (A) "the prosecuting attorney or a deputy prosecuting attorney in a county other than the county in which the person is to serve as special prosecutor; or" (B) "a senior prosecuting attorney as described in section 1 of this chapter. A senior prosecuting attorney may be appointed to serve as a special prosecutor in a county in which the senior prosecuting attorney previously served if the court finds that the appointment would not create the appearance of impropriety."
2. The Verified Motion for Appointment of a Special Prosecutor ("Motion") states that the Marion County Prosecutor's Office has "information" that has been presented to it by the Indiana Inspector General that there is an "ongoing investigation of Curtis T. Hill, Jr."

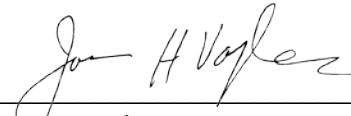
3. The Motion does not specify any details of the information received by Marion County Prosecutor from the Indiana Inspector General. The Motion does not detail the nature of the investigation of Curtis Hill, Jr.
4. Based upon the recent allegations against Curtis Hill Jr., in the media, this Motion leads to speculation that a criminal act has occurred; when in fact there has been no criminal allegation or report made to law enforcement authorities. The nature of the allegations reported throughout the media do not fall under the purview of the Inspector General's investigatory authority and thus said "information" provided to the Marion County Prosecutor's Office would not warrant a prosecutor's involvement. Thus, the appointment of any Special Prosecutor is premature at this point.
5. Indiana Code 4-2-7-2(b), provides that the "Inspector General is responsible for addressing fraud, waste, abuse, and wrongdoing in agencies."
6. Indiana Code 4-2-7-3 provides that the Inspector General shall "initiate, supervise, and coordinate investigations" and "receive complaints alleging the following: a violation of the code of ethics, bribery, official misconduct, conflict of interest, profiteering from public service, a violation of executive branch lobby rules, or a violation of statute or rule relating to the purchase of goods or services by a current or former employee, state officer, special state appointee, lobbyist, or person who has a business relationship with an agency."
7. To Mr. Curtis Hill's knowledge there have been no complaints alleging he has participated in any of the conduct outlined in Indiana Code 4-2-7-3 which would permit the Indiana Inspector General the authority to investigate him.
8. The Indiana Inspector General has no authority or jurisdiction to investigate Curtis Hill Jr. under the current circumstances because, again based upon the recent allegations, it is

speculative that the “ongoing investigation” is related to those allegations and therefore fall outside the purview of the Inspector General’s authority and jurisdiction.

9. Another problem with the Motion’s vagueness as to this “information” is will be the appointing judge’s ability to define the scope of any investigation to be conducted by a Special Prosecutor. A primary role of the appointing Judge is to “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.” Indiana Code 33-39-10-2(d).
10. This intrinsically important role of the Judge is abolished if the there is no specified information or complaint, as is in this case. As this case is currently presented, the Judge would be factually prohibited from defining the scope of the duties of any special prosecutor because there is no specified information or complaint available.
11. It is Mr. Curtis Hill Jr.’s position that appointment of a special prosecutor is premature and/or anticipatory and does nothing more than create the impression and fuel the speculation that there was a crime committed or should be a criminal investigation. Not only would such appointment be anticipatory but it would be appointing a prosecutor in a vacuum.

WHEREFORE, Mr. Curtis Hill Jr., prays that this Court does not appoint a special prosecutor unless there is an actual specified criminal complaint provided to the State of Indiana; and that such complaint or information should not be the result of an investigation lead by the Indiana Inspector General as it is outside the scope of the Indiana Inspector General’s authority and jurisdiction and for all other relief just and proper.

Respectfully submitted,



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#### CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2018, I electronically filed the foregoing document using the Indiana E-Filing System. I also certify that on July 12, 2018, the foregoing document was served upon the following persons/entity, by e-service:

Marion County Prosecutor's Office



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