

STATE OF INDIANA)
) ss:
COUNTY OF LAKE)

SUPERIOR COURT OF LAKE COUNTY
CRIMINAL DIVISION
CROWN POINT, INDIANA

STATE OF INDIANA)

V.)

CAUSE:

RILEY LOWELL CHOATE)
DOB: 5/03/72 SSN:)
KIMBERLY LEONA KUBINA)
a/k/a KIMBERLY LEONA KUBINA-CHOATE)
a/k/a KIMBERLY LEONA CHOATE)
DOB: 7/24/65 SSN:)

INFORMATION

COUNT I [MURDER]

Michelle Weaver, upon oath, says that between April 1, 2008 and May 4, 2011, in the County of Lake, State of Indiana, RILEY LOWELL CHOATE and KIMBERLY LEONA KUBINA did knowingly or intentionally kill Christian Choate, contrary to I.C. 35-42-1-1, and against the peace and dignity of the State of Indiana.

COUNT II [BATTERY (A)]

Michelle Weaver, upon oath, says that between April 1, 2008 and May 4, 2011, in the County of Lake, State of Indiana, RILEY LOWELL CHOATE and KIMBERLY LEONA KUBINA, being at least eighteen (18) years of age, did knowingly or intentionally touch Christian Choate in a rude, insolent, or angry manner which resulted in death to Christian Choate who was less than fourteen (14) years of age, contrary to I.C. 35-42-2-1, and against the peace and dignity of the State of Indiana.

COUNT II [NEGLECT OF A DEPENDENT (A)]

Michelle Weaver, upon oath, says that between April 1, 2008 and May 4, 2011, in the County of Lake, State of Indiana, RILEY LOWELL CHOATE and KIMBERLY LEONA KUBINA, being at least eighteen (18) years of age, and having the care of Christian Choate, a dependent, whether assumed voluntarily or because of a legal obligation, did knowingly or intentionally place Christian Choate in a situation that endangered his life or health and which resulted in death to Christian Choate, who was less than fourteen (14) years of age, contrary to I.C. 35-46-1-4, and against the peace and dignity of the State of Indiana.


COUNT III
[NEGLECT OF A DEPENDENT (A)]

Michelle Weaver, upon oath, says that between April 1, 2008 and May 4, 2011, in the County of Lake, State of Indiana, RILEY LOWELL CHOATE and KIMBERLY LEONA KUBINA, being at least eighteen (18) years of age, and having the care of Christian Choate, a dependent, whether assumed voluntarily or because of a legal obligation, did knowingly or intentionally deprive Christian Choate of necessary support, to-wit: prompt medical attention, which resulted in death to Christian Choate, who was less than fourteen (14) years of age, contrary to I.C. 35-46-1-4, and against the peace and dignity of the State of Indiana.

COUNT V
[CRIMINAL CONFINEMENT (B)]

Michelle Weaver, upon oath, says that between April 1, 2008 and May 4, 2011, in the County of Lake, State of Indiana, RILEY LOWELL CHOATE and KIMBERLY LEONA KUBINA did knowingly or intentionally confine Christian Choate without his consent which resulted in serious bodily injury to Christian Choate, contrary to I.C. 35-42-3-3, and against the peace and dignity of the State of Indiana.

I swear, under the penalty for perjury as specified by I.C. 35-44-2-1, that the foregoing is true to the best of my information and belief.



AFFIANT, Michelle Weaver

Subscribed and sworn to before me and approved for prosecution on May 10, 2011.

BERNARD A. CARTER
PROSECUTING ATTORNEY



David J. Kowalczyk
DEPUTY PROSECUTING ATTORNEY

STATE OF INDIANA)
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COUNTY OF LAKE) ss:

SUPERIOR COURT OF LAKE COUNTY
CRIMINAL DIVISION
CROWN POINT, INDIANA

STATE OF INDIANA)
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RILEY LOWELL CHOATE)
KIMBERLY LEONA KUBINA)
A/K/A KIMBERLY LEONA KUBINA-CHOATE; KIMBERLY LEONA CHOATE)

CAUSE:

PROBABLE CAUSE AFFIDAVIT

Affiant swears or affirms that she believes and has good cause to believe that:

Affiant a detective with the Lake County police department was involved in the investigation of an incident which occurred between approximately April 1, 2009 and May 4, 2011 in the 5900 block of W. 36th Avenue, Gary, Lake County, Indiana.

I reviewed the report of Lake County police officers Troy Johnson and John Pioch which reports are kept in the normal and ordinary course of business of said department who reported that on May 1, 2011 they spoke with Aimee and Silas Estrada on W. 48th Place and Aimee stated that she had received information about the death of her son Christian Choate. She received information from her juvenile daughter that Christian had died in Gary and then his body was placed in a plastic tote or bin and transported to her grandmothers house at another location on W. 36th Avenue. His body was taken there by Christian's father, Riley Choate and her juvenile daughter. Her daughter told her that Kimberly Choate who is Riley Choate's current wife stated that they attempted to bury him under a shed but failed to do so and that two days later they buried him two doors down from that address in a wooded area and poured concrete over the tote. Her daughter told her that Riley and Kimberly told people that Christian ran away when people would ask about him.

Detective Dennis M. Eaton spoke with this juvenile girl who was the sister of Christian Choate on May 2, 2011. She stated that on or about the week of April 5, 2009 her brother Christian became ill and stopped eating and later she observed that he was not breathing. She notified her step-mother Kimberly Choate who instructed her to give Christian some breaths. The girl stated that she attempted to perform CPR on Christian but he was already deceased. The girl said that her father Riley Choate and her step-mother Kimberly then wrapped Christian's body in two plastic garbage bags and placed his body in a plastic tote which was then placed in the back of the van along with several other totes. She saw her father and step-mother drive the body to her grandmothers residence in the 5900 block of W. 36th Avenue and place the body inside the residence. She said that on or about April 8, 2009 she saw Riley Choate and Kimberly Choate come back to their residence also in the 5900 block of W. 36th Avenue and a couple of hours later the two of them returned home covered in mud. Kimberly told the girl that Christian was buried in the woods behind their grandmothers home and that he was covered in concrete so he couldn't get out. Kimberly also told her that she and Riley had first attempted to bury him under the shed adjacent to one of the above locations but the floor was too hard to break out.

I reviewed the written statement of Aimee Estrada taken by Detective Minchuk which statement is kept in the normal and ordinary course of business of the Lake County police department regarding this incident. She said that she was never married to Riley Choate but they lived together and had two children together including Christian and the above juvenile girl. She said that she eventually left Riley because he was abusive and in July of 2005 Riley received custody of their two children. I discovered during my investigation that Christian was born in 1995. Aimee said that she was not allowed to visit her children at all for the six to seven year period prior to 2011 and that the last time she saw her son Christian Choate was in 2005.

After advising her of her civil and constitutional rights and waiving said rights, Kimberly Choate stated that Rachelle Kubina is one of her biological children. Kimberly said that she and Riley Choate had a relationship spanning 16 years and that they were married in 1999. She said that she and Riley lived on Polk Street in Merrillville and they also lived in the 5900 block of W. 36th Avenue in Gary. Riley Choate's children Nathan, Christian and the above juvenile girl lived with them. Kimberly said that the last time she saw Christian Choate was four years ago when she, Riley and his children were having a cook out at Oak Ridge Prairie in Griffith when she saw Christian leaving with his father in his vehicle. She believed that Christian was about 14 years old at the time. She said that she did not ask Riley about Christian's whereabouts and assumed that Christian had gone to live with his biological mother. She said she remembered hearing Riley tell her that he was taking Christian to his mothers.

I spoke with Rachelle Kubina who I believe to be truthful and credible because she spoke of facts from within her own personal knowledge who stated that Christian Choate came to live with her family when they were living on Polk Street in Merrillville. She said that they then moved to a mobile home in the 5900 block of W. 36th Avenue in Gary and that Christian slept in a separate bed in the bedroom of Riley and Kimberly Choate. She said that on an unknown date in 2009 she **called her mother and aunt Belinda Bradburn due to a problem which her grandmother was having.** She said that Kimberly went to check on the juvenile girl and Christian and said that the juvenile girl was sleeping but that "Christian was gone". Kimberly came in and said "guys, Christian's gone, we got to look for him". Rachelle said that family members including Riley and Kimberly Choate looked for Christian for two or three days straight and that they couldn't find him. She was unsure if any missing persons reports were made regarding Christian's disappearance. She said that she assumed that Christian was with his mother because that's where he always wanted to be.

After advising him of his civil and constitutional rights and waiving said rights, Riley Choate initially told Detective Eaton, Minchuk and I that on an unknown date in 2009 he had dropped Christian Choate off at the residence of his mother, Aimee Estrada and had not seen him since. He said that later on an unknown date he received a telephone call from his daughter, the above juvenile girl, on his cell phone while he was at work who stated that Christian was not breathing. He returned home and saw that Christian was dead. Christian was laying on his back on a baby mattress in the girls bedroom. He said "if I had to do it over, I'd have just called. But I was freaking out". He decided to bury Christian's body and got a bible and a cross. He said that he and the juvenile girl loaded Christian's body on to the seat of his vehicle after he was placed in a garbage bag. He then drove to a site where he and the girl buried Christian. He then agreed to show us where he buried Christian. He told us that his body could be located under a storage shed on the west side of the mobile home in the 5900 block of W. 36th Avenue. On April 4, 2011 we went to that location with Riley Choate where he entered this shed and indicated to us and crime lab technicians where Christian's body was buried in the ground underneath the plywood floor of the storage shed. He said that Christian had been buried about two feet below the soil underneath the shed, wrapped in a blanket and two black garbage bags. He said that a cross and a bible had been placed on his chest over the bags. He admitted that he had covered Christian's body with lime and had also dumped a bag of quick drying cement over the body. He said that the plywood flooring he had ripped up in order to bury Christian Choate had been burned in a fire pit in the woods to the northwest of the storage shed.

Detective Eaton obtained a search warrant for this property and we also obtained permission to search it from the current resident. At about 6 p.m. on May 4, 2011 Christian Choate's body was recovered buried approximately less than two feet underneath the soil beneath the storage shed and was found as Riley Choate had described, wrapped in a blanket inside two black garbage bags with a bible on his chest and covered with a layer of cement. Christian's body was taken to the Lake County Coroner's Office for an autopsy.

KIMBERLY LEONA KUBINA;

A/K/A KIMBERLY LEONA KUBINA-CHOATE; KIMBERLY LEONA CHOATE

On May 5, 2011 an autopsy was conducted by Dr. Kim and I was present for a portion of this autopsy along with Sam Perez of the Lake County Crime Lab. I then spoke with Deputy Coroner P.J. Adams who I believe to be truthful and credible because he spoke of facts from within his own personal knowledge who stated that the preliminary autopsy results for Christian Choate revealed that he sustained blunt force trauma to his body with internal bleeding and a skull fracture. Christian's death was classified as a homicide due to blunt force trauma.

I reviewed written statements of the above female juvenile who is the sister of Christian Choate, Tabitha Hamby and Tanya Hamby, taken by Detectives Minchuk and Eaton which are kept in the normal and ordinary course of business of the Lake County police department regarding this incident. I also spoke with these two detectives who I believe to be truthful and credible because they spoke of facts from within their own personal knowledge regarding their investigation of these incidents. On May 5, 2011 after advising her of her civil and constitutional rights and waiving said rights, the above female juvenile subject stated that Christian Choate was her brother and that she lived with her father Riley Choate, her step-mother Kimberly Kubina, also known as Kimberly Choate and several other children. They lived in Merrillville and eventually moved to a trailer park in Gary, referring to the above trailer park. She said that Kimberly and Riley regularly abused Christian starting at the Merrillville residence where Christian was locked in a room in the basement. Christian was an average sized boy for his age and was in good health when he began living with them although his health declined as time went on. After the family moved to Gary her father received a dog cage from a neighbor named Laurie who lived directly across from her residence in the trailer park. Riley put Christian in the dog cage which was secured with seven locks and Christian lived in the dog cage everyday for over one year until his death. This cage was located in a front bedroom in their trailer which Christian shared with Riley Choate. Kimberly typically stayed on the couch in the living room and the other minor children lived in a rear bedroom in the trailer. This juvenile stated that she was the sole person responsible for taking care of Christian and her duties included feeding him, taking him to the bathroom, forcing him to do exercises and physically punishing him for failing to follow orders. She said that she often took physical abuse at the hands of Riley Choate for failing to properly perform these duties. Both she and Kimberly kept Christian locked in a cage with the seven locks and the keys to the locks were kept on Riley's computer desk. She said that she believed that Christian was kept in the cage because Riley did not want Christian to tell his biological mother about the abuse. Christian frequently ran away and attempted to make contact with his mother. She said that she had heard Riley make a comment to that effect directly to Kimberly while she was in their presence. She said that on a particular night Riley had to go to work and Christian was not allowed to be in his room. Kimberly and Riley told this juvenile to chain Christian to a bedframe which was leaning up against the dresser in the children's common bedroom. This bedframe stood approximately six feet tall and she chained Christian's hands and feet to the bedframe while striking him and choking him once until he turned blue. She recorded the incident on Kimberly's video camera at Kimberly's direction but Kimberly later recorded over the incident. She later laid the bedframe on the ground so that Christian could sleep. She said that on April 4, 2009 Christian refused to eat. Riley became enraged and punched him with full force several times in the front, side and back of his head before throwing him back in the cage. Riley told her to check on her brother every five minutes or he would do the same thing to her. On the morning of April 5, 2009 she woke up and began checking on Christian as instructed. She was in the trailer with Rachelle, Kimberly and her aunt Belinda Bradburn. Kimberly received a telephone call from Longfellow Elementary School and Kimberly and Belinda left and went to the school while the juvenile female and Rachelle played on the computer. She checked on Christian and tried to feed him some cocoa wheats but he refused so she slapped him across the face two times and placed him in the cage. She checked on him every five minutes as instructed and eventually noticed that he was not breathing. She told Rachelle and they opened the cage before attempting CPR with an air mattress pump. Rachelle called Belinda's cellular phone and told her what happened. Belinda gave Kimberly the phone and Rachelle also told Kimberly what happened. Kimberly and Belinda came home and Kimberly immediately instructed her to wrap Christian in a yellow blanket and place him inside two black plastic construction type

garbage bags and secure them with duct tape which she did. She and Kimberly placed Christian's body in a gray tote with a beige lid and placed it in the back of Kimberly's maroon van. She put other totes in the van and then Kimberly drove to her grandmothers trailer. The juvenile female walked across the street to the trailer as Kimberly drove there where they unloaded the totes including the totes with Christian's body and placed them in the front room of that trailer. When Riley got home that night he grabbed the juvenile female's hair, slammed her face into the wall and punched her repeatedly about her face and body. After a couple of days Riley and Kimberly went to the residence where Christian Choate's body was located. From her residence the juvenile female could see Riley and Kimberly remove the gray and beige tote containing Christian's body and take it towards the back yard. At least an hour later they came back covered in mud. This juvenile female told Kimberly that she was having nightmares about Christian coming back to get her and Kimberly told her not to worry because they had buried him in the woods behind "Aunt Toot's trailer" and Christian couldn't get out because they covered him with concrete and put a cross on his chest. Kimberly instructed her to clean the cage and the area around it with a mixture of bleach and water and she did this. She then placed the cage outside by the shed. Later that day Riley told her "if you say anything, I swear to god I'll kill you and I'll bury you with your brother".

On May 6, 2011 the above folding metal dog cage was recovered from a storage locker in Crofton Kentucky through the use of a search warrant. The above female juvenile subject was brought to that location and she identified it as the cage which Christian Choate was kept in during the above incidents. She identified it by several individual locks on the cage as well as some damage caused to the floor by both Christian and Riley during separate incidents. She also pointed out a small area of black spray paint on the cage which occurred while Christian's hands were once chained to the top of that cage and Kimberly had spray painted Christian's hands because he was crying. She pointed out this area of spray paint to Detectives Eaton and Minchuk. She also stated that she had seen Kimberly Choate's video camera and computer which contained images of Christian at a residence in Kentucky. A search warrant was obtained for that residence and Detectives Eaton and Minchuk recovered several computer towers, digital cameras, cellular telephones, computer disks and other media storage devices, a blanket purportedly belonging to Christian Choate and personal letters composed by Christian Choate from that residence.

During her statement to Detectives Eaton and Minchuk Tanya Hamby said that Christian Choate was her cousin and that they lived together with her uncle Riley, aunt Kim her sister Tabitha, her sister Courtney and her cousins Eddie, Rachelle and the above female juvenile subject. They all lived in Merrillville together before they moved to Gary. She said that on a particular day her aunt Kim, referring to Kimberly Kubina, also known as Kimberly Choate, got mad at Christian and hit him and then her aunt Kim just started hitting him all of the time. When they moved to Gary her aunt Kim started chaining him to a bedframe in their bedroom. All of the children stayed in the same bedroom. A neighbor named Laurie gave them a dog cage for their dog. Laurie moved out around 2008. Kim started putting Christian in the cage instead of tying him to the bedframe and he was locked in the cage everyday. Aunt Kim and the above female juvenile subject kept him locked in the cage. She said that her uncle Riley, referring to Riley Choate didn't lock him in there or tie him up but would beat Christian. The above female juvenile subject was in charge of feeding Christian but she wouldn't feed him when she was mad or just didn't feel like it and the rest of the children would try to sneak Christian food but then aunt Kim would yell at them. Aunt Kim would tell them that they were stupid and tell them "He needs to be locked up. He's a dog". On a particular date in 2009 her aunt Kim tied Christian's hands to the bedframe in their bedroom and the female juvenile subject started beating him and aunt Kim left the room. The girl turned on aunt Kim's video camera and recorded the beating. The other children were not allowed to leave the room so they had to sit and watch the beating. The girl choked Christian a couple of times until he turned blue. Kim walked by to use the bathroom and told the girl to stop choking him. The girl kept Christian tied up and Kim left. Christian was tied up all night and the other children slept in the same room. Christian didn't make much noise when he got beat because he would get beat worse if he did. In the morning Kim and the girl locked Christian back into the cage. She said that when

her grandmother was able to come over and had to use the bathroom that one of the children had to cover the cage with a blanket and Christian had to be quiet or he would get beat. This occurred about two weeks before Christian died. Tanya was at Longfellow Elementary School and her aunt Kim was called because she had bad grades. Her aunt Kim and aunt Belinda came to the school and they were yelling at her. Kim got a call from Rachelle and the volume was up on her phone and she could hear Rachelle was panicked and heard her saying "Mom! Mom! Mom!". Kim hung up the phone and said that she had to go because "grandma fell". Tanya said that she knew that this wasn't right because her grandmother couldn't get up anymore. During another incident when Tanya had a parent/teacher conference her aunt Kim left and told the teacher "grandma fell". Tanya found out later that the juvenile female had taken Christian to their grandmothers house when he could still walk and he had escaped. She said that when they got home from school aunt Kim and uncle Riley told her and Tabitha to go outside and play. Later she and Tabitha went back into the house and sat on the couch right by her aunt Kim and uncle Riley's room. She heard her aunt Kim say "Do you think we're going to get caught?" and uncle Riley said "What are you talking about?" She said that her uncle Riley was into racing and was on a computer playing racing games and that her aunt Kim say, "you know, the thing about Christian". She did not know their exact words but they were talking about burying him by her grandmothers trailer. They said they poured something on him before the concrete. Aunt Kim and uncle Riley then walked out and saw them there and Aunt Kim told them to "take this to our grave or the same thing would happen to us". Aunt Kim then gathered all of the children together and told them that Christian ran away. Aunt Kim said "this is a family thing and we're going to work through it. This goes to the grave". Tanya knew that Christian didn't run away because his feet were numb from being chained up, his body was purple and he could barely stand up. He moaned when he stood up. Tanya was taking the trash out the next day and she saw the cage in the back yard. The cage was in the back yard for a couple of weeks and then she did not know what happened to it. A little while later she heard the female juvenile and her aunt Kim talking in the back bedroom and her aunt Kim asked the juvenile girl what happened. The girl replied "I choked him and he stopped breathing". Tanya said that one time she was going to tell and wrote about this in her pink diary but then her aunt Kim found it and told her that if Tanya told then she would do to her what she did to Christian.

When Detective Eaton was in Kentucky and was carrying the dog cage to his police car he was approached by Jessica Hamby and her daughter Tabitha. Tabitha immediately pointed at the cage and stated "That's Christian's cage. Those are the locks". Tabitha then gave him a statement saying that the beating started on Christian roughly in 2006 after he molested Eddie Choate at their home in the 7200 block of Polk Street in Merrillville. Riley would slap Christian very hard in the face a couple times a week and the beatings started to happen more as Riley and his wife Kim, referring to Kim Kubina, also known as Kimberly Choate, got into disagreements and Riley took it out on Christian. Several months later the slaps turned into full punches and kicks to the head which went on several times a week. They also stopped feeding him and he became very weak and pale. They would not let him wear clothing and made him wear a diaper. They would not let him use the bathroom as much and the above female juvenile subject was put in charge of him. Christian started to put his poop in the walls and dryer vents and she said that there should be pictures taken by her aunt Kim, referring to Kimberly Kubina who put them on her hard drive. Kim and Riley had the female juvenile subject tie up Christian to a bedframe. At first they tried to duct tape him to the bedframe but that didn't work so then they used shoe laces. They left him tied up for several hours and he continued to cry. The juvenile girl kept telling him to shut up and he didn't. The juvenile girl and Kim put a sock in his mouth and kept it in with duct tape. While taping him up she slapped him. Riley got home from work and the juvenile girl cut Christian down. Riley then beat Christian by punching him in the face very hard and she thought that he hit him more than three times. When the beating was done Kim told the juvenile girl to give him a bible and make him read it. She said that this went on daily for two years. Then they moved to the trailer park in Gary, referring to the above location. One day she came home from school and saw a dog cage in the front yard and later saw that same cage in Riley's closet with Christian in it. Riley was able to get himself out of the cage due to his small arms and he ran away from home. The whole family went looking for him

and her aunt Kim found Christian and put him back in the cage. Riley got home from work early that day and started talking about locks with Kim. He then left, went to Menard's and bought four locks. Riley then started to lock Christian in the cage using the locks he bought and some locks he already had. The juvenile girl was still in charge of checking on Christian and did so every four hours or so and she was also in charge of feeding him. After some time she would throw his food away and Tabitha told her aunt Kim because she was worried about Christian and he was looking very sick. Riley and Kim caught the juvenile girl doing this and Riley slapped her. Kim would feed Christian protein shakes to attempt to make him healthy again. Kim then took over feeding him and he started to look better and then she gave the duties back to the juvenile girl. The girl would bathe him two times a week with ice cold water and he would scream due to the water. Her aunt Kim caught her doing this and the girl got beaten by Riley. This was a routine occurrence. In April of 2009 they brought out the bedframe again. Christian's wrists and feet were turning purple from being tied up to the bedframe. He started getting weaker and Kim and the juvenile girl started becoming nicer to him. He was unable to walk on his own and the girl would help him to the bathroom. They started letting him wear clothing again. The last few days prior to his death they let him stay outside the cage and let him lay on an air bed in the back bedroom. Two days prior to his death the juvenile girl gave him another cold bath and he went into shock. The girl took him out and put him to bed. Kim put several covers on him. The next day Tabitha went to school and her aunt Kim had a meeting with her principal about her and her sisters grades. As Tabitha was walking to the principals office she saw her aunt Kim and aunt Belinda run out the front door. School personnel told her that they got a call about their grandmother saying that she fell. Tabitha went home and saw that the cage was in the middle of the livingroom. One of her cousins asked what happened to Christian and Riley said that he went back to his mother.

On May 6, 2011 after advising her of her civil and constitutional rights and waiving said rights, Rachele Kubina spoke with me and said that the above female juvenile subject was Christian's Choate's caretaker and that Rachele was responsible for the welfare of her grandmother and the other children. She was present inside their mobile home in Gary when Riley Choate administered a beating to Christian. They were in a back bedroom and she said that Christian had lied to her dad. She recalled that the juvenile girl had hit Christian in the head with a metal pole causing him to hit the ground. She was present in the trailer when Riley Choate beat Christian and knew that he had gotten beaten before the juvenile female subject had hit him in the head. Rachele was in the bathroom and when she walked out of the bathroom she heard the girl "pop him". She described this pole as a silver metal pole. She said that the last time she saw Christian was probably the day on which the juvenile girl hit him. She said that Christian was in the back bedroom on a mattress. This occurred a day or two prior to when Christian "went missing". She said that Kimberly Kubina could have held a grudge against Christian for molesting Edward Choate. She said that on the day that Christian "went missing" Kimberly and Belinda Bradburn were at Longfellow Elementary School regarding Tanya Hamby's behavioral problems when she called Kimberly home because she believed that her grandmother had gone into respiratory arrest. She said that at that time she was told by Kimberly that Christian was missing from the back bedroom. She said that she had seen Christian once or twice in the cage which was located in the livingroom and that Christian was put inside the cage as punishment. Rachele said that Christian was wearing diapers because when he became angry he would "poop himself as a way to be defiant".

On May 8, 2011 after advising her of her civil and constitutional rights again Rachele Kubina spoke with me again and stated that she was present in the mobile home in the 5900 block of W. 36th Avenue and heard Riley Choate beating Christian in the back bedroom there. She also saw the above female juvenile subject strike Christian in the head with a silver pole and she said that both of these events occurred on the same day. Riley beat Christian in the afternoon and the juvenile female subject struck him in the head with a pole on that same evening around dusk. Not long after that Christian "ran away or went missing". She said that the last thing she remembered regarding Christian was the sound of him moaning as he lay in the back bedroom of the mobile

STATE V RILEY LOWELL CHOATE
KIMBERLY LEONA KUBINA;
A/K/A KIMBERLY LEONA KUBINA-CHOATE; KIMBERLY LEONA CHOATE

PAGE SEVEN

home there. She said that on two occasions she had seen Christian was tied spread eagle to a bed using either chains or ropes and that the above female juvenile then poked him with a broomstick. She did not recall specifically seeing a gray and tan storage tote or a bible with a black cover at the mobile home but they said that they had many of both of these items in their home when Christian "ran away".


Further investigation revealed that Riley Lowell Choate has a date of birth of May 3, 1972. Kimberly Kubina, also known as Kimberly Choate, has a date of birth of July 24, 1965.

I swear, under the penalty for perjury as specified by I.C. 35-44-2-1, that the foregoing is true to the best of my information and belief.


AFFIANT, MICHELLE WEAVER

Subscribed and sworn to before me and approved for prosecution on May 10, 2011.

BERNARD A. CARTER
PROSECUTING ATTORNEY
VWB


DAVID J. KOWALCZYK
DEPUTY PROSECUTING ATTORNEY