

INCIDENT NUMBER: I14080522	Charleston P.D. INCIDENT REPORT	ORI # WV0200200
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ADMINISTRATIVE INFORMATION							
REPORT DATE 08/05/2014 9:44:49 PM		INCIDENT START DATE 08/05/2014 9:52:00 PM		DOW Tue	INCIDENT END DATE 08/05/2014 11:30:05 PM		INCIDENT DESCRIPTION Malicious Wounding
LOCATION OF INCIDENT 310 Quarry Creek Charleston WV 25304-					OFFENSE TRACT SOUTH DISTRICT		CASE STATUS CLEARED BY ARREST
EVIDENCE COLLECTED <input checked="" type="checkbox"/>	WEATHER CLEAR		TEMP 70	LIGHTING ARTIFICIAL / EXTERIOR		EXCEPTIONAL CLEARANCE	
EXC CL DATE							

OFFENSE INFORMATION							
STATUTE CODE 61-2-9(a)		STATUTE DESCRIPTION Malicious assault/Malicious wounding				TYPE OF WEAPON USED OTHER	
UNITS ENTERED	FORCED ENTRY <input type="checkbox"/>	COMPUTER USE <input type="checkbox"/>	ALCOHOL USE <input type="checkbox"/>	DRUG USE <input type="checkbox"/>	SECURITY TYPE	COUNTS 1	COMPLETED <input checked="" type="checkbox"/>
LOCATION TYPE HIGHWAY / ROAD / ALLEY / STREET		BIAS MOTIVATION NONE				CRIMINAL ACTIVITY	
STATUTE CODE		STATUTE DESCRIPTION				TYPE OF WEAPON USED	
UNITS ENTERED	FORCED ENTRY <input type="checkbox"/>	COMPUTER USE <input type="checkbox"/>	ALCOHOL USE <input type="checkbox"/>	DRUG USE <input type="checkbox"/>	SECURITY TYPE	COUNTS	COMPLETED <input type="checkbox"/>
LOCATION TYPE		BIAS MOTIVATION				CRIMINAL ACTIVITY	

VICTIM INFORMATION									
VIC# 1	SAME AS COMPLAINANT <input checked="" type="checkbox"/>		NAME (LAST, FIRST MIDDLE) Gardner Lindsey				HOME #	CELL #	WORK #
ADDRESS							EMAIL		
DOB	AGE 29	TO AGE	SEX FEMALE	RACE WHITE	ETHNICITY NON-HISPANIC	RESIDENT STATUS RESIDENT	HEIGHT 503	WEIGHT 120	
EYE COLOR Blue		HAIR COLOR BLONDE/STRAWBERRY			SSN	OLN #		OLN STATE WV	
SCARS/MARKS/TATTOOS									
EMPLOYER/SCHOOL			OCCUPATION		ADDRESS				
TYPE OF VICTIM ADULT					AGGRAVATED ASSAULT CIRCUM ARGUMENT			STATEMENT <input type="checkbox"/>	DOMESTIC <input checked="" type="checkbox"/>

INJURY TYPE		RELATIONSHIP TO OFFENDER 1-10				Offenses Involved 1-10			
<input type="checkbox"/> None <input type="checkbox"/> Minor <input type="checkbox"/> Internal <input type="checkbox"/> Teeth	<input checked="" type="checkbox"/> Unconscious	1: SIBLING	6:	1: AGGRAVATED ASSAULT	6:				
	<input type="checkbox"/> Lacerations	2:	7:	2:	7:				
	<input type="checkbox"/> Bones	3:	8:	3:	8:				
	<input type="checkbox"/> Other	4:	9:	4:	9:				
		5:	10:	5:	10:				

COMPLAINANT INFORMATION							
NAME (LAST, FIRST MIDDLE) Gardner, Lindsey					HOME #	CELL #	WORK #
ADDRESS					EMAIL		
DOB	AGE 29	SEX FEMALE	RACE WHITE	ETHNICITY NON-HISPANIC	RESIDENT STATUS RESIDENT	OLN #	OLN STATE WV

OFFICER INFORMATION		
REPORTING OFFICER LIOI CHRISTOPHER C 5473	REVIEWING OFFICER	APPROVING OFFICER SETSER JEFFERY S 1196

INCIDENT NUMBER: 114080522	Charleston P.D.	ORI # WV0200200
INCIDENT REPORT OTHER PERSONS INVOLVED		

INVOLVEMENT TYPE WITNESS	NAME (LAST, FIRST MIDDLE) Crawford, Austin	HOME # [REDACTED]	CELL #	WORK #
ADDRESS [REDACTED]		EMAIL [REDACTED]		
DOB [REDACTED]	AGE 19	TO AGE	SEX MALE	RACE WHITE
EYE COLOR		HAIR COLOR	SSN [REDACTED]	ETHNICITY NON-HISPANIC
		OLN #	OLN STATE	
SCARS/MARKS/TATTOOS				STATEMENT <input checked="" type="checkbox"/>

INVOLVEMENT TYPE WITNESS	NAME (LAST, FIRST MIDDLE) Riggs, Susie	HOME # [REDACTED]	CELL #	WORK #
ADDRESS [REDACTED]		EMAIL [REDACTED]		
DOB [REDACTED]	AGE 48	TO AGE	SEX FEMALE	RACE WHITE
EYE COLOR		HAIR COLOR	SSN [REDACTED]	ETHNICITY NON-HISPANIC
		OLN #	OLN STATE	
SCARS/MARKS/TATTOOS				STATEMENT <input checked="" type="checkbox"/>

INVOLVEMENT TYPE WITNESS	NAME (LAST, FIRST MIDDLE) Pollitt, Lisa	HOME # [REDACTED]	CELL #	WORK #
ADDRESS [REDACTED]		EMAIL [REDACTED]		
DOB [REDACTED]	AGE 37	TO AGE	SEX FEMALE	RACE WHITE
EYE COLOR		HAIR COLOR	SSN [REDACTED]	ETHNICITY NON-HISPANIC
		OLN #	OLN STATE	
SCARS/MARKS/TATTOOS				STATEMENT <input checked="" type="checkbox"/>

INVOLVEMENT TYPE WITNESS	NAME (LAST, FIRST MIDDLE) Workman, Margaret	HOME # [REDACTED]	CELL #	WORK #
ADDRESS [REDACTED]		EMAIL [REDACTED]		
DOB [REDACTED]	AGE	TO AGE	SEX FEMALE	RACE WHITE
EYE COLOR		HAIR COLOR	SSN	ETHNICITY NON-HISPANIC
		OLN #	OLN STATE	
SCARS/MARKS/TATTOOS				STATEMENT <input type="checkbox"/>

INVOLVEMENT TYPE	NAME (LAST, FIRST MIDDLE)	HOME #	CELL #	WORK #
ADDRESS		EMAIL		
DOB	AGE	TO AGE	SEX	RACE
EYE COLOR		HAIR COLOR	SSN	ETHNICITY
		OLN #	OLN STATE	
SCARS/MARKS/TATTOOS				STATEMENT <input type="checkbox"/>

INCIDENT NUMBER:

114080522

Charleston P.D.

ORI #

WV0200200

INCIDENT REPORT
SUSPECTS INFORMATION

SUSPECT # 1	ARRESTED <input checked="" type="checkbox"/>	NAME (LAST, FIRST MIDDLE) Gardner, Edward Earnshaw				DOB [REDACTED]	AGE 27	TO AGE
ADDRESS [REDACTED]						OLN # [REDACTED]	OLN STATE WV	
HOME # [REDACTED]	CELL #	WORK #	SSN [REDACTED]	ETHNICITY N	SEX M	RACE W	HEIGHT 600	
WEIGHT 185	HAIR COLOR 3	HAIR STYLE 10 OTHER	HAIR LENGTH SHORT	EYE COLOR 04	GLASSES <input type="checkbox"/>	BUILD 1	COMPLEXION	
SCARS, MARKS, TATTOOS				FACIAL HAIR		TEETH		SPEECH/VOICE
CLOTHING								
DOMINANT HAND AMBIDEXTROUS			RESIDENTIAL STATUS RESIDENT			WEAPON TYPE OTHER		

OFFENSES INVOLVED 1-10

1 AGGRAVATED ASSAULT	2	3	4	5
6	7	8	9	10

SUSPECT #	ARRESTED <input type="checkbox"/>	NAME (LAST, FIRST MIDDLE)				DOB	AGE	TO AGE
ADDRESS						OLN #	OLN STATE	
HOME #	CELL #	WORK #	SSN	ETHNICITY	SEX	RACE	HEIGHT	
WEIGHT	HAIR COLOR BROWN	HAIR STYLE 10 OTHER	HAIR LENGTH SHORT	EYE COLOR Blue	GLASSES <input type="checkbox"/>	BUILD SLIGHT	COMPLEXION	
SCARS, MARKS, TATTOOS				FACIAL HAIR		TEETH		SPEECH/VOICE
CLOTHING								
DOMINANT HAND			RESIDENTIAL STATUS			WEAPON TYPE		

OFFENSES INVOLVED 1-10

1	2	3	4	5
6	7	8	9	10

INCIDENT NUMBER: 114080522	Charleston P.D.	ORI # WV0200200
INCIDENT REPORT NARRATIVE		
NARRATIVE		<input type="checkbox"/> JUVENILE

NARRATIVE TITLE: Narrative

NARRATIVE:

On Tuesday August 5th 2014 at approximately 2145 hours I responded to a person down in the vicinity of 310 Quarry Creek. Upon my arrival I observed a female white, later identified as Lindsay Gardner, being assisted by medical personnel. Ms. Gardner was laying on her back and her face was covered in blood. I immediately approached witnesses in the area and they stated the following in sum and substance pertaining to the incident;

Mrs. Lisa Pollitt: stated that she was returning home and as she approached the top of Quarry Creek there was a car stopped in my lane with the license plate "Linzy"(victim's vehicle), and another dark colored sedan/coupe stopped in the opposite lane. Mrs. Pollitt further stated that on the right shoulder someone was straddling and trying to lift the victim by the waist/chest. Mrs. Pollitt states the person dropped the victim ran into the other car and drove off. I approached the scene and observed (1) male and (1) female attending to the victim. The victim was yelling that she had a head wound and had been kicked in the head (3) times.

Mrs. Susie Riggs: stated that she was leaving her friends house on Quarry Creek, and when she began going off the hill she came to a traffic stop in both directions. Mrs. Riggs stated that she heard a female voice crying, and communicating to a white male. Mrs. Riggs stated that she observed another white female requesting assistance to put her daughter in her vehicle. Mrs. Riggs stated that she observed a white female sitting with her legs crossed and bent forward. She was crying and had blood saturated in her hair. Mrs. Riggs stated that she heard the female state she was thrown to the ground by her brother and kicked in the head with his foot (3) times. Mrs. Riggs stated the female victim stated that he was trying to kill her. Mrs. Riggs stated she applied medical attention to the victim.

Austin Crawford: stated that he was driving back from his friends and saw a girl knocked out on the side of the road with blood running down her head. Mr. Crawford stated that for the first couple of seconds the female victim did not respond, however after he began moving her hand a little she stated that "her brother kicked me in the head (3) times."

Ms. Lindsay Gardner was subsequently removed to CAMC General for further medical evaluation. I conferred with Doctor Mitchell who stated that the preliminary diagnosis of Ms. Gardner was a scalp laceration (unknown stitches/staples), concussion and possible skull fracture. However, final diagnosis is pending the medical exams. I attempted to ascertain a statement from Ms. Gardner at the hospital, however she refused to give a written or oral statement of the events that occurred. Margaret Workman was on scene at the hospital, victim's mother, and she stated that her son did acquire the services of Attorney Forbes. Cpl. Paxton did confer with DA Forbes, who stated that his client will turn himself in to CID at 0900 hours on Wednesday August 6th. Photos were taken of the scene, and Ms. Gardner was advised on how to obtain a DVP/PSO from the magistrate of Kanawha County.

Ptl. Chris Lioi #5473
Charleston Department Inv. Statement Formx3
Field Based Reporting Affidavit

INCIDENT NUMBER:

114080522

Charleston P.D.

ORI #

WV0200200

INCIDENT REPORT

NARRATIVE

NARRATIVE

☐ JUVENILE

NARRATIVE TITLE: Narrative

NARRATIVE:

On August 5, 2014 at approximately 2144 hours I was dispatched, along with car 210, Ptlm Lioi, to 310 Quarry Creek for a person down call. We responded with Medics to the scene. I arrived shortly after Ptlm Lioi and after Medics had already arrived. During the course of the investigation it was discovered that the victim, Lindsey Gardner, sustained head injuries and was lying on the grass near the driveway entrance of 310 Quarry Creek Road. This address belongs to Mrs. Margaret Workman, mother of the victim and suspect. Witnesses were on scene that found Mrs. Gardner on the side of the roadway. They described finding Mrs. Gardner, bloody and unconscious. When she came to she told them that her brother, Edward Gardner suspect, had beat her and left her there. She stated that he had kicked her three times in the head. Written statements were given to Ptlm Lioi by the witnesses.

Mrs. Gardner was taken from the scene to General Hospital by the medics. No statement was given by Mrs. Gardner before she left the scene.

I talked with Mrs. Workman and she informed me that Edward Gardner, her son, and Lindsey Gardner, her daughter, was in an argument prior to this incident. She did not know what the argument was about other than her daughter had called Edwards' girlfriend some inappropriate names. She went on to say that he had went back to Huntington, WV, where he lives, with his girlfriend, Myra Jimenez. She attempted to contact him but had no success when I was talking with her.

Ptlm Lioi gave bolo information to Metro to forward to Huntington PD try to locate Edward Gardner at his residence [REDACTED]. He was not located at this residence.

I took photographs of the scene after Medics had cleared the victim. No photographs were taken of the victim's injuries at the hospital due to her lack of cooperation.

I went to [REDACTED] home of the victim, to make sure it was secure and no other issues existed. I found the residence to be secured with no evidence of any other issues.

Ptlm Lioi and I went to CAMC General to meet with the victim and to try to locate Edward Gardner. The victim was uncooperative and would not discuss the incident with us. However, she made an utterance to the Doctor that her brother kicked her in the head three times.

According to the Medical Staff at the Hospital she sustained a concussion, a skull laceration, and possibly a skull fracture. The exact extent of the injuries will not be determined until tests are completed.

While at the Hospital I talked with Mrs. Workman again and she told Ptlm Lioi and myself that she contacted an attorney for her son, Edward Gardner. She had retained Jesse Forbes. She gave me Mr. Forbes number. I called Mr. Forbes and he informed me that he had not yet talked with his client but once he had he would have him turn himself in. Mr. Forbes was not sure if it would be on this night or the next day. Mr. Forbes later called back and stated he would have his client turn himself in on August 6th at 0900 hours at CID.

NFI

Cpl. D. S. Paxton, 3653



CHARLESTON POLICE DEPARTMENT

CHARLESTON, WEST VIRGINIA

ADULT ARREST REPORT - CPD 177 A

"Live-Scan" ID/Case Number: 170000 012129

ARREST NUMBER CIB NUMBER

A14-34010

ENTERED BY

4170

OLD ARREST FILE NUMBER

PHOTO NUMBER

M14-3511

ARRESTEE'S NAME (L,F,M,JR-SR)

Gardner, Edward Earnshaw

DATE OF BIRTH

SEX

RACE

ETHNICITY

HEIGHT
600

WEIGHT
192

HAIR
BN

EYES
BE

COMPLEXION
☒ L ☐ M ☐ D

SSAN

HOME PHONE

WORK PHONE

CELL / OTHER PHONE

EMPLOYER/OCCUPATION

Marshall Univ. School of Medicine

ALIAS/NICKNAME/MAIDEN NAME

"Ted"

PLACE OF BIRTH (CITY, STATE)

Charleston, WV

DRIVER'S LICENSE NUMBER

STATE

SCARS, MARKS AND TATTOOS

Small scar on the back of right calf and back of right elbow.

RIGHT/LEFT HANDED

Both

HOUSE NUMBER

STREET

APT NO.

CITY

STATE

ZIP CODE

RESIDENCE TYPE

CITIZENSHIP

ARREST DATE

ARREST TIME

AT/NEAR

SCENE

A

WARRANT

ON-VIEW

GRIP

SUMMONS

LOCATION OF ARREST

111 Court St. Charleston, WV 25301

OFFENSE OCCURRED

CHARGE

CTS

OFFENSE CODE

SUFFIX

MC

1 ☒ IN CITY
☐ OUT

Warrant - Malicious Wounding F14-2154

1

2 ☐ IN CITY
☐ OUT

3 ☐ IN CITY
☐ OUT

CDR NUMBER (REF. NUMBER)

M1000 0112523

COURT TYPE

FC ☐ FEDERAL COURT

MC ☐ MUNICIPAL COURT

JC ☐ JUVENILE COURT

SC ☒ STATE COURT

COURT DOCKET NO. (CAUSE NO.)

JUDGE/MAGISTRATE NAME

Magistrate Tim Halloran

ARRESTING OFFICER

Det. J. A. Hunt

PAYROLL NUMBER

1514

ASSISTING OFFICER

Det. W. A. Daniels

PAYROLL NUMBER

4290

WEAPON TYPE

01 ☒ UNARMED

12 ☐ HANDGUN

13 ☐ RIFLE

14 ☐ SHOTGUN

15 ☐ OTHER FIREARM

16 ☐ KNIFE

17 ☐ CLUB/BLACKJACK/ETC

90 ☐ OTHER WEAPONS

ARREST DISPOSITION

BN ☐ BOND MADE

PE ☐ P.I. EAST

JL ☐ JAIL

OT ☐ OTHER

PR ☐ PR BOND

SM ☐ SUMMONS

ALIEN IDENTIFICATION NO.

A -

COUNTRY OF ORIGIN

U.S.A.

NCIC CHECK

POS ☒ NEG

NCIC NUMBER (if Applicable)

CITATION NUMBER

FINGERPRINTED

☒ Y ☐ N

PALM PRINTS

☒ Y ☐ N

EVIDENCE BOOKED

☐ Y ☒ N

VEHICLE TOWED

☐ Y ☒ N

TOWED TO

CHARGE

RELATIONSHIP TO VICTIM

VICTIM'S NAME

VICTIM'S ADDRESS

INCIDENT NUMBER

1

SB

Lindsey Gardner (Sister)

I14080522

NARRATIVE

AWOI from Kanawha County Magistrate Court.

Next of Kin / Emergency Contact

Margaret Workman (Mother)

Address

I HAVE REVIEWED THIS ARREST REPORT AND DETERMINED THAT THE REPORTING OFFICER HAS INCLUDED ALL NECESSARY INFORMATION AND THAT IT IS CONSISTENT WITH DEPARTMENT POLICY. I HAVE ALSO REVIEWED THE PHOTOGRAPH AND FINGERPRINTS TAKEN IN CONJUNCTION WITH THIS ARREST TO ENSURE THAT THEY ARE SUITABLE.

SIGNATURE OF APPROVING SUPERVISOR

SGT [Signature] 122104

****This form is not to be used to replace CPD 101 forms D, E, or H in paper reports****

Incident Number: I14080522

☒ Domestic Violence

☐ DCI

☐ Stolen Vehicle

☐ Missing Person

I have been advised of the availability of possible domestic violence remedies and the applicability of the criminal laws of this state provided by the West Virginia code. I understand the availability of the family protection shelter to which a victim of domestic violence may be admitted. I have been advised that law enforcement, if requested, will provide transportation or facilitate transportation to a shelter or to an appropriate court.

GARDNER, Lindsey

Complainant's Printed Name

UNABLE TO OBTAIN

Complainant's Signature

5 Aug 14 2330hrs

Date and Time

Name

Address

Age

School and Grade

Name

Address

Age

School and Grade

Name

Address

Age

School and Grade

****Use additional forms if more than 3 children present****

I hereby certify that the facts and allegations in the foregoing complaint report made to the Charleston Police Department are believed by me to be true. I am requesting this stolen vehicle to be entered into the West Virginia Automated Police Network system and the National Crime Information Center system, which will alert law enforcement nationwide that this vehicle has been reported stolen. I am willing to cooperate with law enforcement and prosecute person(s) responsible for the theft of this vehicle. If this vehicle is recovered I will assume full responsibility for its return transportation. If the vehicle is recovered by owner or other persons, I will notify this law enforcement agency to cancel this report. I will take full responsibility for actions resulting from such failure to notify this law enforcement agency that the vehicle has been recovered. I understand that filing a false police report is a violation of West Virginia law and that by filing a false police report I am subject to prosecution.

Complainant's Printed Name

Complainant's Signature

Date and Time

I understand that I am requesting a missing person to be entered into the West Virginia Automated Police Network system and the National Crime Information Center system, and take full responsibility for such action. If this person is a minor child and is located or apprehended, I will assume full responsibility for their return transportation. If they return home, I will notify this law enforcement agency to cancel the message. If I fail to do so, I will take full responsibility for any action resulting from such failure to notify.

Complainant's Printed Name

Complainant's Signature

Date and Time

PA. Chris Liori 5473 5 Aug 14

Reporting Officer's Signature and Payroll

Approving Supervisor's Signature and Payroll

Entered By



CHARLESTON POLICE DEPARTMENT INVESTIGATIVE STATEMENT FORM



INCIDENT NUMBER: I14080522 DATE TAKEN: 8-5-14 TIME STARTED: 2220 TIME COMPLETED: 2229 THIS IS PAGE 1 OF A STATEMENT CONSISTING OF 1 TOTAL PAGES

NAME: Lisa Pollitt RACE: W SEX: F DATE OF BIRTH: [REDACTED] AGE: 37
SOCIAL SECURITY NO. [REDACTED] HOME PHONE: [REDACTED] WORK PHONE: [REDACTED]
ADDRESS: [REDACTED] APT: [REDACTED] CITY: Charleston STATE: WV ZIP CODE: [REDACTED]

I, Lisa Pollitt am giving the following voluntary statement to Pt. C. Rini
a police officer. No threats or promises have been made to me, and I understand that this statement can be used as
evidence in a Court of Law. My statement is being given as a result of my being a:

☐ VICTIM ☒ WITNESS ☐ SUSPECT ☐ DRIVER ☐ PASSENGER ☐ PEDESTRIAN

I was returning home and as I approached the top of Quarry
Creek there was a car stopped in my lane with the license
plate 'LINZY' and a dark sedan/coupe stopped in the opposite
lane. On the right shoulder someone was straddling and trying to lift
the victim by the waist/chest. The person dropped the victim, ran to the
car and drove off. I turned onto Quarry Ridge and observed two
people helping the victim (a white female) and I could hear her yelling.
I came back down the hill and found two women and one man
attending to the victim. The victim was yelling that she had
a head wound and had been kicked in the head three times.

I have read the above statement consisting of 1 pages, written in ☐ pencil ☒ ink, and I certify it to be true and
correct to the best of my knowledge.

SIGNED: [Signature] TIME SIGNED: 10:29pm WITNESS: Pt. C. Rini



CHARLESTON POLICE DEPARTMENT INVESTIGATIVE STATEMENT FORM



INCIDENT NUMBER: I14080522 DATE TAKEN: 8-5-14 TIME STARTED: 2200 TIME COMPLETED: 2222 THIS IS PAGE 1 OF A STATEMENT CONSISTING OF 1 TOTAL PAGES

WITNESS INFORMATION

NAME: Susie Riggs RACE: E SEX: F DATE OF BIRTH: [REDACTED] AGE: 48
SOCIAL SECURITY NO. [REDACTED] HOME PHONE [REDACTED] WORK PHONE: [REDACTED]
ADDRESS: [REDACTED] APT: [REDACTED] CITY: Ches STATE: VA ZIP CODE: [REDACTED]

I, Susie Riggs am giving the following voluntary statement to Pt. Olin
a police officer. No threats or promises have been made to me, and I understand that this statement can be used as
evidence in a Court of Law. My statement is being given as a result of my being a:

☐ VICTIM ☒ WITNESS ☐ SUSPECT ☐ DRIVER ☐ PASSENGER ☐ PEDESTRIAN

Leaving my friend's house at Quarry Creek. I was going off
the hill and came upon stopped traffic in both directions.
I heard a girl crying and talking to a white male.
I then heard a woman in the car in front of me asking
if someone would help her put her daughter in her car. I
then got out of my car and asked if she needed help. I
then saw a white female sitting with legs crossed and bent
forward. She was crying and talking. She had blood saturated
hair. She stated she was thrown to the ground by her
brother and was kicked in the head with his foot 3 times.
She stated he was trying to kill her. There was a white male
standing beside her and he stated he had called 911 and that
they were on their way. Pt. set up and then laid
flat on her back and then rolled to her right side. The
male had a towel in his truck so I placed it to the
back of her head and applied pressure. EMS arrived
shortly after.

I have read the above statement consisting of 1 pages, written in ☐ pencil ☒ ink, and I certify it to be true and
correct to the best of my knowledge.

SIGNED: [Signature] TIME SIGNED: 10:24 WITNESS: Pt. Olin



CHARLESTON POLICE DEPARTMENT INVESTIGATIVE STATEMENT FORM



INCIDENT NUMBER: I14080522 DATE TAKEN: 8-5-14 TIME STARTED: 2200 TIME COMPLETED: 2220 THIS IS PAGE 1 OF A STATEMENT CONSISTING OF 1 TOTAL PAGES

WITNESS INFORMATION

NAME: Austin Crawford RACE: W SEX: M DATE OF BIRTH: [REDACTED] AGE: 14
SOCIAL SECURITY NO. [REDACTED] HOME PHONE: [REDACTED] WORK PHONE: [REDACTED]
ADDRESS: [REDACTED] APT: [REDACTED] CITY: Charleston STATE: WV ZIP CODE: [REDACTED]

I, Austin Crawford am giving the following voluntary statement to Ptl. Chin
a police officer. No threats or promises have been made to me, and I understand that this statement can be used as
evidence in a Court of Law. My statement is being given as a result of my being a:

☐ VICTIM ☒ WITNESS ☐ SUSPECT ☐ DRIVER ☐ PASSENGER ☐ PEDESTRIAN

I was driving back from a friends house and
I ~~saw~~ saw a girl knocked out with blood
running out of her head. For the first couple
seconds she did not respond then came to
after moving her hand a little then she
said "her brother kicked me in the head three
times"

I have read the above statement consisting of 1 pages, written in ☐ pencil ☒ ink, and I certify it to be true and
correct to the best of my knowledge.

SIGNED: Austin Crawford TIME SIGNED: 22:20 WITNESS: Ptl. Chin

Date & Time 5 Aug 14 2330

Incident # I14080522

Incident Type Melicious Wounding

Requesting Officer Cpl D.S. PAXTON

Photographing Officer Cpl D.S. PAXTON

Victim Suspect/Complainant/Driver
(Circle)

GARDNER, LINDSEY

Number of Cards Submitted 01

Card
Number(s)

Comments

PHOTOS of scene on Aug 5, 2014

IN THE MAGISTRATE COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

- Copy -

I14080522

v.
EDWARD E. GARDNER

Defendant

Case No. _____

Address _____

Social Security No. _____

Driver's License No. _____

Misdemeanor

X Felony

Date of Birth _____

CRIMINAL COMPLAINT

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 08-05-2014 in KANAWHA County, West Virginia, in violation of W.Va. Code (cite specific section, subsection, and/or subdivision as applicable) _____

61 - 2 - 9(a) Malicious Wounding (Assault)

the defendant did (state statutory language of offense)

If any person maliciously shoot, stab, cut or wound any person, or by any means cause him bodily injury with intent to maim, disfigure, disable or kill, he shall, except where it is otherwise provided, be guilty of a felony, and, upon conviction, shall be punished by confinement in the penitentiary not less than two nor more than ten years.

I further state that this complaint is based on the following facts: The above listed defendant did strike the victim, Ms. Lindsay Gardner, (3) times in the head and body with his foot causing substantial pain and injury. Ms. Gardner was transported via EMS #436 to CAMC General where preliminary diagnosis was a concussion, laceration to scalp and possible skull fracture.

Continued on attached sheet? yes X no

Complainant (who appears before magistrate):

PTLM. C.C. LIOI

Name

Charleston Police Department

P. O. Box 2749

Address

Charleston, WV 25330

304-348-6400

Telephone

PATROLMAN

Office or title, if any

Pt. Chris Lioi

Complainant Signature

On this complaint, sworn or affirmed before me and signed this date by complainant in my presence, the item(s) checked below apply:

Probable cause found
Summons issued
Warrant issued
X Warrantless arrest
No probable cause found

Magistrate Signature _____

Date _____

VICTIM - WITNESS NOTICE

KANAWHA COUNTY MAGISTRATE COURT

PTLM. C.C. LIOI
Officer

Magistrate Case Number(s): _____

v.

Charge(s): MALICIOUS WOUNDING

EDWARD E. GARDNER
Defendant

Date of Offense(s): 5TH AUGUST 14

Your Department's
Incident Report Number: I14080522

**ADVISE VICTIM/WITNESS TO NOTIFY THE PROSECUTOR'S OFFICE OF ANY
CHANGES TO THEIR ADDRESS OR PHONE NUMBER**

SUBPOENA'S CANNOT BE SERVED ON A POST OFFICE BOX

VICTIM'S INFORMATION

Name: Lindsay Gardner
Address: [REDACTED]
Home Phone: [REDACTED]
Work Phone: _____

Name: _____
Address: _____
Home Phone: _____
Work Phone: _____

WITNESS INFORMATION

Name: Cpl. Doug Paxson
Address: 501 VIRGINIA ST. CHARLESTON WV 25301

Home Phone: 304-348-6400
Work Phone: _____
What will he/she testify to? FACTS OF THE CASE

Name: _____
Address: _____
Home Phone: _____
Work Phone: _____
What will he/she testify to? _____

Name: Ptl. Chris Lioi
Address: 501 VIRGINIA ST. CHARLESTON WV 25301

Home Phone: 304-348-6400
Work Phone: _____
What will he/she testify to? FACTS OF THE CASE

Name: _____
Address: _____
Home Phone: _____
Work Phone: _____
What will he/she testify to? _____

CHARLESTON POLICE DEPARTMENT
CPD 166: CASE SUMMARY REPORT

INCIDENT NUMBER(S):
I14080522

OFFENSE(S): Malicious Wounding	LOCATION OF OFFENSE(S): 310 Quarry Creek Chas. WV 25304
VICTIM(S): Lindsey Gardner	SUSPECT(S) IF KNOWN: Edward Earnshaw Gardner

NARRATIVE / ACTION TAKEN:

NARRATIVE BY PTLM. LIOI

On Tuesday August 5th 2014 at approximately 2145 hours I responded to a person down in the vicinity of 310 Quarry Creek. Upon my arrival I observed a female white, later identified as Lindsay Gardner, being assisted by medical personnel. Ms. Gardner was laying on her back and her face was covered in blood. I immediately approached witnesses in the area and they stated the following in sum and substance pertaining to the incident;

Mrs. Lisa Pollitt: stated that she was returning home and as she approached the top of Quarry Creek there was a car stopped in my lane with the license plate "Linzy"(victims vehicle), and another dark colored sedan/coupe stopped in the opposite lane. Mrs. Pollitt further stated that on the right shoulder someone was straddling and trying to lift the victim by the waist/chest. Mrs. Pollitt states the person dropped the victim ran into the other car and drove off. I approached the scene and observed (1) male and (1) female attending to the victim. The victim was yelling that she had a head wound and had been kicked in the head (3) times.

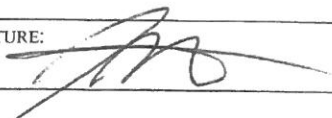
Mrs. Susie Riggs: stated that she was leaving her friends house on Quarry Creek, and when she began going off the hill she came to a traffic stop in both directions. Mrs. Riggs stated that she heard a female voice crying, and communicating to a white male. Mrs. Riggs stated that she observed another white female requesting assistance to put her daughter in her vehicle. Mrs. Riggs stated that she observed a white female sitting with her legs crossed and bent forward. She was crying and had blood saturated in her hair. Mrs. Riggs stated that she heard the female state she was thrown to the ground by her brother and kicked in the head with his foot (3) times. Mrs. Riggs stated the female victim stated that he was trying to kill her. Mrs. Riggs stated she applied medical attention to the victim.

Austin Crawford: stated that he was driving back from his friends and saw a girl knocked out on the side of the road with blood running down her head. Mr. Crawford stated that for the first couple of seconds the female victim did not respond, however after he began moving her hand a little she stated that "her brother kicked me in the head (3) times."

Ms. Lindsay Gardner was subsequently removed to CAMC General for further medical evaluation. I conferred with Doctor Mitchell who stated that the preliminary diagnosis of Ms. Gardner was a scalp laceration (unknown stitches/staples), concussion and possible skull fracture. However, final diagnosis is pending the medical exams. I attempted to ascertain a statement from Ms. Gardner at the hospital, however she refused to give a written or oral statement of the events that occurred. Margaret Workman was on scene at the hospital, victims mother, and she stated that her son did acquire the services of Attorney Forbes. Cpl. Paxton did confer with DA Forbes, who stated that

INVESTIGATING OFFICER:
Det. James A. Hunt

SIGNATURE:



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his client will turn himself in to CID at 0900 hours on Wednesday August 6th. Photos were taken of the scene, and Ms. Gardner was advised on how to obtain a DVP/PSO from the magistrate of Kanawha County.

Ptl. Chris Lioi #5473

Charleston Department Inv. Statement Formx3

Field Based Reporting Affidavit

NARRATIVE BY CPL. D.S. PAXTON

On August 5, 2014 at approximately 2144 hours I was dispatched, along with car 210, Ptlm Lioi, to 310 Quarry Creek for a person down call. We responded with Medics to the scene. I arrived shortly after Ptlm Lioi and after Medics had already arrived. During the course of the investigation it was discovered that the victim, Lindsey Gardner, sustained head injuries and was lying on the grass near the driveway entrance of 310 Quarry Creek Road. This address belongs to Mrs. Margaret Workman, mother of the victim and suspect. Witnesses were on scene that found Mrs. Gardner on the side of the roadway. They described finding Mrs. Gardner, bloody and unconscious. When she came to she told them that her brother, Edward Gardner suspect, had beat her and left her there. She stated that he had kicked her three times in the head. Written statements were given to Ptlm Lioi by the witnesses.

Mrs. Gardner was taken from the scene to General Hospital by the medics. No statement was given by Mrs. Gardner before she left the scene.

I talked with Mrs. Workman and she informed me that Edward Gardner, her son, and Lindsey Gardner, her daughter, was in an argument prior to this incident. She did not know what the argument was about other than her daughter had called Edwards' girlfriend some inappropriate names. She went on to say that he had went back to Huntington, WV, where he lives, with his girlfriend, Myra Jimenez. She attempted to contact him but had no success when I was talking with her.

Ptlm Lioi gave bolo information to Metro to forward to Huntington PD try to locate Edward Gardner at his residence [REDACTED] He was not located at this residence.

I took photographs of the scene after Medics had cleared the victim. No photographs were taken of the victim's injuries at the hospital due to her lack of cooperation.

I went to [REDACTED] home of the victim, to make sure it was secure and no other issues existed. I found the residence to be secured with no evidence of any other issues.

Ptlm Lioi and I went to CAMC General to meet with the victim and to try to locate Edward Gardner. The victim was uncooperative and would not discuss the incident with us. However, she made an utterance to the Doctor that her brother kicked her in the head three times.

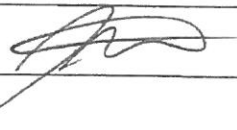
According to the Medical Staff at the Hospital she sustained a concussion, a skull laceration, and possibly a skull fracture. The exact extent of the injuries will not be determined until tests are completed.

While at the Hospital I talked with Mrs. Workman again and she told Ptlm Lioi and myself that she contacted an attorney for her son, Edward Gardner. She had retained Jesse Forbes. She gave me Mr. Forbes number. I called Mr. Forbes and he informed me that he had not yet talked with his

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CHARLESTON POLICE DEPARTMENT
CPD 166: CASE SUMMARY REPORT

INCIDENT NUMBER(S):
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client but once he had he would have him turn himself in. Mr. Forbes was not sure if it would be on this night or the next day. Mr. Forbes later called back and stated he would have his client turn himself in on August 6th at 0900 hours at CID.

NFI

Cpl. D. S. Paxton, 3653

06 August 2014

On this date, I, Det. J. A. Hunt, was assigned this investigation for further investigation. I familiarized myself with the facts documented in this case. I saw in the report where Lindsey Garner was being treated at CAMC General Intensive Care Unit for possible skull fractures and or a concussion. With this information, Det. Kinder went to the hospital to photograph Lindsey Gardner's injuries. See Det. Kinder's CPD166 for further details. In the report, a witness, Lisa Pollitt, stated she heard Lindsey Gardner state she was kicked in the head three (3) times. A separate witness, Susie Riggs, stated she heard Lindsey Gardner say her brother had kicked her in the head three (3) times and was trying to kill her. Susie Riggs stated she observed Lindsey Gardner's hair was blood saturated. Another witness, Austin Crawford, stated he observed blood running out of Lindsey Gardner's head and he heard her say her brother had kicked her in the head three (3) times. Per the notation in the initial police report, I waited in Criminal Investigations Division for the arrival of Edward Gardner and his Attorney at 9:00 am. At approximately 9:30 am, I went to the Kanawha County Magistrate Court to swear to the criminal complaint in order to obtain a warrant for Edward Gardner's arrest. While in the process of obtaining the warrant, I observed DA Bill Forbes walking into the Kanawha County Magistrate's Day Court with a white male walking behind him whom I suspected to be Edward Gardner. I addressed the white male and said "you must be Edward Gardner" he stated yes. At that time I took Edward Gardner into custody, obtained the warrant from Magistrate T. Halloran, and proceeded to the Charleston Police Department to begin the booking process of Edward Gardner. Once at the Charleston Police Department, I read Edward Gardner his Miranda Warning, as I told his attorney I would, and asked if he was willing to speak to me. Edward Gardner invoked his Miranda rights and did not give a statement.

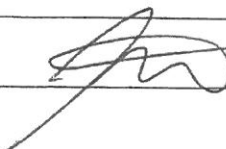
During the booking process while obtaining photos and Edward Gardner's personal information, I began to inspect his person. I inspected Edward Gardner's person, and noted an abrasion on Edward Gardner's hand. This abrasion was already scabbed over. When inspecting Edward Gardner's shoes, I noted a large brownish / red stain on the bottom of his shoe. I removed Edward Gardner's shoes and obtained buccal swabs for DNA comparisons.

Once the booking/processing was complete at the Charleston Police Department was completed, I took Edward Gardner back to Kanawha County Magistrate Court for his arraignment. I was advised at the beginning of the arraignment by Bill Forbes that Edward Gardner's bond had already been made.

13 August 2014

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On this date, I, Det. J. A. Hunt, was contacted by Prosecuting Attorney C. Miller who informed me Lindsey Gardner was now able to give a statement. He stated Lindsey Garner would give a statement from her mother's home at 310 Quarry Creek at 1:30 pm on Friday, the 15th of August, 2014. C. Miller informed me his office will be subpoenaing Lindsey Gardner's medical records.

15 August 2014

On this date Det. W. Daniels and Det. Foster met Lindsey Garner at her mother's home and obtained a statement. Lindsey Gardner stated her and her brother, Edward Gardner, had been arguing via telephone over some French language software throughout the day. She stated her phone had died and her and Edward Gardner happened to meet at their mother's house on Quarry Creek. Lindsey stated she and her brother began to argue again, and at some point, she began attacking him. Lindsey stated Edward Gardner had shoved in defense, and incident to the shove, she fell backward and hit her head. The fall caused a laceration on back of her head sufficient enough to warrant multiple staples to properly suture the wound. Lindsey says she does not recall what happened after she hit her head. Lindsey was asked why she made the statement her brother had kicked her in the head, and she said she was "talking out of her head."

INVESTIGATING OFFICER:

Det. James A. Hunt

SIGNATURE:



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CPD 166: CASE SUMMARY REPORT**I14080522**

OFFENSE(S): Malicious Wounding	LOCATION OF OFFENSE(S): 310 Quarry Creek Rd. Charleston WV
VICTIM(S) Gardner, Lindsey	SUSPECT(S) IF KNOWN: Gardner, Edward

NARRATIVE / ACTION TAKEN:**August 06, 2014****► 0900 hours**

On the above date I was advised by Sgt. T. Hazelett (Assistant Chief of Detectives) to go to CAMC General which is located at 501 Morris Street Charleston WV and take photos of victim Lindsey Gardner who was involved in a domestic dispute with her brother on August 05, 2014. I arrived on scene and made my way to the Intensive Care Unit where I came in contact with Lindsey's mother Margaret Workman, who was standing outside Lindsey's room. I introduced myself and explained to her why I was there and asked her if I could take some photos of Lindsey's injuries for evidentiary purposes. Mrs. Workman told me to wait outside the room and that she would go speak with Lindsey and let me know. A short time later Mrs. Workman returned from Lindsey's room and stated to me that Lindsey didn't want any photos taken of her in that condition. I advised Mrs. Workman that I was here to help her and it would be in her daughter's best interest if she would let me document her injuries. Mrs. Workman stated that her daughter didn't want photos taken so I was unable to enter the room.

After the brief conversation with Mrs. Workman I called Sgt. Hazelett and advised him of the situation and he told me to come back to the station and he would contact Prosecutor Chuck Miller and possibly get a court order for the photos. Once Mr. Miller was contacted he advised us that he had a good relationship with Mrs. Workman and wanted me to come and pick him up and he would go to the hospital and speak to her and try explaining why we needed photos.

A short time later Det. A. Kuhner and I picked up Mr. Miller and proceeded to the hospital to attempt to get the photos for evidence. Once on scene Mr. Miller spoke with Mrs. Workman for a few minutes and then advised us that she was going to allow us to take photos of the injuries. At that time Det. A. Kuhner and I went into the room and spoke with Lindsey where she did allow Det. Kuhner to take photographs of her injuries and take buccal swabs.

INVESTIGATING OFFICER:

SIGNATURE:

Detective M. W. Kinder*DET. M. W. Kinder*

PR #:

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POLICE DEPARTMENT - CHARLESTON, WV,
EVIDENCE COLLECTION LOG

Incident Number(s):
I14080522

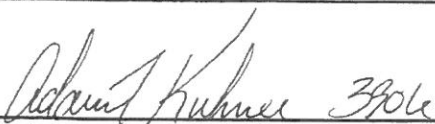
OFFENSE(S):	VICTIM(S):
Malicious Wounding	LINDSEY GARDNER
INVESTIGATING OFFICER(S):	CRIME SCENE INVESTIGATOR(S):
Det. J. Hunt	Det. A T Kuhner
ADDRESS/LOCATION OF EVIDENCE:	

CAMC General Hospital/CID

Number:	Description:	Date/Time:	Disposition:
CAMC-ATK-01	2 buccal swabs from victim (Lindsey Gardner)	06 Aug 2014 1055 hrs	WVSP Lab
CID-ATK-01	2 buccal swabs from suspect (Edward Gardner)	06 Aug 2014 1018 hrs	WVSP Lab
CID-ATK-02	1 pair of shoes from suspect (Edward Gardner)	06 Aug 2014 1018 hrs	WVSP Lab

THE UNDERSIGNED ACKNOWLEDGES RECEIPT OF THE PROPERTY SO INDICATED ABOVE.

Name:	Relationship:
Signature:	Date/Time:



Date: 20 Aug 2014

Crime Scene Investigator (Signature)