

FILED

AFFIDAVIT  
FOR PROBABLE CAUSE

25

FEB 11 2016

*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

STATE OF INDIANA, COUNTY OF MARION, SS:

Detective Nicolle Flynn swears (affirms) that:

On February 5, 2016 I, Detective Nicolle Flynn, of the Indianapolis Metropolitan Police Department, was assigned a battery investigation reference IMPD case number PD16013764, alleging that S.V. A/M/7 was struck multiple times with a plastic hanger resulting in significant linear bruising by his mother Khinpar Thaing A/F/30 at the family's home in the 5400 block of Bluff View Blvd. in Indianapolis.

On February 5, 2016 I Detective Nicolle Flynn of the IMPD Child Abuse Unit spoke with Department of Child Services worker supervisor Allie Doppler. Allie said DCS had been called to S.V.'s school Abraham Lincoln Elementary, after a teacher patted S.V. on the back and he flinched. Allie said the school then observed the multiple linear red marks and bruising on S.V.'s back, left arm and head, and asked the child what happened. Allie said S.V. kept saying he didn't know what happened to his back, and he was taken to Riley Hospital to make sure there were no additional injuries. No additional injuries were discovered. Allie said she later spoke with Khinpar Thaing, mother of S.V., with a Burmese translator at the family's home on February 4, 2016. Allie said Thaing admitted to hitting her son S.V. multiple times with a plastic hanger that Thaing showed to Allie and was photographed by Allie. Allie said Thaing told her S.V. had been acting out a movie that he was watching on his iPad, so she struck him with the hanger. Allie said DCS took S.V. and his two younger sisters E.T. A/F/3 and V.L. A/F/7 months and placed them in DCS custody.

On February 5, 2016, Jill Carr, Forensic Child Interviewer interviewed S.V. A/M/7, at the Child Advocacy Center. S.V. stated that when he is in trouble his mother hits him with a hanger and the last

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

*[Signature]*  
\_\_\_\_\_  
AFFIANT

DATED: February 10, 2016  
*[Signature]*  
\_\_\_\_\_  
DEPUTY PROSECUTING ATTORNEY  
NINETEENTH JUDICIAL CIRCUIT

*[Signature]*  
\_\_\_\_\_  
JUDGE

Affidavit for Probable Cause

From: Detective Nicolle Flynn

time this happened was when he was 6. S.V. said he doesn't know how he got the injuries to his back, arm and head, and said one day 'it really hurt', but said it doesn't hurt anymore. S.V. just kept repeating he doesn't remember and he doesn't know how he got the marks on his body.

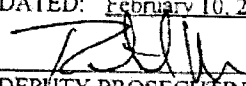
On February 5, 2016 I spoke with Dhanng Ling A/M/36, father of S.V. and husband of Khinpar Thaing, with the assistance of Burmese translator Nissi Hnen through LTC translations. Dhanng said he works from 10:30pm-7am, and he left for work Wednesday night (February 3, 2016) at 9pm and everything was fine at the house, the kids were ok and were playing on their iPad. Dhanng said yesterday around 1pm he and his wife were home and she told him she hit S.V. Dhanng said his wife told him that on Wednesday night she was downstairs in the house and she went upstairs to check on the children and because they were doing something they weren't supposed to be doing and when she found them she hit them both with a hanger. Dhanng became very upset and was crying and said something about E.T. being bent over, but the translator couldn't understand him because Dhanng was crying. Dhanng said his wife told him she hit E.T. one time, and hit S.V. three times, and Dhanng kept repeating that his wife was so angry. Dhanng said his wife has never done this before, and usually she uses her hand to discipline the children.

On February 5, 2016 I Detective Nicolle Flynn of the IMPD spoke with Khinpar Thaing A/F/30, with the assistance of translator Nissi Hnen. Nissi translated the rights waiver and Thaing said she understood her rights and didn't have any questions and agreed to give a statement. Thaing said on Wednesday night, February 3, 2016, she was home alone with the children and she sent S.V. and his sister E.T. upstairs to brush their teeth. Thaing said it took about five minutes too long for the children to finish brushing their teeth, so she went to check on them. Thaing said when she went into the sink area of the bathroom, she saw E.T. with her panties down, wearing only a dress and bent over in front of S.V. who had his pants open and he was standing with his penis out. Thaing said she was so upset she saw a hanger and just grabbed it and started spanking S.V., she hit him three times, calmed down, and then hit him a

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

  
AFFIANT

DATED: February 10, 2016

  
DEPUTY PROSECUTING ATTORNEY  
NINETEENTH JUDICIAL CIRCUIT

  
JUDGE

Affidavit for Probable Cause

From: Detective Nicolle Flynn

couple more times. Thaing said she then asked both children what happened and they both blamed each other so she also spanked E.T. two times, but not hard because she doesn't know what she is doing. Thaing said she then took the children downstairs and told them God doesn't like this, and don't do this anymore, and then told them to pray for God to forgive them. I then asked Thaing if she hit S.V. more than 5 times total, as he has at least a dozen severe raised linear marks across his back, left shoulder, and a loop mark on his ear. Thaing said she could have been so angry that she doesn't know how many times she hit S.V. Thaing confirmed that the picture DCS took of the hanger was the same one she hit S.V. with and said the loop mark on his ear is from the small hook on the inner edge of the plastic hanger. Thaing was placed under arrest and transported to the APC by MCSD.

On February 9, 2016, I received medical records from Riley Hospital Emergency Department. The notes from Dr. Heather Muston regarding S.V.'s skin state: 'warm, dry, intact, 28 linear purple/black bruises seen on back ranging from 2-16cm in length, no pen cuts. 2 linear bruises on the posterior aspect of right thigh ranging 2-5cm. 6 linear bruises appreciated on the posterior aspect of left arm.' In addition, Dr. Muston's report states under Impression and Plan, Diagnosis-NAT-Non-Accidental Trauma.

All events occurred in Marion County, State of Indiana.

I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

DATED: February 10, 2016

DEPUTY PROSECUTING ATTORNEY  
NINETEENTH JUDICIAL CIRCUIT

AFFIANT

JUDGE

STATE OF INDIANA  
MARION COUNTY, ss:

IN THE MARION SUPERIOR  
CRIMINAL COURT 1  
CRIMINAL DIVISION, ROOM W202

STATE OF INDIANA

**FILED**

Cause No: 49G01-1602-F5-005504

vs.

25 FEB 11 2016

INFORMATION  
COUNT I

**KHIN PAR THAING**  
A/Female DOB 1/9/1986

*Myla A. Eldridge*  
CLERK OF THE MARION CIRCUIT COURT

BATTERY ON A PERSON LESS THAN 14  
YEARS OLD  
I.C. 35-42-2-1(b)(1)  
A LEVEL 5 FELONY

COUNT II  
NEGLECT OF A DEPENDENT  
I.C. 35-46-1-4(a)(1)  
A LEVEL 6 FELONY

On this date, the undersigned came before the Prosecuting Attorney of the Nineteenth Judicial Circuit and, being duly sworn (or having affirmed), stated that in Marion County, Indiana

COUNT I

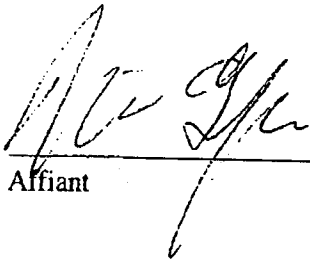
On or about February 3, 2016, KHIN PAR THAING, a person at least eighteen (18) years of age, did knowingly touch S.V., a person under the age of fourteen (14), in a rude, insolent, or angry manner, to-wit, hit S.V. with a clothes hanger resulting in bodily injury to the other person, specifically bruising and/or pain;

COUNT II

On or about February 3, 2016, KHIN PAR THAING having the care of S.V., a dependent, did knowingly place said dependent in a situation that endangered the dependent's life or health, to-wit, hit S.V. with a clothes hanger;

all of which is contrary to statute and against the peace and dignity of the State of Indiana.

I swear or affirm under penalty of perjury as specified by I.C. 35-44-2-1 that the foregoing representations are true.



---

Affiant

February 10, 2016  
Date

State's Witnesses:  
Nicolle Flynn, 21212 IMPD  
Thomas Nolan, 27336 IMPD  
Allie Doppler  
Heather Muston, M.D.  
Nissi Hnen  
Dhangng Ling  
S.V.

**TERRY R. CURRY**  
Marion County Prosecutor  
19th Judicial Circuit



---

Deputy Prosecuting Attorney

STATE OF INDIANA )  
 )  
COUNTY OF MARION )  
 )  
STATE OF INDIANA )

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION

CAUSE NO: 49G01-1602-F5-005504

**FILED**

109  
MAY 05 2016  
*Myra A. Eldredge*  
CLERK OF THE MARION CIRCUIT COURT

v.

KHIN PAR THAING

**STATE'S MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

**I. Defendant's Motion to Dismiss should be denied for the following reasons:**

- A. Thaing does not have immunity from prosecution under Indiana Code § 35-34-1-4(a)(6); neither does any other provision of the section exempt her from prosecution based on religious freedom.
- B. Any right to direct the upbringing of Thaing's child is not an appropriate basis for dismissal. While this right may serve as a defense at trial, current Indiana case law does not permit its consideration in a motion to dismiss.

**II. The Religious Freedom Restoration Act ("RFRA") does not provide Thaing with "immunity" from prosecution.**

The RFRA provides:

- (A) If a court or other tribunal in which a violation of this chapter is asserted in conformity with section 9 [IC 34-13-9-9] of this chapter determines that:
- (1) the person's exercise of religion has been substantially burdened, or is likely to be substantially burdened; and
  - (2) the governmental entity imposing the burden has not demonstrated that application of the burden to the person:
    - (A) is in furtherance of a compelling governmental interest; and
    - (B) is the least restrictive means of furthering that compelling governmental interest;
- the court or other tribunal shall allow a defense against any party and shall grant appropriate relief against the governmental entity.

Ind. Code § 34-13-9-10.

**A. Thaing's exercise of religion was not substantially burdened.**

The first step of the RFRA test is to determine whether Thaing's exercise of religion was substantially burdened. Enacted in 2015, the Indiana RFRA has not been considered by appellate courts. However, as it applies to Thaing's case, the Indiana RFRA is substantially similar to the federal statute adopted in 1993:

Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person—

- (1) is in furtherance of a compelling governmental interest; and
- (2) is the least restrictive means of furthering that compelling governmental interest.

42 USCS § 2000bb-1 (1993).

Federal courts have given guidance as to what type of burden may be considered "substantial" under the federal RFRA. The 9<sup>th</sup> Circuit provided:

the phrase "substantial burden" has a plain and ordinary meaning that does not depend on the presence of a penalty or deprivation of benefit. A "burden" is "something that hinders or oppresses." Black's Law Dictionary (8th ed. 2004). A burden is "substantial" if it is "considerable in importance, value, degree, amount, or extent." American Heritage Dictionary (4th ed. 2000). In RFRA, the phrase "substantial burden" modifies the phrase "exercise of religion." Thus, RFRA prohibits government action that "hinders or oppresses" the exercise of religion "to a considerable degree."

*Navajo Nation v. United States Forest Serv.*, 535 F.3d 1058, 1086 (9th Cir. 2008). See also *United States v. Epstein*, 91 F. Supp. 3d 573, 578 (D.N.J. 2015) ("One way to qualitatively assess the burden that a government practice places on religious exercise is to consider whether an adherent has acceptable alternative means to practice his religion").

Thaing states in her affidavit that, at the time of the alleged crime, she believed that her Christian faith instructed her to strike her son and alleged victim, SV. Criminal charges filed by the State are, in part, based on an allegation that Thaing struck SV. However, the charges are

also based on Thaing's actions which go beyond those religious instructions she cites from The Bible. Reasonable corporal punishment by parents is permissible under Indiana law, and Thaing's charges do not burden her ability to exercise religious beliefs via the use of reasonable corporal punishment, including striking SV. The elements of the crimes charged (i.e. bodily injury) and additional information in the Affidavit for Probable Cause ("P.C. Affidavit") allege more than a mere strike to SV. The P.C. Affidavit provides that a medical doctor examined SV and noted "28 linear purple/black bruises." Photographs of SV's injuries are included with this memorandum as Exhibit 1. The reasonable inference from the medical information is that SV was struck many times, which caused significant injury to SV. Even if Thaing establishes that her religious beliefs authorized the striking of her child, she has not shown that those beliefs condoned repeated strikes causing 28 bruises to SV's back and face.

The criminal charges burden a single act of Thaing's, and that burden is not considerable. The charges also leave room for acceptable practice of Thaing's religion, even when that includes the reasonable use of corporal punishment. Her action that she claims is required by The Bible (striking SV) is actually permissible in Indiana, and the criminal statutes allow for this exercise of her religion. The statutes only burden actions that go beyond a simple strike of SV (i.e. the quantity of strikes and injuries). This restriction on Thaing's conduct leaves room for her to lawfully practice her faith, and it does not impose a substantial burden.

**B. Even if Thaing's exercise of religion was substantially burdened, criminal charges further the State's compelling interests in protecting children and the community at-large.**

It is commonly recognized that the State of Indiana has a compelling interest in protecting the welfare of children, particularly in instances of abuse. *In re Joseph*, 416 N.E.2d 857 (Ind. Ct. App. 1981). *Sightes v. Barker*, 684 N.E.2d 224 (Ind. Ct. App. 1997). "[T]he



government will ordinarily have a more compelling interest in legislation designed to promote public safety, peace and order. Thus, where considerations of public welfare are involved, there is a greater probability that the balancing of interests will tip in the state's favor." *Bureau of Motor Vehicles v. Pentecostal House of Prayer, Inc.*, 269 Ind. 361, 366, 380 N.E.2d 1225, 1228 (1978).

Criminal charges filed against Thaing further Indiana's compelling interest in protecting the welfare of children, and they also more broadly target Indiana's compelling interest in public safety. When perpetrators of violence against children are prosecuted and ultimately punished, the government protects specific children who are victims of the immediate crime and the community in general, who may be potential victims of future crimes committed by the offender. Those interests are achieved by the goals of criminal sentencing as described by the Indiana Supreme Court: rehabilitation, deterrence, community condemnation, and protection of the community by sequestration of the offender. *Wallace v. State*, 905 N.E.2d 371, 381 (Ind. 2009).

**C. The criminal statutes charged against Thaing are the least restrictive means of furthering the State's compelling interests in protecting children and the community at-large.**

The Indiana RFRA has not yet been interpreted by appellate courts; however, federal courts do not require the State to refute every conceivable alternative means of furthering a compelling interest under the federal RFRA. See *supra* 42 USCS § 2000bb-1. Rather, the State is only required to rebut those raised by the defense. See *United States v. Wilgus*, 638 F.3d 1274, 1288-89 (10th Cir. 2011) ("Not requiring the government to do the impossible - refute each and every conceivable alternative regulation scheme - ensures that scrutiny of federal laws under RFRA is not 'strict in theory, but fatal in fact") quoting *Fullilove v. Klutznick*, 448 U.S. 448, 507 (1980). The State of Indiana should not be required to refute every hypothetical alternative

regulation scheme, because to do so would be an impossible task. Instead, the State will refute the alternative raised by Thaing, which is a Child in Need of Services ("CHINS") case that existed through the Indiana Department of Child Services ("Indiana DCS") but is now dismissed.

Criminal prosecutions and CHINS cases are not equally effective at achieving the compelling interests of protecting children and the community at-large. In fact, CHINS proceedings have a different focus than criminal prosecutions. "The resolution of a civil juvenile proceeding focuses on the best interests of the child, not on guilt or innocence as in a criminal proceeding." *Baker v. Marion Cty. Office of Family & Children*, 810 N.E.2d 1035, 1039 (Ind. 2004). While a CHINS case may be effective at achieving the best interests of a particular child and reconciling a particular family, it is not aimed at protecting the public or children in general. This is evident in a CHINS court's inability to enact punishment that furthers the criminal justice system's goals, specifically: community condemnation and protection of the community by sequestration of the offender. *Wallace*, 905 N.E.2d 371. Because a CHINS case is not focused on guilt or innocence, its objective is not community condemnation of a particular behavior. And because a CHINS case does not result in the sequestration of an offender from society, it is not aimed at protecting the community in general. Both CHINS cases and criminal cases serve an important function; however, they pursue different, although sometimes overlapping, government interests.

Even if this Court finds that a CHINS case furthers the same compelling government interests that are furthered by a criminal case, Thaing's Motion to Dismiss should be denied if the criminal charges are no more restrictive of her religious exercise than a CHINS case. When measuring the restrictiveness of a government regulation, Indiana courts look to the scope of the regulation's restriction of the person's ability to exercise the protected right, which in Thaing's

case is exercise of religion. Indiana courts do not measure a regulation's restrictiveness by weighing any resulting punishment. See *Hines v. Caston Sch. Corp.*, 651 N.E.2d 330, 339 (Ind. Ct. App. 1995) (the court analyzed the scope of protected rights that are subject to restriction, not the severity of consequences for violating the regulation), and see *Avery v. Faulkner*, 471 N.E.2d 1226, 1228-29 (Ind. Ct. App. 1984) (the "least restrictive" test focused on the extent of intrusion on the protected right, not on the extent of punishment). The United States Court of Appeals similarly articulated its "least restrictive" test under the federal RFRA. "A statute or regulation is the least restrictive means if 'no alternative forms of regulation would [accomplish the compelling interest] without infringing [religious exercise] rights.'" *Kaemmerling v. Lappin*, 553 F.3d 669, 684 (D.C. Cir. 2008), quoting *Sherbert v. Verner*, 374 U.S. 398 (1963).

The criminal prosecution of Thaing's conduct is no more restrictive of her religious rights than a CHINS case. The criminal charges are narrowly focused and reach no farther than the allegations contained in the Charging Information. The crimes charged against Thaing are not sweeping punishment for Thaing's other conduct as a Christian parent; neither do the criminal charges restrict other conduct of Thaing. In fact, the same actions that subject Thaing to criminal charges also serve as a basis for the CHINS case. Therefore, restrictions on religious exercise imposed by criminal charges are not more broad than restrictions imposed by the CHINS case.

Thaing's Motion to Dismiss based on the RFRA should be denied for three alternate reasons: 1) criminal charges do not substantially burden Thaing's free exercise of religion, OR 2) the criminal case furthers different compelling interests than the CHINS case, OR 3) even if the two cases further the same compelling interests, the criminal case is no more restrictive of her exercise of religion.

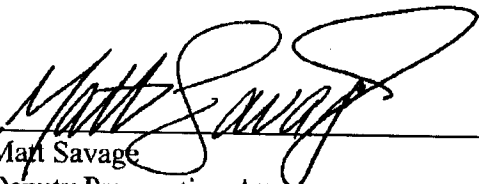
**III. The "parental privilege" defense is not an appropriate basis for her Motion to Dismiss.**

In her Memorandum, Thaing cites *State v. Fettig*, 884 N.E.2d 341 (Ind. App. 2008) in support of her motion for pre-trial dismissal of charges based on her right to parental discipline. The *Fettig* case, decided in 2008 by the Indiana Court of Appeals, relied on

three opinions, all from the 19<sup>th</sup> century. More recently in 2012, the Indiana Court of Appeals discussed *Fettig* and declined to follow its precedent. In *Ceaser v. State*, 964 N.E.2d 911 (Ind. App. 2012), the defendant argued that under *Fettig*, the trial court could dismiss charges for Battery on a Child based on the defense of parental privilege. The *Ceasar* court declined to follow the *Fettig* opinion and specifically adopted the argument contained in its dissent. "We agree with the dissent in *Fettig*. Whether an individual has a statutory defense to the charges in an information goes beyond the issues that may be decided by a motion to dismiss and instead is a matter to be decided at trial." *Id.* at 919.

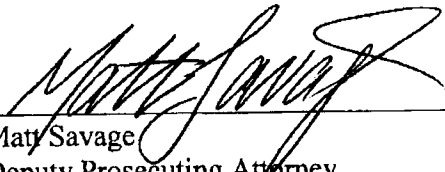
Parental privilege to discipline is a recognized defense to Battery on a Child. However, under current case law, that defense is not appropriate for consideration in a pre-trial motion to dismiss. While the defense may serve Thaing well at trial, it is a factual defense that must be weighed by the trier of fact. For that reason, her Motion to Dismiss based on parental privilege should be denied.

Respectfully submitted,

  
\_\_\_\_\_  
Matt Savage  
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on defense counsel on the date of filing.

  
\_\_\_\_\_  
Matt Savage  
Deputy Prosecuting Attorney

Marion County Prosecutor's Office  
251 E. Ohio St., Suite 160  
Indianapolis, IN 46204  
(317) 327-5358

STATE OF INDIANA )  
COUNTY OF MARION )

IN THE MARION SUPERIOR COURT  
CAUSE NUMBER 46G01-1602-F5-005504

STATE OF INDIANA )  
vs. )  
KHIN PAR THAING )

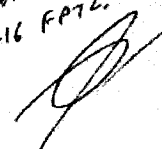
**FILED**  
195 JUL 29 2016  
*Myla A. Eldredge*  
CLERK OF THE MARION CIRCUIT COURT

### Motion to Dismiss

Khin Par Thaing, by her attorney, Gregory Bowes, respectfully asks the Court to dismiss the charges against her. In support of this motion, the following is presented:

1. Ind. Code § 35-34-1-4(a) allows a defendant to move to dismiss the charges in an information if the motion is based on specified reasons. Ind. Code § 35-34-1-4(a)(6) allows the Court to dismiss charges if "The defendant has immunity with respect to the offense charged." Ind. Code § 35-34-1-4(a)(11) allows the Court to dismiss charges based on "Any other ground that is a basis for dismissal as a matter of law."
2. Under Ind. Code § 35-34-1-4(b), motions made based on subsections 6 and 11 may be made at any time.
3. Ms. Thaing is immune from prosecution based on Ind. Code § 34-13-9-10.
4. The charges against Ms. Thaing should be dismissed as a matter of law, because of her fundamental right to choose the discipline of her children.
5. Ms. Thaing has attached her affidavit in support of this motion
6. Ms. Thaing will file her memorandum in support of this motion contemporaneously

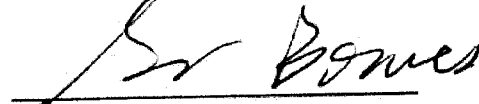
8-2-16  
Reviewed, Motion  
7. 35 ADDRESS  
M 8-18-16 FPL



with this motion.

WHEREFORE Khin Par Thaing, respectfully asks the Court to dismiss the information against her, and for all other appropriate relief.

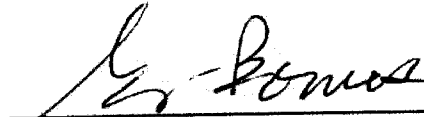
Respectfully submitted,



Gregory Bowes  
Supreme Court # 4335-49  
Greg Bowes Legal Services, P.C.  
445 N Pennsylvania St Ste 817  
Indianapolis IN 46240-1890  
[Greg@GregBowes.pro](mailto:Greg@GregBowes.pro)  
317-259-4442  
Attorney for the Accused

#### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was personally served upon Matthew Savage, Marion County Prosecutor's Office, 251 E Ohio St Ste 160, Indianapolis IN 46204, on July 29, 2016.

  
Gregory Bowes

STATE OF INDIANA )  
 )  
COUNTY OF MARION )

IN THE MARION SUPERIOR COURT  
CAUSE NUMBER 46G01-1602-F5-005504

STATE OF INDIANA )  
 )  
vs. )  
 )  
KHIN PAR THAING )

**FILED**  
195 JUL 29 2016

*Myla A. Eldredge*  
CLERK OF THE MARION CIRCUIT COURT

### Motion to Dismiss

Khin Par Thaing, by her attorney, Gregory Bowes, respectfully asks the Court to dismiss the charges against her. In support of this motion, the following is presented:

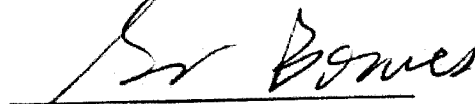
1. Ind. Code § 35-34-1-4(a) allows a defendant to move to dismiss the charges in an information if the motion is based on specified reasons. Ind. Code § 35-34-1-4(a)(6) allows the Court to dismiss charges if "The defendant has immunity with respect to the offense charged." Ind. Code § 35-34-1-4(a)(11) allows the Court to dismiss charges based on "Any other ground that is a basis for dismissal as a matter of law."
2. Under Ind. Code § 35-34-1-4(b), motions made based on subsections 6 and 11 may be made at any time.
3. Ms. Thaing is immune from prosecution based on Ind. Code § Ind. Code § 34-13-9-10.
4. The charges against Ms. Thaing should be dismissed as a matter of law, because of her fundamental right to choose the discipline of her children.
5. Ms. Thaing has attached her affidavit in support of this motion
6. Ms. Thaing will file her memorandum in support of this motion contemporaneously



with this motion.

WHEREFORE Khin Par Thaing, respectfully asks the Court to dismiss the information against her, and for all other appropriate relief.

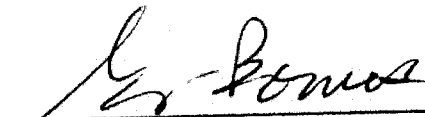
Respectfully submitted,



Gregory Bowes  
Supreme Court # 4335-49  
Greg Bowes Legal Services, P.C.  
445 N Pennsylvania St Ste 817  
Indianapolis IN 46240-1890  
[Greg@GregBowes.pro](mailto:Greg@GregBowes.pro)  
317-259-4442  
Attorney for the Accused

#### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was personally served upon Matthew Savage, Marion County Prosecutor's Office, 251 E Ohio St Ste 160, Indianapolis IN 46204, on July 29, 2016.

  
Gregory Bowes

STATE OF INDIANA     )  
                                  )  
COUNTY OF MARION    )

IN THE MARION SUPERIOR COURT  
CAUSE NUMBER 46G01-1602-F5-005504

STATE OF INDIANA     )  
                                  )  
                  vs.        )  
                                  )  
KHIN PAR THAING        )

---

### **Affidavit of Khin Par Thaing**

I, Khin Par Thaing, make the following statements under the penalties for perjury:

1. I am an adult. I am competent to testify before the courts in Indiana. The following statements are made based on my own personal knowledge.
2. I am the defendant in the above-captioned case.
3. I am a member of the Indiana Lautu Evangelical Church, which is a Christian church serving Burmese immigrants in central Indiana. I have practiced the Christian faith for my whole life. For the two years prior to my immigration to the United States, I served as a Sunday School teacher while I was still in Burma. I taught children ages four to eleven stories and passages from the Bible, and songs for worship for two hours each Sunday during those two years.
4. I am the mother of the alleged victim in the above-captioned case.
5. The alleged victim was seven years old at the time of the crime I am accused of committing.
6. At the time of the alleged crime, my son was with my three-year-old daughter.
7. I strive to raise my children in the Christian faith.

8. Since before I was married and had children, and while I was still in Burma, I learned from the Bible that a parent who "spares the rod, spoils the child." Proverbs 23, 13-14 says, "Do not withhold discipline from a child; if you strike him with a rod, he will not die. If you strike him with the rod, you will save his soul from Sheol." On the day of the alleged crime, I believed in those teachings.

9. At the time of the alleged crime, I saw my son standing near my daughter, and noticed that both of them were naked below the waist. I believed my son was about to behave very badly with my daughter. I was worried for my daughter's safety. I was worried for my son's salvation with God after he dies, and I did not want him ever again to commit a serious sin. I decided to punish my son to prevent him from hurting my daughter and to help him learn how to behave as God would want him to.

10. I was a respondent in a case in the Marion County Superior Court, Juvenile Division, relating to the alleged crime. I participated in parenting education and therapy as part of the plan arranged by the Department of Child Services. After I learned methods of disciplining my children other than physical punishment, that case was dismissed.

11. I now know that there are effective ways to teach my children good behavior without using physical punishment.

**THE AFFIANT SAYS NOTHING FURTHER.**

**Affirmation**

I swear (affirm), under penalty of perjury as specified by Ind. Code § 35-44.1-2-1,

that the foregoing representations are true.

  
\_\_\_\_\_  
Khin Par Thaing

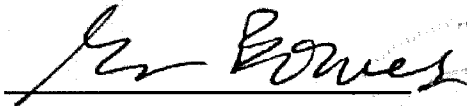
STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

Khin Par Thaing personally appeared before me, a Notary Public for the State of Indiana, and, having been first sworn by me upon her oath or affirmation, stated that the facts alleged in the foregoing instrument are true.

Signed and sealed this day, July 22, 2016.

My commission expires:

March 12, 2021  
Commission # 642848

Signed: 

Printed: Gregory Bowes  
Notary Public  
Resident, Marion County, Indiana

