



INSPECTOR GENERAL REPORT

2008-02-0042

February 27, 2008

SPENCER COUNTY MURDER ASSISTANCE

Inspector General David O. Thomas and Staff Attorney Amanda Schaeffer, after an investigation by Special Agent Mike Mischler, report as follows:

This report addresses the assistance given to the Spencer County Prosecuting Attorney and Indiana State Police (ISP) by Office of the Inspector General (OIG) Special Agent Mike Mischler. Similar to other law enforcement agencies, the OIG permits in limited circumstances its Special Agents to assist other law enforcement agencies. This is rare and has mainly occurred when OIG Special Agents who worked homicide cases previous to their employment with the OIG are requested by a Prosecuting Attorney to assist. In this case, this request came from Spencer County Prosecuting Attorney Jon Dartt and involved the following case.

On July 11, 2001, Roy Ward went to the house of Stacy Payne located just off of I-64 and US 231, in Dale, Spencer County, Indiana. After entering the home, he brutally raped and murdered Stacy who was 15 years old. He began by hitting her in the head with a five-pound weight and then he cut her throat to the point of slicing her wind pipe. He sliced open her abdomen to expose her

intestines. He also stabbed her several times on other parts of her body. Her 14 year old sister was in the tri-level home and heard her sister scream. The 14 year old went to her parents' bedroom and called the Spencer County Sheriff's Department. The 14 year old hid in a closet. The Town Marshall in Dale arrived and arrested Roy Ward who was exiting the home. Indiana State Police took over the investigation.

OIG Special Agent Mike Mischler at the time was the Jasper District Investigative Commander of the Indiana State Police with the duty of supervising all ISP Detectives in the seven-county district. He organized and coordinated this investigation.

A trial took place in Spencer Circuit Court where Roy Ward was found guilty and sentenced to death. The Indiana Court of Appeals reversed the verdict, stating that the trial should have been venued to another county. A new trial was set for May 2007 in Vanderburgh Superior Court with the Honorable Robert Pigman presiding.

The defense requested further DNA testing before the trial to prove that their client did not rape the victim. The evidence before the first trial showed Stacey's Payne's DNA on Roy Ward's penis but Roy Ward's DNA was not found inside of Stacey. After the second DNA test, Roy Ward's DNA was found in the vagina of Stacey Payne. The defense then entered pleas of guilty to Murder and Rape but wanted a jury to determine if Roy Ward should receive the death penalty or life without parole.

OIG Special Agent Mike Mischler's involvement in 2007 was to assist

ISP and Prosecuting Attorney Dartt in their preparation for the murder trial. He assisted the Prosecuting Attorney by contacting and interviewing approximately eight new witnesses named by the defense in the southeast part of the State, and prepared a report involving these contacts for the Prosecuting Attorney. OIG Special Agent Mischler also testified at the death penalty hearing regarding the evidence found at the murder scene.

The jury imposed the death sentence.

Dated this 27th day of February, 2008.

A handwritten signature in black ink, appearing to read "David O. Thomas". The signature is written in a cursive, somewhat stylized font.

David O. Thomas, Inspector General