

NEW-HARMONY, (IND.) September 2023**GOEDDE GOES LIGHT!
TWELVE YEARS CUT TO
FOUR ON FUNKHOUSER!**

By: Dan Barton
September 2023

It just doesn't end at the Posey County Circuit Court! In fact it seems to be getting worse by the day. The Kusturin case is in limbo, same, same, for the McCarty and Justice cases. Now we have the inexplicable short prison sentence on the Michael Funkhouser case.

Just last month, August 2023, Judge Craig Goedde handed down a very light sentence for a Posey County man named Michael Funkhouser. Funkhouser had attacked our very own former New Harmony Town Marshal, Aaron Straub and tried to grab Straub's service pistol out of his holster during a traffic stop. Officer Straub is currently a Posey County Deputy Sheriff.

In the late evening of August 11, 2021, while still New Harmony's Town Marshal, Straub observed a vehicle driven by Funkhouser traveling recklessly on Church Street in New Harmony. Officer Straub recognized it as a vehicle that had been called out on Posey County Dispatch as a reckless driver. Dispatch had indicated that the vehicle was last seen going south on Highway 69.

Marshal Straub, patrolling alone, initiated a traffic stop after observing the vehicle fail to signal and was driving without headlights on. The driver of that vehicle was identified as Michael Funkhouser, 36, of Mt. Vernon.

After being stopped, Funkhouser exited his vehicle and began approaching Officer Straub's patrol car. Funkhouser became increasingly aggressive toward Officer Straub and stated that he was not going back to jail. Funkhouser shoved Officer Straub, and while resisting being detained, grabbed Straub's service pistol and attempted to remove it from the holster on Straub's duty belt. Fortunately, Funkhouser was unable to gain control of the firearm and Officer Straub was able to successfully detain Funkhouser and place him in handcuffs. Once Funkhouser was in custody, officers located a .380 handgun in his pocket, as well as a large amount of meth and an additional firearm in his vehicle.

Funkhouser was initially sentenced to 12 years by Judge Craig Goedde after pleading guilty to F3 Possession of Meth, F5 Attempted Disarming of a Law Enforcement Officer, F6 Battery Against a Public Safety Officer, F6 Possession of a Controlled Substance, and Class C Misdemeanor Possession of Paraphernalia.

Goedde then ordered that only four (4) of the twelve (12) years will be served in prison. The remaining (8) eight years will be suspended to Posey County Community Corrections.

At sentencing, Prosecutors Clowers and Mastison argued that Funkhouser should serve all (12) twelve years in prison. Defense attorney John Brinson argued for a lighter sentence.

Pursuant to the (4) four year sentence handed down by Craig Goedde, and with the credit time Funkhouser has accumulated since his arrest, he will

serve less than the four years, perhaps three and a half, and soon be eligible for release into the Posey County Community under the Community Corrections Program.

Goedde ordered Funkhouser to complete Posey County Community Corrections rather than serve the remains of the (8) eight years in prison despite the fact that evidence was presented at sentencing showing that Funkhouser was a very violent criminal and had previously violated the terms and conditions of Posey County Community Corrections on two separate occasions while he was out on bond in this case.

As part of his guilty plea, Funkhouser admitted to possessing more than 10 grams of meth, as well as the battery against and attempting to take a firearm from former New Harmony Town Marshal and current Posey County Sheriff Deputy Aaron Straub.

At sentencing, the court heard testimony from Straub and Chief Deputy Fortune. Straub described in detail what transpired that night, including observing Funkhouser apparently reaching for something and physically engaging with Straub. Although Straub could not see what was in Funkhouser's pocket. Straub went on to testify that this incident is now often on his mind during routine traffic stops. Fortune described how he observed Straub to be very distraught upon his arrival on scene.

"My office argued for a much tougher sentence," commented Posey County Prosecutor Thomas Clowers. "As evidenced by his actions during this

incident, we believe Funkhouser is a dangerous individual to have in our community. What would have happened if Funkhouser was able to retrieve the handgun from his pocket or take the gun from Straub? Thankfully we don't have to know the answer to that, and Straub was able to return home from work to his family after this incredibly scary and serious situation.

While my office does respect the court's sentence, we certainly do not agree with it. My office will be consulting with the Indiana Prosecuting Attorneys Council as to our options on appeal."

Clowers further commended Chief Deputy Prosecutor Georgianne Mastison for her efforts in this case, as well as Deputy Aaron Straub and Deputy Fortune for their quick actions that prevented something more serious from occurring: "We cannot fully understand what our men and women in law enforcement are going through each time they put on their uniform and go to work. They voluntarily confront danger so that we can have a safer community to live in and raise our families. I am indebted to and grateful for all of them, and we will continue to aggressively pursue longer sentences for violent offenders that seek to do harm to anyone in our community, including our law enforcement officers."

If only these serious arrests and convictions could culminate in "longer sentences," then Prosecutor Clowers' statement might hold some hope in it! If the Court System crumbles, then so does the Public Safety System!

AGAIN - JUDGE GOEDDE'S LIGHT SENTENCING!

**By: Dan Barton
September 2023**

Somewhere I read that Posey County

Circuit Court Judge Craig Goedde has gone light on convicted criminals. Certainly we should know that when it comes to some types of light sentencing in the Circuit Court that that has been the practice for decades. Not just with Judge Goedde, but all other Judges as well. It's a good reason why some crime in Posey County persists.

For example, one type of crime, Child Molestation, sometimes garners no more than a prison sentence of one year or so in Indiana Department of Corrections or the Posey County Jail by Circuit Court Judges. How do I know? I follow the cases. One man actually served only a year in jail for molesting a seven year old girl for at least two years. Though he was sentenced to two years in prison - he was out in a year. He then molested another little girl almost immediately upon his release; was re-arrested and sentenced to five years - he served a total of three out of those five years. He is now back and out in the community, again!

This is partly why you see so many stories about child molesters in Posey County in the local papers; short sentences foster recidivism. Repeat Crime!

Child Molesters are notoriously Repeat Offenders. It appears that Judge Goedde's own sentencing practice could be a part of this problem. Three years out of five!

Meth has also been given the "Goedde Light" treatment since the Judge took office in 2019!

Rarely does a person who is caught by police in "Possession of Meth" get more than a few weeks in jail, unless they are caught with more than 5 grams of Meth, which, strangely, is very rare. Those who possess Meth, use Meth, and pay cash for Meth, support the entire illegal Meth industry and the Cartel in America, Mexico and China.

When they are caught with more than 5 grams and are charged as a dealer on a Meth felony charge - Judge Goedde almost always accepts a "deal" worked out between the defense attorney and Prosecutor Thomas Clowers, to drop the felony charges and accept the misdemeanor charge. That will usually bring a very light sentence, or the case will be dismissed, which is suspended with an agreement that the Meth defendant agrees to go into some useless rehabilitation program.

When a Meth dealer gets stuck with a felony charge it not only takes them off the streets for a while, but it could prevent them from going to some local gun shop and purchasing a firearm for themselves or one of their friends.

Rehab sentencing is mostly to keep the public happy, Keep the Social Workers paid, and keep you thinking that the Judge and the Prosecutor are really doing their jobs to protect the public. Sometimes a substantial sentence for dealing Meth will be handed down, but rarely, and when it is, the "Dealer" is often let out of jail much earlier than the Prosecutor crows about in his self-serving press release. Five'll get you three!

A couple of examples: Just recently Prosecutor Thomas Clowers contacted The New Harmony Gazette to complain about how, when he had asked Judge Goedde for a \$10,000 additional bail on a suspected dangerous person arrested on a charge of providing a shotgun and a rifle to a violent felon, Judge Goedde only applied a \$3,000 additional bail. This was a felon who had already been arrested previously on several serious felony charges. Judge Goedde refused Clowers' request and went with his standard lower bail. Right away that defendant was provided with the money for the bail by an outside source and was released back into the community.

Another case that comes to mind was the Michael Funkhouser case, that I just elaborated on in the first column. Funkhouser attacked the arresting officer, our own former Town Marshal Aaron Straub, and tried to disarm him. Very serious, and usually with very serious consequences to either the arrestee or the police officer. Luckily officer Straub was about himself and was able to subdue this criminal without bloodshed.

In the end, Judge Craig Goedde sentenced Funkhouser to a four (4) year term. (It took two years of wrangling through Goedde's Circuit Court to even get this sentence.) Judge Goedde then reduced the residual four year sentence (out of an original eight) by another six months on the usual "Mystery Good Behavior" calculation. This fellow was then enrolled in all of the court ordered programs that are designed to set him straight and a make a good citizen out of him in the future. And you, my fellow citizen, will get to pay for it. I'm betting Funkhouser won't do more than two! Then will more than likely be rearrested for some drug or violent crime by a hard working police officer in our community.

Where did we get this judge? Portland, Oregon?

It's rare that I hear Prosecutor Clowers complain publicly about Judge Goedde or his sentencing, but now in recent weeks I've heard him complain twice.

Why would "Judge Goedde Go Light" on Child Molesters or Meth Dealers and alleged accomplices to murder?

More on this coming up!

CHICANERY ?

By: Dan Barton
September 2023

In August and again in the September edition of The New Harmony Gazette, I addressed Posey County Prosecutor Thomas Clowers' complaint regarding my paper's criticism of his statement to the Gazette condemning my Open Letter to him. That letter addressed his continued withholding of information to the press and public about my questions regarding the Misti Justice pending case.

The Prosecutor's major complaint seemed to revolve around one word that I used to describe how he, Clowers, the Posey County Sheriff Tom Latham and Indiana State Police Detective Weston Kuykendall, have not been forthcoming about a request from this newspaper to reveal some essential information that was left out of Kuykendall's Probable Cause Affidavit.

The word that bothers Prosecutor Clowers the most seems to be "Conspiracy." He called my use of the word, "absurd." Clowers went on to declare that I was, "out of line."

A few days later, after he had issued his condemnation, I decided to put myself in his shoes and retract the use of the word "Conspiracy" and prepare a formal letter to him and to the public, declaring the retraction of that word. Perhaps there was no untoward intent on the part of Prosector Clowers, Sheriff Tom Latham and ISP Detective Kuykendall; maybe it was just a series of coincidences that brought about the continued denial by all three high ranking State and County officials from issuing the information being requested by The New Harmony Gazette.

"If that is the case, and I'm just speculating." I said to myself, I'll rephrase the question. So, instead of

using the question, "Why are they conspiring to keep the information on this criminal case away from the public and so protect these alleged racketeers?" I decided to take a less antagonistic and accusatory approach. I restated the question as follows: "Why are local ranking law enforcement and Circuit Court officials seemingly withholding information left out of the Probable Cause Affidavit in the Misti Justice arrest that the The New Harmony Gazette has called for to date?"

Does it seem like the criminal element in Posey County might not look on this denial of cooperation with press as a victory for their side?"

Still, none of these officials, particularly Posey County Prosecutor Thomas Clowers have released the requested information: A copy of the Arrest record or report on the arrest of Misti Justice in December of 2022. The location where Misti Justice was questioned in December 2022 by police officials. The location of where a shotgun was located and confiscated by police, during their interview of Misti Justice. The location of where Misti Justice was arrested. Acknowledgment of the fact that the wrong home residence address was given by Detective Kuykendall in the Affidavit. Lastly, that a copy of the Search Warrant that was issued to Misti Justice allowing the police to search her residence for evidence that they believed may be part of an investigation into the murders of Elizabeth and John Hall in Mt. Vernon during the month of November 2021 be released to The New Harmony Gazette. What, No Search Warrant?

Now, I have confessed my sin of overstatement in using the word "Conspiracy." Still; there is no cooperation with police and prosecuting officials about the missing relevant information. Not a Conspiracy, perhaps, but maybe

“Chicanery?” Pick your own word
Dear Reader!

Could it be that a Conspiracy by any
other name would still smell just as
odious?

A TIME FOR PRAYER!
PSALM 10

10. Lord, why are you standing aloof
and far away? Why do you hide in
these troubled times?

2. Come and deal with all these proud
and wicked unbelievers who viciously
persecute the poor and defenseless.
Pour upon these devils the evil they
planned for others!

3. For they brag of all their evil lusts;
they revile God and congratulate those
the Lord abhors.

4. These wicked people, so proud and
haughty, seem to think that God is
dead. They wouldn't think
of looking for him!

5. Yet there is success in everything they
do, and their enemies fall before them.
They do not see your punishment
awaiting them.

6. They boast that neither God nor man
can ever keep them down - somehow
they'll find a way!

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Dan Barton
Publisher

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P.O. Box 551
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Contributing Writers
Dan Barton
Denise Rapp

7. Their mouths are full of profanity
and lies and fraud. They are always
boasting of their evil plans.

8. They lurk in dark alleys of the city
and murder the innocent.

9. Like jackals they crouch silently,
waiting to pounce upon the poor.
They catch their victims in their traps.

10. They crouch and humble themselves,
that the innocent are overwhelmed by
their superior strength and fall beneath
their blows.

11. “God isn't watching,” they say to
themselves; “he'll never know!”

12. Arise, O Lord! O God, lift up thine
hand! Don't forget the poor or anyone
else in need.

13. Why do you let the wicked get away
with this contempt for God? For they
think that God will never call them to
account.

14. Lord, you see what they are doing.
You have noted each evil act. You
know what trouble and grief they have
caused. Now punish them. O Lord,
the poor trust you; you are known as
the helper of the helpless.

15. Break thou the arms of the wicked.
Go after them until the last of them is
destroyed.

16. The Lord is King forever and ever.
Those who follow other gods shall be
swept from his land.

17. Lord, you know the hopes of
humble people. Surely you will hear
their cries and comfort their hearts by
helping them.

18. You will be with the orphans and
all who are oppressed, so that mere
earthly devils will terrify them no
longer.

NEW HARMONY GAZETTE
SEPTEMBER RECIPE

By: Denise Rapp

CHERRY SALAD
(Serves 8-10)

This cherry salad is one of those
whipped cream salads that reminds
you of grandma from back in the day.
I can't imagine anyone not liking this
fluffy dessert / side dish, unless you
just don't like cherries.

It's pink, it's fluffy, it's pretty and it's
yummy. Perfect for pot lucks and baby
showers or just a Sunday dinner with
the family.

Ingredients

8 oz cream cheese - room temp
1/3 c maraschino cherry juice
20 maraschino cherries
1 can chunk pineapple - drained
1 - 8oz container cool whip
2 c mini marshmallows
1/2 c toasted pecans

Directions

Toast pecans 5-8 minutes, set aside to
cool- optional

Whip cream cheese until lite and fluffy
Add cherry juice, cherries & pineapple
Mix well

Fold in cool whip, marshmallows &
pecans

Cool in refrigerator for 2-4 hours

Enjoy

