

SW 2023-02-0153

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MARY L. SWAIN  
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COURT OF COMMON PLEAS  
BUTLER COUNTY, OHIO

STATE OF OHIO

Plaintiff

CASE NO.

vs.

INVESTIGATION

ORDER TO RESTRICT PUBLIC  
ACCESS TO SEARCH WARRANT,  
SEARCH WARRANT AFFIDAVIT AND  
SEARCH WARRANT INVENTORY  
DOCUMENTS

Defendant

This cause came to be heard on the State of Ohio's Motion to Restrict Public Access to Search Warrant, Search Warrant Affidavit, and Search Warrant Inventory Documents. After reviewing the search warrant, search warrant affidavit, and return, the Court finds by clear and convincing evidence that the presumption of allowing public access is outweighed by the following factors:

1. That public policy is best served by restricting public access at this time;
2. That State, Federal, or Common Law exempts the document or information from public access;
3. That factors support restriction of public access, including the risk of injury to persons, individual privacy rights and interests, the interest of public safety, and fairness of the adjudicatory process.

It is **THEREFORE ORDERED, ADJUDGED AND DECREED** that the State of Ohio's Motion to Restrict Public Access to the Search Warrant, Search Warrant Affidavit, and Search Warrant Inventory Documents is hereby granted and that the least restrictive means requires that the documents be restricted from public access in their entirety pursuant to Rule 45 of the Rules of Superintendence for the Courts of Ohio.

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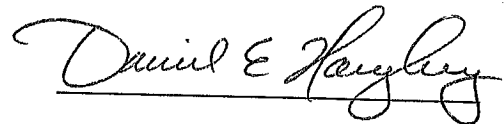
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The Court finds this investigation is still ongoing in the current case before presentment to a grand jury. Further, to protect the integrity of the ongoing investigation, the least restrictive means at this point is to seal the warrant in its entirety.

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The Butler County Clerk of Courts is hereby **ORDERED** to seal the search warrants during the pendency of this investigation/case or until further order by this Court.

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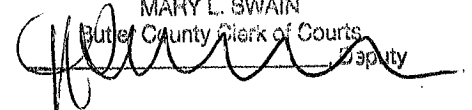
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STATE OF OHIO

Plaintiff

vs.

INVESTIGATION

Defendant

CASE NO.

MOTION TO RESTRICT PUBLIC  
ACCESS TO SEARCH WARRANT,  
SEARCH WARRANT AFFIDAVIT AND  
SEARCH WARRANT INVENTORY  
DOCUMENTS

Now comes the State of Ohio, by and through the undersigned Assistant Prosecuting Attorney, and hereby moves this Court for an order restricting public access to the search warrant, search warrant affidavit, and search warrant inventory documents filed in this investigation/case in accordance with Rule 45 of the Rules of Superintendence for the Courts of Ohio. The State seeks an order from this Court to completely restrict public access to the search warrant in this investigation/case during the pendency of this matter. Allowing public access to the search warrant, search warrant affidavit, and search warrant inventory documents would create a risk to fairness in the adjudicatory process by releasing information prematurely to the public. In addition, the search warrant contains case specific investigative techniques and release would hamper ongoing law enforcement efforts to investigate the case. ***Specifically, the State of Ohio states the investigation is still ongoing and will be presented to the grand jury. By releasing the information at this point, it would jeopardize the integrity of the ONGOING investigation of this case.***

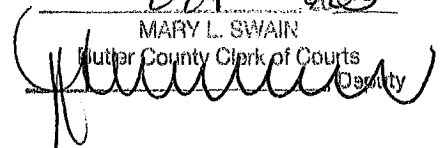
The State has no objection in allowing public access to these records at the conclusion of the investigation which may lead to an indictment. However, during the

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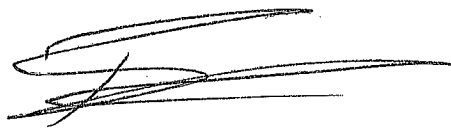
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pendency of this investigation/case, the State believes that the administration of justice and the public are best served by restricting public access to these documents.

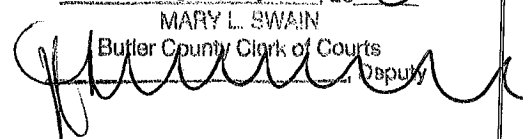
Respectfully submitted,



*Brad Burress 0072915*  
Assistant Prosecuting Attorney  
Government Services Center  
315 High Street, 11<sup>th</sup> Floor  
Hamilton, Ohio 45011  
Telephone: (513) 887-3474

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**SEARCH WARRANT**  
**BUTLER COUNTY COURT OF COMMON PLEAS**

STATE OF OHIO )  
 ) SS.:  
COUNTY OF BUTLER )

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MARY L. SWAIN  
BUTLER COUNTY CLERK OF COURTS

To the Butler County Sheriff and his Deputies and the Chief of the City of Fairfield Police Department and his Officers: This Matter came before this Court pursuant to the Application and Affidavit of Search Warrant, sworn to before this Court by Investigator Paul Newton #1131 of the Butler County Prosecutor's Office, which Affidavit is attached hereto and incorporated herein and made part of this Warrant by reference thereto.

The Court upon full consideration of said Affidavit finds that there is substantial probable cause shown to issue a search warrant for the premises described below which are in the jurisdiction of this Court in Butler County.

These are, therefore, to COMMAND YOU IN THE NAME OF THE STATE OF OHIO, TO ENTER IN THE DAYTIME AND DILIGENTLY SEARCH with the necessary and proper assistance, the below described premises, and within three days of the issuance of this warrant:

**LOCATION TO BE SEARCHED**

5101 WEST SCIOTO DRIVE, FAIRFIELD, BUTLER COUNTY, OHIO 45014, a two-story single family dwelling of 1,835 square feet, primarily orange brick construction, with black shutters, grey roof shingles, a driveway, attached single-car garage with white garage door, a walkway leading from the driveway to the front door which is black; persons likely to be present are [REDACTED] and [REDACTED]

**Search to include:** The entire premises including all rooms, storage areas, closets, drawers, boxes, containers, basement, sub-basement, attic, crawl spaces, garage, and detached garage. The entire property lot, including any and all outdoor structures and outbuildings, including permission to dig with hand shovels and rakes under any yard and garden area, landscaping, flower beds, patio and decking areas.

**ITEMS TO BE SEARCHED FOR AND SEIZED:**

**The following property, to wit:** the evidence of Murder, R.C. 2903.02(A) and (B); Tampering with Evidence, R.C. 2921.12(A)(1); and Abuse of a Corpse, R.C. 2927.01(B):

- A. All documents and tangible items related to Katelyn Markham including, but not limited to, Katelyn Markham's possessions, missing person fliers and Mapquest directions.
- B. Any and all notes regarding the Katelyn Markham investigation.
- C. All documents and tangible items related to drawings of "angels" and poetry of death and killing.

And if you find the same or any part of it, to bring it forthwith before a judge of the Butler County Common Pleas Court, State of Ohio, and make return of this Warrant according to law.

Given under my hand this 17<sup>th</sup> day of February, 2023, at 3:20 a.m./p.m.

By David E. Keyler  
JUDGE, BUTLER COUNTY COURT OF COMMON PLEAS

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**AFFIDAVIT AND APPLICATION FOR SEARCH WARRANT**

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STATE OF OHIO )  
 ) SS.:  
COUNTY OF BUTLER )

BUTLER COUNTY COMMON PLEAS COURT

I, Affiant Paul Newton, #1131 Investigator for the Butler County Prosecutor's Office, being duly sworn, say and depose the following: that I have substantial probable cause to believe and do believe that I have substantial probable cause to search the property described below that is within the jurisdiction of the Butler County Court of Common Pleas.

**LOCATION TO BE SEARCHED:**

**5101 WEST SCIOTO DRIVE, FAIRFIELD, BUTLER COUNTY, OHIO 45014**, a two-story single family dwelling of 1,835 square feet, primarily orange brick construction, with black shutters, grey roof shingles, a driveway, attached single-car garage with white garage door, a walkway leading from the driveway to the front door which is black; persons likely to be present, [REDACTED] and [REDACTED]

**Search to include:**

- A. The entire premises including all rooms, storage areas, closets, drawers, boxes, containers, basement, sub-basement, attic, crawl spaces, garage, and detached garage.
- B. The entire property lot, including any and all outdoor structures and outbuildings, including permission to dig with hand shovels and rakes under any yard and garden area, landscaping, flower beds, patio and decking areas.

**ITEMS TO BE SEARCHED FOR AND SEIZED:**

For the following property, to wit:

- A. All documents and tangible items related to Katelyn Markham including, but not limited to, Katelyn Markham's possessions, missing person fliers and Mapquest directions.
- B. Any and all notes regarding the Katelyn Markham investigation.
- C. All documents and tangible items related to drawings of "angels" and poetry of death and killing.

**ITEMS ARE EVIDENCE OF CRIMES:**

I have substantial probable cause to believe and do believe that said items are evidence of the commission of the following crimes in violation of laws of the State of Ohio: Murder, R.C.

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*[Signature]*

2903.02(A) and (B); Tampering with Evidence, R.C. 2921.12(A)(1); and Abuse of a Corpse, R.C. 2927.01(B).

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**AFFIANT'S QUALIFICATIONS:**

1. I, Affiant Investigator Paul Newton #1131 ("Affiant" or "I"), am employed by the Butler County Prosecutor's Office, 315 High Street, Hamilton, OH, and am a Special Deputy with the Butler County Sheriff's Office. I have been employed by the Butler County Prosecutor's Office since October 2, 2017 as a Criminal Investigator. Prior to this, I was employed full time by the Butler County Sheriff's Office for over 23 years. During my employment at the Butler County Sheriff's Office I worked in Corrections, Road Patrol, SWAT, Fugitive Unit, US Marshal Task Force and Road Patrol Supervisor. While working in these divisions, I was involved in criminal investigations involving felony and misdemeanor crimes including murder, rape, assault, robbery, crimes against persons and property in violation of the Ohio Revised Code.
2. I have continued these types of investigations while employed by the Butler County Prosecutor's Office, including as the lead investigator in cold case rape and murder investigations. In that capacity, I have obtained numerous search warrants.
3. For the last three years, I have been the lead investigator in the 2011 homicide of Katelyn Markham. In that capacity, I have conducted an extensive review of the investigative materials of the agencies that initially investigated the case, including the City of Fairfield, Ohio, Police Department and the Cincinnati Office of the FBI. I have spoken in great detail with those officers and agents involved; and I have personally interviewed numerous witnesses.
4. The facts set forth in this affidavit are based on: my own personal knowledge as lead investigator in this case for three years; my own interviews with the named witnesses; discussions with Fairfield police and FBI agents who have spoken directly to the named witnesses; my review of audio and/or video and/or written statements of named witnesses; and my extensive discussions with Fairfield police and FBI agents who have investigated the case.

**FACTS ESTABLISHING PROBABLE CAUSE:**

5. Affiant respectfully submits that the facts below establish probable cause to believe that John Carter was involved in the 2011 homicide of Katelyn Markham in Fairfield, Butler County, and that John Carter and [REDACTED] were involved in the disposal of Katelyn's body in Indiana, which was found wrapped in black or dark-colored plastic construction and landscaping sheeting material; and that the plastic material used to wrap her body was obtained from John Carter's then-residence at 5101 West Scioto Drive, Fairfield, Ohio, where he lived with his Mother and Step-Father and/or from [REDACTED] then-residence at 5271 Ann Court, Fairfield, Ohio where he lived with his mother. Affiant submits that the facts below establish probable cause that more of that plastic material will be found at said

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residence notwithstanding the passage of time, given that the house and lot have never been searched in this investigation; that John Carter's Mother and Step-Father have continuously remained the owners-occupants of that home to this date; and that John Carter has continued to list that residence as his address as recently as 2021; and given the durability of the plastic material, that it is used as a semi-permanent fixture in landscaping and construction projects and is difficult to remove without detection, that it comes in bulk-rolls and the remnants of bulk-rolls can last for many years, and that said material is not incriminating on its face; and given that said similar material was used to wrap the body of Katelyn Markham as set forth below.

6. On Sunday August 14, 2011 the City of Fairfield Police Department responded to the townhouse residence of 21-year-old Katelyn H. Markham ("Katelyn") at 5214 Dorshire Drive, Fairfield, Butler County, in response to a police report that she was missing. John Carter, then-age 23-years old, Katelyn's boyfriend of 6 years and fiancé of 1 year, was the individual who contacted the police department to file the report.
7. Affiant's investigation discloses that Katelyn lived alone in the townhouse, a duplex with first-floor front and rear entrances and with parking at both entrances. Katelyn was a student at the Art Institute of Ohio-Cincinnati and was two weeks from earning her college degree.

***John Carter's 2011 statement***

8. On August 14, 2011, John Carter was interviewed by the Fairfield Police Department. John Carter signed a consent form to search his cell phone, as well as his vehicle, a red 2008 Ford Focus, which he acknowledged was the car he drove at that time including on August 13- 14, 2011.
9. Affiant notes that he determined from his investigation that John Carter's residence was .2 miles by car from Katelyn's townhouse and just around the corner, a 4-minute walk.
10. John Carter advised that on Saturday August 13, 2011, he woke at 2:30 pm at 5101 West Scioto Drive in the city of Fairfield, Ohio, the residence where he lived with his Mother and Step-Father. He spent a few hours at home.
11. John Carter stated that at about 5:00 p.m. he went to work at Papa John's Pizza located at 5330 Dixie Hwy Fairfield, Ohio 45014. John Carter worked for about an hour and was sent home because business was slow. John Carter then called his friend [REDACTED] and talked with him about putting a trailer hitch on John's car for his planned upcoming move to Colorado with Katelyn. After speaking with [REDACTED], John Carter invited him to come over to Katelyn's townhouse at 5214 Dorshire Drive Fairfield, Ohio 45014 to socialize and discuss their upcoming trip.

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12. John Carter stated he drove to Katelyn's townhouse at around 7:00-7:30 p.m. after Katelyn got off work from David's Bridal. [REDACTED] came over to Katelyn's residence. John Carter said that he and [REDACTED] smoked marijuana and [REDACTED] left Katelyn's residence around 10:30-11:00 pm., leaving John Carter and Katelyn alone in her townhouse. Carter stated that he stayed at Katelyn's townhouse for approximately another 30 minutes.
13. John Carter further stated as he was leaving Katelyn's townhouse at around 11:00-11:30 p.m., Katelyn was preparing for bed. He and Katelyn briefly discussed burning her old financial documents that were in a bag next to the door. Carter stated that was the last time he saw Katelyn.
14. John Carter stated that when he left Katelyn's townhouse at around 11:00-11:30 p.m., he drove to a party at a mutual friend's house located at 226 Race St., Hamilton, Ohio 45011.
15. John Carter stated he left the party at 226 Race Street between 1:30-2:00 a.m. and returned to his home at 5101 West Scioto Drive, Fairfield, and remained there through the night and into the next afternoon.
16. John Carter stated he woke up between 4:30 p.m. the next day, Sunday August 14, 2011. He watched television, and drove to work at Papa John's around 5:00 p.m.
17. John Carter stated that around 6:30 pm he asked his manager if he could leave so he could check on Katelyn as he had been unable to reach her by phone.
18. John Carter stated that he drove to Katelyn's townhouse where he saw her car in the back parking lot. John Carter went to the back door. John Carter stated he does not remember if the door was locked or unlocked. He then put his key into the door and went in. John Carter stated he immediately knew something was wrong because Katelyn's dog "Murphy" was not in the bathroom like he normally would have been if Katelyn had left the townhouse. John Carter stated that he ran upstairs to Katelyn's bedroom and saw Katelyn's purse with her wallet still in the purse.
19. John Carter stated he started calling family and friends inquiring as to whether they had seen Katelyn. John Carter stated that when family members arrived at Katelyn's residence, he drove back to Papa John's to return money he had collected from deliveries while he was at work and then left work. John Carter advised that after leaving Papa John's he called 911 and returned to Katelyn's residence.

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20. When John Carter returned to Katelyn's residence he went through her purse and retrieved her car keys to see if he could locate her cell phone in her vehicle. John Carter stated he was unable to find Katelyn's cell phone.
21. Affiant states that Katelyn's cell phone has never been located.
22. Then, Carter met with the responding City of Fairfield Police Officers and gave the statement described above.
23. During interviews of John Carter on August 14 and 15, 2011, police observed and photographed several red vertical scratch marks on the left side of Carter's neck.
24. John Carter advised the scratches were from the electric razor that he used, although in a later interview, John Carter indicated that he was not sure how the scratches got there.

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██████████ *2011 statement*

25. On August 23, 2011 the Fairfield Police Department interviewed ██████████ explained that he became friends with Katelyn when they worked together at Panera Bread. ██████████ stated that on the evening of August 13, 2011, he went to Katelyn's residence, where he, John Carter and Katelyn smoked marijuana and discussed Katelyn and John's plan to move to Colorado within the next few months. ██████████ stated that Katelyn appeared to be working on school work on her laptop, and that she never moved from her spot on the sofa during the whole time he was at the residence. ██████████ stated that Katelyn seemed distant and not her "typically bubbly self."
26. ██████████ stated that he left Katelyn's townhouse at around 10:45 p.m. to attend a party in Liberty Township, Butler County. ██████████ stated that John Carter and Katelyn were the only ones in the townhouse when ██████████ left. Note that John Carter admitted the same to the police. ██████████ never saw Katelyn again.
27. ██████████ stated that he did not recall seeing scratch marks on John Carter's neck on the evening of August 13, 2011.
28. As discussed more below, ██████████ took a polygraph examination at the Clay County Sheriff's Office in Florida, on January 19, 2021. That examination indicated ██████████ gave truthful responses when he denied knowledge of or involvement in the disappearance and death of Katelyn Markham.

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*John Carter's 2015 Statement*

29. In a subsequent interview conducted on February 16, 2015, John Carter added new information to his account that had not been provided to police in 2011. John Carter stated that after [REDACTED] left Katelyn's townhouse on August 13, 2011, Carter finished watching a movie. Carter stated that he got bored and told Katelyn he was bored. Carter told Katelyn he wanted to go out and do something. Katelyn stated she had to stay home. Carter stated that Katelyn became a "little upset." Carter stated that Katelyn had her financial documents in a large bag by the back door and told John that she needed to burn them. Carter stated that he grabbed the bag full of documents out of her hands and said, "I'll take care of it for you, its ok." Carter stated Katelyn got "a little huffy." Carter then told Katelyn, "I love you, sorry" in a "sarcastic" manner. Carter stated that Katelyn laughed at this, he gave her a kiss and he then left her townhouse. Carter stated that was the last time he saw Katelyn.
30. John Carter stated that when he arrived at the 226 Race Street address, several of his friends were at the residence. John Carter stated that some were drinking alcohol, but he did not.
31. John also stated that soon after he left her townhouse, he received a text message from Katelyn with a picture of her in which she was dressed up.
32. John Carter stated that after leaving the Race Street address he thought about surprising Katelyn by going back over to her residence. John stated he was tired and decided to instead go home where he went to bed.

*Katelyn Markham & John Carter's cell phone records*

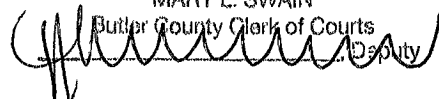
33. On August 16, 2011, Fairfield Police Department received the results of their subpoena request for Katelyn Markham's cell phone records. The records indicate that texts were sent between the cell phones of Katelyn Markham and John Carter at around 11:04 p.m. on August 13, 2011. A picture from Katelyn's cell phone was sent to John Carter's cell phone. Additional text messages were sent between Katelyn and John Carter's phones until 11:36 p.m. on August 13, 2011.
34. On August 18, 2011 John Carter agreed to have his cell phone downloaded, by Ohio Bureau of Criminal Investigations (BCI) Agent Brandon Hoyt, via Cellebrite. Upon examination of the cell phone Cellebrite download from John Carter's phone, and cell phone records obtained through AT&T (Katelyn Markham's cell phone) and Cricket (John Carter's cell phone), Agent Hoyt discovered that numerous text messages between John Carter and Katelyn Markham had been deleted from John Carter's cell phone. Those deleted text messages were from between the hours of 7:53 pm and 11:36 pm on August 13, 2011.

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35. AT&T cell phone records indicate that Katelyn's cell phone "went dark," meaning it was either turned off, the battery went dead, or the SIM card was removed, on or about August 12:06 am on August 14<sup>th</sup>, 2011.
36. On August 27, 2011, John Carter denied to police that he deleted Katelyn's August 13, 2011 messages from his phone. However, Carter subsequently admitted to police that he had in fact deleted those messages from Katelyn "accidentally" while trying to make space for the numerous text messages he was receiving in reference to Katelyn's disappearance.
37. John Carter also stated that he sent Katelyn a "good morning" text around 4:00 a.m. in the early morning of August 14, 2011, but there is no record of that message ever being sent.

***Polygraph examination of John Carter in 2011 and 2014***

38. On September 19, 2011, John Carter voluntarily agreed to a polygraph examination by the FBI. The examination was given by FBI agents at the Fairfield Police Department. The polygraph examination showed that Carter gave deceptive responses when he denied knowledge of or involvement in the disappearance and death of Katelyn Markham.
39. On February 27, 2014, John Carter voluntarily agreed to a polygraph examination by the Indiana State police. The examination was given by Indiana State Police at the Fairfield Police Department. The polygraph examination showed that Carter gave deceptive responses when he denied knowledge of or involvement in the disappearance and death of Katelyn Markham.

***BCI computer download of John Carter's computer***

40. In August 2011, BCI downloaded John Carter's personal computer obtained by his consent from his residence at 5101 West Scioto Drive. Carter confirmed to police this was his computer. The BCI report of the download indicates that in the early morning hours of August 14, 2011, Carter's computer played the television show White Collar Season 2 episodes 12, 13 and 14, beginning at approximately 1:39 a.m. At approximately 4:00 a.m., John Carter's computer visited several pornography sites.
41. At approximately 3:00 p.m. on August 14, 2011, John Carter's computer visited several pornography sites and then visited websites containing *plot summaries* of White Collar Season 2 episodes 13 and 14.

***2011 Investigation and Witness Statements***

42. While executing a Search Warrant for Katelyn Markham's townhouse at 5214 Dorshire Drive, on August 14, 2011, Fairfield Police Department observed no physical signs of blood or other bodily fluids inside the residence. While the residence appeared to be messy, there

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were no signs of a physical struggle. It was also noted that Katelyn's laptop and purse were located in her bedroom. Cash was found in Katelyn's purse. No property appeared to have been removed from the townhouse other than Katelyn's cell phone. Her dog Murphy was in the bedroom with the door closed.

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43. Katelyn's cell phone was not located at her residence, and has never been located. Katelyn's cell phone is described as a red or burgundy colored AT&T Blackberry.
44. On August 22, 2011 Fairfield Police interviewed [REDACTED]. [REDACTED] was the manager of Papa John's Pizza where John Carter worked on the afternoon of August 14, 2011. [REDACTED] stated John Carter showed up for work at his scheduled time of 5:00 p.m. [REDACTED] recalled that John Carter had mentioned to her that he had not yet talked to Katelyn that day and that Katelyn had not responded to a good morning text message that he had sent to Katelyn.
45. At approximately 6:30 pm John Carter approached [REDACTED] and asked if it was okay for him to go check on Katelyn at her townhome. [REDACTED] stated shortly thereafter, John Carter called her and stated that Katelyn wasn't at her townhouse but her purse and car were there.
46. On August 31, 2011 [REDACTED] was interviewed by the City of Fairfield Police Department. [REDACTED] is the manager of GE Credit Union. [REDACTED] advised that Katelyn came to the credit union (about three weeks before her disappearance) on July 20, 2011 with John Carter's mother, [REDACTED]. Katelyn wanted to apply for a Visa Credit Card and [REDACTED] was going to co-sign for it. [REDACTED] informed them that Katelyn would need to open an account before she could apply for the Visa card. [REDACTED] recalled during the conversation that [REDACTED] stated, "I'll co-sign for the Visa, but you've got to take my son to Colorado with you." [REDACTED] remembered laughing and commented to Katelyn, "I guess you are stuck now." [REDACTED] recalled Katelyn did not laugh or even smile at the comments.
47. [REDACTED] recalled that Katelyn was very serious and somber during the meeting in her office. During the meeting [REDACTED] advised Katelyn she would hold her application until she decided to open an account.
48. [REDACTED] states that Katelyn seemed hesitant to open the account. [REDACTED] stated it did not appear the credit card was Katelyn's idea.
49. [REDACTED] stated that on August 9, 2011, Katelyn came to the credit union and advised that she did not want to open an account and wished to cancel her application for the Visa credit card.

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50. Also in August 2011, Fairfield Police interviewed PNC bank teller [REDACTED]. On August 11, 2011 (two days before her disappearance) Katelyn Markham visited the PNC Bank located on 5333 Pleasant Ave in the City of Fairfield Ohio, where she had a bank account. Bank teller [REDACTED] stated that Katelyn was a regular customer of the bank; he had seen her on numerous occasions in the previous year; and she was very friendly and bubbly and normally engaged in conversation with him and other bank tellers. However, that day Katelyn did not speak to anyone in the bank. [REDACTED] also stated that he even went out of his way to get Katelyn's attention as she was leaving the bank but she did not respond which was very unlike her.

***2013 Discovery of Katelyn Markham's remains in Indiana, wrapped in black or dark-colored plastic sheeting***

51. On April 7, 2013 at approximately 11:00 a.m., skeletal human remains were located near 7038 Big Cedar Road, Cedar Grove, Indiana, a wooded rural area. The skeletal remains were found about 35 feet from the road near a creek. The remains were wrapped in several sheets of black or dark-colored plastic. The skull was wrapped separately in a discolored plastic shopping bag.

52. The City of Fairfield Police Department and the Franklin County, Indiana, Coroner's Office responded to the scene, collected the skeletal remains and transported them to the Hamilton County, Ohio, Coroner's Office for an autopsy and subsequent examinations. The skeletal remains were identified by the coroner to be that of Katelyn Markham. Katelyn's death was ultimately ruled a homicide, however based on the severe decomposition of the body, a cause of death could not be determined. A forensic entomologist concluded that Katelyn had died in the second or third week of August 2011, the time of her disappearance.

***2020-present Investigation by the Butler County Prosecutor's Office***

53. On January 23, 2020 the Butler County Prosecutor's Office became involved in the homicide investigation at the direction of the elected County Prosecutor Michael T. Gmoser. Affiant has been the lead investigator during the three-year investigation.

54. On August 18, 2020, affiant and other Investigators from the Butler County Prosecutor's Office drove from Katelyn Markham's former townhouse at 5214 Dorshire Drive in Fairfield on the two direct routes to 7038 Big Cedar Rd., the location where Katelyn's body was found. The trip on both routes was approximately 36 minutes. (Note that Katelyn Markham's townhouse was .2 miles by car from John Carter's residence and .1 miles by car from [REDACTED] residence [REDACTED] is discussed below], thus the below routes would be the most direct from either Katelyn's, John Carter's, or [REDACTED] (then-residences).

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55. The two most direct routes from Katelyn's townhouse at 5214 Dorshire Drive to 7038 Big Cedar Road:
1. State Route 129 Hamilton-Scipio Road to Indiana Route 252 to Big Cedar Road  
**See attachment labeled #1**
  2. State Route 126 Cincinnati-Brookville Road to Indiana Route 252 to Big Cedar Road  
**See attachment labeled #2**
56. Both State Routes 126 and 129 join together at the Ohio/Indiana State Line to become Indiana Route 252.
57. Affiant states his belief that John Carter was familiar with the location that Katelyn's body was dumped given that it was along the routes that Carter would have driven from his home on 5101 West Scioto to his father's two homes at the time. Affiant's belief is based on the following facts:
58. John Carter's father, [REDACTED], owned two properties at that time. Affiant's investigation and driving of the above routes demonstrates that each of [REDACTED] properties was a short detour from the above routes from Katelyn's townhouse/John Carter's house at 5101 West Scioto Drive to the location where Katelyn's body was found.
59. John Carter's father, [REDACTED], was residing at 3208 Robina Lane, in Ross Township, OH, at the time of Katelyn's disappearance. That residence was 1.2 miles or approximately 3 minutes off of State Route 126 Cincinnati-Brookville, the route used in one of those two most direct routes to the location where Katelyn's body was recovered.
60. Further search revealed that at the time of Katelyn's disappearance, John Carter's father, [REDACTED] also owned the residence located at 25000 Kokomo Hill Rd. in the town of Laurel, Indiana.
61. John Carter admitted to police that he and Katelyn Markham frequently visited the 25000 Kokomo Hill property to camp out and party with close friends, including Jon Palmerton.
62. The most direct route from John Carter's residence at 5101 West Scioto Drive to his father's Kokomo Hill farm is on Indiana Route 252, which crosses over Big Cedar Road, the road where Katelyn Markham's body was found. Katelyn's remains were located 1.6 miles from the intersection of Indiana Route 252 and Big Cedar Rd. **See attachment labeled #3 A&B, and #4.**

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63. On August 18, 2020, Affiant and Sgt. Becky Ervin transported the black or dark-colored plastic material used to wrap the body of Katelyn Markham from the Fairfield Police Department property room to the Cincinnati Office of the Federal Bureau of Investigations. The material was reviewed, photographed and measured. The five separate sheets ranged from approximately 5 to 11 feet long and each were a few feet wide. The pieces were perforated with holes. Three of the pieces had large X perforations. **See attachment labeled #5 A,B,C and D.**
64. On October 8, 2020, Affiant spoke with [REDACTED] [REDACTED] was the President of Advanced Laminated Housing Structures whose company built the prefabricated home of [REDACTED] at 25000 Kokomo Hill Road, Laurel, Indiana. [REDACTED] advised that he has 50 years of experience in building and construction. He reviewed the pictures of the plastic sheeting material in #5A, B, C, D which was the black or dark-colored plastic material used to wrap the body of Katelyn Markham. He was familiar with this plastic sheeting which he stated is very durable and waterproof and used in construction and landscaping. He stated that the material was NOT used in his company's construction or landscaping of 25000 Kokomo Hill Road.
65. [REDACTED] also advised that the perforated holes and the Xs in the material I showed him were not factory-made but would have been placed there after being laid out in landscaping or construction projects. [REDACTED] advised that he has used that kind of plastic sheeting. [REDACTED] explained that he has used an aerator to make the perforated holes in the material to allow water to drain into the ground slowly, a cheap solution for landscaping. He also stated he has used it for a vapor barrier in crawl spaces under a house to allow water to drain slowly into the ground.
66. On September 23, 2020, Affiant responded to 3208 Robina Lane, the former residence of [REDACTED] and spoke with the current owner, [REDACTED]. Affiant showed [REDACTED] photographs of #5 A, B, C, D which was the black or dark-colored plastic sheeting used to wrap the body of Katelyn Markham. [REDACTED] stated that he had never seen anything resembling that material in his landscaping or in his premises, including when he had recently done landscaping renovations.
67. On December 7, 2020, the Indiana State Police with Investigator Steve Isgro of the Butler County Prosecutor's Office searched 25000 Kokomo Hill Rd., with the consent of the owner, [REDACTED]. Police searched for the plastic sheeting material in the house, outbuildings, landscaping, and farm property. No such material was found.
68. Affiant states that on December 7, 2020, [REDACTED] the father of John Carter, voluntarily submitted to a polygraph examination by the Indiana State Police. The examination

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indicated that [REDACTED] gave truthful responses when he denied involvement in or knowledge of the disappearance and death of Katelyn Markham.

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- 69. Affiant states that on August 7, 2013, [REDACTED], the father of Katelyn Markham, voluntarily submitted to a polygraph examination by the Indiana State Police. The examination indicated that [REDACTED] gave truthful responses when he denied involvement in or knowledge of the disappearance and death of Katelyn Markham.
- 70. Affiant further spoke with several professional landscaping businesses and local farms. I showed them the pictures of the black or dark-colored plastic sheeting. They advised that the plastic sheeting was typically used as a vapor barrier for landscaping and the X perforations are created after manufacturing to lie over shrubs or around trees.
- 71. With the information provided by [REDACTED] and my observation of the black or dark-colored plastic sheeting at the Cincinnati FBI Office and from interviewing several landscaping, construction, and farm professionals, affiant has determined that the black or dark-colored plastic sheeting would become a semi-permanent fixture in a home or yard. The material is not something that homeowners would typically purchase themselves, but rather is purchased by construction and landscaping professionals for projects. It is sold in bulk roll amounts, and can be cut into sheets, and is used in home construction and landscaping projects, including for creating garden beds or to line basements and crawl spaces. Remnants of the rolls are commonly left with the homeowner after landscapers or builders use it for a project in the way that leftover rolls of insulation may be stored in a home.
- 72. Affiant's investigation shows that this plastic sheeting is commonly sold in bulk-rolls in amounts that can last for years and the sheets can be re-used (like a tarp.) The material is very durable. The material used to wrap the body of Katelyn Markham had been weathered for approximately a year and six months, along the road side of Big Cedar Road in Franklin County, Indiana. The area where Katelyn's body was found is subject to high water as the creek is just several yards from the road way. Yet the material was still intact.
- 73. Affiant states based on his conversations with the above construction and landscaping professionals, that this material is something that an individual would be unlikely to dispose of if they were not aware of its incriminating character because as noted, it is typically installed under gardens or in construction or basements, and because the material comes in bulk amounts. If a homeowner possesses leftover bulk amounts after a construction or landscaping project the supply could last for years for other home projects.

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74. The public was not made aware that Katelyn Markham's body was wrapped in the black or dark-colored plastic sheeting.
75. While the suspects John Carter and [REDACTED] would know the plastic sheeting is incriminating, it would be hard for the individual suspects to remove this material from a home or grounds if it's installed in landscaping or in a basement or to remove it from a home if it is present in a large bulk roll. It would be difficult to remove and to explain to a family member why the individual was removing it from said residence.
76. On January 18, 2021, Affiant responded to Orange Park, Florida to interview [REDACTED] in reference to the Katelyn Markham case. [REDACTED] supplied the same information that he had given Fairfield Police Department back in 2011: that he left Katelyn's townhouse on August 13, 2011 at approximately 10:45 p.m., and Katelyn and John Carter were the only people present when he left.
77. On January 19, 2021 [REDACTED] agreed to a polygraph examination. Examination was given by Detective Carver of the Clay County, FL, Sheriff's Office. [REDACTED] polygraph examination showed that he gave truthful responses when he denied knowledge or involvement in the disappearance and death of Katelyn.
78. On January 28, 2021 at 11:40 a.m. hours John Carter voluntarily responded to the Butler County Prosecutor's Office 10<sup>th</sup> floor to take a polygraph examination. The polygraph examination was given by Sgt. Rick Roseberry of the Indiana State Police Department. Like the earlier two polygraphs, this polygraph examination showed that John Carter gave deceptive responses when he denied knowledge of or involvement in Katelyn Markham's disappearance and death. He specifically showed deceptive responses when asked whether he disposed of Katelyn's body on Big Cedar Road.
79. On January 27, 2021, Affiant interviewed [REDACTED], the biological mother of John Carter, at the Butler County Prosecutor's Office. [REDACTED] stated that she has always had a very close relationship with her son John Carter. [REDACTED] stated that she did not believe her son John Carter was involved in Katelyn's disappearance or murder. [REDACTED] declined to take a polygraph examination.
80. Affiant states that a review of Butler County Auditor's records and affiant's interview of [REDACTED] confirm that [REDACTED] and her husband [REDACTED] have owned the residence at 5101 West Scioto Drive since 1989 and have resided there continuously since that time and reside there currently. [REDACTED] confirmed that in August 2011, John Carter resided with her, and his sister [REDACTED] at 5101 West Scioto Drive.

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81. Affiant notes that police in this investigation have never searched 5101 West Scioto Drive. Police have only entered those premises with the consent of John Carter in August 2011 for the limited purpose to retrieve John Carter's computers, as described above.
82. On February 7, 2023, affiant reviewed public records and other records regarding John Carter on Accurint, a law enforcement database which affiant knows to contain accurate records of individuals' residential addresses gleaned from sources such as voter registration, county auditors, bank, and criminal records. Accurint indicates that John Carter continues to provide 5101 West Scioto Drive as his address; Accurint indicates that Carter used that address as recently as May 2021; Carter has also simultaneously listed residential addresses in Cincinnati since 2015; Carter currently owns a residence in Hamilton, Ohio.
83. Katelyn Markham's cell phone is described as an AT&T Blackberry. John Carter's cell phone at the time was a Cricket LG Optimus C Android LG-LW690. On March 11, 2021, Special Agent Lance Kepple of the Cincinnati Office Federal Bureau of Investigations informed Affiant that Cricket records for John Carter's cellular activity show that his phone became inactive on August 14, 2011, at approximately 12:04:02 a.m., which was approximately the same time Katelyn's phone went dark, at 12:06:13 am. John Carter's cellular activity stayed inactive until 2:24 p.m. on August 14, for a total period of approximately 15 hours, which Agent Kepple observed was not typical of the usage of that phone according to the records. Agent Kepple explains the following reasons a cell phone goes dark/is no longer receiving or sending signals:
- a. Cell phone battery goes dead.
  - b. Cell phone SIM card taken out.
  - c. Cell phone put into airplane mode.
  - d. Cell phone put into a particular bag that doesn't let cell signal transmit.
84. On February 15, 2023, affiant and another Investigator from the Butler County Prosecutor's Office interviewed John Carter, on the 10<sup>th</sup> floor of the Butler County Prosecutor's Office. During the interview Carter was asked if he still had his Cricket LG Optimus C Android LG-LW690, Carter stated that it would possibly be in a box at his Mother, [REDACTED] house located at 5101 West Scioto Drive.
85. On March 21, 2022, affiant and other Investigators from the Butler County Prosecutor's Office interviewed [REDACTED], on the 10<sup>th</sup> floor of the Butler County Prosecutor's Office in reference to the night Katelyn disappeared. [REDACTED] lived in a unit neighboring Katelyn's townhouse in August 2011. [REDACTED] was familiar with John Carter as she had seen him visit Katelyn's townhouse numerous times in 2011 and observed that he always used the rear entrance to the townhouse. [REDACTED] stated that on or around August 16, 2011 outside

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of her townhouse, she was interviewed by a female officer from the Fairfield Police Department.

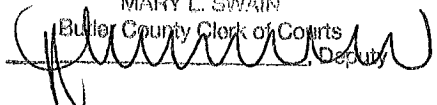
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86. [REDACTED] advised that as she was talking with the female officer on August 16, 2011, she observed John Carter walking through the parking lot as if he was coming from Katelyn's residence. John Carter started walking towards her and the female officer. John Carter appeared carefree and was laughing and talking with another individual that was walking with him. [REDACTED] found that to be very strange as well as when John Carter tried to interrupt the female officer as she was speaking with [REDACTED]. The female officer advised John Carter to move on as she was trying to interview [REDACTED].
87. On March 29 and March 30, 2022 [REDACTED] and [REDACTED] were separately interviewed on the 11<sup>th</sup> floor of the Butler County Prosecutor's Office in reference to the written statement each had provided to the Fairfield Police in April 2013 regarding August 13-14, 2011. Each stated that they recalled that evening well and provided a very similar account:
88. On the evening of August 13, 2011, [REDACTED] and [REDACTED] both then-age 15, attended the Sacred Heart Festival in the City of Fairfield Ohio. After the festival [REDACTED] and [REDACTED] went back to [REDACTED] residence on West Scioto Drive in the city of Fairfield, on the same block and just three or four houses from John Carter's residence at 5101 West Scioto Drive. [REDACTED] decided to spend the night at [REDACTED] residence. Later that evening into the early morning hours of August 14, 2011, at approximately 2:00 a.m., [REDACTED] and [REDACTED] snuck out of the residence to go to a party. They arranged to have a friend pick them up nearby, almost directly in front of John Carter's house at 5101 West Scioto Drive.
89. As they were walking south bound on West Scioto Drive, [REDACTED] and [REDACTED] both saw two vehicles driving west bound on West Scioto Drive. As both were juveniles at the time, they hid behind an evergreen tree located at 5086 West Scioto Drive. [REDACTED] and [REDACTED] both stated they thought the two vehicles were the Fairfield Police Department. Quickly they realized that the two vehicles were not police officers.
90. [REDACTED] and [REDACTED] observed the two vehicles drive up with their head lights off in front of 5101 West Scioto Drive. Affiant states that [REDACTED] and [REDACTED] both described the vehicles coming from the direction of Katelyn Markham's townhouse at 5214 Dorshire Drive and [REDACTED] house located at 5271 Ann Court. [REDACTED] and [REDACTED] both observed a red Ford Focus pull into the driveway of 5101 West Scioto Drive. They both saw the second vehicle pull up to the front of the residence. They both described the second vehicle as a dark blue, four door car with a male in the driver seat. [REDACTED] described the driver as having shoulder length hair and unkempt beard. [REDACTED] and [REDACTED] stated that the residence at 5101 West Scioto

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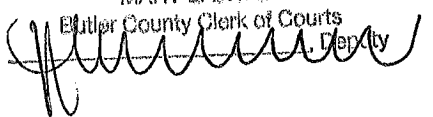


Drive was completely dark. Both observed the garage door open and the red Ford Focus pull into the garage and the garage door close.

91. Approximately 5 to 15 minutes later, [REDACTED] and [REDACTED] observed the garage door of 5101 West Scioto Drive open and the red Ford Focus pull out and into the street, still with its headlights off. The dark blue car was still parked in front of the 5101 West Scioto with its headlights off. [REDACTED] and [REDACTED] then observed both vehicles leave. [REDACTED] stated the cars travelled back the same way they came on West Scioto Drive, with their headlights off. Affiant states that the direction [REDACTED] described is the direction toward Katelyn Markham's house, .2 miles away by car; and toward [REDACTED] house, .3 miles away by car. Affiant states that there are at least two other routes of egress from 5101 West Scioto Drive to leave that neighborhood that do not pass by Katelyn Markham or [REDACTED] house.
92. Shortly thereafter, [REDACTED] and [REDACTED] met with their ride and drove to a party located in nearby Fairfield Twp, Butler County.
93. [REDACTED] stated that he was aware that John Carter lived at 5101 West Scioto Drive and drove a red Ford Focus at the time. [REDACTED] also advises that he is familiar with John Carter as John was then friends with his older brother.
94. Affiant states that John Carter admitted to police that he drove a red Ford Focus in August 2011. Affiant learned from the investigation that John Carter was the sole registered owner of a red Ford Focus in August 2011; BMV records show he was the sole registered owner beginning on February 6, 2010.
95. Through the course of affiant's investigation, affiant learned that an individual known to John Carter and Katelyn in 2011 drove a dark blue car like the one described by [REDACTED] and [REDACTED]. That individual was identified as [REDACTED]. [REDACTED] has been close friends with John Carter since the age of 7-years-old and they grew up together in the same neighborhood.
96. At the time of Katelyn's disappearance in August 2011, [REDACTED] resided with his parents at 5271 Ann Court in the City of Fairfield Ohio, approximately 0.1 miles by car from Katelyn's residence and approximately 0.3 miles by car from John Carter's residence. According to [REDACTED] statements and affiant's investigation, at the time of Katelyn's disappearance, [REDACTED] drove and was the sole registered owner of a 1999 Dark Blue Saturn SL 4 door sedan Ohio/License number [REDACTED].
97. Affiant's investigation shows that [REDACTED] Ohio Driver License photo from 2011 shows him with shoulder length hair and an unkempt beard, consistent with the description

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that [REDACTED] gave of the driver of the dark blue car he saw in front of John Carter's house on August 14, 2011.

98. Affiant separately showed [REDACTED] and [REDACTED] photographs of a similar 1999 Dark Blue Saturn SL 4 door sedan. Each separately indicated that the photographs of the 1999 Dark Blue Saturn SL 4 door sedan were the same make and model and style of car they saw on August 14, 2011 with its headlights off in front of John Carter's residence. In a later interview on June 26, 2022, when shown a 2011 Dark Blue Ford Focus, [REDACTED] advised that this was *not* the vehicle he saw that night and maintained that the vehicle he saw was the Dark Blue Saturn.
99. On April 14, 2022 [REDACTED] met with Affiant and other investigators at the Butler County Prosecutor's Office. [REDACTED] advised he was a long-time friend of John Carter and Katelyn and that he remains friendly with John Carter.
100. [REDACTED] stated that on the evening of August 13, 2011 he was at work from about 4:00 p.m. - 11:00 p.m. in the kitchen of Rick's Tavern located on Boymel Dr. in the city of Fairfield, Ohio. [REDACTED] stated that at all times that evening and into the next day he was driving his dark blue 1999 Saturn. [REDACTED] also stated that at 11:00 p.m. he drove co-worker [REDACTED] to [REDACTED] home in the city of Fairfield.
101. [REDACTED] stated that after dropping [REDACTED] off at his residence, [REDACTED] drove to his own residence at 5271 Ann Court in the City of Fairfield, Ohio. [REDACTED] stated that after getting home, he took a shower, got dressed and then drove back to pick up [REDACTED] at his residence then the two drove back to Rick's Tavern.
102. [REDACTED] stated they arrived at Rick's Tavern around midnight and stayed until 4:00 a.m. when [REDACTED] drove [REDACTED] home and then drove to his own home and stayed home for the rest of the night.
103. However, [REDACTED] gave a different account in his earlier interviews with Fairfield police on August 14<sup>th</sup> 2011 and February 21<sup>st</sup> 2012. In those interviews, he stated that when he finished work at Rick's Tavern at 11:00 pm or midnight, he stayed at Rick's Tavern and socialized with his co-worker, [REDACTED], and left around 3:00 a.m. [REDACTED] stated he gave [REDACTED] a ride home from Rick's Tavern and then drove to his home.
104. During the interview I also advised [REDACTED] of the statements of [REDACTED] and [REDACTED] and what they observed at approximately 2:00 am on August 14, 2011 and that his car matched the same model, type and color of the vehicle seen by the two witnesses; and that the description provided of the driver of the blue car matched his license photo at the time.

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105. [REDACTED] denied being with John Carter that night or in his car parked near Carter's house.
106. On April 22, 2022, I responded to Rick's Tavern to speak with [REDACTED] [REDACTED] was told both versions of [REDACTED] account of the evening of August 13-14, 2011. [REDACTED] advised that the story of them both leaving around 11:00 pm going home to take a shower then going back to Rick's Tavern together and staying to around 4:00 a.m. definitely did not happen. [REDACTED] stated the two were not good friends and it would have been rare for [REDACTED] to drive him home at all and the two definitely would not have made plans to return to Rick's together to socialize. [REDACTED] stated that another co-worker, [REDACTED] almost always drove [REDACTED] to and from work.
107. [REDACTED] further stated during his interview with affiant on April 14, 2022, that on the evening of August 13, 2011 into the early morning hours of August 14, 2011 and after returning to Rick's Tavern with [REDACTED] he "hung out with" [REDACTED] who was bartending that evening.
108. On May 26, 2022, affiant interviewed [REDACTED] [REDACTED] did not recall speaking with [REDACTED] at any time on the evening of August 13 into the early morning of August 14, 2011. Affiant showed [REDACTED] photographs of individuals known to have been working in the kitchen at Rick's Tavern during the time of August 2011. [REDACTED] identified [REDACTED] and [REDACTED] as individuals she knew who worked in the kitchen of Rick's Tavern. [REDACTED] was unable to identify [REDACTED] [REDACTED] states that during that time she wasn't working that many hours at Rick's Tavern. Payroll records indicate that [REDACTED] only worked 7.52 hours during the two week period ending on August 17, 2011.
109. On June 7, 2022, I responded to 5268 Wheeling Street, Denver, CO to make contact with [REDACTED] [REDACTED] corroborated [REDACTED] account that he and [REDACTED] worked at Rick's Tavern in and around the August 2011 timeframe; the two were close friends; and when they worked the same shift, it was [REDACTED] who drove [REDACTED] to and from work.
110. [REDACTED] stated that after getting off from Rick's Tavern on Friday August 12, 2011 (the night before Katelyn's disappearance), he went to the Sacred Heart Festival and met up with friends including John Carter and Katelyn Markham. [REDACTED] stated he could tell from John and Katelyn's behavior that the two were having problems or a conflict that evening. [REDACTED] states that when he arrived he spoke to John Carter and Carter completely ignored him which was highly unusual. [REDACTED] described the mood between John and Katelyn "as if they were breaking up." [REDACTED] also stated that as he was leaving the festival he again spoke to John Carter and Carter again completely ignored him.

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111. Affiant states that his investigation discloses that John Carter referred to Katelyn in the past tense in private conversations with witnesses and in media interviews within days of Katelyn's disappearance.

112. Affiant interviewed [REDACTED] on December 22, 2022. [REDACTED] is a licensed private investigator. [REDACTED] stated that John Carter called her on August 16, 2011. She audio recorded the conversation. Carter stated that he wanted a private investigator to run the investigation and was asking her what investigative steps were typically taken by police in a murder investigation. [REDACTED] stated that Carter repeatedly referred to Katelyn in the past tense.

113. On January 12, 2023, Affiant interviewed [REDACTED] [REDACTED] stated that she was friends and college-classmates with Katelyn Markham at the time of her 2011 disappearance.

114. [REDACTED] stated that when she spoke with John Carter on August 16, 2011, Carter repeatedly referred to Katelyn in the past tense.

115. [REDACTED] stated that also on August 16, 2011, [REDACTED] and Carter drove to Katelyn's townhouse. Carter took mail and packages that had been delivered to Katelyn's door. [REDACTED] told Carter that given the police investigation, Carter should leave the mail and packages and notify the police.

116. [REDACTED] stated that Katelyn confided to her during the three to six months prior to her disappearance, that Katelyn was unhappy being engaged to John Carter and felt trapped in the relationship. Katelyn further stated that she was unhappy with Carter's lifestyle including his heavy use of drugs and pornography, and that she was no longer sexually attracted to Carter, and was uncomfortable with the sexual activity Carter asked her to engage in. Katelyn further stated that Carter was very jealous and possessive when Katelyn even spoke with other men.

117. [REDACTED] further stated that in the three to six months prior to Katelyn's disappearance, [REDACTED] occasionally had John Carter and Katelyn over to her house for dinner. At those times, [REDACTED] observed that John Carter and Katelyn's relationship was tense, especially when Katelyn talked about her plans for after her upcoming college graduation.

*February 17, 2023 Search Warrant Executions*

118. On February 17, 2023, a search warrant was executed at 5101 West Scioto Drive, Fairfield, Butler County, Ohio 45014. During the search warrant, relevant items related to the Katelyn Markham homicide investigation were discovered: notes on the Katelyn Markham investigation, drawings of an "angel" in the woods, and poetry about death and killing.

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**CONCLUSION**

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119. Affiant respectfully submits that taking all of these facts into consideration, and based on Affiant's training, experience, and three-year investigation of this homicide, there is probable cause that John Carter was involved in the 2011 homicide of Katelyn Markham in Fairfield, Butler County, and John Carter and [REDACTED] were involved in the disposal of her body in Indiana. There is probable cause they obtained the plastic material used to wrap her body from John Carter's residence at 5101 West Scioto Dr. Fairfield, Ohio and/or [REDACTED] residence at 5271 Ann Court. There is probable cause that additional said plastic sheeting material and devices to perforate that material and receipts for such items will be found when a search warrant is executed at either location. Finally, there is probable cause that Katelyn Markham's AT&T blackberry and John Carter's Cricket LG Optimus C Android LG-LW690 will be found when a search warrant is executed at either location. All items specified is evidence of the commission of the murder of Katelyn Markham, to wit in violation of the laws of the State of Ohio: Murder, R.C. 2903.02(A) and (B); Tampering with Evidence, R.C. 2921.12(A)(1); and Abuse of a Corpse, R.C. 2927.01(B).
120. Affiant specifically points to the changing accounts provided to police by John Carter and [REDACTED] that [REDACTED] stated he left John Carter alone with Katelyn at 10:45 p.m. on August 13, 2011 and that [REDACTED] polygraph indicated truthful responses; that John Carter admitted to being alone with Katelyn in her townhouse on August 13, 2011, for approximately 30 minutes until approximately 11:00-11:30 p.m. and described that Katelyn was "upset" and "huffy"; that Katelyn's phone went dark and John Carter's phone became inactive within two minutes of each other at about 12:06 a.m. on August 14, within approximately 30 minutes of the time Carter stated he left Katelyn's townhouse after being alone with her; that Carter stated in his February 15, 2023 interview that his Cricket LG Optimus C Android LG-LW690 would possibly be in a box at his Mother, [REDACTED] house; that police observed red scratches on Carter's neck on August 14 which [REDACTED] did not observe when he left Katelyn and Carter alone on the evening of August 13; that a download and forensic examination of Carter's cell phone shows and Carter admitted deleting numerous text messages exchanged with Katelyn between 7:53 and 11:36 p.m. the evening of August 13; that Carter stated to police and a witness that he sent Katelyn a "good morning" message on August 14 at 4:00 a.m., however, his phone records do not show such a message and in fact his phone was inactive for a 15-hour period on August 14, from 12:04 a.m. to 2:24 p.m.; that the location where Katelyn's body was dumped was proximate to the routes from Katelyn's townhouse/John Carter's house to John Carter's father's homes, routes that John Carter would have been familiar with; that John Carter's three polygraph examinations all indicated deceptive responses in his denials of involvement in Katelyn's death; and that multiple witnesses described arguments and a strained relationship between John Carter and Katelyn in the days and months before Katelyn's murder.

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121. Affiant further states that based on [redacted] and [redacted] description of the two vehicles matching Carter's red Ford Focus and [redacted] blue Saturn, and the description of the driver of the Blue Saturn matching [redacted] and the cars pulling up to 5101 West Scioto Drive at approximately 2:00 a.m. on August 14, 2011 with their headlights off, that affiant has good cause to believe that John Carter and [redacted] were in these vehicles. Affiant states that he believes the 2:00 a.m. time is significant because it is around the time that Carter stated he left the party at Race St. in Hamilton, OH, and also because Carter's computer download by BCI shows computer activity on Carter's computer at 1:39 a.m. on August 14, 2011. Affiant states it is also significant that [redacted] and [redacted] described the cars coming from the direction of Katelyn Markham's house and [redacted] house, and the red Ford Focus pulling into the garage of 5101 West Scioto Drive for 5-15 minutes, and [redacted] observed the two cars departing together returning in the direction of Katelyn Markham's townhouse and [redacted] house. Based on these facts, affiant states he has probable cause to believe that John Carter and [redacted] would have been able to readily obtain plastic sheeting material from 5101 West Scioto Drive and/or 5271 Ann Court that was used to wrap Katelyn's body.

122. Affiant further states that there is probable cause that the above-described plastic sheeting material will be found at 5101 West Scioto Drive and/or 5271 Ann Court notwithstanding the passage of time, given that the home has never been searched; that John Carter's Mother and Step-Father have continuously remained the owners-occupants of that home since 2011 and that John Carter has continued to list that residence as his address as recently as 2021; that John Carter has a very close relationship with his Mother who lives at the residence; that investigation and/or search of [redacted] two properties have not disclosed the sheeting material and that [redacted] polygraphs indicate he has no knowledge of Katelyn's murder; and given the durability of the plastic material, that the material comes in bulk amounts in large rolls, is a semi-permanent fixture in landscaping and construction projects, and the remnants of rolls of the plastic material are commonly kept in households, is difficult to remove without detection, and that said material is not incriminating on its face. Further, any documents and tangible items related to Katelyn Markham including, but not limited to, Katelyn Markham's possessions, missing person fliers and Mapquest directions, any and all notes regarding the Katelyn Markham investigation, and all documents and tangible items related to drawings of "angels" and poetry of death and killing, shows relevance to, and continued interest in, her disappearance and death.

123. Butler County Prosecutor Michael T. Gmoser and Assistant Prosecuting Attorney Brad Burress, Chief of the Felony Division, Butler County Prosecutor's Office have reviewed this affidavit for legal sufficiency.

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124. As such, a search warrant is requested for the listed residence of 5101 West Scioto Drive in the city of Fairfield, Ohio 45014, for the search and seizure of said property.

125. Affiant states there is NOT urgent necessity that the premises be searched in the night time to prevent the removal of such property.

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Further Affiant sayeth naught.

(Signature) Paul Newton

AFFIANT, Paul Newton, Investigator Butler County Prosecutor's Office

Sworn to before me, subscribed in my presence and filed in this Court this 17<sup>th</sup> Day of February A.D. 2023, at 3:20 a.m./p.m.

By David E. Hough  
JUDGE, BUTLER COUNTY COURT OF COMMON PLEAS

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Deputy  
[Signature]

RETURN OF SEARCH WARRANT

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2023 FEB 24 PM 5:13  
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Returned, this 24th day of February  
A. D. 2023.

Served by making search as within directed, upon which search I found

See attached documents: Property Sheet for 5101 W. Scioto Drive Fairfield Ohio 45014

Signature Paul Newton

I, Paul Newton, the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of the property taken by me on the warrant.

Signature Paul Newton

Sworn to before me and subscribed in my presence this 24th day of February, A.D. 2023.

David E. Haughey  
BUTLER COUNTY COMMON PLEAS COURT

By DAVID E. HAUGHEY JUDGE

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EW 2023

MARY L. SWAIN  
Butler County Clerk of Courts  
[Signature] Deputy

## Search Warrant Inventory Report Fairfield Police Department

Item #	Description	Location Found	Initials
1	Folder containing Katelyn's papers	Office bedroom	JM
2	Yellow folder marked "John's photos & Text"	Office bedroom	JM
3	Misc. notes from desk	Office bedroom	JM
4	Writings from journal on bookshelf	Office bedroom	JM
5	Misc. notes and Katelyn's button / SD card	Office bedroom	JM
6	White binder w/ John's writings	Office bedroom	JM
7	John's red folder marked "Climax Rooms"	Basement	JM
8	John's black notebook	Basement	JM
9	Box containing Katelyn's art/property	Basement	JM
10	Box containing Katelyn's art/property	Basement	JM
11	Katelyn's portfolios and sketch books	Basement	JM
12	Shoe box containing John's financial docs.	Basement	JM
13	Mbox containing letters from Katelyn	Basement	JM
14	Roll of landscaping material	Shed	JM
15	Door from basement bedroom	Basement	JM
<p>147 JM</p>			

JUDITH SWAIN  
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Location of Search: 5101 W. Scioto Dr. Fairfield, OH

Event #: 23-CR2570

Officer Signature: [Signature] 147

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 Date: 2-23-23  
 MARY L. SWAIN  
 Butler County Clerk of Courts  
 Deputy