

CONFIDENTIAL

STATE OF INDIANA  
MARION COUNTY, ss:

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION

Cause No: 49D20

STATE OF INDIANA )  
 )  
 vs. )  
 )

INFORMATION

**COUNT I**

NEGLECT OF A DEPENDENT RESULTING  
IN DEATH

I.C. 35-46-1-4(a)(1) and I.C. 35-46-1-4(b)(3)

A LEVEL 1 FELONY

**COUNT II**

NEGLECT OF A DEPENDENT RESULTING  
IN DEATH

I.C. 35-46-1-4(a)(3) and I.C. 35-46-1-4(b)(3)

A LEVEL 1 FELONY

**COUNT III**

NEGLECT OF A DEPENDENT RESULTING  
IN SERIOUS BODILY INJURY

I.C. 35-46-1-4(a)(1) and I.C. 35-46-1-4(b)(2)

A LEVEL 3 FELONY

**COUNT IV**

ASSISTING A CRIMINAL

I.C. 35-44.1-2-5(a)(2)

A LEVEL 5 FELONY

**COUNT V**

NEGLECT OF A DEPENDENT

I.C. 35-46-1-4(a)(1)

A LEVEL 6 FELONY

**COUNT VI**

NEGLECT OF A DEPENDENT

I.C. 35-46-1-4(a)(1)

A LEVEL 6 FELONY

**COUNT VII**

NEGLECT OF A DEPENDENT

I.C. 35-46-1-4(a)(2)

A LEVEL 6 FELONY

MADISON MARSHALL W/Female  
DOB 3/21/2001

Co-Defendant  
Roan Waters

On this date, the undersigned Deputy Prosecuting Attorney of the Nineteenth Judicial Circuit, being duly sworn on his/her oath (or having affirmed), says that in Marion County, Indiana

**COUNT I**

On or about February 9, 2023, MADISON MARSHALL, being at least 18 years of age and having the care of Oaklee Snow, a dependent less than 14 years of age, did knowingly place said dependent in a situation that endangered the dependent's life or health, and which resulted in the death of Oaklee Snow;

**COUNT II**

On or about February 9, 2023, MADISON MARSHALL, being at least 18 years of age and having the care of Oaklee Snow, a dependent less than 14 years of age, did knowingly deprive said dependent of necessary support, to-wit: failed to obtain medical care and which resulted in the death of Oaklee Snow;

**COUNT III**

On or about February 9, 2023, MADISON MARSHALL having the care of Oaklee Snow, a dependent, did knowingly place said dependent in a situation that endangered the dependent's life or health, to-wit: Oaklee Snow; and that said act resulted in serious bodily injury to said dependent, to-wit: unconsciousness;

**COUNT IV**

On or about February 9, 2023, MADISON MARSHALL did assist Roan Waters by disposing of the body of Oaklee Snow knowing Roan Waters had committed a crime, to wit: Murder, a felony: with the intent to hinder the apprehension and/or punishment of Roan Waters, and further MADISON MARSHALL was not standing in the relationship of parent, child or spouse to Roan Waters;

**COUNT V**

On or about or between January 15, 2023 and February 9, 2023, MADISON MARSHALL having the care of Oaklee Snow, a dependent, did knowingly place said dependent in a situation that endangered the dependent's life or health;

**COUNT VI**

On or about or between January 15, 2023 and February 9, 2023, MADISON MARSHALL having the care of C.S, a dependent, did knowingly place said dependent in a situation that endangered the dependent's life or health;

**COUNT VII**

On or about February 9, 2023, MADISON MARSHALL having the care of C.S. a dependent, did knowingly abandon said dependent;

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

April 26, 2023

Date

**RYAN MEARS**

Marion County Prosecutor

19th Judicial Circuit

/s/ Anne Frangos

Anne Frangos, #28367-49

Deputy Prosecuting Attorney

**State's Witnesses:**

Nicholas Hubbs, IMPD

Len Rothermich, FBI

Eric Parrish, IMPD

Eric Russell, ISP

Anthony Weaver, IMPD

Steven King, IMPD

B.P.

K.W.

C.M.

Z.S.

B.W.

D.W.

L.S.

W.S.

C.S.

STATE OF INDIANA  
MARION COUNTY, ss:

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION

Cause No: 49

STATE OF INDIANA )  
 )  
 vs. )  
 )

**INFORMATION**

**COUNT I**

MURDER

I.C. 35-42-1-1(1)

A FELONY

**COUNT II**

NEGLECT OF A DEPENDENT RESULTING  
IN DEATH

I.C. 35-46-1-4(a)(1) and I.C. 35-46-1-4(b)(3)

A LEVEL 1 FELONY

**COUNT III**

NEGLECT OF A DEPENDENT RESULTING  
IN DEATH

I.C. 35-46-1-4(a)(3) and I.C. 35-46-1-4(b)(3)

A LEVEL 1 FELONY

**COUNT IV**

NEGLECT OF A DEPENDENT RESULTING  
IN SERIOUS BODILY INJURY

I.C. 35-46-1-4(a)(1) and I.C. 35-46-1-4(b)(2)

A LEVEL 3 FELONY

**COUNT V**

BATTERY RESULTING IN BODILY  
INJURY TO A PERSON LESS THAN 14  
YEARS OF AGE

I.C. 35-42-2-1(c)(1) and I.C. 35-42-2-1(g)(5)  
(B)

A LEVEL 5 FELONY

**COUNT VI**

NEGLECT OF A DEPENDENT

I.C. 35-46-1-4(a)(1)

A LEVEL 6 FELONY

**COUNT VII**

NEGLECT OF A DEPENDENT

I.C. 35-46-1-4(a)(1)

A LEVEL 6 FELONY

**COUNT VIII**

NEGLECT OF A DEPENDENT

I.C. 35-46-1-4(a)(2)

A LEVEL 6 FELONY

**Roan Waters W/Male  
DOB 05/15/1997**

**CO-DEFENDANT  
Madison Marshall**

On this date, the undersigned Deputy Prosecuting Attorney of the Nineteenth Judicial Circuit, being duly sworn on his/her oath (or having affirmed), says that in Marion County, Indiana

**COUNT I**

On or about February 9, 2023, Roan Waters did knowingly kill another human being, to-wit: Oaklee Snow;

**COUNT II**

On or about February 9, 2023, Roan Waters, being at least 18 years of age and having the care of Oaklee Snow, a dependent less than 14 years of age, did knowingly place said dependent in a situation that endangered the dependent's life or health and which resulted in the death of Oaklee Snow;

**COUNT III**

On or about February 9, 2023, Roan Waters, being at least 18 years of age and having the care of Oaklee Snow, a dependent less than 14 years of age, did knowingly deprive said dependent of necessary support, to-wit: failed to obtain medical care and which resulted in the death of Oaklee Snow;

**COUNT IV**

On or about February 9, 2023, Roan Waters having the care of Oaklee Snow, a dependent, did knowingly place said dependent in a situation that endangered the dependent's life or health, and that said act resulted in serious bodily injury to said dependent, to-wit: unconsciousness;

**COUNT V**

On or about February 9, 2023, Roan Waters, a person at least eighteen (18) years of age, did knowingly touch Oaklee Snow, a person under the age of fourteen (14), in a rude, insolent, or angry manner by throwing Oaklee Snow resulting in bodily injury, that is: bruising;

**COUNT VI**

On or about or between January 15, 2023 and February 9, 2023, Roan Waters having the care of Oaklee Snow, a dependent, did knowingly place said dependent in a situation that endangered the dependent's life or health;

**COUNT VII**

On or about or between January 15, 2023 and February 9, 2023, Roan Waters having the care of C.S. a dependent, did knowingly place said dependent in a situation that endangered the dependent's life or health;

**COUNT VIII**

On or about February 9, 2023, Roan Waters having the care of C.S., a dependent, did knowingly abandon said dependent;

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

April 26, 2023

Date

**RYAN MEARS**

Marion County Prosecutor  
19th Judicial Circuit

/s/ Anne Frangos

Anne Frangos, #28367-49

Deputy Prosecuting Attorney

**State's Witnesses:**

Nicholas Hubbs, IMPD

Len Rothermich, FBI

Eric Parrish, IMPD

Eric Russell, ISP

Anthony Weaver, IMPD

Steven King, IMPD

B.P.

K.W.

C.M.

Z.S.

B.W.

D.W.

L.S.

W.S.

C.S.

# AFFIDAVIT FOR PROBABLE CAUSE

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**STATE OF INDIANA, COUNTY OF MARION, SS:**

Nicholas R. Hubbs swears (affirms) that:

I am a police detective with the Indianapolis Metropolitan Police Department (IMPD). I am a “law enforcement officer” as that term is defined in I.C. 35-31.5-2-185. I have been a law enforcement officer for approximately nineteen (19) years. I am a graduate of the Indiana Law Enforcement Academy (ILEA) and the IMPD Leadership Academy. I have completed Basic Detective School with IMPD. I am currently assigned as a criminal investigator in the Missing Persons Unit with the IMPD. I am also a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI).

This affidavit for probable cause does not contain each and every material fact known to me and/or other law enforcement officials from the IMPD or the FBI. This affidavit contains the necessary facts and information to establish probable cause for the arrest of Madison Marshall W/F, DOB 3/21/2001 and Roan A. Waters, W/M, DOB 5/15/1997 for the disappearance and death of Oaklee Snow W/F DOB 3/10/2021

## **FACTS OF THE INVESTIGATION:**

On October 26, 2022, Madison Marshall (Marshall), white female, date of birth (DOB) March 21, 2001, contacted the Okfuskee County (Oklahoma) Sheriff’s Office (OCSO) to report allegations of physical assault by her boyfriend Roan Waters (R. Waters), white male, DOB May 15, 1997. Marshall alleged that R. Waters had struck her one and half year-old daughter Oaklee Snow (Oaklee), white female, DOB March 10, 2021, in the face during an altercation the day prior. R. Waters then hit Marshall in the head when she attempted to intervene in the assault. Deputies with the OCSO arrived at Marshall’s shared residence with R. Waters in Cromwell, Oklahoma and attempted to make contact with the occupants. R. Waters answered the front door and asked the deputies if they had a warrant to be on his property. Before they could answer, he slammed the door in their faces. The deputies attempted to explain through the closed door the purpose of their presence there was for a welfare check, but R. Waters yelled for them to “get the fuck out”. As the deputies returned to their marked police vehicles, a blue colored SUV pulled up next to them. They identified multiple occupants inside of it, to include Marshall, Oaklee, and Marshall’s three-month-old son C.S., white male, DOB July 25, 2022. R. Waters appeared to see Marshall’s interaction with the officers and exited from the residence. He immediately began yelling, so that the deputies could no longer hear what the occupants of the SUV were saying. R. Waters also began playing

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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AFFIANT

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**Affidavit for Probable Cause**

**From:** Nicholas R. Hubbs

loud music to further inhibit their conversation. The deputies eventually left the property after Marshall attempted to assure them that she and her children were not in danger.

Later that day, Z.S. contacted the OCSO to inform them that Marshall would now like to make a formal report to them. Z.S. identified himself as the biological father of Oaklee and C.S.. Deputies arrived at Z.S.'s father's residence in Cromwell and spoke with Marshall. She was present with her two children. Marshall stated that R. Waters had struck Oaklee in the mouth with an open hand on October 25, 2022, because she had been crying. Marshall lifted up Oaklee's upper lip, so that the deputies could see the cut on the other side. Marshall explained that after R. Waters hit Oaklee, she confronted him. He then slapped Marshall across the left side of her face. The impact left a contusion over Marshall's left eyelid and cheek, which were visible to the deputies. They photographed Marshall's and Oaklee's injuries and documented the report in order to present the case to the Okfuskee County Prosecutor's Office for possible charges. Marshall requested that only charges be filed against R. Waters for his abuse against Oaklee rather than her.

On or about November 7, 2022, the District Court of Okfuskee County filed a warrant for R. Waters' arrest for the charges of Child Abuse and Domestic Assault and Battery in the Presence of a Minor, under docket number CF-2022-00057, as it related to the above events.

On or about January 19, 2023, Z.S. reported the disappearance of Oaklee and C.S. from his home of residence in Cromwell, Oklahoma. He reported to the Seminole County (Oklahoma) Sheriff's Office (SCSO) that Marshall and R. Waters took his children from his home without authorization and had likely fled to Indianapolis to be with R. Waters' family.

On or about March 3, 2023, the Greenwood Village (Colorado) Police Department (GWVPD) located and arrested R. Waters for his outstanding warrant after responding to a complaint regarding occupants of a room at a local Best Western hotel, located at 9231 East Arapahoe Road, Greenwood Village, Colorado. Through their follow-up investigation at the scene of the arrest, they determined that Marshall had also been staying with him at the hotel but had no reason to be detained at that time. Additionally, there were no signs that children had been with them there. Law enforcement identified R. Waters' cellular telephone number as (539) 299-2033 (x2033). However, no cell phone was present on R. Waters' person upon his arrest.

Deputies from the OCSO learned of R. Waters' arrest that day and requested assistance from the GWVPD with interviewing him about the disappearance of the children. Detectives interviewed R. Waters that same day. R. Waters stated that he had traveled from Oklahoma with Marshall and her two children in his blue colored Dodge Durango, bearing Indiana license plate ZSZ795. They stayed at a "trap house" within the city of Indianapolis, so that he and Marshall could use drugs. He further stated that he and Marshall had made the decision to abandon C.S. at I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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AFFIANT

DATED: April 26, 2023



**Affidavit for Probable Cause**

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the “trap house” and had also left Oaklee behind in Indiana before traveling to Colorado. He added that his sister K.W. had recovered C.S. from the house and had since turned him over to the Indiana Department of Child Services (DCS). R. Waters was unable or unwilling to provide any further information about the “trap house” or the locations of either child.

In the days that followed, Detective Craig Tangeman (Det. Tangeman) of the Arapahoe County (Colorado) Sheriff’s Office (ACSO) assisted the GWVPD investigators with reviewing R. Water’s jail calls made within the Arapahoe County Detention Center (ACDC) while he was pending extradition back to Oklahoma. R. Waters frequently talked to his mother, identified as B.P., who was a current resident of Indianapolis, Indiana. During these calls, he informed B.P. that he had lied to the police and had indeed been present when the children were each abandoned. He admitted to assisting Marshall with specifically dropping Oaklee off somewhere. However, he did not provide specific details. B.P. informed him that Marshall had his x2033 cell phone now.

R. Waters also spoke to Marshall from the x2033 phone number. She told him that she planned to change her name, though she never told him what her new alias would be. She explained that she had since made contact with B.P. following R. Waters’ arrest from the x2033 phone and asked her what she should do now. They agreed to have R. Water’s older brother B.W. and his wife D.W. travel to Colorado to take her back to Indianapolis. Marshall explained that B.P. was coordinating these plans with B.W. and D.W. on her behalf. There was no discussion as to the whereabouts of Oaklee or C.S..

On March 6, 2023, at approximately 4:30 pm, Det. Tangeman contacted Special Agent Len Rothermich (SA Rothermich) of the Indianapolis Office of the FBI to report the above findings from the ACSO and ACDC. Believing Oaklee and C.S. to be in extreme danger, Det. Tangeman requested FBI Indianapolis’ assistance with locating them. SA Rothermich, in turn, contacted Marion County’s DCS Office and confirmed that K.W. had reported the abandonment and recovery of C.S. on February 9, 2023 at approximately 7:41 pm that night. She had informed the case workers that her brother R.Waters and Marshall had left the child alone at a residence, because they needed to take Marshall’s two-year-old daughter Oaklee to the hospital. K.W. was unsure if and when they would return. DCS informed SA Rothermich that Z. Snow had taken back custody of C.S. earlier that afternoon, and they had likely returned to Oklahoma.

SA Rothermich notified your Affiant of the above investigation and requested the assistance from the IMPD Missing Persons Unit with locating Oaklee and Marshall. Your Affiant and SA Rothermich then traveled to B.P.’s place of employment to obtain a statement as to her knowledge of their whereabouts. B.P. stated that R. Waters had arrived in Indianapolis back in early February or late January of 2023. He had traveled in his blue colored Dodge Durango with I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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AFFIANT

DATED: April 26, 2023

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his girlfriend Marshall and her two small children. B.P. had only seen them once. However, she had allowed them to stay at one of her residential rental properties, located at 305 Albany Street, Indianapolis, Indiana. B.P. had bought baby formula and supplies to assist them with caring for the kids during their stay, since they had arrived with nothing. She knew R. Waters and Marshall to actively use drugs, to include during their recent visit to Indiana.

B.P. recalled R. Water's friend, named "Chad", calling her on or about February 9, 2023 to say that R. Waters and Marshall had left him alone with C.S. He requested that she immediately come to 305 Albany Street to take custody of him. B.P. agreed and rushed to the house. Upon her arrival, she observed "Chad" standing outside the front of the house holding C.S.. C.S. had no clothes on. B.P. then contacted K.W. to come to the house to help take care of the baby. This was because B.P. needed to return to work that day. K.W. agreed and arrived shortly thereafter.

B.P. was aware of R. Waters' arrest in Colorado and had spoken to him multiple times over jail calls since then. She stated that she had agreed to help Marshall return to Indiana, because she did not think that Marshall "had anybody else". Therefore, she sent her eldest son B.W. to Colorado to pick her up and to also recover R. Waters' Dodge Durango. She reported that B.W. had successfully returned with both Marshall and the vehicle to Indianapolis in the days that followed.

B.P. identified her cell phone number as (XXX) XXX-2483 (x2483).

B.P. informed your Affiant and SA Rothermich that it was her understanding that Marshall now had custody of R. Waters' cell phone of x2033. She believed that Marshall had taken it prior to R. Waters' arrest in Colorado earlier that month.

Your Affiant and SA Rothermich next interviewed K.W.. K.W. stated that on February 9, 2023, B.P. had called her to ask her to come to 305 Albany Street to help take custody of C.S.. K.W. agreed and rushed to the house. She contacted R. Waters by cell phone to ask why he and Marshall had left C.S. alone. He explained that Oaklee had been bouncing on a bouncy ball that day and had fallen. He claimed that as a result of her injury, he and Marshall needed to take her to the Emergency Room. Given the above circumstances, K.W. feared for C.S.'s well-being at the Albany Street residence and asked her husband to pick them up, so that she could temporarily care for the baby at her own house. Approximately 15 minutes later, her husband arrived. R. Waters and Marshall arrived back at the Albany residence at the same time. K.W. neither saw Oaklee nor did she attempt to speak with R. Waters or Marshall before departing with C.S.. She explained to SA Rothermich and your Affiant that she did not believe that R. Waters and Marshall could have driven Oaklee to the nearest hospital and then returned back to the house in that short of amount of time.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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AFFIANT

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**From:** Nicholas R. Hubbs

K.W. contacted DCS that night and asked them to take custody of C.S.. She further informed them of the possible circumstances of Oaklee being taken to the hospital for a head injury earlier that day. K.W. informed your Affiant and SA Rothermich that she had previously provided this same information to detectives with the SCSO.

K.W. further stated that on the night of March 3, 2023, Marshall arrived at her residence asking if she could stay there. K.W. told her that she could stay only if she told her where Oaklee was. Marshall refused and left her property on foot. K.W. had not seen or spoken to Marshall since that time. However, she recalled visiting R. Waters and Marshall at 305 Albany Street back in late January when they had first arrived in Indianapolis. She observed both Oaklee and C.S. to be present at their house that day. She additionally observed Marshall assisting Oaklee use the bathroom at one point. Wilkerson saw bruising along Oaklee's legs. She immediately confronted R. Waters and Marshall as to the source of Oaklee's visible injuries. R. Waters and Marshall both became extremely defensive and ordered her to leave their house.

Since Oaklee's disappearance, K.W. made efforts to find out what had happened to her. She stated that she had visited multiple nearby hospitals, all of which were unable to confirm if Oaklee was ever a patient. She also spoke with the neighbors of 305 Albany Street about any information that they may have had about the day that Oaklee was last seen. One unidentified nearby resident stated that he had last observed R. Waters and Marshall leaving the house with what looked like a child wrapped in a blanket. He stated that the child did not appear to be moving, talking, or crying.

K.W. informed your Affiant and SA Rothermich that both R. Waters and Marshall had told her that they had voluntarily chosen to "give up" Oaklee in Indianapolis. She quoted them as collectively saying "We handled it" and that they "had a hard decision to make". They were unwilling to provide any further details as to how they had given her up or where she was now. K.W. believed that they had likely harmed Oaklee and that she was in extreme danger.

It should be noted that SA Rothermich identified Community South Hospital, located at 1402 East County Line Road, Indianapolis, Indiana, and Riley Hospital for Children, located at 705 Riley Hospital Drive, Indianapolis, Indiana, as the most logical places that R. Waters and Marshall could have taken Oaklee to if she was suffering from a severe physical injury. SA Rothermich verified through the Security Offices of both hospitals that Oaklee was never a patient there and that they had not located a two-year-old white female abandoned there in 2023.

Wilkerson identified R. Waters' close friend and roommate at 305 Albany Street as a black male known as "Tennessee". She stated that "Tennessee" was present at the house the day that

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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AFFIANT

DATED: April 26, 2023

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**From:** Nicholas R. Hubbs

Oaklee disappeared. Through further investigation, your Affiant was able to identify “Tennessee” as C.M..

On March 7, 2023, your Affiant and SA Rothermich interviewed C.M. after locating him at 305 Albany Street. C.M. stated that he had been friends with R. Waters and recalled when he, Marshall, Oaklee, and C.M. had moved into the house back in late January of 2023. C.M. intermittently resided at the residence at the time. He described R. Waters and Marshall as avid drug users. They typically snorted heroin, which would cause them to be nonfunctioning for prolonged periods of time. He further described R. Waters’ and Marshall’s care towards the children as relatively inattentive. They rarely, if ever, held them and instead would place them in front of the TV for the majority of the day. He never saw them provide the children with any love or affection. However, C.M. did also observe bruising on Oaklee’s leg prior to her disappearance.

C.M. remembered seeing Oaklee earlier in the day on February 9th. She walked up to C.M. when he first entered 305 Albany Street that morning, and she allowed him to pick her up. However, C.M. noticed that she was wearing make-up around her eyes and mouth. He had never seen her wear make-up before, and it appeared that it had been applied by an adult. He also noticed a line going from her bottom lip to her chin that resembled a bruise. C.M. stated he then left the house and did not return until later that day. This was the last time that he saw Oaklee. Later that day, C.M. observed R. Waters briefly arrive at B.P.’s nearby place of employment. C.M. was also visiting there at that time. R. Waters seemed in a rush and somewhat frantic. He left after briefly conversing with B.P..

C.M. then went to visit with B. Waters, who he was also close friends with. He remembered B. Waters receiving a call from B.P. later that afternoon, in which she seemed extremely upset. B. Waters responded by saying “I don’t know what the fuck [R. Waters] has going on, but you all need to deal with it!” B. Waters then hung up the phone. C.M. stated that B. Waters would not tell him what the call was about that day and had since become much more distance towards him.

Later that night, C.M. returned to 305 Albany Street. He witnessed both R. Waters and Marshall there without either of their children. Both of them seemed high on drugs to the point of being incapacitated.

C.M. identified one of his cellphone numbers as (XXX) XXX-8808 (x8808).

As your Affiant and SA Rothermich interviewed C.M., members of the IMPD and FBI Indianapolis Violent Crimes Task Force executed a search of 305 Albany Street following the Marion County Superior Court’s (MCSC) granting of a warrant. Upon the completion of C.M.’s I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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AFFIANT

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above statement, your Affiant and SA Rothermich returned to the residence to participate in the search. Your Affiant observed numerous baby items on the first floor of the residence. This included clothing, toys, a play pen, rocker, unused diapers, and other child care items. Members of the IMPD Crime Lab conducted a walkthrough of the residence, but they found no obvious signs of a crime scene. Therefore, no items were taken at that time.

Det. Eric Parrish of the IMPD Missing Persons Unit and your Affiant both separately interviewed a nearby neighbor of 305 Albany Street. She informed both of us that she had observed a cleaning crew or work company arrive at the residence sometime in February. The crew painted as well as moved items out, to include a roll of carpet. They worked "late into the night" from what she recalled. She was unsure of exactly what date this had all transpired on but was confident that it transpired at 305 Albany Street on or around the Superbowl. But, she stated that if the police were there looking for evidence of something, that it was probably gone now.

On March 8, 2023, the MCSC authorized a warrant to seize and review historical call logs and cell-site history for x2033 from AT&T and x8808 from T-Mobile. The MCSC further authorized a ping warrant be issued to track x2033 in order to assist law enforcement with locating Marshall, who they believed now had custody of R. Water's phone.

On this same day, the MCSC also authorized a warrant to seize and search the Dodge Durango that had been previously registered and used by R. Waters. Members of the IMPD and FBI recovered it from outside of the home address of B. Waters. Upon law enforcement's arrival, B. Waters' wife D. Waters informed them that she had just thoroughly cleaned out the vehicle's interior the day before. She explained that she had done this, because the Dodge had smelled overwhelming like animal feces. The IMPD transported the vehicle to IMPD's Animal Control Center for temporary holding in lieu of the search.

The IMPD Missing Persons Unit initiated the physical search of the Dodge Durango that day. Detective K9 handler, Anthony Weaver first walked a certified cadaver smelling canine around the exterior of the vehicle. The dog indicated that human remains may have been inside of the Durango. IMPD's Crime Lab Unit then searched the interior. They located what appeared to be dried blood splatter in the rear compartment of the SUV. Crime Lab physically removed the cushion material and submitted it the IMPD Property Room for holding.

On March 9, 2023, your Affiant and SA Rothermich interviewed D.W.. She was aware of law enforcement's investigation into the whereabouts of Oaklee. D.W. stated that she had joined B.W. on his trip to Colorado earlier that month to transport R. Waters' Dodge Durango back to Indianapolis. B.P. paid for her and B.W. to fly out on or about March 2, 2023. Upon their arrival, they took a rideshare to a Best Western hotel, where they came into contact with Marshall. I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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AFFIANT

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**From:** Nicholas R. Hubbs

Marshall gave them the keys, and the three of them then drove back to Indianapolis. Shortly after departing, D.W. observed Marshall throw her cell phone out the window. Sometime later, Marshall informed D.W. that she had “never wanted Oaklee” and tried to explain how challenging motherhood had been for her. Marshall also told her that she ultimately intended to go to North Carolina to be with “Nick”.

Your Affiant and SA Rothermich then interviewed B.W.. B.W. recalled the trip to Colorado on March 2, 2023. Upon their return to Indianapolis with Marshall, B.W. stated that he had dropped Marshall off near the intersection of Troy Avenue and Shelby Street. B.W. got back in contact with Marshall on March 4, 2023. She did not have a phone, but he was able to find her hanging out at a nearby business. B.W. informed your Affiant that he picked her up around 5:30 pm that evening and drove her to the Grey Hound bus station located in downtown Indianapolis. Your Affiant knows the address to be 350 Illinois Street, Indianapolis, Indiana. B.W. further stated that he had paid about \$180 in cash for her to have a one-way ticket to Fayetteville, North Carolina. The departure time was 7:30 pm that night. B.W. described Marshall as having changed her hair color to black and only having a couple of bags with her when she left. He was unaware of her contacts or current whereabouts in North Carolina.

B.W. recalled receiving a phone call from C.M. on or about February 7, 2023. On that day, C.M. informed him that R. Waters and Marshall had taken Oaklee to the hospital to be treated for some kind of injury. However, B.W. explained that he was “done” with R. Waters by this date due to an altercation that had transpired between the two of them days earlier. B.W. recalled this earlier occasion when he had previously arrived at 305 Albany Street to visit with R. Waters. At that time, he observed bruising on Oaklee. B.W. stated to your Affiant that he immediately attacked R. Waters, who he confidently believed was the responsible party for these visible injuries. The two briefly fought before B.W. left the property. However, B.W. never attempted to call the police or DCS over what he had observed that day.

After this fight, B.W. and R. Waters stopped speaking to each other. The next time that B.W. heard from him was in the early afternoon hours of February 9, 2023. He received a text from R. Waters that simply stated “Bro, I need you”. B.W. stated that he did not reply or inquire further into what R. Waters needed help with that day.

On March 12, 2023, SA Rothermich interviewed Z.S. over the phone. Z.S. informed him that Marshall had a close friend that likely resided in Fayetteville, North Carolina. He provided her name for possible follow-up.

On or about this same day, AT&T returned the sought records for R. Waters’ x2033 cell phone. FBI Special Agent Nicole Robertson (SA Robertson) reviewed the returned records and I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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AFFIANT

DATED: April 26, 2023

**Affidavit for Probable Cause**

**From:** Nicholas R. Hubbs

determined that x2033 had numerous incoming and outgoing calls with C.M.'s identified cell phone number of x8808 and B.P.'s cell phone number of x2483 throughout the afternoon and night of February 9, 2023.

SA Robertson also identified x2033 as having made a single outgoing call to 911 on February 9, 2023 at 1:43 pm. Your Affiant has since been able to determine through IMPD Dispatch that the call was disconnected before an operator could answer. The operator quickly attempted to call x2033 back, but there was no answer or return call. Furthermore, there was no collected location history for x2033 between the hours of 2:30 pm and 4:30 pm that day.

To add, the historical call-log records for x2033 showed it making multiple outgoing calls to C.M.'s x8808 between 1:45 pm and 2:09 pm on February 9, 2023. These calls immediately followed the attempted call to 911 at 1:43 pm. The records next showed x2033 receiving multiple incoming and outgoing calls from B.P.'s x2483 cell phone between 2:09 pm and 2:31 pm that day. These were the last communications that the x2033 cell phone made before likely being powered down until 4:47 pm. This next communication made by x2033 was back to B.P.'s x2483.

AT&T also began providing ping locations for x2033. Det. Tangeman and fellow officers with the ACSO ultimately located and recovered the device from the front desk of the Econo Lodge, located at 985 US Highway 24, Limon, Colorado. The staff explained that they had found the phone abandoned in the parking lot of the hotel on or about March 3, 2023. Det. Tangeman determined the cellular device to be an iPhone 14. He placed the iPhone 14 into FBI Denver's Property Room awaiting transfer to the FBI Indianapolis Field Office for long-term holding.

On March 13, 2023, your Affiant went to the Grey Hound bus station, located at 350 Illinois Street, to inquire about their surveillance video and travel manifests. Employees informed me that nobody by the name of "Madison Marshall" had departed on a Grey Hound bus between the dates of March 3rd and March 5th. However, they confirmed that there were indeed departures for that state during this window. They explained that if a customer paid in cash, there was no process to verify the name that he or she had given for the ticket. The employees also explained that the managers with access to the bus stations surveillance cameras were not present that day.

This same day, Z.S. called SA Rothermich with information pertaining to Marshall's potential whereabouts. Z.S. stated that K.W. had informed him that Marshall had recently gotten on a Grey Hound bus to travel to Fayetteville, North Carolina. Z.S. began looking through publicly accessible information within Marshall's three known Facebook accounts. These accounts maintained the usernames of "Maddi Marshall", "Maddi Marshall (Bunny)", and "Maddi Cooper". (To note, the MCSC had previously authorized a warrant to search these accounts as it related to the investigation to locate O. Snow and Marshall under cause number 49021-2303-MC-007551.) I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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AFFIANT

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Because of Z.S's efforts, he identified a mutual female Facebook Friend of Marshall, who maintained the username "B.T." (Thomas). Z. Snow knew Thomas to be a real person. He also knew her username to be her true name. She was known to reside in or near Fayetteville, North Carolina. She had also visited Marshall in Oklahoma in years' past, which was how Z.S. had come to know her. He explained all of the above information to SA Rothermich. He noted that Marshall and B.T. were close friends. He suspected that if Marshall were to flee to North Carolina, then B.T. would undoubtedly be the person she would stay with and confide in.

Upon receiving this information, SA Rothermich and the FBI were able to further identify B.T.'s true name to be "B.T.", as previously provided, as well as her most recent home of residence to possibly be in Bladenboro, North Carolina, which was approximately 45 minutes south of Fayetteville.

On March 14, 2023, your Affiant and SA Rothermich returned to the Grey Hound bus station. Grey Hound employees voluntarily provided SA Rothermich with access to the station's internal and external security cameras as well as permission to download the retained footage as needed. SA Rothermich successfully extracted footage between the hours of 7:30 pm and 8:30 pm on March 4, 2023. SA Rothermich then reviewed the video feed and observed a white female matching the description of Marshall entering the Grey Hound bus station at that time with a white male that strongly resembled B. Waters. B. Waters appeared to be waiting for Marshall to board a bus. SA Rothermich watched Marshall loiter in the interior public area while she waited that night. He observed what appeared to be a cellular telephone in her hands, which she actively and openly used throughout this time.

On March 15, 2023, T-Mobile returned the sought historical records for C.M.'s x8808 cell phone number. The return's cell-site history showed that his phone actively remained in the vicinity of 305 Albany Street on February 9, 2023 between the hours of 1:00 pm and 4:00 pm.

On March 16, 2023, the MCSC issued a warrant for Marshall's arrest for Neglect of a Dependent, in violation of Indiana Code 35-46-1-4(a)(2), under cause number 49D19-2303-F6-007651.

On March 17, 2023, SA Rothermich requested the assistance of the Fayetteville Resident Agency of the Charlotte Field Office of the FBI. The matter was ultimately assigned to Task Force Officer Lynne Gralewski-Allee (TFO Gralewski) for follow-up. TFO Gralewski travelled to B.T.'s identified home of residence in Bladenboro, North Carolina. She was unable to make contact with Thomas at her residence at that time but identified a possible phone number for her. TFO Gralewski spoke to Thomas over the phone and explained the current situation, to include the need to find O. Snow and Marshall. TFO Gralewski described B.T.'s responses to her to be evasive and I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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AFFIANT

DATED: April 26, 2023



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non-committal in her willingness to assist investigators. She denied having any recent contact with Marshall or knowing the whereabouts of O. Snow.

On March 18, 2023, Z.S. re-contacted SA Rothermich. Z.S. informed SA Rothermich that he had identified an additional Facebook account that he believed Marshall was now actively using. Z.S. was Facebook Friends with B.T.'s previously identified Facebook account. Because of this, he was able to view additional content within her profile, to include the Posts made to her Timeline in recent days. Z.S. provided SA Rothermich with screenshots that he had taken on his phone of B.T.'s Timeline. The screenshot showed a Post to it on March 4, 2023 from a Facebook account maintaining the username "Bunny Cooper". The Post specifically stated "Text meeeee asap 😊". Z.S. stated that he was confident the Facebook account belonged to Marshall. He explained that "Bunny" was a nickname that B.T. exclusively used for Marshall. Furthermore, "Cooper" was Marshall's father's last name and her former maiden name.

On March 23, 2023, members of the FBI Charlotte Field Office's Fayetteville Resident Agency located Marshall at B.T.'s confirmed residence in Bunnlevel, North Carolina. Upon her arrest, TFO Gralewski and FBI Special Agent Jess Smeltz (SA Smeltz) presented Marshall with her *Miranda* rights. Marshall said that she understood her rights and voluntarily waived them by signing an Advice of Rights form. Marshall ultimately told TFO Gralewski that R. Waters had killed Oaklee at approximately 1:30 pm on February 9, 2023. Marshall had been in the kitchen of 305 Albany Street, Indianapolis, Indiana, when R. Waters entered holding Oaklee. Oaklee was no longer wearing clothes and was not responsive. R. Waters initially tried to put her in the bathtub to immerse her in cold water in the hopes of reviving her. When that failed, R. Waters wrapped Oaklee in a pink and black colored blanket that had hearts on it and put her in a rear passenger seat of the Dodge Durango. Before departing, he informed Marshall that he intended to take Oaklee to the hospital. Marshall stated that she tried to call 911 as Oaklee appeared to be dying, but R. Waters struck her hard enough to knock the phone out of her hands. He then disconnected the call. Marshall stated that upon R. Waters' return approximately 1.5 hours later, he only had the blanket that Oaklee had been previously wrapped up in. He stated that he left her naked body in the woods. R. Waters informed her that he had taken Oaklee to his "grandparents' property" in "Martinsville". He further explained that he had laid Oaklee's body in the woods somewhere on their property. Marshall stated that it could have been in an abandoned house either on or near the area, based on her recollection of R. Waters' explanation that day and in the days that followed. Marshall said that she was unfamiliar with his family outside of his mother and siblings. She claimed that she had neither met R. Waters' grandparents, nor had she been to their Martinsville address.

TFO Gralewski informed SA Rothermich and your Affiant of Marshall's above statement. The FBI and IMPD determined that day that R. Waters did indeed have family that currently

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resided in Martinsville, Indiana. They identified the property owners as L.S. and W.S., with registered properties at XXXX Red Bud Lane, Martinsville, Indiana and XXXX Sedwick Road, Martinsville, Indiana. SA Rothermich and your Affiant traveled to the location of XXXX Red Bud Lane that night and made contact with the L.S. and W.S.. They confirmed that XXXX Red Bud Lane was their residential home address. The residence of XXXX Sedwick Road was located just north of their home within the same property boundaries and had been previously inhabited by W.S.'s parents before they had died decades earlier. L.S. and W.S. explained that they now owned both properties.

L.S. stated that he was R. Waters' step-grandfather. When R. Waters, B.W, and K.W. were children, they had come to their home many times at XXXX Red Bud Lane and played in the woods around their property. L.S. and W.S. had not seen R. Waters in years though. They did not recall seeing or hearing from him in February of 2023. They also did not observe a Dodge Durango on their property in February or anytime thereafter. However, they explained that their property between XXXX Red Bud Lane and XXXX Sedwick Road was over 20 acres and heavily wooded. They said it was possible he could have been on either of their properties during that time without their knowledge. They had never seen Oaklee and were unaware of her disappearance.

L.S. and W.S. provided verbal consent for investigators to search their properties of XXXX Red Bud Lane and XXXX Sedwick Road. SA Rothermich, your Affiant, and the assisting police officers and deputies from Morgan County, Indiana were unable to locate Oaklee that night.

On April 4, 2023, SA Rothermich spoke with K.W.. He asked her if she had any family residing in Martinsville, Indiana. She immediately named L.S. and W.S. and their residence on Red Bud Lane. She stated that R. Waters was "very familiar" with their property due to how often they would play there as children. She and R. Waters had various locations within the wooded area that they liked to go to, to include hollowed out trees, deer stands, sheds, and other enclosures.

On April 5, 2023, the MCSC authorized warrants to seize and search the cellular telephone from C.M. that maintained the phone number x8808 as well as the cellular telephone from B.P. that maintained the phone number x2483. The MCSC also issued a warrant for investigators to search 305 Albany Street, Indianapolis, Indiana for the pink and black colored blanket that Oaklee's body had been wrapped in.

On April 6, 2023, your Affiant and SA Rothermich first executed the warrant at 305 Albany Street to recover the pink and black blanket. C.M. was present at the house during its execution and recalled seeing a blanket that matched its description when R. Waters had lived there with Marshall and her kids. However, investigators were unable to find it that day.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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Your Affiant next re-interviewed C.M.. He provided additional details about the events that transpired on February 9, 2023. C.M. admitted to receiving a phone call from Marshall that afternoon saying that Oaklee had been hurt and that he needed to return to 305 Albany Street. He remembered her voice being very matter of fact, saying that he needed to bring the Durango back home for them. Upon his arrival home, he did not see Oaklee. However, R. Waters told him multiple times that he had “fucked up”. C.M. recalled taking custody of C.S., while both Marshall and R. Waters left the house for several hours. They returned alone, and C.M. was still unaware of Oaklee’s whereabouts. At the conclusion of the interview, your Affiant seized custody of C.M.’s x8808 phone.

As C.M. was providing the above statement, SA Rothermich re-interviewed B.P.. She ultimately provided clearer details about the series of events that transpired on February 9, 2023. She stated that R. Waters had called her in the mid-afternoon of February 9<sup>th</sup>. He seemed panicked and told her that he had to take Oaklee to the Emergency Room, because she had fallen off of a “bouncy ball” and hit her head. He did not ask her for anything at that time and seemed to only want to notify her of the situation. B.P. could tell that he was inside of a vehicle when he made the call, because she could hear his voice “echo” as if he was currently sitting in a small enclosed place. She could also hear a female speaking to him in the background. She strongly believed that this female was Marshall and that she was in the vehicle with him. She could not recall if the female’s voice also sounded panicked. B.P. then called C.M., who told her that he was home alone watching C.S.. B.P. picked C.S. up from C.M. at 305 Albany Street. She brought the baby to her place of employment while she waited for K.W. to arrive to take custody of him. Hours later, R. Waters called B.P. back. He stated that Marshall had made the decision to “abandon” Oaklee at the hospital. He provided no further details and became agitated when B.P. tried to question him further on this. Towards the conclusion of the interview, SA Rothermich asked B.P. if she had any prior knowledge to the circumstances of Oaklee’s disappearance that she had not previously disclosed to the IMPD or FBI. SA Rothermich showed her the records from her x2483 cell phone to emphasize the re-occurring and frequent contacts she had with R. Waters that day surrounding the likely time that Oaklee was harmed. B.P. denied knowing any further details but believed it was possible that R. Waters could have harmed Oaklee. SA Rothermich next asked B.P. if she had members of her family secure the whereabouts of Marshall and return her to Indianapolis following R. Waters’ arrest in Colorado, because she feared that Marshall would report to the police what had actually happened to Oaklee. Your Affiant additionally asked if Marshall had confided to her information regarding R. Waters’ culpability in Oaklee’s demise, which was why Marshall was suddenly taken to the Greyhound bus station to ensure she left the state. B.P. admitted to buying a cell phone for her before she left but denied paying for the ticket. B.P. again denied any further knowledge as to what happened to Oaklee or where she was now. Your Affiant next asked B.P. if she would be willing to take a polygraph test as to the truthfulness of her statement that day. B.P. initially agreed and was introduced to FBI Indianapolis certified-polygraph examiner Special I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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AFFIANT

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Agent William Kline. B.P. then requested to consult with her attorney by way of a phone call, which SA Rothermich granted. After a private consultation, B.P. informed SA Rothermich that she now declined to submit to the test. SA Rothermich then served her with the warrant to seize her x2483 cell phone.

Following your Affiant and SA Rothermich's obtaining these updated statements that day, TFO Gralowski and SA Smeltz re-interviewed Marshall at the Harnett County (North Carolina) Jail. Marshall again waived her Miranda Rights and voluntarily made a statement. Marshall initially denied leaving 305 Albany Street with R. Waters on February 9, 2023 with Oaklee's body. However, she eventually admitted that she had indeed left with him to dispose of her remains. She recalled R. Waters driving his Dodge Durango onto the highway away from Indianapolis with the three of them in the vehicle. She remembered seeing a sign for "Martinsville" shortly before exiting the highway. She then recalled R. Waters motioning towards a residence along a road and telling her that it was his "grandparents'" house. They drove down multiple other roads until they arrived at what appeared to be a dilapidated abandoned residence parked on top of a steep hill. R. Waters parked the Durango not far from it on a surrounding gravel road and carried Oaklee inside through a window. Marshall remained in the vehicle while R. Waters disposed of her inside of the building. She recalled seeing a white house nearby and a light-colored truck drive past her on the gravel road at one point. She further recalled a light blue colored 1970s Ford Mustang convertible parked near the structure at the top of the hill. She did not remember seeing any walkway or path that lead to the abandoned house from the gravel road. R. Waters returned to the driver's seat a short time later and took her back to 305 Albany Street. She stated that when R. Waters returned to the Durango, he informed her that he either put her inside or underneath a dresser. He then asked her if she knew where she was. Marshall responded that she thought she was in Martinsville, and he replied "That's all I need to know." During the interview, investigators asked Marshall, "Did you ever ask Roan to take her to a hospital?" Marshall answered, "At one point, yeah. And he told me that if we went to a hospital, I was going to go to prison, and I've never been to jail. I've never been to prison. And it's fucked up, that's my daughter."

Marshall re-iterated to TFO Gralowski that she had told B.P. that R. Waters had killed Oaklee after she was brought back to Indianapolis following his arrest in Colorado. Marshall was brought to B.P. right away, and B.P. asked her what exactly had happened to Oaklee. Marshall told her that R. Waters had killed her on February 9<sup>th</sup> at 305 Albany Street and that they had taken her to Martinsville to dispose of her body. B.P. then paid for Marshall's bus ticket to North Carolina and bought her a phone. However, B.P. told her not to activate it until she got on the bus. Marshall assumed that this was because B.P. did not want Marshall's locations to be tracked by police until she was gone from Indianapolis, in the event they were now looking for her.

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/s/ Nicholas Hubbs

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**From:** Nicholas R. Hubbs

TFO Gralewski provided SA Rothermich with the details of Marshall's second statement. Your Affiant, SA Rothermich, and members of the IMPD and FBI immediately searched many various areas of Martinsville, Indiana in the days and weeks that followed. This was all done without initial success of locating Oaklee. These efforts included coordination with local law enforcement agencies; a multitude of interviews of local residents living in the areas surrounding Red Bud Lane that were conducted by your Affiant, SA Rothermich, and members of the FBI Indianapolis Violent Crimes Task Force; FBI terrain mapping imagery; and the Indiana State Police's helicopter assets for better overhead visibility.

On April 20, 2023, officers extradited Marshall back to Indianapolis, Indiana for her charges of Neglect.

On April 21, 2023, your Affiant and SA Rothermich took temporary custody of Marshall for the purposes of re-interviewing her about her knowledge and involvement in Oaklee's disappearance. Upon entering your Affiant's IMPD-issued vehicle, SA Rothermich presented Marshall with an Advice of Rights form. Marshall stated that she understood her rights and voluntarily waived them by signing the form. They next drove her to 305 Albany Street. Marshall immediately recognized the residence as the house that she had stayed in with R. Waters, Moncrief, and her children during portions of January and February of 2023. She also mentioned that B.W. had occasionally stayed at the residence, as well. She explained that there was a TV just to the right of the front door, which hung over the two front windows of the house. If you turned left from the front door, you entered the dining room, which connected to a small living. The first-floor bedroom opened to this living room. The living room also connected to a small hallway that led to a full bathroom, kitchen, as well as stairway access to the second-floor and basement. R. Waters and Marshall had shared the first-floor bedroom, while Oaklee had slept on a cot in the living room. C.S. slept in a pack'n'play that was kept in the same room. Marshall then once again provided a statement as to the events that transpired on February 9, 2023.

Marshall recalled the ongoing physical abuse that Oaklee had endured at the hands of R. Waters in the months leading up to her death. He would frequently "whoop" or "spank" her as a form of discipline. He had also occasionally "choked her out". This included for reasons of her crying, urinating in her diaper, "holding a fork wrong", and other behavior common of a toddler. The abuse was so bad that Oaklee stopped eating around R. Waters. This was because he regularly became aggressive with her when she would not eat at the pace that he wanted her to. Marshall attempted time and again to explain to him that she was only two years old and did not understand what he was wanting her to do. However, his physical abuse towards Oaklee would often get redirected towards Marshall if she would attempt to interfere with it. She remembered having separate conversations with K.W. and B.W. about the abuse. She specifically asked B.W. to talk to his brother about it on February 8, 2023. That day, B.W. came over to 305 Albany Street and I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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argued with R. Waters on the front lawn of the house. But, B.W. left shortly thereafter without finding a resolution to it.

On the morning of February 9, 2023, Marshall and R. Waters woke up to Oaklee crying, because she was hungry. R. Waters “threw” Oaklee onto the floor in response to this due to her crying had agitated him. Her head’s impact with the floor had caused Oaklee to have a red bump above her right eye. Marshall applied some of her own make-up to Oaklee’s face to try to hide the bruise. C.M. came downstairs at some point that day and socialized with them. Marshall prepared some ramen noodles for Oaklee as a snack because she was hungry again. Marshall then started preparing lunch for everyone. C.M. said that he was going to a gas station to get some “swisher” cigars. Oaklee initially tried to follow C.M. out of the house. But, he stopped her and told her that he would be right back. Oaklee next entered the kitchen and said “Momma, eat!” to Marshall. Marshall told her that she was making them all food and to wait in the other room. Oaklee then walked into the living room, where R. Waters was watching TV while C.S. laid on the floor in front of him.

Shortly thereafter, Marshall began hearing R. Waters yell at Oaklee. He was specifically ordering her to bounce on her bouncy ball. Marshall described the ball to your Affiant and SA Rothermich as being made of rubber and inflatable. It maintained a handle on top, which allowed kids to lightly bounce up and down as they sat on it. Marshall further stated that Oaklee had likely been too small to sit on it by herself. She recalled hearing R. Waters’ voice continually get louder and angrier as he told her to bounce. Marshall yelled back at him multiple times to calm down and that Oaklee probably did not understand what he was wanting her to do. After the fifth and loudest time that he yelled at her, Marshall stopped what she was doing in the kitchen and walked into the living room. She observed R. Waters standing over Oaklee as she sat trying to bounce on the ball. R. Waters told Marshall to quit coming in there and sat back down on the couch. Marshall took his retreat as the matter being resolved, so she went back to the kitchen to prepare their meal.

Marshall did not recall hearing anything else from the living room until approximately 10 minutes later. At that time, R. Waters screamed for her twice. Marshall had never heard R. Waters sound like that before. She immediately ran towards the living room. She met him in the hallway as he held Oaklee in his arms. She saw that Oaklee was not moving. R. Waters continually repeated without prompting that he “didn’t do anything” and that “it wasn’t [his] fault”. He initially refused to let Marshall take Oaklee from him and stripped her of her clothes. Marshall could see Oaklee’s stomach and chest cavity extend as if she was trying to breathe air. However, she observed what appeared to be a mix of blood and spittle dripping from her mouth when she tried to exhale, which created a gurgling sound. Oaklee’s eyes remained closed throughout this time. R. Waters placed her in the nearby bathtub and attempted to douse her in cold water to wake her up. When that failed, he brought Oaklee into their bedroom and handed her to Marshall. He observed Marshall

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/s/ Nicholas Hubbs

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attempting to call 911 and slapped the phone from her hands. He then took control of the cell phone. Marshall could tell that Oaklee was dying. At some point, R. Waters returned the phone to her, and she called Moncrief to tell him that something had happened to Oaklee and that he needed to come home. When he entered minutes later, he stated "I knew I shouldn't have left". Marshall explained to your Affiant and SA Rothermich that this meant that he knew he should not have left R. Waters alone with Oaklee. This was because he had likely heard and been aware of the physical abuse that R. Waters had continually inflicted on her since moving into 305 Albany Street.

R. Waters next wrapped Oaklee in a blanket that B.P. had recently purchased for Marshall. Marshall described the blanket as being pink and black with flowers on it. She also added that it was a Victoria Secret brand blanket. R. Waters placed Oaklee in the backseat of the Durango, so that her feet were facing the driver's side and her head was towards the passenger side. R. Waters entered the driver's seat, and Marshall entered the rear passenger seat to be with Oaklee. She held Oaklee in her lap and occasionally opened the blanket to examine her. By this time, Oaklee had stopped trying to breath and her lips had become blue. Marshall felt her skin, which now seemed cool to the touch. She could also no longer feel a heartbeat as she held her. Marshall pulled Oaklee's eyelids back to further examine her but saw no movement or response in them. She held Oaklee's hand before eventually climbing up to the front seat next to R. Waters.

R. Waters drove them away from 305 Albany Street towards what seemed like another town. She remembered seeing a sign that said "Martinsville". As your Affiant drove Marshall past the Reuben Drive/Hospital Road exit from I-69 South, Marshall observed a large concrete pillar that had the word "Martinsville" over it. She stated that this was likely the "Martinsville" sign that she had first reported seeing during her drive with R. Waters to dispose of Oaklee on February 9<sup>th</sup>.

Your Affiant and SA Rothermich next drove Marshall past the property of 3875 Red Bud Lane. Marshall said the roads seemed somewhat familiar but did not positively identify L.S. and W.S.'s residence as the "grandparent's house" that R. Waters had attempted to show her in February. Your Affiant and SA Rothermich continued to drive southbound on Red Bud Lane until it came to a T-intersection at Railroad Road. Marshall became excited and stated that she confidently remembered this intersection. She advised your Affiant to turn eastbound on Railroad Road and then south towards the extensive tree line. Following this, Marshall did not seem to recognize any of the terrain features, residences, or roads that we traveled past. Marshall continued to provide details about the abandoned house where Oaklee was left as they drove. Your Affiant eventually turned onto the 5800 block of South Bear Wallow Road, located in Morgantown, Indiana. Morgantown was directly south of Martinsville and only about 15 minutes from Red Bud Lane when searched on Google Maps. Your Affiant and SA Rothermich directed Marshall's attention to a dilapidated wooden house that sat at the top of a steep hill near a gravel road. The gravel road led to two nearby residences. Marshall immediately stated "Oh my God. That's it." I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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**From:** Nicholas R. Hubbs

She repeated this several times and added that she was “100%” confident that this was the location where they had left Oaklee. She was hysterical and sobbing at this time.

Your Affiant and SA Rothermich requested the assistance of IMPD Missing Persons Lieutenant Steve King (Lt. King), who had been following your Affiant’s car during the drive that day, to remain with Marshall while we went to look at the property. Your Affiant and SA Rothermich climbed the hill and noticed that no Ford Mustang or any other vehicle was parked in front of it. However, they noticed ruts along the nearby paved road at the bottom of the hill that showed that something heavy had been towed or dragged away from the premises at some point. Of further note, the abandoned house had been predominantly made of wood, though not much of its exterior or interior remained. It appeared to once have been a single-story single-family home with an attached garage. Your Affiant circled the exterior while SA Rothermich entered through an opening in the wall. The interior was extensively cluttered with trash and debris and was difficult to walk through. SA Rothermich strongly smelled a sour odor emanating from deeper in the partially exposed living room. Your Affiant neared the partially exposed kitchen, which shared a wall with the living room, and also smelled the odor. Your Affiant immediately knew it to be the smell of a decomposing body through training and experience. Your Affiant and SA Rothermich strongly felt the odor was emanating from the wooden dresser leaning against the living room wall near the kitchen. Both parties departed from the structure and obtained a warrant from the MCSC to search it for the remains of Oaklee. They identified the property containing the hill and the dilapidated house as being 5800 South Bear Wallow Road, Morgantown, Indiana.

Indiana State Police (ISP) Crime Scene Investigator Eric Russell (CSI Russell) arrived within the hour of the warrant being granted and initiated the taking of photographs of the property. Your Affiant and SA Rothermich informed him of the nature of the investigation and the likelihood that Oaklee was in the dresser. CSI Russell confirmed upon his further examination of the interior of the residence that the decomposing remains of a small child were in the bottom drawer of the identified dresser. Morgan County Coroner Mike Ellis (Cor. Ellis) arrived at the scene following this and lead the recovery of the child’s remains. Given the state of the dresser, the upper portion had to be physically removed to not disturb the fragile remains in the bottom shelf. Upon removing the upper portion, SA Rothermich and your Affiant could clearly see the decomposed body of what appeared to be an adolescent female. A thin board had either fallen or been placed over the body, which partially protected her right arm from being the same level of decomposition as the rest of her. However, her blonde hair had remained attached to her skull and had been left in a loose ponytail by a black colored hair-tie. Additionally, her left leg was clearly broken at the knee, so that the left foot rested directly over her chest. A blue and white colored sock was still worn on this foot. Given the state of the remains, Cor. Ellis advised that the body should be transported intact with the dresser drawer still underneath it. Your Affiant and SA Rothermich also requested to have the ISP Lab conduct testing on the drawer for any remaining touch DNA and/or fingerprints I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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AFFIANT

DATED: April 26, 2023



**Affidavit for Probable Cause**

**From:** Nicholas R. Hubbs

left by the suspect(s). Cor. Ellis lead the efforts to remove the drawer from the property and secure it in his custody awaiting the autopsy.

SA Rothermich interviewed the residents surrounding the 5800 block of South Bear Wallow Road. Resident K.M. (M.) stated that the property was owned by D.P. (P.), who was currently a resident of Westfield, Indiana. K.M. had a mutual friend Of D.P.'s named M.W. (W.), who had recently purchased an old 1985 Volkswagen Jetta from him that had been previously parked in front of the dilapidated house on the hill. K.M. called M.W. and allowed SA Rothermich to speak with him over her phone. M.W. advised that he had indeed purchased the Jetta from D.P., which had been in poor shape, and confirmed that it had been parked near the house at the top of the hill. A tree had fallen on it and had caused the vehicle to be immobile for a prolonged period of time. M.W. had removed it from the property a week prior and had since started fixing it up. At the conclusion of the conversation, White texted SA Rothermich a photograph of the Jetta when it had still sat in front of the dilapidated property. SA Rothermich noticed that its roof was fairly smashed in from the fallen tree. SA Rothermich believed it partially resembled a 1970s Ford Mustang convertible, as previously described by Marshall.

SA Rothermich next re-initiated an interview of Marshall. Marshall informed him that R. Waters had parked the Durango directly along the gravel road where your Affiant had also pulled off from South Bear Wallow Road. Marshall informed SA Rothermich that she had actually exited the Durango with R. Waters and climbed the hill with him to look at the property above. She insisted that she had remained outside of it while he went inside to look further. But, she clarified that this was why she had been able to provide such specific details about the car that had been abandoned in front of the house, which she would not have been able to see as clearly from the roadway. Her and R. Waters then climbed back down the hill together. She re-entered the Durango as R. Waters removed Oaklee from the backseat. Oaklee was still wrapped in the blanket as he carried her lifeless body over his shoulder and restarted his ascent. Marshall stated that she did two "hard" lines of fentanyl to get as high as she possibly could after he left. He came back with just the blanket several minutes later. R. Waters next asked her those questions as she had previously described. He also stated "I don't need to kill you now" when he was confident that Marshall would not tell anybody what had happened that day. R. Waters instructed her that their alibi was that they had left Oaklee at a hospital.

Marshall explained that upon their return to Indianapolis, they both napped for a short while until they learned that K.W. had turned C.S. over to DCS. K.W. called R. Waters on the phone to inform him that DCS was likely headed to Albany Street now to speak with him. R. Waters panicked and began packing their bags. He told Marshall that they were leaving Indiana that night.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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AFFIANT

DATED: April 26, 2023

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**From:** Nicholas R. Hubbs

Regarding R. Waters' family, Marshall reiterated that she did indeed tell B.P. that her "son had killed her child". Marshall told her this after she was brought back to Indianapolis by B.W. and D.W. B.P. responded by defensively telling Marshall that R. Waters had just gotten out of prison and that she was not going to allow Marshall to put him back in it. B.P. then informed Marshall that she would buy her a bus ticket to wherever she wanted to go with the expectation that she would not return to Indiana. B.P. also provided her with a cell phone and \$200 in cash. Marshall agreed and accepted the payment before departing to North Carolina.

Your Affiant and SA Rothermich transported Marshall back to the Criminal Justice Campus, located at 875 Justice Way, Indianapolis, Indiana.

On April 24, 2023, your Affiant and SA Rothermich attended the autopsy of the recovered adolescent female, which was conducted at the Morgan County Coroner's Office. Positive identification and toxicology are currently pending.

At the conclusion of the autopsy, CSI Russell collected the drawer as evidence, packaged and sealed it in a cardboard box and secured it in the locked and secured area of the coroner's office. On April 25, 2023, your affiant and SA Rothermich returned to the Morgan County Coroner's Office and retrieved the drawer and transported it to ISP Crime Lab in Indianapolis, Indiana for further testing and examination.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Nicholas Hubbs

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AFFIANT

DATED: April 26, 2023