

Affidavit for Probable Cause

From: Detective Kelley Rhoda

**AFFIDAVIT
FOR PROBABLE CAUSE**

STATE OF INDIANA, COUNTY OF MARION, SS:

Detective Kelley Rhoda swears (affirms) that:

Detective Kelley Rhoda swears under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing and following representations in this document are true:

On Tuesday, November 28th, 2023, at approximately 6:15am, Officer Gregory Bowles with the Indianapolis Metropolitan Police Department (IMPD) responded to Southeastern Avenue and Wildwood Farms Boulevard on a report of a fatal hit and run crash involving a pedestrian and black sedan that fled the scene. Upon arrival Officer Bowles learned that Cedric McCombs had been walking near the north bike lane of Southeastern Avenue when he was struck by a northwest bound vehicle. That vehicle was described as a black Dodge Charger with a police spotlight near the driver side windshield and aftermarket black and chrome rims. The driver was described as a short Hispanic female approximately 30-40 years old that fled the scene without the driver stopping to provide information or render aid. Cedric McCombs suffered fatal injuries and was pronounced deceased on scene by IEMS.

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

/s/Kelley Rhoda
AFFIANT

DATED: December 2, 2023 _____

DEPUTY PROSECUTING ATTORNEY
NINETEENTH JUDICIAL CIRCUIT

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Detectives Kelley Rhoda, Eric Snow and Officer Robyn Frazier with the IMPD Crash Investigation Unit responded to assist with the investigation. Detective Snow processed and photographed the area. Detective Rhoda collected evidence, including a passenger side wheel well and several black pieces of underbody and bumper, from of the suspect vehicle recovered near the victim’s body. Detective Rhoda determined the pieces had come from a 7th generation (2015-2023) Dodge Charger.

Detective Rhoda then spoke with witness and 911 caller Zachary Rutherford who stated that he was at the intersection of Southeastern Avenue and Wildwood Farms Boulevard facing south when he looked to his left and saw something in the roadway. He said he then saw a black Dodge Charger with a police spotlight and aftermarket black and chrome rims pulled off to the side of the road with its flashers on. He reported a small Hispanic female outside of the vehicle walking around looking distraught and said she “looked like she’d been crying.” Mr. Rutherford said he turned east onto Southeastern Ave to get a closer look and saw that there was a body in the street. Mr. Rutherford said the Hispanic female walked toward the body and said “I hope that’s not what I think it is.” While on the phone with 911, Mr. Rutherford said he saw the victim’s chest rise and fall and told the dispatcher that he was still breathing. The dispatcher instructed him to get out of his vehicle and perform CPR. Mr. Rutherford said he approached the victim and noticed the severe injuries to his face and head and then observed the victim take one

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final breath. He reported to Detective Rhoda that the female looked like “she was going to get sick” and then she got in her vehicle, did a u-turn and left the scene. Mr. Rutherford said he advised dispatch the victim was no longer breathing and could not perform CPR. IEMS arrived on scene and pronounced the victim deceased at 6:30am.

Detective Rhoda and Officer Frazier canvassed the area going to businesses and residences looking for video surveillance of the crash. Detective Rhoda received a call from Monica Whitehead in the 8100 block of Whistlewood Drive. Ms. Whitehead said she had a camera on the back of her house that faced Southeastern Avenue and captured the incident. At 6:02am Detective Rhoda observed a dark colored vehicle traveling northwest on Southeastern Avenue strike an object, pull forward to the intersection and activate its flashers, as described by the witness. The video then stops. On the camera equipped with audio, Detectives can hear the screeching of tires as the dark vehicle approaches the crash scene until and through the moment of impact.

Believing that the suspect likely travels a similar path at the same time daily, Detective Rhoda instructed Officer Frazier to sit at Southeastern Avenue and Wildwood Farms Boulevard on November 30, 2023. At approximately 6:10am Officer Frazier observed a black Dodge Charger with a police spotlight and black rims with a silver center cap as described by the witness traveling northwest on Southeastern Avenue. Officer Frazier initiated a traffic stop at

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6011 Southeastern Avenue. Officer Frazier approached the vehicle and observed the driver to be a small stature Hispanic female. Officer Frazier told the driver she was conducting an investigation reference a crash that occurred Tuesday morning. The driver, identified as Eva Marin, said “ok,” and proceeded to make several frantic phone calls. Officer Frazier observed her demeanor to be nervous and panicked. Officer Frazier looked at the exterior of the vehicle and observed what appeared to be blood, brain matter and tissue near the passenger side bumper, front quarter panel and a missing wheel well. Officer Frazier called for backup and contacted Detective Rhoda. The vehicle, a 2015 black Dodge Charger, bearing Indiana license plate [REDACTED], VIN; [REDACTED], was towed to Marion County Animal Care and Control to a secure bay at the facility. Ms. Marin agreed to be transported by Officer Frazier to IMPD Southwest District Headquarters for an interview.

At approximately 8:00am on November 30, 2023, Detective Rhoda and Officer Frazier conducted a video and audio recorded interview with Eva Marin. Ms. Marin advised Officers that she works the late shift in Franklin, Indiana from approximately 9:30pm-6am. She said on Tuesday morning, November 28, 2023, she had gotten off work and took the “long way” because she got tired when she drove, so she tried to avoid the interstate. She said she was traveling north on Franklin Road and turned west onto Southeastern Avenue. Ms. Marin said as she was traveling northwest on Southeastern Avenue, she saw a “shadow in the road.” She said she

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looked down to push the button to turn the heat off and then felt her vehicle move side to side. Ms. Marin described feeling something hit her vehicle and motioned that the vehicle shook. She told Officers when she looked back, she saw shoes in the roadway. Ms. Marin said she pulled up to the intersection at Wildwood Farms Blvd and got out of the vehicle because she smelled “something burning.” She said she then noticed a male in a pickup truck that had pulled up near the body. She then pulled onto Southeastern Avenue behind the male and saw the victim. Ms. Marin said she saw his head injuries and blood and said she felt dizzy and nauseous. She said the male asked her “did you see who did this, did you see someone or anything?” Ms. Marin said she told him “No, I don’t know. I need to take my kids to school.” Ms. Marin reported the male being on the phone with 911. She said her kids kept calling to take them to school. She said the male told her “I’ve got this. You can go,” so she did another u-turn and continued northwest on Southeastern Avenue. Detective Rhoda asked her if she ever called 911 or left her name or contact information with anyone on scene and she said, “No.” Detective Rhoda asked Ms. Marin if she called 911 when she got home or checked on or cleaned her vehicle and she replied, “No, he was already dead and I didn’t do anything.”

On November 30, 2023, Detective Rhoda spoke with Mr. Rutherford again and confirmed the events of November 28, 2023. He said never, at any point, did he tell Ms. Marin she could go. Mr. Rutherford said he tried to get her to stay, but she kept repeating “I have to I swear (affirm), under penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

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take my kids to school.” Mr. Rutherford said she didn’t try to help the victim, call 911, or give anyone her information.

On November 30, 2023, Detective Rhoda served signed search warrant, Cause number 49D28-2311-MC-033457 at [REDACTED] South Harding Street on the 2015 Dodge Charger bearing Indiana license plate [REDACTED], VIN; [REDACTED] Detective Rhoda visually inspected the exterior of the vehicle and observed the physical description accurately described by the witness at the scene of the crash; a police spotlight, black rims with a chrome center cap, and damage consistent with impacting a pedestrian. Detective Rhoda observed the right front wheel well to be missing and observed what appeared to be brain matter and tissue behind the right front wheel. The Marion County Coroner collected the biological evidence after it was photographed by Crime Lab. Detective Rhoda was able to perfectly match the damaged piece of right front bumper still intact on the vehicle with pieces left behind on scene and located near the victim. A fractured air intake valve recovered on scene of the crash was successfully repaired and fitted to the missing air intake valve on the vehicle’s right front braking system. The fractured edges matched perfectly with the pieces still intact on the vehicle. As Crime Lab was photographing the car with the corresponding vehicle debris, the technician observed a significant amount of blood, tissue, and brain matter on the underneath side of the vehicle. Because that facility was not equipped with a vehicle lift, the vehicle was then transported to

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1300 North Mickley Avenue, to another secure facility equipped with a lift. Once the vehicle was raised, Crime Lab and the Coroner Ramos were able to collect multiple swabs of biological evidence from various locations from the front to the rear of the right/passenger side of the vehicle.

On November 30, 2023, at approximately 6:30pm Detective Rhoda met with witness Zachary Rutherford at his residence. On audio and video recording, Detective Rhoda presented Mr. Rutherford with a photo array of six individuals similar in appearance (Lineup ID# 166400). Mr. Rutherford immediately identified the photograph in position six, Eva Marin, as the driver of the Dodge Charger who he interacted with on scene of the fatal crash on November 28, 2023.

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