

STATE OF INDIANA  
MARION COUNTY, ss:

IN THE MARION SUPERIOR COURT  
CRIMINAL DIVISION

Cause No: 49D20-2206-MC-014931

STATE OF INDIANA )  
 )  
 vs. )  
 )

INFORMATION  
COUNT I  
MURDER  
I.C. 35-42-1-1(1)  
A FELONY

GAYLYN MORRIS B/Female  
DOB 12/22/1995

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 June 3, 2022, GAYLYN MORRIS did knowingly kill another human being, to-wit: Andre Smith;

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

June 8, 2022  
Date

**RYAN MEARS**  
Marion County Prosecutor  
19th Judicial Circuit

/s/ Terrance Tharpe  
Terrance Tharpe, #24424-49  
Deputy Prosecuting Attorney

**State's Witnesses:**

- DET. GREGORY SHUE, IMPD
- JOHN DICICCO, IMPD
- MICHAEL DUKE, IMPD
- SHANNON HARMON, IMPD
- JOSHUA MURPHY, IMPD
- CONNIE PEARSON, IMPD
- AUSTIN STRANGE, IMPD
- GARY TOMS, IMPD
- GREGORY SCHMUNK, MD
- CHRIS SCHENDEL, MCCL
- D.B.
- M.L.
- T.N.

M.P.

J.Q.

T.S.

B.W.

A.W.

M.W.

# AFFIDAVIT FOR PROBABLE CAUSE

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STATE OF INDIANA, COUNTY OF MARION, SS:

Detective Gregory Shue swears (affirms) that:

On Friday, June 3, 2022, at approximately 12:32 a.m. IMPD officers were dispatched to 3948 East 82nd street on an accident in the parking lot of Tilly's Pub. When officers arrived on the scene, they found Andre Smith under the front end of a dark blue 2010 Chevrolet Impala registered to Gaylyn Morris. Jordan Shaffer with IFD Engine Company 6 pronounced Andre Smith deceased at 12:56 a.m. Officers on the scene detained the driver of the Chevrolet Impala, later identified as Gaylyn Morris. Homicide was requested and I, along with other detectives responded. Gaylyn Morris was transported to the IMPD Homicide office for an interview.

I took a statement from T.S. He stated that he had just gotten off work, came to Tilly's, and was standing in the parking lot when Morris, driving a blue Impala, pulled up and asked him if that was the only bar around there that was open. He told her he was not sure. Morris asked him if there was a guy with dreads inside Tilly's. T.S. told her that he had not been inside yet. She told him that her boyfriend, Andre Smith, had a GPS tracker and it showed he was there. She looked inside and saw a man and stated, "that's him." T.S. then went inside the bar and watched Morris get into an altercation with another female, later identified as T.N., while Smith attempted to break it up. T.S. said that a bartender made them all leave. T.S. took two videos of the altercation inside of Tilly's and emailed both videos to me.

Detective Pearson took a statement from J.Q. J.Q. stated that she was inside Tilly's, and saw Morris, who was wearing a pink silk bonnet, black hoodie, and gray bike shorts. Morris came up to J.Q.'s table and said, "I'm going to beat her," pointing to T.N. who was wearing pink shorts. J.Q. stated that Morris picked up an empty beer bottle from a table. J.Q. said Morris stated she had air-tagged and GPS followed Andre Smith, and that he had been cheating on her. J.Q. stated that Morris went over to Smith and T.N. and swung at T.N. with the beer bottle, but Smith blocked it and grabbed Morris. The owner asked Morris, Smith, and T.N. to leave. J.Q. said she looked out the window and saw Morris driving a car, and she pulled forward and clipped Smith, and he went down under the car, at which time, Morris backed over Smith then pulled forward and hit him for a third time. J.Q. said that Morris then got out of the vehicle and came after T.N. again.

I took a statement from witness M.L. M.L. said that Morris pulled up from the west and asked him if he saw a guy with dreads, Andre Smith, in the bar. She told M.L. that she had an AirTag on his car, and she knew his car was in the parking lot. M.L. stated that he had not seen him because he didn't pay attention to people. T.N. was in the bar with Smith, and Morris got into a physical altercation with T.N. M.L. said Morris then came back outside, got in her car, and drove

**Affidavit for Probable Cause**

**From:** Detective Gregory Shue

away. He then said that Smith went outside, Morris was in front of the Metro Diner that is one business east of Tilly's, and she drove up on the sidewalk at Smith. After she backed up off the sidewalk, M.L. stepped out in front of her car to try to protect Smith and T.N. so they could get to their car. Morris then tried to pull her car around M.L. and hit him with the mirror of her car in the left hip. She sped around him and proceeded to run Smith over. When she hit him with the car, it dragged Smith to where he was when officers arrived.

M.L. stated that Smith's legs were still in front of the passenger front tire with his body completely under the car, and his head had been completely run over by the driver's side tire and was behind it now. M.L. went to assist the nurse that was attempting to help Smith. Morris was out of the vehicle when the police arrived and was promptly put in handcuffs and put on the curb. M.L. was visibly upset while talking about Smith dying.

Detective Pearson took a statement from M.W. on June 3, 2022, and I took another statement from her on June 4, 2022. M.W. stated that she was at Tilly's for karaoke with three or four other girlfriends when she noticed Smith and T.N. walk into the bar. As they were walking to the bar, Morris came into the bar wearing a pink hat and walked by her table and grabbed her empty Michelob Ultra beer bottle by the neck of the bottle. M.W. remembered commenting "oh shit, shits about to go down." M.W. stated that the woman in the pink hat was focused as she approached Smith and T.N. There was a confrontation and words, throwing arms and name-calling with Smith in the middle of the two women. The woman bartender intervened and kicked Morris out. T.N. then said to everyone in the bar sorry about that. M.W. saw Smith and T.N. go to the bar and get a white pizza box with a plastic bag on top of that.

M.W. said a short time later, there was a commotion and heard someone say she ran him over or something like that. M.W. went to the door and saw the car in the parking lot with Smith underneath it, and she remembers that there was no one else around, nobody at the side of the car. M.W. said she ran over there to assess the situation because she is a registered nurse. She went to the car and Smith was unresponsive. His eyes were open and he was breathing through his mouth. His head was wedged behind the driver's side front wheel, and his face was facing out. M.W. remembers someone saying that the passenger side front tire was on his ankles. M.W. tried to take a radial pulse, but his arms were underneath his abdomen. M.W. noted that Smith's breathing was shallow and intermittent. When she was checking his carotid pulse, it was weak and slow. While M.W. was under the car, the driver's door opened, and the driver exited the car, stepped over her, and walked away. Smith then stopped breathing. M.W. could not perform CPR because Smith's body was completely under the car between the front wheels with his head on the driver's side behind the front wheel and his feet were at the passenger side front wheel.

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

Date: 06-08-2022

/s/ Gregory Shue

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AFFIANT

**Affidavit for Probable Cause**

**From:** Detective Gregory Shue

M.W. stated that the driver was the same female that came into the bar wearing the pink bonnet, Gaylyn Morris. She saw her again after the police arrived, sitting on the curb in front of the restaurant with her hands behind her back next to a police officer. During the statement on June 4, 2022, I showed M.W. photo array 161863. She selected number 3, circled, and signed it under the picture. Gaylyn Morris's picture was number 6. M.W. was visibly upset while she was telling me what happened.

Detective Pearson took a statement from B.W. B.W. stated he was inside Tilly's pub, and the victim Smith was trying to break up a fight between the two females, Morris and T.N. B.W. said he was sitting by the front window of the bar inside when he looked out and seen Smith carrying boxes out to the car with T.N. At that time, Morris drove the car up on the sidewalk. B.W. stated that he and others fled the table they were sitting at because they thought the vehicle was coming through the wall.

B.W. then stated that Gaylyn Morris sped up and ran over Smith. B.W. said Morris then put her car in reverse, ran over him again, and then went back forward, stopping the car on top of the victim. At some point, Morris got out and was arguing with T.N., who was trying to get Morris's plate. B.W. stated Morris was standing blocking the plate to her vehicle so that T.N. could not get it. B.W. waited outside on the sidewalk for the police to arrive.

Detective Gray took a statement from D.B. D.B. was working at Tilly's. She told Detective Gray that Smith and T.N. came in and ordered food, so D.B. went back to the kitchen to make their food. D.B. heard someone yell her name because Morris had come into the bar, and Smith was trying to usher Morris out of the bar. When D.B. went to the door, she saw Smith trying to push Morris into a car, and they were scraping. D.B. told them all that they had to leave, and she motioned to someone else to ring them up and get them out. D.B. thought it was done so she went back to the kitchen and heard someone scream her name. She went outside, and Smith was pinned under a car.

D.B. stated that Morris was in the driver's seat, and there was no one else in the car. None of the three had ever been in before and were only there about 20 minutes.

I took a statement from T.N. She stated that she and Dre (Andre Smith) were in Tilly's Pub. He told her he thought there was a GPS on his car because Morris was texting him that she knew where he was at. T.N. said she had seen Morris earlier that evening and Morris was hitting her fist with her other hand and looking at her. T.N. said she and Smith went to another bar first, but the kitchen was closed, so they came over to Tilly's and ordered food and drinks. T.N. said Smith told her that the girl that knew his location was at the door.

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

Date:06-08-2022

/s/ Gregory Shue

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**From:** Detective Gregory Shue

T.N. stated that Morris came in and grabbed a bottle off the table and was very aggressive, so she stood up. Smith stood between them, and Morris hit T.N. on the left shoulder with the bottle. T.N. said they were told they had to leave. T.N. said when they came out, Morris was right there in a blue Impala. She tried to hit Smith once, but then one of the workers stepped in front of her car and stopped her.

T.N. was by Smith's car when she turned around to see the car running over him. T.N. told me that she did not know the driver of the car's name, but it was the same female (Gaylyn Morris) that came into the bar wearing the pink bonnet.

T.N. stated that just after Morris ran over Smith, he was still under the car. She pulled out her phone and video recorded the female still in the blue Chevrolet Impala. I watched the video, and it clearly showed Morris in the driver's seat of the blue 2010 Chevrolet Impala. T.N. walked around the car with video still going to show Indiana in God we trust license plate GER330, registered to Gaylyn Morris. In the video, you can hear a woman say "his head is under your wheel, don't move". T.N. knocks on the passenger window, and Gaylyn Morris looks directly at the camera.

On Friday, June 3, 2022, at 10:00 a.m., I attended Andre Smith's autopsy at the Marion County Coroner's Office. Forensic Pathologist Gregory Schmunk determined that the cause of death was traumatic asphyxia and the manner of death is homicide.

On Friday, June 3, 2022, Detective Gary Toms was granted a search warrant to seize Gaylyn Morris's cell phone, an Apple iPhone in a white case under cause number 49D35-2206-MC-014854.

On Saturday, June 4, 2022, at 4:00 a.m., I, and Crime Lab Technician Chris Schendel went to animal control and served a search warrant for the blue 2010 Chevrolet Impala. The search warrant was issued under cause number 49D17-2206-MC-014976. Items recovered are

1. A shirt that Morris was wearing in the video in the bar.
2. Michelob light bottle
3. Apple AirTag packaging box.
4. Photos of the vehicle interior and exterior and underneath the front end.
5. DNA swabs were taken from the transmission pan, and lower left A-frame.

Chris Schendel measured the distance from the ground to the transmission pan with the Chevrolet Impala sitting level on all four tires at just over six inches.

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

Date: 06-08-2022

/s/ Gregory Shue

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AFFIANT

**Affidavit for Probable Cause**

**From:** Detective Gregory Shue

On June 3, 2022, at 12:39 p.m., I received an email from A.W. saying that she had been in the parking lot of Tilly's Pub and witnessed the man get run over.

On June 4, 2022, at approximately 6:28 p.m., I met with A.W. in Noblesville.

A.W. stated that her and two of her friends were in the middle of singing a song for karaoke when the fight broke out inside Tilly's. She was sitting closest to the door, so she had a good view of the man that died (Andre Smith). He was bent over between the two women that were fighting. She thinks it's the owner of Tilly's who kicked them out of the bar, but she remembers that T.N. and Smith were picking up food. A.W. said that the song was stopped due to the fight, and she had already decided to leave after the song anyway.

A.W. grabbed her purse and phone and went outside and saw Gaylyn Morris in the green shirt and gray shorts in her car, a four-door sedan parked right in front of Tilly's with the windows down. She remembers M.L. standing in front of her car, and her vehicle was "cockeyed;" it was not parallel to Tilly's. It looked like M.L. was trying to stop Gaylyn Morris. A.W. walked behind the car to get away from the ruckus. She was walking to her car, parked two rows east of where Smith was hit.

A.W. got to her car and looked over to her right and saw Smith standing there, and then he was not standing. A.W. stated that Gaylyn Morris was driving slow and purposeful, but once she got to Andre Smith, she hit the gas, and Smith fell over and was on the ground. A.W. saw her back up over him and then go back over to him again. She could hear the crunching sound and saw the car going up as if going over a hump. She remembers it being eerily quiet, she thought to herself is he really under the car and if he was still alive he would be screaming, but there was nothing from him, Gaylyn Morris or T.N. who was standing between the vehicles. A.W. thinks she was stunned, so she walked back inside the bar and just stood there, processing what she had just seen. A.W. stated that she just needed to go home, so she stepped outside and saw Gaylyn Morris over by where A.W. 's car was parked. Morris had gotten out of her car and was pacing around the parking lot.

The police and fire units showed up, and a fire truck was almost blocking A.W. 's car. A.W. just wanted to go home, so she left.

On June 3, 2022, I, along with Detective Toms, took an audio/video recorded interview of Gaylyn Morris. After waiving her Miranda rights, Morris stated the following:

During an audio/video recorded interview, Morris stated that she and Andre live together, and recently she noticed that he had been staying out all night. She figured that he might be with 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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/s/ Gregory Shue

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another woman. She said that she had not seen him at all on June 2<sup>nd</sup>. At some point during the day, she talked to him and confronted him about a woman she thought he was seeing. At the end of their conversation, Morris told Andre that he needed to pack his belongings from their home and leave.

Morris then had a conversation with the mother of Andre's child about the situation. Morris was told that she should just put Andre out of their home and be finished with the relationship. She then left her home to look for Andre near the area of Keystone at the Crossing. She eventually found him at Tilly's Pub. I asked Morris how she found him at Tilly's and she stated that she was just driving around and remembered that he would get a hotel room at the Sheraton to be by himself or with other women. As she was driving, she said that she saw his car at Tilly's.

She then began asking people about bars being open in the area and if anyone had seen a tall black dude with dreads. Morris then says that she saw Smith inside of Tilly's, parked her car, and went inside. Morris stated that she went up to Smith and T.N., started a conversation with them, and claimed that T.N. got aggressive with her. Morris said she grabbed a beer bottle to defend herself. She then stated that she began to fight T.N., and Smith broke the fight up. Smith then took her outside.

Morris said that the owner of the bar then came outside and told all of them that they had to leave. Morris said she went to her car and waited for Smith and T.N. to come out. As Smith was walking outside, Morris admits to hitting Smith with her car, but said she didn't mean for him to go under her car. Morris explained how her car was parked in front of Tilly's, and then stated that she didn't do anything when Smith stepped out of the bar because her intention was to hit T.N., not Smith. Morris admitted that she drove her car on the sidewalk and mentioned that a white man was standing in front of her car. She backed out into the street, and turned her car toward Smith and T.N. Morris claimed that they were both trying to run away and that she hit Smith.

I asked Morris whether she had an Apple AirTag in Smith's car. Morris explained that an Airtag is a tracker and denied that she had one on his car and never put one in his car. Detective Toms asked Morris if a search warrant was served, would a tracker for Smith's car be located. Morris then admitted that she had a tracker on his car, and stated that she placed it in the backseat of his vehicle near the cup holder.

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

Date:06-08-2022

/s/ Gregory Shue

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AFFIANT

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**From:** Detective Gregory Shue

All events occurred in Indianapolis Indiana county of Marion.

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

Date:06-08-2022

/s/ Gregory Shue

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AFFIANT