



**OFFICE OF THE PROSECUTING ATTORNEY
ERIC M. HOFFMAN, PROSECUTOR
46TH JUDICIAL CIRCUIT
DELAWARE COUNTY, INDIANA**

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FOR IMMEDIATE RELEASE

From: Eric M. Hoffman, Prosecuting Attorney
prosecutor@co.delaware.in.us
Date: November 15, 2022

**PROSECUTOR CHARGES JOSEPH JACKSON AND ALYCIA SMITH WITH
NEGLECT OF A DEPENDENT RESULTING IN DEATH**

Muncie Indiana – On today's date the Prosecuting Attorney Eric M. Hoffman formally charged Joseph Paul Marquiz Jackson (DOB 8/25/2003) and Alycia Justyne Smith (DOB 7/9/2000) each with the following criminal offenses:

- Count 1: Neglect of a Dependent Resulting in Death, a Level 1 Felony
- Count 2: Neglect of a Dependent, a Level 6 Felony

It is important to remember that any accusation that someone has committed a crime, an arrest and/or the filing of a criminal charge is simply an allegation and is not evidence of guilt. All suspects are presumed innocent unless and until proven guilty beyond a reasonable doubt at trial.

The charges are pending in the Delaware Circuit Court No. 4. The Honorable Judge John M. Feick will set the case for an initial hearing. Copies of the Charging Information and Affidavit of Probable Cause that were filed with the Court are attached. Judge Feick has set bail for each defendant in the amount of \$55,000.

Pursuant to Indiana law:

- A Level 1 Felony is punishable by 20 – 40 years in prison and up to a \$10,000 fine.
- A Level 6 Felony is punishable by 6 months – 2.5 years in prison and up to a \$10,000 fine.

The ethical rules for prosecutors in Indiana prohibit further comment on this matter. At this time, there will be no further comment.

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STATE OF INDIANA) IN THE DELAWARE CIRCUIT COURT 4
) SS:
COUNTY OF DELAWARE) CAUSE NUMBER. 18C04-2211-F1

INFORMATION:

STATE OF INDIANA

VS

JOSEPH P.M. JACKSON

1523 S. Burlington Dr.
Muncie, IN 47302

DOB: 9/25/2003
SSN: XXX-XX-3430

Count 1:
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 1:

The undersigned says that on or about November 14, 2022 in Delaware County, State of Indiana, Joseph P.M. Jackson, being at least 18 years of age and having the care of J'den Watson, 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 J'den Watson, contrary to the form of the statutes in such cases made and provided by I.C. 35-46-1-4(a)(1) and I.C. 35-46-1-4(b)(3) and against the peace and dignity of the State of Indiana.

ERIC M. HOFFMAN
Prosecuting Attorney
46th Judicial Circuit of Indiana

BY: /s/ Eric M. Hoffman
Eric M. Hoffman 24232-18
Prosecuting Attorney
46th Judicial Circuit of Indiana

STATE OF INDIANA) IN THE DELAWARE CIRCUIT COURT 4
) SS:
COUNTY OF DELAWARE) CAUSE NUMBER. 18C04-2211-F1

INFORMATION:

STATE OF INDIANA

VS

JOSEPH P.M. JACKSON

1523 S. Burlington Dr.
Muncie, IN 47302

DOB: 9/25/2003
SSN: XXX-XX-3430

Count 2:
Neglect of a Dependent
I.C. 35-46-1-4(a)(1)
a Level 6 Felony

Count 2:

The undersigned says that on or about November 14, 2022 in Delaware County, State of Indiana, Joseph P.M. Jackson having the care of Freya Smith, a dependent, did knowingly place said dependent in a situation that endangered the dependent's life or health, contrary to the form of the statutes in such cases made and provided by I.C. 35-46-1-4(a)(1) and against the peace and dignity of the State of Indiana.

ERIC M. HOFFMAN
Prosecuting Attorney
46th Judicial Circuit of Indiana

BY: /s/ Eric M. Hoffman
Eric M. Hoffman 24232-18
Prosecuting Attorney
46th Judicial Circuit of Indiana

STATE OF INDIANA)
)
 DELAWARE COUNTY)

IN THE DELAWARE COUNTY COURTS
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AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WITHOUT WARRANT

COMES NOW, Mariah Copeland, a police officer of the Muncie Police Department, and being first duly sworn upon oath, deposes and says that the following described person was arrested, without Warrant, upon the charge(s) and circumstances hereinafter stated, and makes this affidavit for the purpose of establishing probable cause for said arrest.

NAME OF ARRESTEE: Joseph Paul Marquiz Jackson **D.O.B.:** 09/25/2003

ADDRESS OF ARRESTEE: 608 W. 8th St

DATE OF ARREST: 11/14/2022 **TIME OF ARREST:** 16:58

CHARGE 1: Neglect of a Dependent Resulting in Death A level 1 Felony

CHARGE 2: Neglect of a Dependent A level 6 Felony

The basis and reasons why this officer believes that said Arrestee committed the aforesaid offense (s) are as follows:

At approximately 12:11 pm on 11/14/2022, Delaware County Dispatch received a 911 call in reference to a shooting that had occurred that morning in the residence located at 1523 S. Burlington Dr., Muncie, IN 47302. According to the original caller, her nephew killed himself. During this call, another female begins talking to the dispatch operator. This 2nd individual states a 4-yr old male was bleeding from his nose, and that he had shot himself.

Emergency personnel then responded to the above-listed address. Upon arrival, emergency medical personnel found a 4-yr old male suffering from an apparent gunshot wound to his head. The 4-yr old male was then transported to IU Health Ball Memorial Hospital, where he was pronounced deceased.

After learning that the victim had passed, investigators with the Muncie Police began conducting interviews with the adults that had been in the residence. One of those individuals was Joseph Jackson. Jackson advised investigators that he had been staying at 1523 S. Burlington Dr. with his girlfriend, Alycia Smith, for approximately a month. Jackson said that the room he and Smith share is on the 2nd floor of the residence. Jackson stated that Smith has 2 children, a 4-yr old son (JW) and a 2-yr old daughter (FS), who both share a room with Jackson and Smith. Jackson stated that he regularly watches the children, including while Smith is at work. Jackson has taken on the role of the children's father by performing specific parent duties. Along with watching the children throughout the day, Jackson cares for the children when they wake up by feeding them, helping bathe them, and buying diapers or pull ups. Jackson told investigators that he does own a gun - a 9mm Glock 19. According to Jackson, he had left the gun sitting "on a doll house" in the room that he shares with Smith and her children. Jackson said that he regularly leaves the gun sitting on the doll house. Jackson owns a retention holster for the firearm but always places it inside the doll house without it being secured in the holster. Jackson stated that he was at the residence on that date; and that he was on the 1st floor when he heard a pop noise coming from upstairs, followed by Smith screaming. Jackson then ran upstairs. When he got upstairs, he saw JW on the floor of his and Smith's bedroom, bleeding from his face. Jackson then carried JW downstairs and someone called 911.

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Jackson stated, he is aware of JW's ability to climb on objects and this is common behavior for JW. Jackson was showed a photo of the dollhouse which was sitting on a table in him and Smith's bedroom. The height of the dollhouse is accessible to JW by climbing and neither Jackson nor Smith have taken any precautionary measures to secure the firearm from the children. The dollhouse contains "windows" in which JW has access to visibly observe the firearm. Jackson advised, Smith was aware of the location he kept the firearm and has had no objections to the location. The platform of the dollhouse where the firearm was stored was measured approximately 3 feet 2 inches from the ground making it accessible to JW.

Investigators also interviewed JW's mother, Alycia Smith. Smith stated that she was in the bedroom with JW and FS when she heard a gunshot. According to Smith, she had been standing by the bed, facing away from JW. Smith said that at that point, JW was playing on a desk chair and rolling around the room. Smith then turned around and saw JW holding the gun. Smith said JW then fired the gun and collapsed on the floor. Smith stated, Jackson came upstairs, picking up JW and carrying JW downstairs. Smith stated, she called 911 and CPR was performed until Officers arrived. Smith stated that her 2-yr old daughter (FS) was also present in the room when the shot was fired. During her interview, Smith admitted that she was aware that Jackson had a gun, and that he had left the gun sitting on the doll house "at least 10 times." According to Smith, Jackson had previously left the gun in areas where her children could access it. This resulted in several previous arguments regarding the location Jackson kept his gun in.

During a subsequent search of the residence, investigators observed the bedroom where the shooting had taken place. In the bedroom, there is a small kitchen table that has what appears to be an unfinished cardboard doll house sitting on top of it. A rolling desk chair, similar to what Smith had described, was pushed up to the end of the table. Investigators also located a large gun safe on the 1st floor of the residence that could have been used to safely store the firearm.

I affirm under penalty of perjury that the foregoing is true and accurate to the best of my information and belief.

/s/ OFFICER: Mariah Copeland

Handwritten signature

DATE: 11/14/2022

JUDICIAL DETERMINATION

The undersigned, being a Judicial officer of Delaware County, and having reviewed the foregoing affidavit, now determines that probable cause existed for the arrest of said arrestee, and now fixes bond in the penal sum of \$ 55,000.00 *surety or cash to Del Co Clerk, in defendant's name only*

DATED: 11-14-22

SIGNED: *J. C. Jones* *Judge COY*

CHARGES TO BE FILED BY: _____

AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WITHOUT WARRANT

STATE OF INDIANA)
)
DELAWARE COUNTY)

IN THE DELAWARE COUNTY COURTS

2022 TERM

STATE OF INDIANA) IN THE DELAWARE CIRCUIT COURT 4
) SS:
COUNTY OF DELAWARE) CAUSE NUMBER. 18C04-2211-F1

INFORMATION:

STATE OF INDIANA

VS

ALYCIA J. SMITH

1523 S Burlington Dr
Muncie , IN 47302

DOB: 7/9/2000

SSN: XXX-XX-5584

Count 1:

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 1:

The undersigned says that on or about November 14, 2022 in Delaware County, State of Indiana, Alycia J. Smith, being at least 18 years of age and having the care of J'den Watson, 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 J'den Watson, contrary to the form of the statutes in such cases made and provided by I.C. 35-46-1-4(a)(1) and I.C. 35-46-1-4(b)(3) and against the peace and dignity of the State of Indiana.

ERIC M. HOFFMAN
Prosecuting Attorney
46th Judicial Circuit of Indiana

BY: /s/ Eric M. Hoffman
Eric M. Hoffman 24232-18
Prosecuting Attorney
46th Judicial Circuit of Indiana

STATE OF INDIANA) IN THE DELAWARE CIRCUIT COURT 4
) SS:
COUNTY OF DELAWARE) CAUSE NUMBER. 18C04-2211-F1

INFORMATION:

STATE OF INDIANA

VS

ALYCIA J. SMITH

1523 S Burlington Dr
Muncie , IN 47302

DOB: 7/9/2000

SSN: XXX-XX-5584

Count 2:

Neglect of a Dependent
I.C. 35-46-1-4(a)(1)
a Level 6 Felony

Count 2:

The undersigned says that on or about November 14, 2022 in Delaware County, State of Indiana, Alycia J. Smith having the care of Freya Smith, a dependent, did knowingly place said dependent in a situation that endangered the dependent's life or health, contrary to the form of the statutes in such cases made and provided by I.C. 35-46-1-4(a)(1) and against the peace and dignity of the State of Indiana.

ERIC M. HOFFMAN
Prosecuting Attorney
46th Judicial Circuit of Indiana

BY: /s/ Eric M. Hoffman
Eric M. Hoffman 24232-18
Prosecuting Attorney
46th Judicial Circuit of Indiana

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)
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AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WITHOUT WARRANT

COMES NOW, Mariah Copeland , a police officer of the Muncie Police Department, and being first duly sworn upon oath, deposes and says that the following described person was arrested, without Warrant, upon the charge(s) and circumstances hereinafter stated, and makes this affidavit for the purpose of establishing probable cause for said arrest.

NAME OF ARRESTEE: Alycia Justyne Smith D.O.B.: 07/09/2000

ADDRESS OF ARRESTEE: 1523 S Burlington Dr Muncie IN, 47302

DATE OF ARREST: 11/14/2022 TIME OF ARREST: 17:18

CHARGE 1: Neglect of a Dependent Resulting in Death A level 1 Felony

CHARGE 2: Neglect of a Dependent A level 6 Felony

The basis and reasons why this officer believes that said Arrestee committed the aforesaid offense (s) are as follows:

At approximately 12:11 pm on 11/14/2022, Delaware County Dispatch received a 911 call in reference to a shooting that had occurred that morning in the residence located at 1523 S. Burlington Dr., Muncie, IN 47302. According to the original caller, her nephew killed himself. During this call, another female begins talking to the dispatch operator. This 2nd individual states a 4-yr old male was bleeding from his nose, and that he had shot himself.

Emergency personnel then responded to the above-listed address. Upon arrival, emergency medical personnel found a 4-yr old male suffering from an apparent gunshot wound to his head. The 4-yr old male was then transported to IU Health Ball Memorial Hospital, where he was pronounced deceased.

After learning that the victim had passed, investigators with the Muncie Police began conducting interviews with the adults that had been in the residence. One of those individuals was Joseph Jackson. Jackson advised investigators that he had been staying at 1523 S. Burlington Dr. with his girlfriend, Alycia Smith, for approximately a month. Jackson said that the room he and Smith share is on the 2nd floor of the residence. Jackson stated that Smith has 2 children, a 4-yr old son (JW) and a 2-yr old daughter (FS), who both share a room with Jackson and Smith. Jackson stated that he regularly watches the children, including while Smith is at work. Jackson told investigators that he does own a gun - a 9mm Glock 19. According to Jackson, he had left the gun sitting "on a doll house" in the room that he shares with Smith and her children. Jackson said that he regularly leaves the gun sitting on the doll house. Jackson owns a retention holster for the firearm but always places it inside the doll house without it being secured in the holster. Jackson stated that he was at the residence on that date; and that he was on the 1st floor when he heard a pop noise coming from upstairs, followed by Smith screaming. Jackson then ran upstairs. When he got upstairs, he saw JW on the floor of his and Smith's bedroom, bleeding from his face. Jackson then carried JW downstairs and someone called 911.

Jackson stated, he is aware of JW's ability to climb on objects and this is common behavior for JW. Jackson was showed a photo of the dollhouse which was sitting on a table in him and Smith's bedroom. The height of the dollhouse is accessible to JW by climbing and neither Jackson

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nor Smith have taken any precautionary measures to secure the firearm from the children. The dollhouse contains "windows" in which JW has access to visibly observe the firearm. Jackson advised, Smith was aware of the location he kept the firearm and has had no objections to the location. The platform of the dollhouse where the firearm was stored was measured approximately 3 feet 2 inches from the ground making it accessible to JW.

Investigators also interviewed JW's mother, Alycia Smith. Smith stated that she was in the bedroom with JW and FS when she heard a gunshot. According to Smith, she had been standing by the bed, facing away from JW. Smith said that at that point, JW was playing on a desk chair and rolling around the room. Smith then turned around and saw JW holding the gun. Smith said JW then fired the gun and collapsed on the floor. Smith stated, Jackson came upstairs, picking up JW and carrying JW downstairs. Smith stated, she called 911 and CPR was performed until Officers arrived. Smith stated that her 2-yr old daughter (FS) was also present in the room when the shot was fired. During her interview, Smith admitted that she was aware that Jackson had a gun, and that he had left the gun sitting on the doll house "at least 10 times." According to Smith, Jackson had previously left the gun in areas where her children could access it. This resulted in several previous arguments regarding the location Jackson kept his gun in.

During a subsequent search of the residence, investigators observed the bedroom where the shooting had taken place. In the bedroom, there is a small kitchen table that has what appears to be an unfinished cardboard doll house sitting on top of it. A rolling desk chair, similar to what Smith had described, was pushed up to the end of the table. Investigators also located a large gun safe on the 1st floor of the residence that could have been used to safely store the firearm.

I affirm under penalty of perjury that the foregoing is true and accurate to the best of my information and belief.

/s/ OFFICER: Mariah Copeland

Mariah Copeland 1899

DATE: 11/14/2022

JUDICIAL DETERMINATION

The undersigned, being a Judicial officer of Delaware County, and having reviewed the foregoing affidavit, now determines that probable cause existed for the arrest of said arrestee, and now fixes bond in the penal sum of \$ 55,000.00 surety or cash to Del Co Clerk in

DATED: 11-15-22

SIGNED:

Judge Coy
dependant's name only

CHARGES TO BE FILED BY: _____

AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WITHOUT WARRANT

STATE OF INDIANA)
)
DELAWARE COUNTY)

IN THE DELAWARE COUNTY COURTS

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