

2018 SEP 18 P 1:01

IN THE CIRCUIT COURT
OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

FILED IN VIERA
CLERK OF CIR. CT.
BREVARD CO. FL.

STATE OF FLORIDA

Cocoa Beach Police Department Case No. 14-4287

VS.

Marylee Elisabeth Walker

Court Case No. 05-2018-CF-045798-A XXX-XX

AFFIDAVIT FOR ARREST WARRANT

State of Florida
County of Brevard

BEFORE ME, Sergeant T. Cooper ID9 a sworn law enforcement officer, personally came Detective Corporal Joseph Versaggi, ID24, of the Cocoa Beach Police Department, who being duly sworn deposes and says: that Affiant has reason to believe and does believe that probable cause exists for the arrest of **Marylee Elisabeth Walker, 03/09/1988, SSN [REDACTED], with a last known address of 3620 G STREET, ANTIOCH, CA 34509, W/F, 5'2", 120LB** for a violation of the laws of the State of Florida, to wit: **Vehicular Homicide without providing information and providing aid**, contrary to section 782.071(1)(b), Florida Statutes, and leaving the scene of a crash involving death, contrary to section 316.027(2)(c), Florida Statutes, which occurred at **the east side of the roadway located at 213 Rose Drive, Cocoa Beach, Brevard County, Florida 32937.**

THE FACTS tending to establish the grounds for this application and the probable cause of Affiant believing that such facts exist are as follows:

On October 16, 2014, at approximately 0649 hours, the homeowner of 213 Rose Drive, Cocoa Beach discovered an unidentified deceased white female lying on her back in the gutter of the roadway with her legs partially on the grass in his front yard.

The deceased was wearing blue jeans, a red shirt, and sandals, and she had blood coming from her face and head that was pooling underneath her. She was lying face-up on the east side of the roadway. A computer printout of an airline ticket for a female named Marylee Walker (hereinafter "Walker") was located underneath her leg. The victim was later identified as twenty-seven-year-old Jessica Erausquin (hereinafter Erausquin), an adult entertainer who worked at Lido's Cabaret in Cape Canaveral, Florida.

An autopsy was conducted on October 16, 2014, by Brevard County Medical Examiner Dr. Krzysztof Podjaski. Dr. Podjaski's findings are as follows:

1. Acute subgaleal, subarachnoid and subdural hemorrhages, with associated multiple skull fractures and brain injuries.
 2. Atlanto-occipital dislocation, with associated injuries of cervical spinal cord.
 3. Multiple contusions and abrasions of the head, neck, torso and extremities.
- Cause of Death: Multiple Blunt Force Trauma.

Manner of Death: Homicide.

A closer examination of Erausquin's injuries indicates the following:

SAO-JA/JMK
Amended 03/30/2018

Case # 05-2018-CF-045798-AXXX-XX
Document Page # 1



29440141

Erausquin had bruising, scrapes, and abrasions on the right side of her face and head consistent with injuries caused by the road surface, indicating that she would have been on her right side at the time of the injury. A small abrasion was on the left side of her head in the hair line, and she had multiple scrapes and abrasions on her arms and a bruise across her chest.

The toxicology report, which is part of the autopsy report, showed Erausquin's blood alcohol level was .263 g/dL.

During the initial investigation, it was discovered that the last person seen with Erausquin was Walker, also an entertainer at Lido's.

On October 16, 2014, at approximately 1045 hours, the Cocoa Beach Police Department received a call from a defense attorney who Walker retained in the matter concerning the victim's death. This was nearly 8 hours before Walker arrived at her father's house at 1800 hours. Walker was interviewed and stated during her sworn interview that she learned of the victim's death upon arrival at her father's house.

On October 17, 2014, CBPD Detective Kris Kuehn and Detective Christen McClure obtained a sworn statement from Walker, in which she provided the following information in summary:

Suspect/Walker stated that she and Erausquin had just met at Lido's the night before she was found deceased. This is where they were both employed as dancers. Walker and Erausquin started working the customers together, and they both were drinking. Walker liked Erausquin because she seemed really nice and was very touchy and friendly. By the end of the evening, Erausquin was extremely intoxicated. The management of the club didn't want her to drive, so Walker agreed to take her home with her.

Suspect/Walker and Erausquin left Lidos in Walker's 1998 red Lincoln four-door SUV at approximately 2320 hours (security recordings from Lidos confirm this time). Walker decided to take Erausquin to a friend's apartment in Cocoa Beach because she didn't want to drive all the way to her house in Osceola County. She drove Erausquin to the McDonald's located at 3920 North Atlantic Avenue, Cocoa Beach to get something to eat, but they ended up not stopping there.

Walker then drove to a friend named Torrin Hawkins' (hereinafter Hawkins) apartment located at 494 South Atlantic Avenue, #101, Cocoa Beach. Walker would stay there some nights when she was working at Lido's, so she didn't have to drive so far to get home. Walker and Erausquin arrived at the apartment and Walker assisted Erausquin up the stairs into the apartment at which time she was stumbling, falling down, and slurring her words. They remained in Hawkins' apartment only a short time - approximately 20 minutes. Erausquin told suspect/Walker she didn't feel comfortable there, and she wanted to go to a friend's house.

Walker and Erausquin left Hawkins's apartment and drove around some back streets in Cocoa Beach looking for Erausquin's friend's residence for less than 15 minutes. Erausquin started "freaking out" and jumped out of the car while it was still moving. Walker said she was driving at a speed which she described as "creeping" when the Erausquin "leaped" out of the vehicle, slamming the door closed after exiting. Walker thought Erausquin had found the house she was looking for. Walker stated that she did not see Erausquin going to the house or anything because she said it was dark, and she had tint on her windows. Walker further related that, "As far as I know, in my mind, I imagine she took off running, or left or found her house and took off." This statement is in contradiction of her statement that no more than 35 minutes earlier the victim needed assistance walking and was falling down. When asked about the victim's speech pattern while in the vehicle, Walker stated the victim's speech was slurred.

When asked if she knew what road they were on, Walker described it as dark and “did a loop.” She stated she had driven around the loop and was heading back to the entrance of the street when Erausquin “leaped” from the vehicle. This would place the passenger door on the east side of the street, the same side the Erausquin was found deceased. The road where the victim was found deceased is a dead end with a loop around trees at the end. According to Walker the victim exited the vehicle without her purse, phone or other belongings.

Walker further related that after Erausquin jumped out of her vehicle, she drove back to Hawkins' apartment and went to bed. She woke up around 0745 hours and drove back to St. Cloud in Osceola County where she lived. She did not know how Erausquin obtained her injuries and felt she was fine when she left her vehicle. She further stated that she learned of the victim's death upon arriving at her father's house around 1800 hours.

On October 20, 2014, CBPD Detective Kris Kuehn and Detective Christen McClure conducted an interview with Hawkins at his residence located at 494 South Atlantic Avenue, Apartment 101, Cocoa Beach. Hawkins provided the following information in summary:

Hawkins said he had known Walker for approximately three or four years. On October 15, 2014, (at approximately 2355 hours, according to phone records), Walker showed up at his apartment with Erausquin. Walker and Erausquin had been drinking, and when they came inside the apartment, Erausquin slipped and fell. Hawkins became “nervous” about having two drunk females in his apartment, so he told Walker they needed to leave. He said Erausquin was drunk and “could barely stand up” and “flopping around.” Walker and Erausquin were in his apartment for approximately five to ten minutes, and they left. Walker returned 10 minutes later and said, “She told me to drop her off somewhere.” Walker stayed the night at his apartment and left at approximately 0800 hours on October 16, 2014.

A cellphone record examination was conducted on Walker's cell phone with the following information obtained.

On October 15, 2014, Walker called Hawkins three times prior to her arrival at his apartment. These calls were at 2335 hours, 2340 hours, and 2346 hours.

The four days prior to October 15, 2014, Walker only contacted her father by telephone twice: on October 11, 2014 and on October 12, 2014, appearing to speak with him only one time based on length of calls. This is consistent with her statement during her sworn interview of “checking in” with her father on a weekly basis. On October 16, 2014, the day of the victim's death, Walker called her father eleven times beginning at 0745 hours.

Walker stated on the evening of the incident she dropped the victim off and went back to Hawkins' to sleep, awaking and leaving at 0745 hours. Her phone records indicate that between the times of 1157 hours on October 15, 2014, and 0743 the following morning Walker does not place any telephone calls. However, text records show between 0429 hours and 0434 hours on the same day she sends 8 text messages. Between the hours of 0429 and 0647 there are a total of 16 outgoing messages. This is inconsistent with her statement that she returned to Hawkins residence and slept until she left at 0745 hours.

On October 16, 2014, Walker called the phone number (321) 458-1701 on multiple occasions, talking for in excess of seventy-eight (78) minutes. Walker also called the person again just prior to her interview with Detective Kuehn on October 17, 2014, and just after she finished with the interview. In September 2018 it was discovered the number to be associated to Lee Rinks, Walker's former boyfriend.

On March 15, 2016, a meeting occurred with the detectives and Chief Medical Examiner Doctor Sajid Qaiser and Medical Examiner Doctor Krzysztof Podjaski, in furtherance of the investigation into Erausquin's death.

Photographs were reviewed from the crime scene and the autopsy. It was determined that the injuries on Erausquin's face, head, chest, arms, and hands were consistent with her being run over, or rolled over, by a vehicle at the scene when she was face down on the roadway, not face up, as she was when she was discovered. The evidence and blood patterns at the scene also indicated that Erausquin had possibly been rolled over postmortem.

On September 10, 2018, CBPD Detective Joseph Versaggi and FDLE Special Agent Mark Mynheir made contact with Lee Rinks (herein after Rinks) at his residence. A sworn recorded interview was completed in which he provided the following information in summary:

We explained to him that we were there to talk about his old girlfriend Marylee Walker, and we are investigating an old case that she may have been involved in. Rinks stated he was not dating the suspect at the time of incident. He then stated he knew why we were there.

Rinks said Walker called him and told him "she messed up really bad." He stated the conversation "was a long time ago" and doesn't remember the conversation in its entirety. However, Walker told him "she had made a big mistake" and "didn't know what to do" and "she was in a lot of trouble." He advised she told him "an accident had happened." He then said that she was "freaking out." He said she told him "the girl fell out of the car or something... (unintelligible) and she ran her over." Walker then said "somehow the door came open and the girl fell out. I don't know what they were doing... somehow she fell out the door and got run over." When asked if Walker spoke about what she did after she ran the victim over, he said she did not say specifically, but he felt that she "left and never went back." When asked what Walker said to him when she called prior to going into the interview, Rinks said she asked for advice, and he told her he did not want to know any more about what happened. When asked about the phone call after the interview he said she told him "she was going to leave or something like that or something like move to North Carolina or something like that... she was going to leave the state because she had too many problems here or something like that."


Detective Kris Kuehn wrote the following in his report regarding the death of Erausquin: "I began to review the Lido's Cabaret surveillance video that I got from Mr. Bradley the night before. While watching the video I was able to identify the victim standing near the front door entrance who comes into the surveillance footage at approximately 2310 hours. She is wearing the same clothes that she was found in. She is carrying what appears to be a large purse that is black in color. Due to my training and experience I could tell the victim was heavily intoxicated by her physical movements and her laying her head on the cashier's counter. At 2318 hours, Marylee Walker, and the victim walk out of the front door of the club and are followed by the doorman which matches Mr. Bradley's statement. Another camera depicts all three people walking into the parking lot from the north door where they walked out of the club. Judging on where the victim had parked her vehicle when she arrived at the club it looked like she was walking towards where she had parked. The bouncer is then seen walking over to her and grabbing a hold of her arm to assist her to Marylee Walker's SUV. The group then walks to the 1998 Lincoln where Marylee Walker is seen getting into the driver's side and behind the wheel. The victim is assisted into the passenger's seat by the bouncer. When Marylee Walker got into the driver's seat and was prepared to leave she put the SUV into drive and bumped into the curb. She then corrects the action by placing it in reverse and pulling out correctly. The SUV can be seen leaving the parking lot and turning what appears to be southbound onto North Atlantic Avenue at 2320 hours."

Affiant watched the video from the Lido's parking lot and observed that at 11:18:00 p.m. Walker is seen walking away from the camera. She is unsteady on her feet, loses her balance, and drops something.

Based on the above facts, statements and physical evidence provided, your Affiant has probable cause to believe and does believe that the above listed probable cause, all leads to the substantiation that defendant, **Marylee Elisabeth Walker**, has committed a violation of the laws of the State of Florida, to wit: **Vehicular Homicide without providing information and providing aid**, contrary to section **782.071(1)(b)**, Florida Statutes, and **leaving the scene of a crash involving death**, contrary to section **316.027(2)(c)**, Florida Statutes.

Your Affiant, Detective Corporal Joseph Versaggi (hereinafter referred to as Your Affiant) is a sworn Law Enforcement Officer employed by the Cocoa Beach Police Department. Det. Cpl. J. Versaggi is certified by the State of Florida Commission of Criminal Justice Standards and Training as a Law Enforcement Officer, and Affiant's training and experience is as follows: Det. Cpl. Joseph Versaggi has been employed the Cocoa Beach Police Department as a certified law enforcement officer in the state of Florida since January 2013. Detective Joseph Versaggi has acted as a detective for the agency for the past 2.5 years as a general crimes detective investigating thefts, fraud, burglaries, robberies, and death investigations.

WHEREAS, your Affiant makes this affidavit and prays the issuance of an Arrest Warrant with authority to enter any premises to effect said arrest, in due form for the arrest of **Marylee Elisabeth Walker** for the violation of the laws of the State of Florida, to wit: **Vehicular Homicide without providing information and providing aid**, contrary to section **782.071(1)(b)**, Florida Statutes, and **leaving the scene of a crash involving death**, contrary to section **316.027(2)(c)**, Florida Statutes.



Detective Corporal Joseph Versaggi
Cocoa Beach Police Department
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME THIS 14th DAY OF September, A.D. 20 18
BY Detective Corporal Joseph Versaggi (Affiant) WHO IS PERSONALLY KNOWN TO ME.



Sergeant T. Cooper, ID9

SWORN LAW ENFORCEMENT OFFICER
BREVARD COUNTY, FLORIDA