

NEW-HARMONY, (IND.) January 2023**THE "SHOTGUN"!***By: Dan Barton*

On Wednesday, December 21, 2022, The New Harmony Gazette received the following two pieces of information in Affidavit Form from Posey County Prosecutor Thomas Clowers's Office.

It reports that New Harmony resident, Misti Justice, had been arrested on Two Felony Firearms charges on December 14, 2022. What follows is a re-printed complete description of that case in the Probable Cause Affidavit and the Charging Document, along with its current disposition as of the time of this writing.

CASE NUMBER: 65C01-
2212-F5-000684 FILED: 12/15/2022

THE POSEY COUNTY
CIRCUIT COURT

STATE OF INDIANA / COUNTY OF
POSEY/ STATE OF INDIANA VS.
MISTI D. JUSTICE
2525 Durlin Road, New Harmony,
Indiana 47631

AFFIDAVIT OF PROBABLE CAUSE
TO ARREST

I, (Weston L. Kuykendall, ISP #8198 -
Affiant) the undersigned, being first duly
sworn upon his oath, state the following:

On Wednesday, JANUARY 19, 2022
ISP and local police executed a judicially
authorized search warrant at 616 East
Water Street, Mt. Vernon, Posey County,
Indiana. This address is the home of
Robert "Bobby" MCCARTY and his
mother, Rhonda McCarty. The probable
cause for the warrant was articulated
to the court as a search for evidence
possibly related to a double-homicide

investigation in Mount Vernon, that had
begun on November 6, 2021. Surveillance
of the Water Street residence prior to
the date of the search had revealed
an apparent association between the
residents of 616 Water Street and Misti
Dawn JUSTICE (DOB 01/12/76), of New
Harmony, Indiana. A vehicle attributed
to her through the Indiana Bureau of
Motor Vehicles was seen parked there
on multiple occasions and observed
both leaving and arriving at least once,
driven by a woman matching JUSTICE's
description. A criminal history check
revealed JUSTICE has a drug and traffic-
related criminal history.

During the search on January 19th,
investigators located a .45 CALIBER
HIGH POINT BRAND RIFLE in the
bedroom of Robert McCarty, herein
after referred to as the RIFLE. Because
of MCCARTY's extensive criminal
history, to include violent crimes, the
weapon was seized. This, in addition to
drug-related evidence, led to his arrest
that day and a pending case in Posey
Circuit Court. Another male, James R.
MUSGRAVE was detained, released and
later charged with possession of drug
paraphernalia. He also has a pending
case in Posey Circuit Court.

That same day, ISP Detective Tobias
Odom and I interviewed MCCARTY in
the conference room of the Posey County
Coroner's Office. He was in custody
because of the charges referenced above.
We recorded the interview with audio
and video, advised him of his Miranda
rights, and obtained his waiver of those
rights on a standard form. During the
interview, I asked him about the RIFLE
located in his Water Street address and
he told me Misti JUSTICE had brought
the RIFLE to the home for his mother,
Rhonda's, protection. He said she had
brought the RIFLE there in November,

after the murders became public
knowledge. This interview also revealed
that a cell phone, recovered from Austin
KUSTURIN's apartment in the above
mentioned homicide investigation,
most likely belonged to MCCARTY and
contained at least one photograph of an
additional firearm, what appeared to be
a black colored pump-action shotgun.

On Sunday, January 23, 2022, Robert
McCarty's girlfriend, Sara GRABERT
contacted me and said she knew that
Misti JUSTICE, aka Misti West, had
purchased the rifle and left it at the
Water street address. When I asked her
when and where she had purchased it,
she said she could find out. Later that
evening she texted me saying it had been
purchased at the Rural King store on the
west side of Evansville.

I shared this information with Bureau
of Alcohol Tobacco and Firearms (ATF)
Task Force Officer (TFO) Doug Francis
the next morning. TFO Francis had
already been following this case as
well as the homicide investigation and
providing assistance in the form of
firearms trace information. The trace
on the RIFLE revealed Misti JUSTICE as
the last known purchaser, on JANUARY
8th, 2022, at the Rural King store on
Saint Joseph Avenue in Evansville, IN.

During the week of January 24th,
TFO Francis visited the Rural King
at 2800 N. Saint Joseph Avenue in
Evansville and confirmed that the
Hi-Point rifle had been purchased on
January 8th by Misti JUSTICE. His
investigation also uncovered a previous
purchase on OCTOBER 14th, 2021 for an
EMPEROR ARMS BRAND 12 GAUGE
SHOTGUN, Herein after referred as
SHOTGUN. TFO Francis was able to
view the store's video surveillance from
the October transaction and noticed

that JUSTICE approached the counter holding a small dog, spoke briefly to the sales associate and then left the video frame once the associate placed a gun box on the counter. JUSTICE then re-entered the video without the dog, completed the transaction and left with the gun box. TFO Francis advised she is seen leaving the store with a male in footage from the outside cameras at the store, but the quality isn't sufficient to identify the male. The ATF trace of the SHOTGUN revealed Misti JUSTICE as the last known purchaser, on OCTOBER 14, 2021, at the Rural King Store on Saint Joseph Avenue in Evansville, IN.

On MONDAY, JANUARY 31, 2022, TFO Francis and I spoke with Misti Justice at her apartment in New Harmony, Posey County, Indiana. We recorded our interview and began with an advisement of her Miranda rights by signing a standard form, provided by TFO Francis. When asked about her gun purchases, JUSTICE was quick to provide us with a BLACK SHOTGUN still in its original box. I immediately recognized it as being consistent with the photograph referenced above, of a very similar SHOTGUN, recovered from a cell phone collected in the homicide investigation from November, 2021. By then, the cell phone had been attributed to Robert MCCARTY. TFO Francis was able to confirm with his notes that the weapon provided to us by JUSTICE was in fact, the SHOTGUN listed as a purchase by her at Rural King, on October 14, 2021. When asked, JUSTICE said she had purchased the shotgun for her own personal defense but admitted she possessed no ammunition for it in her home, on her person or in her vehicle. She consented to a search of her home, that I completed, while she and TFO Francis continued to talk in her kitchen. I found no other firearms, ammunition or associated items. JUSTICE also maintained throughout the interview that the SHOTGUN had never been fired.

Later in the interview, JUSTICE revealed that she had left the SHOTGUN

at the MCCARTY home during a short period of time around the end of October and early November. When pressed for a more exact time frame, JUSTICE began to backtrack that statement. She did, however, corroborate the claim made by MCCARTY that JUSTICE had brought the RIFLE to the Water Street address to leave with Rhonda McCarty, sometime after the homicide investigation was initiated on November 6, 2021.

In March of 2022, I received DNA results from the ISP Laboratory in Evansville reporting that Robert MCCARTY was a contributor of DNA recovered from a swab of the SHOTGUN.

In May of 2022, I received Firearms Testing results from the ISP Laboratory in Evansville reporting that the SHOTGUN was functional based on standard testing. A conversation with the technician performing the test revealed that the shotgun was likely fired after the initial test fire in the factory. According to the manufacturer, they clean each weapon after a test fire and the bore of the weapon presented to the ISP technician was "dirty."

On Tuesday, May 17, 2022, TFO Francis and I re-approached JUSTICE at her apartment in New Harmony and confronted her with the DNA evidence found on the SHOTGUN. She countered by saying she had left the SHOTGUN at MCCARTY's home in October of 2021 so he could install a "sight" on the gun. The gun had no such sight, scope or other apparatus installed on it at the time of seizure in January, 2022.

On Wednesday, August 10, 2022 I interviewed James R. MUSGRAVE, while in federal custody, at the Evansville Office of the United States Attorney for the Southern District of Indiana. MUSGRAVE confirmed a history with MCCARTY and acknowledged his presence at the home on the morning of January 19, 2022, when he was encountered by police and charged with a drug-related misdemeanor. During this interview, MUSGRAVE revealed

that he had seen MCCARTY carrying around the RIFLE described above as recent as the week prior to January 19th. Musgrave identified it as a .45 caliber High Point brand rifle. He said MCCARTY was handling the firearm in the home but did not fire it at any time. When asked, MUSGRAVE described the place MCCARTY returned the rifle to as MCCARTY's bedroom. MUSGRAVE said he knew Misti JUSTICE but that she was not at the home any of the times MUSGRAVE was there, nor did he ever see her with the RIFLE. He indicated he had no knowledge of any other firearms or how the RIFLE had been procured and ended up in the MCCARTY home.

Charge: Criminal Transfer of a Firearm
- IC: 35-47-2.5-16

This statute states in part: (b) A person who provides a firearm to an individual who the person knows: (1) is ineligible to purchase or otherwise receive or possess a firearm for any reason other than the person's age; or (2) intends to use the firearm to commit a crime; commits criminal transfer of a firearm, a level 5 felony.

/s/ Weston L. Kuykendall, ISP #8198 -
Affiant

Further: Received from Posey County Prosecutor Thomas E. Clowers to The New Harmony Gazette - CHARGING INFORMATION DOCUMENT:

Information for: Count I: Providing Firearm to Ineligible Person - a Level 5 Felony; Count II - Providing Firearm to Ineligible Person - Level 5 Felony

Thomas E. Clowers, being duly sworn upon his oath or having affirmed, says:

Count 1 - On or between October 14, 2021 and January 19, 2022 in Posey County, State of Indiana, Misti D. Justice did provide a firearm, to-wit: a shotgun, to Robert McCarty, who Misti D. Justice knew was ineligible to purchase or otherwise receive or possess a firearm, all of which is contrary to the form of the

statutes in such cases made and provided by I.C. 35-47-2.5-16(b)(1) and against the peace and dignity of the State of Indiana.

Count 2 - On or before October 14, 2021 and January 19, 2022 in Posey County, State of Indiana, Misti D. Justice did provide a firearm, to-wit: a rifle, to Robert McCarty, who Misti D. Justice knew was ineligible to purchase or otherwise receive or possess a firearm, all of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-47-2.5-16(b)(1) and against the peace and dignity of the State of Indiana.

DATED: 12/15/2022

BY THE NEW HARMONY GAZETTE
- FURTHER COURT RECORDS
INDICATE:

Misti D. Justice appeared before Posey County Circuit Court Judge Craig Goedde on December 15, 2022, on the above charges. Judge Goedde initially set Justice's Cash Bond at \$3,500.

On December 19, 2022 the Defendant, Misti D. Justice, requested a bond reduction. Prosecutor Thomas Clowers requested that the Bond stay at \$3,500, but Judge Goedde granted Justice's request and reduced her Cash Bond to \$2,500 and conditioned the Bond that the Defendant report to Probation Services.

Also, on December 19, 2022 the \$2,500 Bond was paid by New Harmony resident Charles Gaston on Misti Justice's behalf and Justice was released with the promise to appear in Court on February 8, 2023 at 1:30 p.m.

All persons named as arrested in the article are presumed innocent until proven guilty by a court of law.

**ELIZABETH HALL'S
PROPHETIC DISCUSSION
WITH MAYOR BILL CURTIS!**

By: Dan Barton

Originally Published, January, 2022
Revised and Reprinted for the
January 2023,
New Harmony Gazette

Elizabeth Hall, called Betty by her friends and family, stepped up to the microphone at the Mt. Vernon Common Council's meeting of November 3, 2021, and spoke prophetically of what was to come only two nights away, when she and her husband of 51 years, John Hall, were viciously murdered in the presumed safety of their home at 727 Mulberry Street in Mt. Vernon, Indiana.

She calmly adjusted the microphone to make it easier for her to speak and introduced herself saying, "My name's Elizabeth Hall. My husband John and I moved into Mt. Vernon four or five years ago. There are many things we're happy about."

She then went on to also outline many of the things related to crime in her neighborhood which she was clearly not happy about. But she did it in a patient and clear voice that was not always picked up clearly by the deficient sound and recording system that Mt. Vernon uses. Much of the content of her message was lost to the public due to this inadequate technology.

However, she said that they had added a garage door to their previously open garage, with locks on the back for security reasons. "Recently," she said, "we had a lawn mower and a leaf blower stolen out of our garage." "It happened on a Sunday, which was Halloween," she said. Two of her neighbors homes had also experienced thefts in the past year. In addition, she pointed out, "That garage door is closed 95% of the time." Yet to her consternation and dismay, someone had nevertheless been able to ascertain that the garage contained the items they wanted to steal.

The thieves were able to determine when the door was open during the remaining 5% of time, sneak into the garage without being seen and steal the equipment. This was clearly very

frightening to Elizabeth, you could tell by the inflection in her voice, as can be seen and heard on ZOOM Video or on the Chanel 14 newscast that carried her discussion of that Council meeting.

Elizabeth seemed worried, but went on saying, "We're locking everything up now." "We're doing all of the things that you're supposed to do all of the time. I just don't want to move to a small town and live in fear of what people are going to do. You know what the next step that I'm thinking of at my age? It won't be limited to outside. There will be more. People will become bolder and just do more."

We could stop this story right here, given the startling and prophetic statement just made by Elizabeth Hall. It still sends me chills. As a matter of fact Mayor Curtis could also have interrupted Betty and called on the Police Chief Anthony Alldredge to address the overwhelming crime problem that is terrorizing many of the innocent citizens, like Elizabeth and John Hall, in Mt. Vernon, but he didn't.

Elizabeth went on. "Is this a trend that's happening? Are the police seeing more in the city of Mt. Vernon? We have no doubt that people are watching because of the small percentage of time that that garage door was open. Think about this. We have two cars in that garage. It wasn't like a half empty garage. You couldn't see in it if you were just walking by. We're concerned! We are now looking at getting a security system. We are now looking at having lighting on the back of our house. We always leave our front porch light on and we have a light at the sidewalk. We've always had them on. All the time."

"My husband and I are concerned that people are watching. People are watching!"

"They stole a decorative sign off the front porch. They had to come to our porch to see it. You couldn't see it from the sidewalk of our walk coming to our house. So they were on our front porch!"

Elizabeth Hall was warning of a catastrophe that was very shortly to take

place if something wasn't done to stop it. Nothing else! She was not simply talking about petty crime.

Concern, was the word Elizabeth Hall used most, but frightened would have been another word that could have worked just as well or better. She was clearly frightened and you could tell by her demeanor at the speaker's podium. However, that did not seem to be the impression that Mayor Bill Curtis came away with. He seemed to be more interested in debating the terminology Elizabeth Hall used when she politely asked whether Mt. Vernon was going into a criminal "trend".

Here is Mayor Curtis' response to Elizabeth's questions in her statement to him:

"I've worked in the courts - everything else - (Youth Programs, Evansville). That's what I started doing over 40 years ago. There seems to be - and the Police Chief (who was in attendance) can correct me. (Curtis looks and motions toward the Mt. Vernon Police Chief Anthony Alldredge during the meeting)

"I see cycles, not necessarily a trend; where it just keeps going up. But it depends on who moves into the area of just a few people and then things will go up. If the police are able to catch them. Then it stops.

"So, and I'm not saying that the numbers haven't recently gone up in your area - they obviously have. But it kinda comes and goes. (Mayor Bill Curtis apparently did not have a grasp of just how bad things had gotten in his town, but according to Posey County Sheriff

Tom Latham, drug arrests in Posey County had more than doubled since 2019. Mt. Vernon Detective Korben Sellers has reportedly said that, "They are probably stealing this stuff to support drug habits." The man arrested for this crime was a long term Cocaine user)

"The other thing I would like to say is, as you said yourself, Haubstadt is smaller than Mt. Vernon. I don't know that you can find anyplace where some of these thefts aren't occurring. That doesn't preclude additional (Curtis motions toward Police Chief Alldredge in the audience) patrols. I'm not saying not to do anything about it - if again - if the people have those things happening they do need to report it so the police can put additional patrols out. That may not have reassured you, but..."

While Mayor Bill Curtis was fuzzy on the crime stats in Mt. Vernon, and Police Chief Alldredge made no public statement at the November 3rd meeting, here is what:

OTHERS WERE SAYING -

Posey County Prosecutor Thomas Clowers publicly stated that 222 cases out of 578, filed in his office so far in 2021 involved drug charges. He says that people often make bad decisions because of drugs. He believes that if people weren't under the influence of drugs they wouldn't commit some of these crimes. He estimates that that is the case 90% of the time.

Although, little has been said so far by Chief Alldredge, his Public Information Officer Caleb McDaniel has said a great deal regarding crime in Mt. Vernon. McDaniel has been a police officer for five years and this is what he has learned according to exerts of some of his public statements.

"...the root of this problem is poverty." "It's this generational problem..." "They've said that drug addiction is a form of mental illness. How do we expect this not to happen?" "My job is not to run a smear campaign on offenders. My job is to show the community that our police department is working for them

and with them."

Publishers Final Note: The man arrested for this double murder had a long history of crime and the revolving door Justice of the Posey County Court system, Community Corrections, Plea Bargaining and Alternative Sentencing. In fact he was out on Probation from both Vanderburgh and Posey County when the double murder was committed. He has stated that he is not guilty of the murders. In America most of us still believe that a person is innocent until proven guilty in a court of law. That is a good rule. It protects the innocent and places the onus of conviction and sentence of the guilty on the court and a timely trial by a jury of their peers. Guilt must be proven beyond a reasonable doubt, supported by clear evidence of the defendant's involvement in a crime. Let the trial begin!

The statements made by Elizabeth Hall at the November 3rd Common Council meeting were not just on her behalf alone, she made it clear that she spoke for her neighbors as well. I believe that she should be remembered for this. There is no greater gift that a citizen can give to their fellow citizens than to risk their life in service to their community. Elizabeth should be remembered as a brave and giving person! Thank you, Elizabeth, for your frank outspokenness and courage.

This edition, January, 2023, of The New Harmony Gazette is dedicated to the memories of Elizabeth and John Hall.

THE NEW-HARMONY GAZETTE.

Dan Barton
Publisher

New Harmony Gazette
P.O. Box 551
New Harmony, IN 47631

Contributing Writers
Dan Barton

Happy New Year!

ANTIQUE EMPORIUM

PAULA ALLDREDGE
OWNER

525 CHURCH ST. P.O. BOX 186
NEW HARMONY, IN. 47631
812-682-3407

MON. - SAT. 10-5 SUN. NOON-4

CONSIGNMENTS & BOOTH SPACE

find us on facebook - Antique Emporium
antiqueemporiumofnewharmony.com



The Antique Emporium is now selling:
Artisan Homestead Goat's Milk Soaps & Lotions

Denise Rapp's Moveable Feast
Chef

604 S. First St. DENISE RAPP
New Harmony, IN 47631 CATERING / PARTY-PLANNING
812-306-8290 DENISERAPP@SBCGLOBAL.NET