

Jeanne Torske
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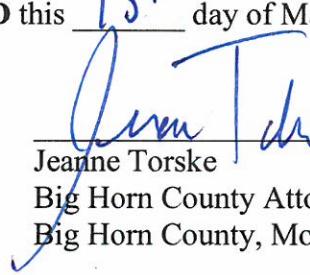
**MONTANA TWENTY-SECOND JUDICIAL DISTRICT COURT
BIG HORN COUNTY, MONTANA**

STATE OF MONTANA,) Cause No. DC 2023-05
Plaintiff,)
vs.) Judge: Matt Wald
ROSEEN LINCOLN,)
Defendant.)
AMENDED MOTION FOR LEAVE
TO FILE AN INFORMATION
DIRECT

COMES NOW, the State of Montana, by and through the Big Horn County Attorney, and respectfully moves this Court for leave to file an Information direct against the Defendant, Roseen Lincoln, without a preliminary examination hearing having first been had, charging said Defendant with the following crimes:

Count I: DELIBERATE HOMICIDE, a felony crime, in violation of Mont. Code Ann. § 45-5-102 and **Count II: TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE** a felony crime, in violation of Mont. Code Ann. § 45-7-207. That on or about April of 2019, the Defendant engaged in acts in Big Horn County which are of a criminal nature in violation of the above-cited provisions of Montana law as more fully described in the Information and Affidavit of Probable Cause filed herewith.

RESPECTFULLY SUBMITTED this 13th day of March, 2023.


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STATE OF MONTANA,)
Plaintiff,) Cause No. DC 2023-_____
vs.) Judge: Matthew J. Wald
ROSEEN LINCOLN,)
Defendant.)

AFFIDAVIT OF PROBABLE CAUSE

**STATE OF MONTANA)
County of Big Horn)**

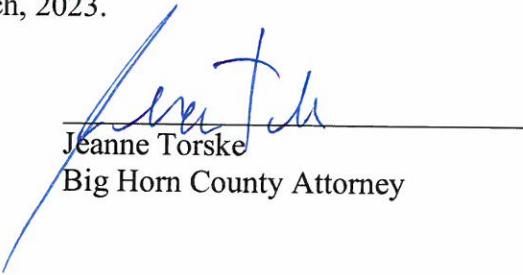
COMES NOW, Jeanne Torske, Big Horn County Attorney, after being duly sworn upon oath, deposes and says:

1. I am the public prosecutor representing the State of Montana in Big Horn County and, accordingly, am responsible for reviewing allegations and prosecuting criminal offenses in the Twenty-Second Judicial District Court of Big Horn County;
2. I have reviewed all case reports prepared by Big Horn County Sheriff's Department Detective Ty Cruickshank, BIA Special Agent Jose Figueroa, FBI Special Agents Brandon Walter, Steve Lowe, Jon Cusak, and others listed in the discovery.
3. Upon review of the law enforcement reports and associated evidence, and upon such information and belief, I present to this Court the following facts known to the State of Montana:
4. In March of 2017, M.O.C. (Born 2012) was removed from the Birth Mother and placed in the care of Defendant and her wife.

5. In June of 2020, Traci Covers Up called the Montana Department of Public Health and Human Service's Centralized Intake and reported that M.O.C. had not been seen by family members since July 2018.
6. In November of 2020, Emma Rideshorse reported to Bureau of Indian Affairs Office of Justice Services that M.O.C. was missing and was last seen, by family, in April of 2019. In April of 2019, M.O.C. showed signs of physical abuse including facial bruising and bruising on the arms.
7. In November of 2020, a missing person's report was entered into NCIC.
8. In December of 2020, the Crow Tribal Court ordered the Defendant and her wife to produce M.O.C. and turn the child over to the BIA Division of Human Services.
9. The Defendant and her wife failed to produce M.O.C. They were prosecuted and convicted in Crow Tribal Court.
10. During the investigation, law enforcement learned that on April 15, 2019, the Defendant's brother died in a one vehicle accident. After his death, both the Defendant and her wife began to drink heavily over multiple days.
11. Law enforcement officers conducted several interviews over the course of the investigation. During one of the interviews, they learned that M.O.C. had died around the same time as Defendant's brother. M.O.C. died in the home Defendant and her wife shared, in Hardin.
12. The investigation continued and on February 17, 2021, M.O.C.'s body was found in a travel trailer owned by Defendant's wife. The body was found in a storage tote. The tote had been sealed shut with tape.
13. An autopsy was conducted on February 18, 2021. M.O.C. had a head laceration and a right tibial fracture. These indicate that M.O.C. had been assaulted.
14. The autopsy also revealed symptoms of habitual abuse inflicted upon M.O.C. and malnutrition. Law enforcement also learned that there had been numerous instances over the years of what appeared to be violence against M.O.C., generally when the Defendant and her wife had been drinking. (However, none of those previous incidents had been reported to law enforcement because the Defendant was afraid of her wife.)
15. After M.O.C.'s death, the body laid in the bathroom for an indeterminate amount of time, until it began to stink.
16. Eventually, M.O.C.'s body was dressed, wrapped in a plastic bag, and placed inside of a plastic tote. The tote was taped shut and hidden for more than two years while the Defendant and her wife continued to collect M.O.C.'s benefits.

WHEREFORE, your Affiant prays that this Court as once issue an order granting leave to file a Criminal Information.

DATED this 13th day of March, 2023.


Jeanne Torske
Big Horn County Attorney

STATE OF MONTANA)

:ss

County of Big Horn)

On this 13th day of March, 2023, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Jeanne Torske, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this Certificate first above written.

