

STATE OF COLORADO)
) ss.
COUNTY OF WELD)

AFFIDAVIT

JP07-1060

In support of a request for the issuance of a warrant for the arrest of HEATHER MARIA TRUJILLO, the undersigned affiant, being first duly sworn upon oath deposes and says:

That affiant has knowledge of the following facts from which there is probable cause to believe that the crime of Child Abuse Resulting in Death, a class 2 Felony, hereinafter described was committed by the defendant on December 6th, 2007, in the County of Weld, State of Colorado.

Your affiant is a peace officer for the Johnstown Police Department and has gained the following information by reading the reports of fellow officers, the statements of the victim and witnesses, and through personal investigation.

On December 6th 2007 at approximately 22:56hrs the Johnstown Police department was dispatched to 520 Charlotte St in the Town of Johnstown, County of Weld, State of Colorado, on a report of a 7 year old female not breathing. Milliken Police Officer Brandon Ohnstad arrived on scene first at which time he observed the Johnstown Fire department and medical performing CPR on the victim, Zoe Garcia (DOB 11-10-00). Zoe Garcia was later pronounced dead at Northern Colorado Medical Center. Through this investigation it was learned by police that both defendants were left at the residence to care for Zoe Garcia while her mother was at work. An autopsy would later reveal that this death was ruled a homicide.

Officer Ohnstad stated he contacted the reporting party, Heather Trujillo (DOB 04-30-91) who is the victim's sister and also known as Defendant #2, whom stated she was wrestling with the victim when the victim passed out and lost consciousness. Heather stated she was on top of the victim holding her arms down with her legs while tapping on her chest like a typewriter when the victim passed out then regained consciousness. Heather stated her boyfriend, Lamar Roberts (DOB 10-03-90), also known as Defendant #1, was also present during this time acting as the referee but not involved in the wrestling and that her twin sisters were asleep in another room. Heather stated that after the victim woke up from passing out she told her it was time to go to bed which she did and that the victim was having trouble breathing. Heather stated that she checked on the victim after approximately fifteen minutes and she was not breathing so she yelled for Lamar. Heather stated to they took her into the living room and checked for a pulse and attempted to wake her up. Heather then stated she took the victim to the shower and turned on the water at which time the victim responded to the water then lost consciousness again. Heather stated they took the victim to the living room where they did CPR for fifteen minutes then realize the victim was not breathing therefore Heather called her mom, Dana Trujillo (DOB 07-25-77). Heather stated Lamar knows CPR but that she does not. Heather stated she called 911 and then her mom arrived shortly after the call.

Officer Ohnstad stated Lamar Roberts was not on scene when he arrived but did arrive a short time later. Officer Ohnstad stated Lamar told him he took the twin girls to his friend "Tex's"

house so they didn't have to see what was going on. Tex is and AKA for Daniel Roberts (DOB 05-02-71). Officer Ohnstatd stated Lamar said he was downstairs in his room playing video games and Heather and the victim were upstairs wrestling when Heather yelled to him that the victim was not breathing. Lamar stated Heather was in the victim's bedroom and the victim was struggling to breathe so they then took the victim into the living room and tried to find a pulse. Lamar stated he did not know how to perform CPR so he felt the victim's heart to see if she was breathing. Lamar stated that he and Heather both put the victim in the shower at which time she seemed to respond to the water. Lamar stated they both then took her back to the living room and attempted CPR. Lamar stated Heather called Dana Trujillo then called 911.

Heather Trujillo and Lamar Roberts were request to go to the Johnstown Police Department for an interview. Weld County Sheriffs Investigator Josh Noonan conducted an interview with Lamar Roberts and his mother Linda Clark. Weld County Sheriff Investigator Robbie Korgan-Reed conducted an interview with Heather Trujillo and Dana Trujillo.

Investigator Noonan stated Lamar Roberts stated he was downstairs playing video games and he heard Heather and the victim wrestling upstairs. Lamar stated Heather shouted for him to come upstairs because the victim was not breathing right. Lamar stated the victim was in her bed wheezing so they carried the victim to the bathroom, undressed her and placed her in the tub and ran water on her. The victim was nodding her head side to side, her eyes were squinting, and the victim said something. Lamar thought she was teasing but then her breathing slowed further, which sounded raspy when she exhaled and wheezy when she inhaled. Lamar and Heather both carried the victim to the living room, checking for a pulse then Lamar began mouth to mouth resuscitation stating the victim made a gurgling sound when exhaling. Lamar states while giving CPR, Heather told him that she had put the victim to bed and started to watch a movie with the twins. Heather states at this time she heard a noise from the victim's room so then she called Lamar upstairs. Lamar states he continued blowing into the victim's mouth until Dana arrived at the house and within seconds called 911. Lamar states at this time blood was coming out of the victim's nose and mouth.

Weld County Sheriff Investigator Robbie Korgan-Reed stated in her interview with Heather and Dana Trujillo that Heather stated that after supper she and the victim had been wrestling, playing "Mortal Combat". Heather added that during the time they were wrestling she had tripped the victim, punched her in the stomach; karate chopped her lower arms, punched and pinched the victim's thighs, kicked her in the shins, slapped her stomach and buttocks, and poked at the victim's chest. Heather stated during one point Heather picked up the victim in an attempt to shake her but dropped her on her right arm, at which time the victim complained that her arm hurt. Heather stated the victim does this back to her and that it was in a playful manner. Heather stated while straddling the victims pelvic region she started poking the victims chest until the victim closed her eyes and it seemed as if something was wrong. Heather stated she stopped and told the victim to go to bed. Heather stated at which time the victim stood up and fell back down so Heather helped the victim get up and take her to bed. Heather stated the victim closed her eyes and passed out as if she had fallen asleep. Heather stated approximately five to fifteen minutes later she heard the victim making a similar sound to snoring but it was a gurgling sound and the victim was not responsive. Heather stated she picked up the victim and began carrying the victim toward the bathroom and called for Lamar to help her. Heather stated when she was

near the door of the bedroom with the victim Lamar appeared and helped carry the victim to the bathroom where they placed her in the shower. Heather stated they ran water on her back for a couple of minutes then the victim stated to get the water off of her and stated several times that she needed glasses. Heather stated the victim never regained her strength and that she and Lamar had to hold the victim up the entire time. Heather stated the victim had her eyes open slightly then closed them and stopped breathing. Heather stated she and Lamar took the victim to the living room floor and Lamar attempted CPR during which time Heather attempted to find a pulse unsuccessfully. Heather stated she then called Dana Trujillo at work at the Corral Bar in Johnstown.

Dana Trujillo got a ride from Dan Herrera (DOB 06-04-60) an ex-firefighter, after she received a call at work from Heather who said she thought the victim was dead. Dan stated to Sgt Sanchez later in an interview that when they arrived on scene he stated "call 911" then asked Heather and Lamar what happened. Dan stated they hesitated in giving an answer therefore he asked again firmly and received at least two different responses, one was that they were in the bedroom, came out and found the victim the way she was and the other was that Heather stated they were wrestling around like they always do. Dan stated he did CPR until Fire and Paramedics arrived on scene. Dan stated while performing CPR he noted some particularities that he had not encountered while performing CPR in the past. Dan stated the victim's stomach distended more than usual and that while attempting to relieve the stomach distention that the left nostril discharged a mucus/ blood mixture several times. Dan stated Lamar Roberts was only interested in leaving the scene. The victim was transported to Northern Colorado Medical Center where she was pronounced dead.

On December 7th 2007 at approximately 0830hrs Officer Steve Bakovich of the Johnstown police department and your affiant interviewed witness Janee Cardenes (DOB 3-26-91) at the Johnstown Police Department. Janee stated she asked Lamar Roberts what had happened and that he first stated that Heather and the victim were wrestling in the house then stated that he was not going to lie to her that he was kicking her but did not know how hard he had kicked her because he had been drinking. Janee stated Lamar told her when he kicked her she did not get back up. Janee stated Lamar told her that his hands were "lethal weapons" and that they were "registered in the books". Lamar stated he was doing martial arts on the victim, that he had done a back kick on her then kicked her again and this time she fell on the floor and did not get up. Janee stated Lamar told her they were hitting the victim in the face to wake her up, they cracked an egg in her mouth stating that the egg went down her throat in an attempt to see if she was messing around with them. Lamar then states to Janee that he tried CPR. Janee stated Lamar indicated he had kicked her in the stomach by motioning to the mid region of his body but did not state he kicked her in the stomach. Lamar stated to Janee that the victim stopped breathing for approximately fifteen minutes before calling an ambulance because the cops were going to get mad because they were teenagers watching little kids. Janee also stated she told Lamar they were stupid for not calling the cops because it probably would have saved the victims life and he stated he knew and hoped she was not dead. Janee stated she asked Lamar if the victim told him to stop when it was getting too rough and Lamar stated "Yeah, she told me to stop". Janee stated she asked Lamar why he didn't stop and he responded by stating, "I don't know, I was drunk".

A pretext phone conversation was conducted at the Johnstown Police department between Dana Trujillo and Lamar Roberts on 12-14-07. Lamar stated he wanted to talk in person and not over the phone because his parents advised him that the phone conversation could be tape recorded. Lamar stated he was thinking about asking his dad if he should tell Dana what really happened because Lamar had told his dad at one point in time that he would tell her what really happened if they got through this. Lamar stated he was playing with the victim picking her up and body slamming her. Lamar stated he did not know he was playing with her that rough. Lamar stated the victim ran at him, he put his foot up kicking her causing her to fall to the ground and she does not get back up. Lamar stated he heard her stop breathing at which time he started slapping her in the face telling her to wake up. Lamar stated he put the victim in bed to let her wake up on her own then went downstairs to put on a game. Lamar stated he did not know what to do so he put her in the water and she was rolling her head back and forth. Lamar stated he picked her up, put her on the floor and tried mouth to mouth. Lamar stated he told Heather to call her mom. Lamar stated to Dana that Heather was present in the room when the incident occurred.

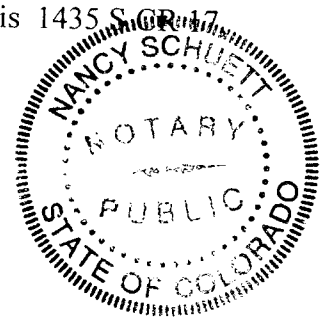
Your affiant attended the autopsy of the victim on December 7th 2007, at McKee Medical Center located at 2000 N. Bosie Ave in Loveland, Colorado. The autopsy showed the right wrist was broken. There were also more than 20 bruises counted on the victim's body. The pathologist, Dr. John Carver, showed your affiant the subdural bleeding and swelling in the brain. Dr Carver also showed your affiant a torn fernulum, bleeding in the right and left neck muscles, bleeding of the thalamus, and bleeding under the spine. It was Dr. Carvers opinion that the fernulum and neck muscles could only have been damaged by force administered by another person. It was later stated by Dr. Carver that the autopsy found the manner of death was ruled a homicide and the cause of death was blunt force injuries, more specifically stated the bleeding and swelling of the brain (central nervous system trauma).

Based on the above, your affiant requests a warrant be issued for the arrest of HEATHER MARIA TRUJILLO, DOB: 04-30-91, who is described as White/ female, approximately 5'04", 115 lbs., with Brown hair and Brown eyes. The defendant's last known address is 1435 S. GR 17, Berthoud, Colorado, 80513.

The above described events took place in Weld County, Colorado.

Dated this 18 day of December, 2007.

Kathy Hallock
AFFIANT



This affidavit, consisting of 4 pages, was subscribed and sworn to before me this 18th day of December, 2007.

Nancy Schuett
NOTARY PUBLIC/JUDGE

It is hereby ORDERED that a warrant for the arrest of HEATHER MARIA TRUJILLO be issued and that bond be set in the amount of \$ 100,000.00 C/P/S

James Hartman
JUDGE