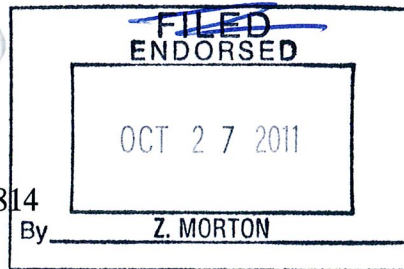


JAN SCULLY
DISTRICT ATTORNEY
901 G STREET
SACRAMENTO, CA 95814
(916) 874-6218



SSD-11-40437

TEAM: (SACA)

XRef: 4595666

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO**

THE PEOPLE OF THE STATE OF CALIFORNIA,
vs.
SHEILA MARIE CACERES ,

11F07274
62 ya mon

\$50,000

Defendant(s).

The People of the State of California upon oath of the undersigned, upon information and belief complain against the defendant(s) above named for the crime(s) as follows:

COUNT ONE

On or about February 23, 2011, at and in the County of Sacramento, State of California, defendant(s) SHEILA MARIE CACERES did commit a felony namely: a violation of Section 273a(a) of the Penal Code of the State of California, in that said defendant did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, injure, cause, and permit a child, AVIN R., to suffer and to be inflicted with unjustifiable physical pain and mental suffering, and, having the care and custody of said child, injure, cause, and permit the person and health of said child to be injured and did willfully cause and permit said child to be placed in such situation that his/her person and health was endangered.

COUNT TWO

For a further and separate cause of action, being a different offense from but connected in its commission as the charges set forth in Count One hereof: On or about February 23, 2011, at and in the County of Sacramento, State of California, defendant(s) SHEILA MARIE CACERES did commit a misdemeanor namely: a violation of Section 1596.80 of the Health and Safety Code of the State of California, in that said defendant did willfully, unlawfully and repeatedly allow day care children to be present on the second floor of his/her facility in violation of his/her fire safety clearance.

That attached hereto and by this reference incorporated herein is a declaration setting forth facts in support of probable cause for the issuance of a warrant of arrest herein.

I declare upon information and belief and under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento County, California, the 26th day of October, 2011.

Declarant
SACRAMENTO COUNTY DISTRICT ATTORNEY

(916) 874-6218
Telephone Number

ENO

1
2
3
4 **DECLARATION IN SUPPORT OF ARREST WARRANT**

5 (Made under 2015.5 CCP)
6

7 The undersigned hereby declares:

8 That your declarant is currently employed as a Deputy District Attorney for the County
9 of Sacramento, State of California.

10 That pursuant to said employment, your declarant has been assigned to investigate
11 allegations that SHEILA MARIE CACERES, did commit the crime(s) as set forth in the
12 attached complaint.

13 That pursuant to said assignment, your declarant has contacted person(s) having
14 knowledge of said offense(s) and who has/have prepared written reports and/or statements,
15 and/or has received and read written reports and/or statements prepared by others known by
16 your declarant to be law enforcement officers, all of which reports and/or statements are
17 included in a report consisting of 11 page(s) which is attached hereto as Exhibit I and
18 incorporated by references as though fully set forth.

19 That each of these documents is presently an official record of a law enforcement
20 agency.

21 WHEREFORE, your declarant prays that a warrant issue for the arrest of the
22 hereinabove-named defendant(s) and that said defendant(s) be dealt with according to law.

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed on the 26th day of October, 2011, Sacramento, California.
25
26
27

28 _____
Declarant

29 901 G Street,

30 Sacramento, California 95814

31 Sacramento County District Attorney
32
33
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38
39
40
41

DISTRICT ATTORNEY'S COVER SHEET

Sacramento Sheriff
SUBMITTING AGENCY

PC 273a(a)
OFFENSE

11 - 40437
REPORT NUMBER

X WARRANT REQUEST

IN CUSTODY

Attn: Supervising DDA Anne Marie Schubert, Child Abuse Unit

(D.A. if known)

DATE/TIME OF OFFENSE: 02/23/2011 1600 hrs

DATE/TIME OF ARREST

VICTIM #1: Avin R. (2 months)

#2

#3

Suspect

RAP INFORMATION

#1 Sheila Caceres.

Age 31

Charge PC 273a(a)

CII

Enc. Ordered X No Record

CASE SUMMARY (Briefly establish the factual basis of the offense and defendant's guilt, including dates, times and the identity of principal Witnesses)

SEE ATTACHED DOCUMENT

Check here if further investigation is pending and describe briefly. ☐

COMMENTS: (Use for description and identification of all suspects for warrant requests and for additional victims and/or defendants.)

Sheila Caceres, DL# B5855336; Address: 4348 Grafton Circle, Mather, CA 95655, White, Female, Bln, Grn, 5'6, 120, Age – 31; DOB- 03/23/1980; XREF- 4595666

Submitting Officer- **D.POMETTA #535**
Name & Badge No.

Detail- CAB Phone- (916)874-5203 / 916 606 1102

Reviewing Supervisor
DA 9 9/80 7400-124A Transcriber's

Date/Time Submitted

①

**SACRAMENTO COUNTY SHERIFF'S DEPARTMENT
DISTRICT ATTORNEY COVER SHEET CONTINUATION**

CASE NUMBER: 11- 40437
CHARGE(S): PC 273a(a)
VICTIM(S): Avin R. (2 months)
DEFENDANT(S): Sheila Caceres
**LOCATION OF
OCCURRENCE:** 4348 Grafton Circle, Mather, CA

DATE / TIME: 02/23/2011, 1600 hrs

Sheila Caceres (S1) is the owner-operator of Sheila Caceres's Garden Daycare, a large licensed residential in-home daycare facility (10 + toddlers & 2 infants). The residence is located at 4348 Grafton Circle, Mather, CA (County of Sacramento).

The 2-month-old victim, Avin R., was a day care client of Sheila Caceres.

On 02/23/2011 at 1 pm, Rachelle Rominger (biological mother) transported Avin to the daycare facility and left him in the care of Sheila Caceres. At the time of the drop off, Avin was reported to be in good health. Avin's father, David Rominger, was scheduled to pick up Avin and his 4-year-old sister at 5 pm.

At 4:55 pm, David Rominger arrived at the daycare facility and had a casual conversation with Sheila Caceres regarding the children. Moments later, Sheila Caceres returned with Avin and reported she had just discovered he was not breathing and requested David call 911. David Rominger called 911 at 4:58 pm. At the time of the 911 call, Sheila Caceres and a neighbor were conducting CPR on Avin. The neighbor assisting was an off duty firefighter/EMT.

SSD and Fire personnel responded to the residence, arriving at approximately 5:07 pm. When examined by paramedics, Avin was unresponsive, had no pulse, no blood pressure, and his pupils were fixed. Avin was then transported to Mercy San Juan Hospital via ambulance. Rachelle and David Rominger followed behind the ambulance to the hospital. Avin was pronounced deceased a short time later.

When initially interviewed by patrol, Sheila Caceres reported to Deputy Kuzmich that she had fed Avin a 6 oz. bottle of formula at 3:45 pm and he had fallen asleep while seated inside of a car seat. Sheila Caceres stated that at 4:15 pm, she transferred Avin from the car seat to a *downstairs* nursery crib, where he

1 continued to sleep for approximately 30 minutes. She went on to say that she
2 discovered Avin unresponsive in the downstairs crib after David Rominger had
3 arrived.
4

5
6 SSD Child Abuse detectives Pometta (Affiant) and Shortz, and Coroner
7 Investigator Gin were notified and responded to the residence and hospital for
8 follow-up investigation.
9

10 Sheila Caceres was interviewed by investigators at the Grafton Circle
11 residence. During this interview, she directed the investigators to the
12 *downstairs* nursery and again stated that she had discovered Avin unresponsive
13 inside of the crib.
14

15
16 While at the residence, detectives interviewed Sheila Caceres's 15-year-old
17 daughter, A.E. A.E. confirmed that she was present in the residence while Avin
18 was there and had been helping her mother with caring for the children. She
19 indicated that she had checked on Avin in the *downstairs* nursery crib at
20 approximately 4:15 pm, and she saw that he was asleep and appeared to be
21 fine. A.E. went on to say that she was not present at the residence when Avin
22 was discovered unresponsive. She stated after checking on Avin, her mother
23 had directed her to take some cleaning supplies to her grandfather, Bryan Ellis,
24 who was working on a rental house down the street.
25
26

27
28 Later that same the evening, detectives spoke to Rachelle and David Rominger
29 at the Mercy San Juan ER. Upon hearing about Sheila Caceres and A.E.'s
30 statements regarding Avin being found inside the *downstairs* nursery crib, David
31 pointed out that Sheila Caceres had retrieved Avin from *upstairs* and not from
32 the downstairs nursery.
33

34
35 On 02/24/2011 at 7:39 am, Sheila Caceres left a voice mail message on my
36 office phone requesting that I contact her.
37

38 At 9:00 am, I had an approximate 50-minute telephone conversation with Sheila
39 Caceres. Sheila Caceres admitted to falsely reporting that she had found Avin
40 in the downstairs crib. Sheila Caceres told me that she had moved Avin to an
41 upstairs portable crib in the master bedroom because he was fussy. She
42 reported that Avin was fine when she put him in the crib. She went on to state
43 that she rubbed his back while he was in the upstairs crib and nothing appeared
44 wrong with him except he was grunting perhaps from an upset stomach. Sheila
45 Caceres also told me that her daughter A.E. checked on him while upstairs and
46 Avin was fine and sleeping. Sheila Caceres repeatedly told me during this
47 phone conversation that the only thing she had lied about was the location of
48
49

1 where Avin was found. She also reported that while Avin was left upstairs
2 alone, there were approximately 7 children still at the house that she was
3 watching. During this time Avin was left alone, Sheila Caceres reported she
4 was both inside the house and in the backyard with the children while Avin was
5 upstairs.
6

7
8 Sheila Caceres indicated she lied because it was against Day Care license
9 regulations to have infants upstairs and she feared she would lose her license.
10 In fact, Sheila Caceres acknowledged that she was prohibited by the Fire
11 Marshal from having children upstairs because there were no sprinklers
12 upstairs.
13

14
15 When questioned about A.E.'s conflicting statement to detectives regarding Avin
16 being in the downstairs nursery crib, Sheila Caceres stated A.E. had overheard
17 her initial statement and just followed along with her story. Sheila Caceres
18 denied influencing A.E. to lie to detectives.
19

20
21 Sheila Caceres additionally stated there was a blood stain located on the
22 surface of the portable crib. She reported to me that Avin was clean and dry
23 while in the upstairs crib. Furthermore, that it was not until she performed CPR
24 on Avin did his clothes become wet and soiled.
25

26
27 Prior to ending our conversation, Sheila Caceres advised A.E. was staying with
28 her father (Bryan Ellis) at his residence – 4804 Donovan Drive.
29

30 At 11:04 am, Det. Shortz and I arrived at Bryan Ellis' residence and took a
31 detailed statement from A.E. She stated that after Avin had been transported to
32 the hospital, her mother confronted her in the upstairs bathroom and told her to
33 lie to detectives about Avin being upstairs. A.E. stated her mother told her that
34 she (Sheila Caceres) could go to jail and lose her Day Care license if it was
35 discovered that Avin was upstairs.
36

37
38 A.E. told us that on 02/23/2011, she watched Avin periodically and he appeared
39 to be normal. She stated, at approximately 2:45 pm, Avin had fallen asleep in
40 his car seat after drinking a full bottle of formula. A.E. stated, a short time later,
41 her mother moved Avin (still asleep in the car seat) from the downstairs living
42 room and placed the seat on the floor in the upstairs master-bedroom.
43
44

45 According to A.E., Avin remained sleeping upstairs in the car seat for
46 approximately 2 hours. During that time, A.E. was unsure if her mother had
47 checked on Avin. A.E. stated, between 4:15-4:30 pm, she went upstairs,
48 checked on Avin and saw that he was still sleeping in the car seat. A.E.
49

1 described standing approximately 3 feet away from Avin and confirmed that he
2 was breathing, and that she saw his chest rise and fall.
3

4 Shortly after checking on Avin upstairs, A.E. stated her mother directed her to
5 take some cleaning supplies to her grandfather (Bryan Ellis), who was working
6 on a rental house in the neighborhood. She rode her bicycle to the rental
7 house, delivered the supplies to him and began riding back home. While riding
8 home, A.E. stated she heard sirens and discovered the Fire Department was at
9 her residence.
10
11

12 While we were speaking to A.E., Bryan Ellis entered the bedroom and
13 interrupted our conversation. Ellis stated he had been working on the rental
14 house the previous day and he had been inside of Sheila Caceres's residence
15 two times, at approximately 2:00 pm and 4:00 pm, to retrieve supplies. Ellis
16 confirmed that he had forgotten a cleaning product and A.E. had brought it to
17 the rental house sometime after 4:00 pm. Ellis stated he did not see Avin during
18 either of his visits at Sheila Caceres's residence.
19
20
21

22 At 12:30 pm, Det. Shortz and I arrived at 4348 Grafton Circle and spoke to
23 Sheila Caceres for several hours.
24

25 Initially, Sheila Caceres stated she had placed Avin in the downstairs nursery
26 crib for a period of time and then she *carried* him to the upstairs portable crib to
27 sleep. She reported that she put him on his side and rubbed his back because
28 he was crying. She further stated that she stayed for a few minutes to console
29 him but he was crying when she left the room. She believed she took Avin
30 upstairs sometime between 3:45 and 4:15 pm. She also reported that she sent
31 her daughter A.E. upstairs to check on him after he stopped crying. A.E.
32 reported to her that Avin was fine and still sleeping. She maintained that Avin
33 remained in the upstairs portable crib until she discovered him unresponsive,
34 after David Rominger had arrived at the house to pick up his children (4:55 pm).
35
36
37

38 Upon confronting her with A.E.'s statement about Avin being seen asleep
39 upstairs in the *car seat*, Sheila Caceres adamantly denied Avin was ever in his
40 car seat upstairs and stated A.E. was mistaken.
41
42

43 Upon further confrontation, Sheila Caceres changed her story and admitted to
44 carrying Avin upstairs in the car seat and placing him on the floor of the master-
45 bedroom, so he could sleep without being disturbed by the other day care
46 children. Sheila Caceres also stated that when she transferred Avin to the crib,
47 she didn't notice anything wrong with him and he appeared to be sleeping. It
48 was not until later, when confronted yet again that perhaps Avin was
49

1 unresponsive in the car seat, that Sheila Caceres then claimed that Avin was
2 limp in the car seat. She also asserted that there was mucous type formula
3 coming out of Avin's mouth. She admitted she knew there was something wrong
4 with him but that she had never dealt with a baby not breathing before and just
5 went into denial and moved him to the crib and left him. She then returned to
6 the other children and acted as if nothing was wrong.
7

8
9 She also denied making any phone calls or texts to anyone after finding Avin
10 unresponsive. She also stated that she left Avin in this unresponsive state for
11 approximately 30 minutes when Avin's father showed up. During this time,
12 other parents arrived to pick up children and Sheila Caceres never said
13 anything about Avin's condition.
14

15
16 When asked if she made up the story of sending A.E. to her grandfather's
17 house, Sheila Caceres stated she did in fact send her to her father's (Bryan
18 Ellis) house to drop off some cleaning supplies. Ms. Caceres said she was
19 thinking that she didn't want A.E. to be there at that time.
20

21
22 Sheila Caceres went on to state that A.E. had checked on Avin approximately
23 30 minutes prior to her finding Avin unresponsive. During these 30 minutes,
24 Avin was left alone upstairs.
25

26
27 Sheila Caceres later volunteered to provide a video re-enactment of how she
28 found Avin unresponsive. During the video, Sheila Caceres stated she placed
29 Avin and the car seat on the floor in the master-bedroom and left him there
30 sleeping (unattended) at approximately 3:30 pm. She confirmed that A.E. had
31 reported to her to that Avin was fine and was still sleeping in the car seat at
32 approximately 4 pm.
33

34
35 Sheila Caceres estimated, at approximately 4:30 pm, she went upstairs to
36 check on Avin. Initially, she thought Avin was sleeping. However, when she
37 went closer to him, she picked him up and he felt different; he felt cold and limp
38 and his head was tilted. When asked specifically if he was breathing, Ms.
39 Caceres stated that she panicked and whether he was breathing or not was not
40 really going through her head. At this point, Sheila Caceres stated she
41 panicked and did not render any medical aid or call 911. Instead, she removed
42 Avin from the car seat, placed him in the portable crib, rubbed his back with her
43 hand for a few minutes and then returned downstairs to attend to the other
44 children.
45
46
47
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1 Sheila Caceres stated she left Avin upstairs until David Rominger arrived at
2 4:55 pm. She then pretended like she had just discovered Avin unresponsive
3 and started CPR efforts.
4

5
6 When questioned if she had contacted anyone via phone during the incident,
7 Sheila Caceres denied calling anyone.
8

9 Sheila Caceres also confirmed that the only person who knew she and A.E. had
10 lied to investigators regarding where Avin was found was her husband, Gonzalo
11 Caceres. She stated she had disclosed the lies to Gonzalo in the late evening
12 hours, after the detectives had left the residence.
13
14

15 The portable crib was located in the upstairs master-bedroom. An approximate
16 4' x 4' circular pattern blood stain was found on the surface of the crib's fitted
17 mattress sheet. Sheila Caceres confirmed the location of the stain was
18 consistent with where Avin's head was placed when she initially laid him down
19 in the crib. CSI officer Van Truong photographed the stain and collected the
20 entire portable crib. During the course of this investigation, after talking to
21 Forensic Pathologist Dr. Reiber, I was advised that these stains were consistent
22 with post-mortem purge.
23
24

25 Gonzalo Caceres was later interviewed. He stated he was home sick from work
26 (civilian CDCR employee) during the day of the incident, but claimed he did not
27 see or have any contact with Avin. He confirmed he left the residence at
28 approximately 3:30 pm, drove to downtown Sacramento to run an errand and
29 coincidentally returned home just after David Rominger had arrived (4:55 pm).
30 Gonzalo stated that during the errand, he had only spoken with Sheila Caceres
31 (via cell phone) one time: to tell her he was running late. Gonzalo claimed he
32 had no knowledge of any of Sheila Caceres's lies or deception regarding the
33 circumstances with Avin's death until the following morning.
34
35
36

37 Detectives later obtained search warrants for phone records of Sheila Caceres's
38 house phone and cell phone, as well as Gonzalo Caceres and Bryan Ellis'
39 (Sheila Caceres' father) cell phones.
40
41

42 These phone records showed the following calls on 2/23/11:
43

- 44 1. At 4:07 pm: Bryan Ellis's cell phone made a 3-minute call to Sheila
45 Caceres' home phone;
46
- 47 2. 4:12 pm: Bryan Ellis's cell made a 9 minute phone call to his brother Gary
48 Ellis;
49

3. 4:15 pm: Gonzalo Caceres's cell phone made a 2 minute call to his home phone.
4. 4:18 pm: Sheila Caceres' home phone made a 2.6 minute call to Bryan Ellis's home phone;
5. 4:20 pm: Sheila Caceres' home phone made a 6 minute call to Jennifer Clinton (Ms. Caceres' best friend);
6. 4:31 pm: Sheila Caceres' home phone made a 4 minute call to Bryan Ellis's wife Margaret Ellis;
7. 4:52 pm: Sheila Caceres' home phone made a 2 minute call to Gonzalo Caceres' cell phone.

Bryan Ellis was later interviewed by detectives after a search warrant was served for his cell phone (03/23/2011). Initially, Bryan denied speaking on the phone with Sheila Caceres on 02/23/2011, but when confronted with the toll records, he stated he did not remember.

Gary Ellis was later interviewed. He confirmed that he specifically remembered the conversation with Bryan Ellis on 02/23/2001 at 4:12 pm where Bryan Ellis had disclosed to him that a baby was found unresponsive at Sheila Caceres' residence.

Margaret Ellis was later contacted by detectives, but was uncooperative.

Jennifer Clinton was later interviewed by detectives on 04/14/2011. She confirmed speaking on the phone with Sheila Caceres on 02/23/2011, but denied having any conversation with Sheila Caceres regarding Avin's death. Jennifer stated the majority of her and Sheila Caceres' conversation revolved around them making social plans.

During the course of this investigation, I also interviewed several parents of children who attended Sheila Caceres' daycare at the time of Avin's death. Several parents reported that Sheila Caceres routinely had infants sleep upstairs. In addition, at least one of these parents reported that she had only seen Sheila Caceres one time with a baby monitor and the monitor was broken at that time.

In addition, I also spoke with a parent who had removed her child from Ms. Caceres' daycare approximately 5 weeks prior to Avin's death. According to this parent, part of the reason for removing her child was because Sheila Caceres was "spread too thin" for the number of children she watched and didn't have enough help for sufficient supervision.

1 During the course of this investigation, no baby monitor was found in the
2 upstairs bedroom where Avin R. was placed by Ms. Caceres.
3

4 On April 7, 2011, I met with Deputy Coroner Kim Gin and Forensic Pathologist
5 Dr. Greg Reiber. During this meeting, we discussed the timeline of events,
6 medical records, autopsy results, photos, witness statements and the
7 statements of Sheila Caceres. At the conclusion of this meeting, Dr. Reiber
8 concluded that he could not determine Avin's exact time of death because no
9 attempt to intervene was made when Sheila Caceres first found him
10 unresponsive, including checking for breathing, pulse or other objective signs of
11 life. Dr. Reiber further opined that Avin's best chances for successful
12 resuscitation would have depended on the initiation on CPR immediately after
13 he was first found unresponsive.
14
15
16

17 On 05/19/2011, I received the final Sacramento County Coroner's report on
18 Avin's autopsy. The cause of death was listed as – Sudden Unexpected Infant
19 death with delayed medical intervention. The Classification of death was listed
20 as- Undetermined. Pathologist Dr. Greg Reiber also concluded: "Whether the
21 child might have been resuscitated if CPR had been initiated and 911 called
22 when he was first found, is unknown; however, any possibility of resuscitation
23 would be made less likely by the delay in providing resuscitative measures.
24
25
26

27 On October 4, 2011, Supervising DDA Anne Marie Schubert and I met with
28 Pathologists Dr. Reiber and Dr. Fiore to further discuss this case. During this
29 meeting, both Drs. Reiber and Fiore were provided the information regarding
30 phone records and phone calls made on the day of Avin's death. In addition,
31 the statements of A.E. and Sheila Caceres were also discussed. This included
32 the time when A.E. observed Avin R. alive and breathing normally upstairs in
33 the car seat (approximately 4 pm). In addition, Drs. Reiber and Fiore were
34 advised of the various statements Sheila Caceres gave to law enforcement and
35 the Department of Social Services. These included her statements that she
36 heard Avin sigh and gurgle when she checked on him upstairs in the car seat.
37 Based upon this information, Drs. Reiber and Fiore stated as follows:
38
39
40

- 41 1. The time interval between 4 pm and 4:07 pm of when a medical
42 problem may have occurred is a very short time interval wherein
43 medical intervention could have saved the baby's life;
44
- 45 2. A child reportedly being found limp and cold does not automatically
46 mean the child is dead as babies can heat and cool very quickly;
47
48
49

3. When the baby was found upstairs in medical distress, anyone with basic CPR training could have intervened and assessed the child's condition. This basic CPR assessment would include: checking the baby's airway, his breathing and his circulation. Without this assessment, Drs. Reiber and Fiore could not give an opinion that the baby was alive or dead because Sheila Caceres never intervened to assess the baby;
4. The reports by Sheila Caceres that the baby was gurgling could be consistent with respiratory activity or consistent with post mortem purging.
5. The reports by Sheila Caceres that the baby was sighing when she found him indicate the child had respiratory activity and was clinically alive at that time.

On October 12, 2011, I examined Avin R.'s car seat to determine if there were any stains similar to those found in the portable crib where Sheila Caceres placed Avin. Upon close examination, I found no obvious stains on the car seat.

During the course of this investigation, I obtained numerous documents related to Sheila Caceres' daycare operation. This included the following:

1. Records related to several First Aid and/or CPR classes taken by Sheila Caceres. These specifically include a Pediatric CPR and First Aid class taken by Sheila Caceres in January 2010. I later obtained the course details on this class, which included such topics as: Emergency First Aid, Recognizing an Emergency, Assessing for Response, Initial Assessment, Unresponsive Patient, Sudden Cardiac Arrest and Warning Signs of Serious Illness;
2. An October 2006 Fire Safety Inspection Request for Sheila Caceres. A handwritten note on this document states, "no daycare activities are allowed in the garage or on the second floor of the house."
3. A November 2006 "Large Family Day Care Clearance Inspection" for Sheila Caceres. This document specified all of the mandated requirements for the upcoming inspection including that no daycare activities may be conducted above the first floor unless the building is equipped with an automatic fire sprinkler system."

1 Based on the information obtained during the investigation, I believe there is
2 probable cause to believe that Sheila Caceres violated Penal Code section
3 273a(a) in that, while she had care and custody, willfully caused or permitted
4 the Avin R.'s person or health to be endangered and/or willfully caused or
5 permitted Avin R. to be placed in a situation where his person or health might be
6 endangered.
7

8
9 In particular, while Sheila Caceres had care and custody of Avin R., she:
10

- 11 1. Placed him upstairs unattended, without sufficient monitoring and
12 fully aware this was in direct violation of licensing regulations;
13
- 14 2. Failed to make any assessment of his medical needs when she
15 knew he was in distress;
16
- 17 3. Failed to provide medical assistance despite having had prior
18 training in CPR and Pediatric First Aid;
19
- 20 4. Failed to seek any emergency or medical assistance and failed
21 to call 911 when she found him in medical distress;
22
- 23 5. Left Avin R. upstairs unattended and without assistance for at
24 least 30 minutes after being fully aware that he was in medical
25 distress.
26

27 Additionally, I further believe there is probable cause to believe that Sheila
28 Caceres violated Health and Safety Code section 1596.80, a misdemeanor, in
29 that she willfully and repeatedly allowed day care children to be present on the
30 second floor of the facility in violation of her fire safety clearance.
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36 Detective Darin Pometta (Affiant)
37 Sacramento County Sheriff' Department
38 Child Abuse Bureau
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