

MODESTO POLICE DEPARTMENT  
CONTROLLED DOCUMENT  
Released to CBS 13  
By [Signature] Date 7/21/15  
NOT FOR RELEASE TO A THIRD PARTY  
DUPLICATION CONTROLLED BY LAW

AFFIDAVIT IN SUPPORT OF APPLICATION  
FOR PROBABLE CAUSE WARRANT OF ARREST

(P.C. "814, 1427; Peo. V. Ramey, 16 Cal.3d 263;  
Peo. V. Sesslin, 68 Cal.2d 418.)

STATE OF CALIFORNIA        )  
  (    SS  
COUNTY OF STANISLAUS    )

I, Detective Phil Owen, have been a peace officer with the Modesto Police Department for over 29 years and am currently assigned to the Homicide Unit.

I have information and believe that Martin Martinez (DOB 08/16/1984) has committed the following offences:

- 187(a) PC – Homicide, (Felony)

I declare as follows:

On Tuesday, September 30, 2014, 2 year old victim Christopher RIPLEY received a serious head injury at the hands of Martin MARTINEZ, the mother's boyfriend. Victim Christopher RIPLEY died on Thursday, October 2, 2014 at 1655 hours as a result of those injuries. Suspect Martin MARTINEZ was living in the home with Amanda CREWS and her two children, Elizabeth RIPLEY 5 years old, and victim Christopher RIPLEY 2 years old. The residence was located at 1009 Pasadena Lane. They had lived there since February 2014. Amanda CREWS said Martin MARTINEZ was a 50 percent care giver of her children. The biological father Timothy RIPLEY saw his children every other week end.

Amanda CREWS said they had recently been starting to potty train Christopher RIPLEY. The daycare staff said Christopher RIPLEY was not ready for potty training. The day care staff reported 3 suspicious injuries to Christopher Ripley all surround the time frame of the potty training. These 3 injuries were immortalized and time stamped with photographs. Amanda CREWS confirmed the injuries, but denied that Martin MARTINEZ caused the injuries. She did agree that two of the injuries were at home when Martin MARTINEZ was present. The most recent injury, which consisted of a

*pc*

through and through puncture wound to the lower lip by a tooth. Amanda CREWS said Christopher tripped from his pants being around his ankles after going potty. Amanda CREWS did not witness the fall and confirmed Martin MARTINEZ was present home when that injury occurred. Amanda CREWS who is a medical doctors, treated Christopher injury to the lip and chose not to have it documented with Christopher's Pediatrician.

Your affiant met with Martin Martinez on or about October 1, 2014 and conducted an investigative interview. Your affiant positively identified Martin Martinez by his California ID (D6905603) and learned the following:

MARTINEZ reports he picks Christopher up from daycare. While on his way home from daycare he "can smell that Christopher poo'ed." He arrives home at "5:28ish" (PM) with only Christopher, and asked Amanda if Christopher is poopy. Amanda checks and tells him; yes he is and gives him back to MARTINEZ. She tells him she has to go pick up Elizabeth from day care, and give them a tuition check. Amanda CREWS leaves to get Elizabeth and MARTINEZ is home alone with Christopher RIPLEY.

MARTINEZ says he changes Christopher and then Christopher says "potty" which means he wants to go sit on the potty. MARTINEZ puts Christopher on the potty in the master bathroom. He says Christopher goes pee so he gives him a high five and starts wrestling with him. MARTINEZ says he picks Christopher up with his right arm and has him around the legs. MARTINEZ says he has Christopher 3 feet off the ground when Christopher "falls back" onto carpeted floor with a wood sub floor. MARTINEZ said after Christopher hit his head really hard and became unconscious. MARTINEZ said no one else was at home at the time of the injury. During the course of the incident MARTINEZ changed his story several times.

1. MARTINEZ reports to 911, "He was in the potty and I was wrestling around with him. I trip his legs underneath him he fell back and hit the back of his head." He also reported to 911, he was "Wrestling around horse playing and I swept his legs and he hit the back of his head on the floor."

2. Amanda CREWS reports that MARTINEZ told her just after the incident

occurred, he and Christopher were playing on the floor and Christopher fell back hit his head on the Ground/floor." She asked him when did it happened and he told her "about a minute ago." CREWS said she asked him "what did you do." MARTINEZ said, "I picked him up, I was holding him, I thought I had knocked the wind out of him, and then you came home."

3. CREWS said MARTINEZ also told her, MARTINEZ was catching Christopher at the knees, causing Christopher to sitting down. MARTINEZ did it two times to Christopher and Christopher was laughing. The third time he did it Christopher "pushes off" and arched his head and went down. So she said he threw his head back so he did not land on his butt, he landed on his head.

4. Kim CREWS reported that Amanda told her on, that MARTINEZ was playing a pushing game with Christopher and Christopher fell back and hit his head.

5. MARTINEZ called his boss [REDACTED] and told her he was not going to be able to be at work tomorrow because his step son had been in an automobile accident. His step son had head trauma and was going to Madera Children's Hospital.

6. MARTINEZ told me he plays a wrestling game with Christopher. MARTINEZ said, "I was wrestling with Christopher and he was laughing and giggling and saying again, again, more." So MARTINEZ said he went to pick Christopher up with one arm, and lifted him up as he was standing up and Christopher fell out of his arm, and hit the ground really hard.

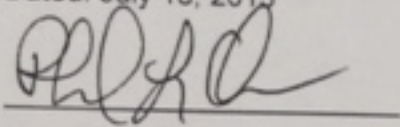
Neo Pathologist Dr. Jordan ruled that Christopher Ripley's cause of death was a homicide. Dr. Jordan reported the method of death was consistent with Christopher's head hitting the tile floor as a result of abuse. This information is detailed in Dr. Jordan's findings which has been submitted as evidence to the Modesto Police Department and the Stanislaus County District Attorney's Office.

Your affiant has not offered every detail of the investigation but rather the important points for purposes of obtaining an arrest warrant. Martin Martinez is currently believed to be in San Jose California at the residence of a family member and law enforcement is conducting surveillance at that location at this time. Your affiant requests authorization for night time service in executing this arrest warrant due to the time of night and the threat of continued threat to the public.

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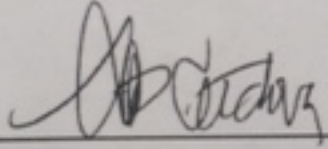
Therefore, I ask that the Court issue a probable cause warrant of arrest for the person of Martin Martinez (DOB 08/16/1984).

Dated: July 18, 2015



Detective Phil Owen, Affiant

Subscribed and sworn to before me this 18<sup>th</sup> day of July 2015.



Judge of the Superior Court,  
County of Stanislaus, State of California

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