

JALEN JAMES  
Arresting Agency  
LAKEWOOD POLICE DEPARTMENT

Birthdate:  
3/17/1994...  
Arrest Date  
08/17/2013

Case Report #  
13-032853  
Arrest Report #  
H131848

Charges:	CRS	Classification
ATTEMPT 1ST DEG MURDER	18-3-102(1)(A)	F
1ST DEG ARSON	18-4-102	F
CHILD ABUSE - KNOWINGLY OR RECKLESSLY - NO INJURY	18-6-401(7)...	M
CRIMINAL MISCHIEF	18-4-501	F

**AFFIDAVIT IN SUPPORT OF WARRANTLESS ARREST**

(1955) HEBERT, MEGAN ROSE

Being duly sworn upon oath says that there is probable cause for the warrantless arrest of the above-named defendant for the charge(s) stated above, and that the following facts are true and correct to the best of his/her knowledge, information and belief and support the arrest of the defendant.

Your Affiant is a police agent for the Lakewood Police Department for the City of Lakewood, Colorado, whose responsibilities include the investigation of crimes committed in that city. Your affiant has personal knowledge of the facts contained within this affidavit through personal involvement, interviews of witnesses and other police officers, and through reviewing official police reports. This crime occurred in the City of Lakewood, County of Jefferson, State of Colorado.

On 081613 at approximately 1959 hours Lakewood Police and the West Metro Fire Department responded to 5745 W Atlantic Pl #305, which is known to be in the City of Lakewood, Jefferson County, Colorado in response to a structure fire. When Lakewood Police Agents and West Metro Fire Fighters arrived on scene, unit 305 was fully engulfed. On scene Agents were told that a male and female who were in apartment 305 at the time of the fire were seen jumping from a window.

Agents located Jalen James Berg (03/17/94) and Stacy Rule (11/27/87). They both had burn injuries and cuts due to jumping through a window in order to escape the fire. Jalen and Stacy were transported to St. Anthony's Central Hospital for treatment.

Agents contacted James Berg (11/18/59). James also resides in unit 305 and Jalen is his son. James told Agents that earlier on 08/16/13 he had gotten into an argument over the phone with Jalen because Jalen had failed to pick him up from work. Since Jalen did not pick James up from work, Tiffany Ballain (062593), who also lives at 5745 W Atlantic Pl #305, had to get him. When James and Tiffany returned to the residence, Jalen began "wielding" a large knife and threatening to "fuck up" James.

Tiffany was also interviewed and said Jalen and James were arguing over Jalen's use of a car. Jalen screamed "fuck you

Affiant's Signature: \_\_\_\_\_  
(1955) HEBERT, MEGAN ROSE

Subscribed and sworn to before me in the county of Jefferson, State of Colorado this \_\_\_\_\_ day  
of \_\_\_\_\_,

Notary Public: \_\_\_\_\_

Expiration Date: \_\_\_\_\_  
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# JEFFERSON COUNTY

continuation

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then, I just want to get high." James decided he was going to give Jalen some time to cool off so he started grabbing some things to leave for the evening when Jalen "came out of nowhere with a knife." Jalen was yelling and came at James holding the knife above his head. Tiffany reported she intervened and was able to get the knife away from Jalen. A physical altercation ensued in which James said Jalen pushed him down then hit him multiple times on the arm and upper back with an aluminum baseball bat.

Jalen and Stacy then left the residence but took the title to James vehicle. James called Stacy and threatened to destroy her artwork if they did not return with his car title. At approximately 1900 hours Jalen and Stacy returned. While Jalen and Stacy were gone James and Tiffany had moved the artwork to the trunk of James's Buick. James stated Stacy was "pissed." Stacy took James's wallet, keys, and cell phone and said she would not return them till James gave her back her artwork. After some more back and forth James eventually gave Stacy her artwork back and Stacy gave James his keys and wallet back but kept his cell phone.

James and Tiffany left the apartment and went to Home Depot in order to buy new locks so James could keep Jalen and Stacy out of the apartment. When James and Stacy returned to the apartment complex they saw that unit #305 was on fire. James stated he was later told by Tiffany that Stacy had told her Jalen had started the fire by Jalen throwing something.

Tiffany reported seeing smoke coming from the apartment so she and James parked the car and ran upstairs to the apartment. Tiffany said when they got upstairs, James was trying to unlock the door but it would not open. She then saw Jalen's leg kick through the glass window, east of the front door and west facing. Tiffany said Jalen came out the window and pulled Stacy out with him and the four of them all went downstairs. James reported Stacy saying, "We have to put it out" after she exited.

Agent Barefoot interview Stacy who said Jalen was angry after James and Tiffany left the apartment. Stacy saw Jalen throw something at the dryer which is located in a laundry closet in the hallway of the apartment. Stacy saw the hallway erupt in fire. As Stacy was trying to put the fire out in their bedroom and hallway she told Jalen to break out a window in James' room so they could escape. After Stacy tried extinguishing the fire she escaped out the broken window.

Jalen told Agent Barefoot that prior to the fire starting, he opened the folding metal doors to the laundry closet and smelled what he described as "someone ripping ass." Jalen also saw a dryer sheet smoking near the base of a water heater also located in the laundry closet. Jalen denied throwing anything at the dryer. After the fire started and grew out of control, Jalen kicked and punched a window so he and Stacy could escape to a balcony area then jump to nearby stairs.

Jalen accused James of being a drug dealer and keeping large quantities of illegal drugs in the apartment. James also kept metal containers full of denatured alcohol and "other alcohols" in the apartment, approximately 1 gallon each.

Jalen was transported to St Anthony Hospital where he received treatment for burns to his right leg, a laceration to his right leg, and cuts to his right hand, which he attributed to the breaking of the window. Jalen was then medically cleared and taken into custody for felony menacing his father. Jalen was lodged at Jefferson County Jail.

On 08/17/13, at about 0900 hours, I spoke to West Metro Fire Arson Investigator T. Driscoll. Investigator Driscoll said

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**JEFFERSON COUNTY**  
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when they began their investigation, during daylight hours, they observed what appeared to be pour patterns made by an accelerant and possibly multiple start points to the fire.

I responded to the Jefferson County Jail to further interview Jalen, at about 1030 hours. Jalen initially told me after the altercation with his father, he and Stacy walked to the nearby Safeway and made a phone call to Stacy's mother, a phone call to a friend to try and get a ride and a 911 call to report drugs being sold out of his father's apartment.

Jalen said they returned to the apartment as his father and Tiffany were walking down the stairs to leave. Jalen said he was angry with his father, so he went into James's room and dumped out all his drawers and began taking things of James'. Jalen said he then decided that he and Stacy needed to find a new place to stay so he began gathering up their things. Jalen said he thought he should do some laundry first so he went and opened the folding metal doors to the laundry area. Jalen said he saw smoke coming from underneath the water heater and smoke coming from a dryer sheet that was also lying near the water heater. Jalen said within several seconds, as he was still standing there, a big explosion occurred propelling him across the hall and into the far corner of his bedroom. Jalen said the fire spread and he and Stacy exited the apartment.

I told Jalen Stacy had reported seeing him throw something at the dryer. Jalen said he had thrown his clothes into the open washing machine and then the explosion happened. Jalen denied throwing anything else.

When I began questioning Jalen further about inconsistencies, Jalen said when he and Stacy arrived back at the apartment, he smelled the odor of lacquer. Jalen said he knelt down and smelled the odor was stronger. Jalen then described laying down on the living room floor to further smell and said this motion caused his right lower pant leg to get wet, presumably with lacquer, because this is the same area that later ignited and caused a burn to Jalen's leg. Jalen said his dad keeps lacquer thinner next to the front door. Jalen said he did not know how the lacquer had gotten on the floor. Jalen attributed the lacquer being in the apartment to his dad's involvement in drugs. I asked Jalen where his dad kept the lacquer container and Jalen said "by the front door."

During my interview I attempted to clarify Tiffany's relationship with the family as to whether she was James' girlfriend or a family friend. Jalen said, "She's a fucking hooker. I wish I could light that bitch on fire." Jalen made a comment as to how that would be illegal and then said, "but I hate her."

I attempted to get more specific details from Jalen about the fire but he became defensive and ultimately stood up and told me he wanted an attorney and might as well go kill himself.

A search warrant signed by Judge Randall was then obtained for Jalen and James' apartment. This warrant was executed at 1435 hours on 08/17/13. The apartment is on the northwest corner of the building. The front door is on the south side of the apartment and opens to a living room area. There was extensive fire damage to this area. The front door was lying on the ground several feet into the living room after it had to be forcibly removed so entry could be made by first responders. Items appeared to have been piled up directly behind the front door, consistent with a barricade, and included a television among other things.

North of the living room was a kitchen area, also with extensive damage. East of the living room was a short hall area with a laundry area on the south side of the hall. The folding doors opened to a washing machine stacked on top of a dryer. The water heater was west of these machines and the furnace west of the water heater. Both the water heater and furnace were intact and did not support what Jalen had said in terms of the water heater blowing up.

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Across the hall from the laundry was presumably Jalen and Stacy's bedroom. There was a gallon sized tin jug of "Lacquer Thinner" lying by the foot of the bed, several feet from the bedroom door. In the southeast corner of the apartment was presumably James' bedroom, which had a window on the west wall, exiting out to the area by the front door. A large knife was found on the bed and it looked as though a chair in James' room had been slashed multiple times.

West Metro Arson investigators noted a distinct "pour pattern" indicative of accelerant use. Additionally, there appeared to be a void in the burn pattern with significant fire damage in the living/kitchen area and James' room and an absence of as extensive damage in the hall area between these areas, indicative of more than one ignition source.

Arson investigator J. Means and his K9 Sadie assisted with the investigation. K9 Investigator Sadie is trained to detect ignitable liquid and alerted to ten different locations in the apartment. Two of these alerts were in the living room entry way by the front door. Two were by the living room sliding glass door. One was in the hallway by the washer/dryer closet. Two were in Jalen's bedroom and three were outside of the apartment in the stairwell.

While on scene, James returned to find out about his vehicle, which was in the process of being impounded. James reiterated his account of events to me and was very consistent with what was originally reported to Rct. Agent Smothers. I asked James about when he arrived back at the apartment and saw the smoke. James said he ran upstairs and used his key to unlock the door but it still would not open. James said he had to use his shoulder to throw his body weight against the door. James said the door opened slightly and he was met by a blast of hot air and pulled the door shut again, just as Jalen and Stacy exited the window east of the door. I asked James about the can of lacquer. James said he uses the lacquer for his job and to his knowledge the can should have been in the garage, which is the last place he remembered seeing it. James denied pouring lacquer in the apartment or having anything to do with the fire.

C. Schneider was on scene representing a restoration company hired by the apartment community housing association. He estimated the damage to the building structure to be "at least several hundred thousand dollars" but would not know an exact amount until the units could all be examined. The structure of the actual building is property of Sunpointe I at Lakewood Estates.

Each unit in the afflicted building is individually owned. In total, the building is comprised of 24 units that are occupied by a mix of property owners and tenants. West Metro Fire investigators stated every unit was at risk from the fire given how extensive and large it was. Contact was attempted at each unit and successfully made at 14 of the units. The unit directly below Jalen and James' is currently vacant. The following list of individuals were contacted:

Unit #102 - owned and occupied by [REDACTED] (05/19/49) and [REDACTED] (10/14/62). There was no damage to their apartment but both were home and inside at the time of the fire and subsequently victims of an attempt homicide.

Unit #104 - owned and occupied by [REDACTED] (10/14/86) and [REDACTED] (05/13/87). Unknown damage to their unit at this time due to inaccessibility/proximity to where the fire originated. Both were home at the time and subsequently victims of attempt homicide.

Unit #105 - rented by [REDACTED] (10/24/69) and occupied by her and daughter [REDACTED] (12/31/93). Unknown damage to their unit at this time due to inaccessibility/proximity to where the fire originated. Both were home at the time and subsequently victims of attempt homicide.

Unit #106 - rented and occupied by [REDACTED] (09/30/60). [REDACTED] was home with her ex-husband, [REDACTED] (07/03/60) at the time of the fire and subsequently victims of attempt homicide. Unknown damage as Christine had not yet returned to her apartment.

Unit #108 - rented and occupied by [REDACTED] (04/04/88), [REDACTED] (08/05/85) and [REDACTED] (04/07/83). No damage apparent but all three of them were home and subsequently victims of attempt homicide.

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Unit # 201 - owned and occupied by [redacted] (12/06/69). Damage is unknown and she was not home at the time of the incident.

Unit #203 - owned and occupied by [redacted] who was not home and had no apparent damage.

Unit # 204 - owned by [redacted] (10/26/58) and [redacted] (08/01/57) and rented and occupied by their daughter [redacted] (12/6/89). [redacted] was not home at the time of the fire. Unknown damage to their unit at this time due to inaccessibility/proximity to where the fire originated.

Unit #206 - rented by [redacted] (05/16/91) and her husband [redacted] (05/17/87). Infant daughter [redacted] (06/23/13) also occupies the residence. Damage is unknown at this time. [redacted] and [redacted] were both home at the time of fire and subsequently victims of attempt homicide and an additional charge of child abuse concerning [redacted]

Unit #207 - owned and occupied by [redacted] (unk. Dob), who was home at the time of the fire and subsequently a victim of attempt homicide. Unknown damage at this time.

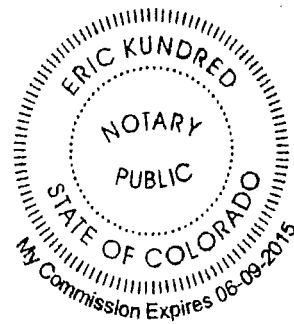
Unit #208 - owned and occupied by [redacted] (12/7/44). Not home and no damage.

Unit # 301 - rented and occupied by [redacted] (04/29/80) - not home, no apparent damage.

Unit #303 - owned and occupied by [redacted] (05/30/50) - not home, no apparent damage.

Unit #306 - rented and occupied by [redacted] (07/05/63) and [redacted] (10/21/60). Extensive damage to unit but value amount is unknown at this time. Neither were home at the time of the fire.

Jalen's adult criminal history began in May of 2013 and includes felony drug charges, prohibited weapon use, carrying a concealed weapon unlawfully, DUI and the current felony menacing charge he is in custody for. Given the above information, there is probable cause for Jalen's arrest at this time on 14 counts of attempt 1st degree homicide - extreme indifference, 1st degree arson, child abuse, and felony level criminal mischief.



Affiant's Signature: [Signature] #1955 (1955) HEBERT, MEGAN ROSE
Notary Public: Eric Kundered
Expiration Date: 6/9/2015

17th day of August, 2013