

DISTRICT COURT, EL PASO COUNTY COLORADO		DATE FILED: June 16, 2020
Court Address: 270 South Tejon Street, Colorado Springs, Colorado 80903		▲ COURT USE ONLY ▲
People of the State of Colorado v. Tara Janelle Sabin, DOB 5/3/1978, 5'08", 150 lbs., white female, brown hair, hazel eyes, SSN _____ driver's license CO, Defendant		Case/File Number: 2020CR3396
El Paso County Sheriff's Office	Case Number: 2020-00003496	Division: CriminalCtrm:
ATTACHMENT A		

The following Affidavit is submitted to the Court to document the probable cause in support of a request for the issuance of an Arrest Warrant for **Tara Janelle Sabin (DOB 5/3/1978)**.

This offense is fully documented in El Paso County Sheriff's Office case report **2020-00003496** detailing the offense(s) of: **C.R.S. 18-3-102(1)(f) Murder in the First Degree, a class 1 Felony; C.R.S. 18-6-401(1)(a)(7)(a)(I), Child Abuse Resulting in Death, a class 2 Felony; 6 counts of C.R.S. 18-6-401(1)(a)(b) Child abuse, a class 2 Misdemeanor;** .

The facts set forth within this affidavit are based upon information Your Affiant has gained from this investigation, Your Affiant's personal observations, Your Affiant's training and experience, and/or information related to Your Affiant by other law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, Your Affiant has not included each and every fact known to him concerning this investigation, but has set forth only the facts that are necessary to establish probable cause to believe that evidence of a crime has occurred.

With the victim(s) identified as:

1. _____ (DOB 9/2/2008)
2. _____, (DOB 10/11/2004)
3. _____ (DOB 12/19/2006)
4. _____ (DOB 5/10/2007)
5. _____ (DOB 7/24/2014)
6. _____ DOB 12/7/2017

On March 11, 2020 at approximately 6:19 AM, the El Paso County Sheriff's Office (EPSO) Communications Center (dispatch) received a 911 call from _____ DOB 11/30/1978 at _____, Colorado Springs, El Paso County, Colorado. During the 911 call _____ began by relating the events that occurred the night before. He related his eleven-year-old

PSA

son, [redacted] DOB 9/2/2008, was supposed to drink water due to his bed wetting issue. He said [redacted] was flailing around and putting on an act. [redacted] said he was picking [redacted] up and he was "dropping" back down. [redacted] said he carried [redacted] to bed and he was "in and out of it". He said it was 11:30 PM and he dressed him for bed and [redacted] fell asleep, "snoring asleep". [redacted] said that morning when he went down to check on [redacted] there was blood and he was foaming at the mouth. [redacted] said he was "Cold and stiff" and not breathing. Upon arrival of EPISO deputies and medical personal it was obvious that [redacted] was deceased. EPISO Investigations Division was contacted and requested to take over the investigation.

At approximately 8:30 AM, Det Sgt R. Hubbell briefed me on the case and assigned me as the lead detective. He related Detectives M. Boggs and P. Vigil were responding to the residence and that the Sabin family would be coming into the office.

[redacted] and his brother, [redacted] DOB 12/19/2006, are the biological children of [redacted] and [redacted] 4/27/1987 who are no longer together. [redacted] is married to Tara Sabin DOB 5/3/1978. In addition to them, their household consists of Tara's biological children from a previous relationship, [redacted] DOB 10/11/2004 and [redacted] DOB 5/10/2007, and their shared children, [redacted] DOB 7/24/2014 and [redacted] DOB 12/7/2017. Mrs. Sabin have [redacted] and [redacted] every other week from Wednesday to Wednesday.

At approximately 11:08 AM, I began an interview with [redacted] in interview room 2 of the Investigations office at the Office of the Sheriff (OTS). During the interview [redacted] related [redacted] had a bed wetting issue. He related because of this issue he smelled [redacted] urine and it smelled strongly. He said approximately three weeks ago [redacted] was asked if he was drinking water and he'd said he wasn't. [redacted] said [redacted] was then required to drink two bottles of water every day. He related the water bottle he was required to use was an orange, 32 ounce, hydroflask. [redacted] said on March 10, 2020 at approximately 5:00 PM, he received a message from his wife, Tara Sabin, relating that [redacted] hadn't drank his water that day and she was having him drink water.

[redacted] said when he arrived home at approximately 6:00 PM, [redacted] was in the kitchen drinking water from a green, 24 ounce, water bottle which has 4th Infantry Division markings on it. [redacted] related [redacted] didn't want to drink the water he was required to drink. He said [redacted] was only taking sips and throwing up the water. He said [redacted] was throwing up because he was drinking the water too slowly and getting air in his stomach which caused the water to sit on top of it. He said in the Army you chug water and just "burp it out". He said he kept telling [redacted] to chug the water. I asked [redacted] how many times [redacted] threw up. He said he wasn't sure.

[redacted] related this continued while the rest of the family ate dinner. He said during dinner [redacted] was required to stay in the kitchen and drink water and did not eat dinner. He said the younger children went to bed around 7:00 PM and the "middles" went to be around 9:00 PM. [redacted] said after that point [redacted] began complaining that he couldn't drink the water and that his legs hurt. [redacted] said [redacted] was lying on the floor throwing a fit. He said at one point

he told [redacted] to get up and kicked his leg. He said [redacted] didn't get up and he told him to get up or he would kick him harder. He said he then did kick him a second time.

[redacted] said the situation with [redacted] devolved and that he was throwing a tantrum. He said during this incident [redacted] repeatedly threw himself on the ground. [redacted] said at one point he picked [redacted] up and felt him put his feet underneath him and take his weight. He said when he let go [redacted] fell backward and hit the back of his head on the ground. [redacted] said afterwards [redacted] was still throwing a fit and he picked him up and took him outside on the deck. [redacted] said he thought the cold air would "snap" [redacted] out of his tantrum. [redacted] said [redacted] was lying on the patio for a couple of minutes and then he went outside and brought him back inside. [redacted] said he brought [redacted] back in who laid on the floor and fell asleep and began snoring. He said [redacted] next sat up on the floor with his legs crossed, slumped forward, and began snoring.

I asked [redacted] what happened next. He said he told [redacted] it was time for bed. He said [redacted] got up and began walking around the kitchen grunting and making other unintelligible noises. He said at [redacted] went into the mud room and placed his hands on the wall and just stared at the wall. [redacted] said at approximately 11:15 PM, he walked downstairs with [redacted] to put him in bed. He said he changed [redacted] clothing, putting him in a diaper and pajamas and put him in bed. [redacted] said he told [redacted] how much he loved him and stroked his head. He said at one point [redacted] looked at him with wide eyes like he'd been startled. He said [redacted] then fell asleep and began snoring.

[redacted] related he went down to wake [redacted] up at approximately 6:15 AM and found him to be deceased.

After a break, I returned to the interview room at approximately 12:59 PM and advised [redacted] of his rights under Miranda. [redacted] related he understood his rights and agreed to continue speaking with me.

[redacted] and I continued talking about what happened the night before and that morning. [redacted] said at one point during the incident with [redacted] he grabbed him by the head and yelled at him that he was so angry he could hit him. [redacted] said he did not actually hit [redacted] related when he took [redacted] to bed he veered off and ran into the costumes in the play area. I asked [redacted] if [redacted] had ever done that before. He said he hadn't. The interview was concluded at approximately 2:21 PM. I escorted [redacted] out.

Detective J. Price interviewed Mrs. [redacted] in interview room #1 of the Investigations Office at the OTS. The interview began at approximately 11:08 AM. During the interview, Mrs. Sabin related [redacted] has a bed wetting issue and uses pull up diapers at night. She said he used to do exercises which were given to him by a physical therapist, but he would get dramatic and throw tantrums about doing the exercises. She said he would cry and say he couldn't do them and throw himself on the floor. She said she saw one of [redacted] diapers once and the urine was "really dark and really smelly". Additionally, her daughter, [redacted] and [redacted] have "urology

issues" that are hereditary, so [redacted] is required to drink two bottles of water every day.

On March 10, 2020, Mrs. Sabin said she picked the children up from school and after stopping at her mother's house for awhile they all went home. She said she asked [redacted] if he'd drank his water that day and he said he had not. She said she told him he had to drink water. She said [redacted] being dramatic just like he was with the exercises. She said he would take little sips and throw up and then drink more little sips. She said he was crying in between and saying that his feet and shins hurt. She said she was cooking dinner through this and told him to hurry up and drink his water so he could eat dinner.

Mrs. Sabin said the family ate dinner and [redacted] stayed in the kitchen drinking sips of water. She said while they were eating he was being dramatic. She said she put the children to bed and came back into the kitchen. She said she and [redacted] were sitting there and began "melting down" crying again. Mrs. Sabin said he was taking sips and throwing it up, and they told him he needed to take "bigger chugs" and be done. She said [redacted] began throwing himself on the ground saying he couldn't do it. She said at one point she tried to stand him up and she didn't realize how heavy he was. She said he stood up but then he "just fell".

Mrs. Sabin said at one point [redacted] was in the garage and she went and got him because [redacted] was just lying on the floor in the kitchen area. She said [redacted] came in and told [redacted] to drink the water. She said [redacted] continued to throw himself down and that he hit his head on the wood floor. She said he was also falling into cabinets.

Mrs. Sabin said they decided they were done with it and told [redacted] to go to bed. She related he said he couldn't walk and fell to the floor again. She said he fell asleep and began snoring. Mrs. Sabin said [redacted] got mad and told [redacted] he was going to pack up his stuff and take him to a homeless shelter like "grandpa did with Uncle [redacted]". She said [redacted] went out to the garage and began working on her car and left [redacted] sleeping on the floor in the kitchen.

Mrs. Sabin said she tried to wake [redacted] up but he was "hardcore sleepin". She said [redacted] came back and picked him up. She said [redacted] woke up and said his head hurt. She said he then started walking around the kitchen table and laps around the kitchen island not saying anything. She said he then walked into the mudroom and just stood there. Mrs. Sabin said she told [redacted] it was "really weird" and that she was wondering if he was still sleeping. Mrs. Sabin said he walked back into the kitchen and was walking around and ran into the cabinets.

Mrs. Sabin said [redacted] walked [redacted] downstairs to put him in bed. She said grabbed onto the railing and didn't want to go downstairs. She said she followed [redacted] downstairs to make sure [redacted] was okay and because it was weird. She said [redacted] was getting [redacted] pajama's and diaper and [redacted] walked past her, making eye contact but not saying anything, over to the air hockey table. She said once he got to the air hockey table he just stood there. Mrs. Sabin said [redacted] had to undress and redress [redacted] in pajamas. Mrs. Sabin said [redacted] put [redacted] in bed and told him he loved him. Mrs. Sabin said afterward she and [redacted]

went upstairs and went to bed.

Mrs. Sabin said she was getting ready for work when [redacted] came in and told her [redacted] was deceased. She said she told him to call 911.

After her interview, Mrs. Sabin took the other children to Safe Passage for forensic interviews.

[redacted] was not interviewed due to his age.

During her interview [redacted] said that [redacted] didn't drink water at school, so he had to drink it that night and he died.

During her interview [redacted] said they got home around 5:15 and [redacted] had to stay in the kitchen and drink water. She said he began throwing up the water and Mrs. Sabin was upset because he was sipping and not gulping it. She said they ate dinner at approximately 6:00 PM and [redacted] during dinner [redacted] was crying and "getting sick". [redacted] said she was worried because it seemed like a lot of water for a 5th grader to drink.

[redacted] also related [redacted] gets in trouble a lot. She explained sometimes even if there is not proof he did it, he still gets in trouble because of his past behavior. She said sometimes he would have to stay up until 4:00 AM doing his core exercises.

During his interview [redacted] said they got home at 5:12 PM and [redacted] was required to start drinking water approximately thirty (30) minutes afterwards. He said [redacted] had to stay at the sink and couldn't put the cup down. [redacted] said Mrs. Sabin was in the kitchen during this and [redacted] was halfway sobbing and crying. He said when [redacted] got home, he started yelling at [redacted] [redacted] said Mrs. Sabin told [redacted] to drink a ton of water in five minutes and he thought "how is that possible". [redacted] describes coming upstairs and into the kitchen area several times during the evening. He described seeing and hearing his dad and Mrs. Sabin yelling at [redacted]. He said [redacted] was full on crying and leaning on the sink. [redacted] said during dinner [redacted] was in the kitchen drinking water. He said after dinner he was told not to go into the kitchen because [redacted] had thrown up everywhere. He said he thought it was water everywhere, but it was actually vomit. [redacted] said [redacted] then washed all the dishes by himself. He said he heard [redacted] gagging at the sink. [redacted] said he watched a movie and he came upstairs and saw [redacted] throwing up in the sink. He said [redacted] Mrs. Sabin were sitting in the at the kitchen island in chairs. He described [redacted] was leaning over and looked very weak and like he barely had any energy. He described [redacted] legs as "wiggly". [redacted] said he went downstairs and went to bed. He said [redacted] was still up. [redacted] said the next morning when he woke up he heard his dad run upstairs and call the police. He said he saw his dad doing "one tow three four" and thought he was doing CPR. He said his dad came in and told him [redacted] was deceased.

During his interview [redacted] said [redacted] had to stay in the kitchen drinking water and he heard him throw up at least ten (10) times. He said during dinner [redacted] was in the kitchen talking to [redacted] about responsibility. [redacted] said he went back to the kitchen at approximately 9:30 PM and [redacted] was still drinking water. He said it was normal for his parents to keep [redacted] up past

his bedtime if he is in trouble. He explained with all punishments, the children in the home are required to stay up until their tasks are completed or until midnight.

On March 11, 2020, at approximately 4:30 PM, I responded to 18440 Woodhaven Drive to assist with the execution of the search warrant. In the kitchen there was a green water bottle with 4th Infantry Division markings on it. I was shown to _____ room which was downstairs in a finished basement. In _____ room, he was lying on the floor adjacent and approximately parallel to his bed, which appeared to be a twin-size bed. The bed had a Teenaged Mutant Ninja Turtles fitted sheet on it. There was what appeared to be blood and other bodily fluids on the top left corner of the sheet and bed. _____ appeared to be wearing a green long-sleeved shirt and there was a blanket on his body from his upper torso down. There was foam coming from his nose and mouth. There were a pair of green pajama bottoms on the floor near him.

At approximately 5:17 PM death investigators Corinne Imobergstege and Rachel Brodin with the Coroner's Office arrived on scene and pronounced him dead. When they removed the blanket from _____ body, I saw he was clothed in a green pajama shirt and a diaper. I saw a mark on the right side of _____ neck.

_____ body was taken into possession by the Coroner's Office. It was transported to their facility for an autopsy to be performed.

On March 12, 2020, at approximately 8:00 AM, I observed _____ autopsy which was performed by Dr. Emily Russell with the El Paso County Coroner's Office. On June 9, 2020, I received a copy of his autopsy report. It states _____ died as a result of forced water intoxication and the manner of death is homicide.

It should be noted, Department of Human Resources (DHS) supervisor Renee Gonzalez and other caseworkers responded to the Office of the Sheriff to observe the interviews with _____ Mrs. Sabin. They also responded to Safe Passage to observe the interviews with the children. After the interviews, all of the children were removed from the Sabin residence. There is currently an _____ case under El Paso County docket number _____ and a _____ case under El Paso County docket number _____ regarding the children.

18-6-401. Child abuse

- (1) (a) A person commits child abuse if such person causes an injury to a child's life or health, or permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health, or engages in a continued pattern of conduct that results in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries that ultimately results in the death of a child or serious bodily injury to a child.
 - (7) (a) Where death or injury results, the following shall apply:
 - (I) When a person acts knowingly or recklessly and the child abuse results in death to the child, it is a class 2 felony except as provided in paragraph (c) of this subsection (7).
 - (c) When a person knowingly causes the death of a child who has not yet attained twelve years of age and the person committing the offense is one in a position of trust with respect to the child, such person commits the crime of murder in the first degree as described in section 18-3-102 (1)(f).

18-3-102. Murder in the first degree

(1) A person commits the crime of murder in the first degree if:

(f) The person knowingly causes the death of a child who has not yet attained twelve years of age and the person committing the offense is one in a position of trust with respect to the victim.

(3) Murder in the first degree is a class 1 felony.

(2) 18-6-401. Child abuse

(1) (a) A person commits child abuse if such person causes an injury to a child's life or health, or permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health, or engages in a continued pattern of conduct that results in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries that ultimately results in the death of a child or serious bodily injury to a child.


(b) Where no death or injury results, the following shall apply:

(1) An act of child abuse when a person acts knowingly or recklessly is a class 2 misdemeanor; except that, if it is committed under the circumstances described in paragraph (e) of this subsection (7), then it is a class 5 felony.

In summary, Mrs. Sabin, biological father and stepmother, knowingly forced to consume a large quantity of water causing water intoxication. This led to his death. Additionally, this occurred while his siblings were present, causing them to witness his distress and the eventual finding of him deceased.

I would respectfully request that probable cause be found that **Tara Janelle Sabin (DOB 5/3/1978)**, did within the County of El Paso and State of Colorado, commit in violation of the Colorado Revised Statutes 1973 as amended, the offense(s) of **C.R.S. 18-3-102(1)(f) Murder in the First Degree, a class 1 Felony; C.R.S. 18-6-401(1)(a)(7)(a)(I), Child Abuse Resulting in Death, a class 2 Felony; 6 counts of C.R.S. 18-6-401(1)(a)(b) Child abuse, a class 2 Misdemeanor.**

Applicant:



Detective Kat Huston/12021
El Paso County Sheriff's Office

Sworn and subscribed before me this 16 day of June, 2020.

Judge/Magistrate: 