

County/District Court
City and County of Denver, Colorado

THE PEOPLE OF THE STATE OF COLORADO

Offense Case No. 21-678554



**AFFIDAVIT AND APPLICATION FOR ARREST WARRANT
AND THE ARREST WARRANT FOR THE PERSON(S) OF:**

CHARLOTTE MARIE CHAVEZ (01/11/1991) For CHILD ABUSE - DEATH - KNOWINGLY OR RECKLESSLY, C.R.S. 18-6-401(1)(a),(7)(a)(I), Class 2 FELONY



I, Detective Teresa Gessner 01013, the Affiant, state under oath that the facts known to the Affiant which establish probable cause to believe that a criminal offense was committed, and that the offense was committed by the above named person(s), are the following:

On June 28, 2022, Your Affiant was assigned Denver Police case 21-678554 for follow up investigation. Your Affiant reviewed the submitted report and learned the following. On December 2, 2021, at 0245 hours the victim's mother, Charlotte Chavez (01/11/91), called 911 and reported she had woken to find her 1 year old daughter, Betty Martinez (11/21/20), not breathing. Charlotte supplied her home address as 4232 N Mariposa St. Your Affiant is aware this address, 4232 N Mariposa St is in the City and County of Denver CO. Denver Paramedics responded and transported Betty to Denver Health Medical Center Emergency Department. Upon arrival at the hospital life saving measures were continued but Betty was pronounced dead at 0349 hours by Dr Lee of Denver Health Medical Center. Dr. Lee had not noted any obvious trauma and Betty was transported to the Denver Morgue where an autopsy was performed on December 2, 2021, at 0918 hours. As part of the autopsy samples of postmortem femoral blood were sent to the toxicology laboratory for analysis.

Your Affiant learned from the submitted report that Office Ryan Richardson #13087, had responded to 4232 N. Mariposa St on December 2, 2021. Officer Richardson reported in his statement that he was present while Charlotte made her initial report to the responding paramedics. Officer Richardson reported that Charlotte stated [REDACTED]

[REDACTED] Charlotte then later woke up to breastfeed Betty and found Betty cold and not breathing.

On June 28, 2021 the results of the toxicology analysis were reviewed and included in the autopsy report which was then sent to the Denver Police Department. Upon review of the autopsy report Your Affiant learned that Betty Martinez died as a result of the toxic effects of fentanyl. The toxicology

testing of Betty's femoral blood was positive for fentanyl (and metabolites), naloxone and acetaminophen. Your Affiant noted the results showed the level of Fentanyl in Betty's femoral blood was 19 ng/ml.

On July 18, 2022 Your Affiant interviewed Charlotte Chavez. Your Affiant formally advised Charlotte of her Miranda Rights. Charlotte stated she understood her rights and voluntarily signed the advisement form. Charlotte waived her right to have an attorney present and gave a statement.

Your Affiant noted that Betty also had Narcan in her system. Charlotte then stated

Your Affiant is aware from reviewing records that no medical staff reported being told Betty had been given Narcan.

Your Affiant noted Narcan is specifically for overdoses. Charlotte stated

Your Affiant reviewed the 911 call again and noted Charlotte does not report giving Narcan and in fact stops CPR to tell her
Your Affiant noted in the DHMC Paramedic report that Charlotte stated

Your Affiant contacted
Charlotte's primary care nurse. is clarified

DPD 22-678554

the UA are not required frequently after the patient becomes stable and is on maintenance therapy

describe the Subutex and how [redacted] stated the subscribing physician would have advised [redacted] to use the Narcan for opioid overdoses only. [redacted] stated it would not help in a case of cardiac arrest or having trouble breathing.

Your Affiant obtained the medical records for Betty Martinez and noted prior to her death Betty's last medical appointment had been 07/15/2021 at [redacted] for a well child check. There is no documented visit for the morning or day to DHMC on the 12/01/21. Betty is next seen on 12/02/21 when she is brought in by ambulance in cardiac arrest resulting from the Fentanyl overdose.

Based on the above information Your Affiant respectfully requests an arrest warrant be issued for: CHARLOTTE MARIE CHAVEZ (01/11/1991) For CHILD ABUSE - DEATH - KNOWINGLY OR RECKLESSLY, C.R.S. 18-6-401(1)(a),(7)(a)(I), Class 2 FELONY

I affirm this information to be true and correct

Teresa Gessner 01013
Signature of Affiant

Subscribed under oath before me on

8-30-2022 1500
Date Time

BRIAN E COTTER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20124082879
MY COMMISSION EXPIRES DECEMBER 27, 2024

[Signature]
Judge or Notary Public

commission expires:

Dec 27, 2024

ARREST WARRANT

To all Sheriffs, Peace Officers and Police Officers with the said State:

You are hereby commanded to take the person of the defendant and bring him without unnecessary delay before a Judge of the County Court to be dealt with according to law.

Bail fixed at \$ 1st Appearance

[Signature]
Signature of Judge

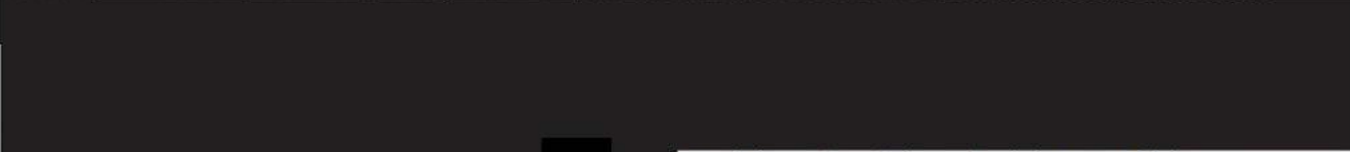
Date 8/30/22

David Blackett
Printed name of Judge

I HEREBY CERTIFY that I executed the above warrant on (date) 09/01/22 by taking CHARLOTTE CHAVEZ (01-11-91) (name of person arrested) into custody and placing said person in the DDC Jail for safekeeping until further order of the court.

[Signature] 17062
Signature of Arresting Officer

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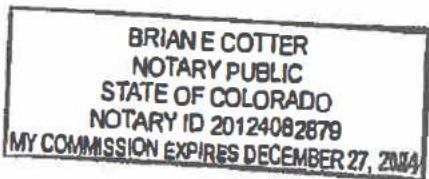
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