

<b>DISTRICT COURT, Douglas County, State of Colorado</b> 4000 Justice Way Castle Rock, CO 80109	
<b>PEOPLE OF THE STATE OF COLORADO</b>  v.  <b>JAMES WATSON-HOWATT</b>  Defendant	<b>▲ COURT USE ONLY ▲</b>
<b>GEORGE H. BRAUCHLER,</b> 4000 Justice Way Castle Rock, CO 80109 720-733-4500 (f) 720-733-4689 Attorney Regulation #25910	<b>Case Number:</b> [REDACTED]  <b>Div./Ctrm: 201</b>
<b>18<sup>TH</sup> JUDICIAL DISTRICT GRAND JURY INDICTMENT</b>	

**COUNT ONE**

**CHIL A USE (KNOWING/RECKLESS  
CAUSE DEATH) C.R.S. 18-6-401(1)(a),(7)(a)(I)**

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Of the 2017 term of the 18<sup>th</sup> Judicial District Grand Jury; the 2017 18<sup>th</sup> Judicial District Grand Jurors, chosen, selected and sworn in the name and by the authority of the People of the State of Colorado, upon their oaths, present the following indictment and described acts, all committed within the County of Douglas, State of Colorado, all done contrary to the form of statutes in such case made and provided, and against the peace and dignity of the People of the state of Colorado, as stated in the Counts attached hereto:

**COUNT 1- CHILD ABUSE (KNOWING/RECKLESS CAUSE DEATH) C.R.S. 18-6-401(1)(a),(7)(a)(I)**

On or about, May 10<sup>th</sup>, 2017 James Watson-Howatt, feloniously, knowingly, or recklessly caused an injury to, or permitted to be unreasonably placed in a situation that posed a threat of injury to, the life or health of a child, namely ██████████, or engaged in a continued pattern of conduct that resulted in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries, that resulted in the death of the child; in violation of section 18-6-401(1)(a),(7)(a)(I), C.R.S.

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**The facts supporting Count 1 are as follows:**

Detective Lionel Kahan, of the Douglas County Sheriff's Office, as well as Jill Romann, Dr. Stacey Ostapko and Doctor C. Rashan Ford testified before the Grand Jury. The evidence, including all exhibits admitted, and testimony from the witnesses and during the grand jury session(s) establish the following facts:

On May 10<sup>th</sup>, 2017 at approximately 1:30 p.m. James Howatt called 911 reporting that his daughter [REDACTED] was not breathing. Franktown Fire responded to 5369 Hospitality Place in Unincorporated Douglas County, Colorado in reference to a medical assist of the infant who was not responsive. The infant was transported by Franktown Fire Rescue to Parker Adventist Hospital. At 2:04 pm on May 10<sup>th</sup>, 2017 Dr. Christopher D'Ardenne pronounced [REDACTED] death.

Forensic Pathologist Dawn Holmes conducted the autopsy of [REDACTED]. During the autopsy, she observed petechiae of the lungs and thymus. Her statement regarding [REDACTED] death was; "Given the circumstances surrounding the decedent's death and the findings during the scene investigation, positional asphyxia due to facedown prone positioning into the mattress cannot be definitively ruled out." Coroner Jill Romann's report stated; "The cause of death is positional asphyxia due to face down prone positioning. The manner of death is accident".

In general, summary, James Howatt stated as follows;

He was playing video games with a friend, Matthew Coakley (DOB: 03/14/94) until he went to bed at around 4:00am. At around 8:15am his wife Sheherzada left for work. [REDACTED] was on his bed on his left side, facing up. At some point after 9:00am and before 11:00 am he remembers being woken up by [REDACTED] crying. James put a pacifier into [REDACTED] mouth. He put [REDACTED] back on the bed next to him face up and he went back to bed. He woke up to an 11:00am alarm on his phone. He checked on [REDACTED] and she was still asleep on her back with the pacifier in her mouth; he went back to sleep. He woke up to another alarm at 11:55am and he went back to sleep. An unknown time later, he woke up to [REDACTED] crying and he swaddled [REDACTED] and put a pacifier in [REDACTED] mouth. He put [REDACTED] face down on the bed for tummy time. He then proceeded to get himself ready for work and approximately 20 minutes later he returned and found [REDACTED] not breathing, called 911 and began CPR.

He is a self-employed computer repairman. Tummy time is recent and he has done it about six times already. His routine is fairly steady. He can't sleep and stays up into the early morning hours playing video games. He said he is "unreliable and can't get up worth shit and is lazy." He was late to work and he began to get himself ready. While he was in the bathroom he received a phone call from Samsung and later made a work related phone call. He checked on [REDACTED] and she was not responsive. There was a dark, wet spot or spit up on the sheet where [REDACTED] was face down. [REDACTED] was face down with

the pacifier still in her mouth. He performed CPR for about one minute doing unknown amount of breaths and chest compression using two fingers. He then called 911. He told me his cell phone will have the call logs as to who he called and when. The calls are evidence from when he put [REDACTED] down for tummy time until he called 911. He monitors his fiancé Sheherzada via a keychain fob, which alerts him when Sheherzada leaves and enters the home. He uses a Vape to smoke and smokes marijuana. He smoked marijuana last night and he does not drink alcohol.

When asked about how he thought [REDACTED] had died he said the following in part:

“No oxygen, faced down, binky in her mouth, I bet she fucking struggled... face down in a Tempur Pedic... not really breathable...no oxygen, not enough oxygen...”

Dr. Stacy Ostapko testified that she was [REDACTED] pediatrician and [REDACTED] was a generally healthy almost three month old. (DOB 2/13/17) James Howatt was present during routine medical visit where Dr. Ostapko advised him and the mother of [REDACTED] the following in part; “Crib death is when children pass away from an unknown reason. It is relatively uncommon, but can happen. They don’t struggle, they don’t fuss. Contrary to popular belief there’s no warning it’s going to happen, but there’s things you can do to reduce the risk. The first thing, the most important thing, is that you should only put your baby on his or her back, on her back to sleep. You can have her in other positions when she’s sleeping, you can have her on her chest on her tummy. She could be on your tummy, but you have to be there the entire time watching her. If you’re going to get up, even for a minute to answer the phone or to go to sleep yourself, you have to put her back on her back. “

Dr. Curtis Rashaan Ford testified in general summary that; an infant around the age of 3 months does not have the developmental capacity to roll either way completely. Babies around this age will have a brief capacity to lift their head but are still gaining their strength. It would be difficult to quantify the time a baby this age could hold their head up but it would generally be a matter of a few minutes. In his expert opinion he would never recommend that an infant of approximately 3 months old be left face down on an adult mattress unsupervised for any period of time, and definitely not when they are either swaddled and/or have a pacifier in their mouth.

AS TO COUNT ONE:

A TRUE BILL

[Redacted signature area]

Signature of the foreperson

A NO TRUE BILL

Signature of the foreperson

I [Redacted], the Foreperson of the 2017 Eighteenth Judicial District Grand Jury, do hereby swear and affirm that each and every True Bill returned in this Indictment by the 2017 Eighteenth Judicial District Grand Jury was arrived at after deliberation and with the assent and agreement to the existence of probable cause by all the members of the 2017 Eighteenth Judicial District Grand Jury.

[Redacted signature area]

Signature of the foreperson

Subscribed and sworn to before me in the County of Douglas, State of Colorado, the [Redacted], day of [Redacted] 18

CHRISTINA I [Redacted]  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 2616  
MY COMMISSION EXPIRES JANUARY 22, 2022

NOTARY PUBLIC  
My Commission Expires 2/2/22

GEORGE H. BRAUCHLER  
District Attorney  
Eighteenth Judicial Dist

*M.*  
Alerie M. Brewster; #43659  
SVU Deputy District Attorney  
Eighteenth Judicial District

The 2017 18<sup>th</sup> Judicial District Court  
ORDERED FILED this 10th

January 10, 2017 at 10:00 AM  
nt, and the same is hereby

*Walter J. Sammons*  
CHIEF JUDGE

**WARRANT TO ISSUE**  
BOND SET AT: ~~\$50,000~~ CASH SURETY  
*\$25,000*