

## Attachment 'A'

1ACR8160

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 Katellynne Dianna Leigh Nelson, DOB: 11/18/1988, SSN:

This offense is fully documented in Colorado Springs Police Department Offense Report #19-42467 detailing the offense of:

- 18-18-403.5, Unlawful Possession of a Schedule II Controlled Substance, A Class Four Drug Felony (DF4)
- 18-6-401, Child Abuse, A Class Two Misdemeanor (M2)

With the victims identified as:

1. , DOB: 06/18/2017, Sex-Male, Race-White
2. , DOB: 04/18/2017, Sex-Male, Race-White
3. , DOB: 12/12/2017, Sex-Female, Race-White
4. , DOB: 01/25/2017, Sex-Male, Race-White
5. , DOB: 12/10/2017, Sex-Female, Race-White
6. , DOB: 09/12/2017, Sex-Male, Race-Unknown
7. , DOB: 09/19/2017, Sex-Female, Race-Unknown
8. , DOB: 03/31/2018, Sex-Female, Race-Unknown
9. , DOB: 06/08/2018, Sex-Male, Race-Unknown
10. , DOB: 01/17/2017, Sex-Male, Race-Unknown
11. , DOB: 12/29/2017, Sex-Female, Race-Unknown
12. , DOB: 07/15/2017, Sex-Female, Race-Unknown
13. , DOB: 02/18/2018, Sex-Male, Race-Unknown
14. , DOB: 01/23/2017, Sex-Male, Race-Unknown
15. , DOB: 01/24/2017, Sex-Female, Race-Unknown
16. , DOB: 06/21/2018, Sex-Female, Race-Unknown
17. , DOB: 06/10/2017, Sex-Male, Race-Unknown
18. , DOB: 04/03/2017, Sex-Male, Race-Unknown
19. , DOB: 08/23/2017, Sex-Male, Race-Unknown
20. , DOB: 11/30/2017, Sex-Male, Race-Unknown
21. , DOB: 08/28/2017, Sex-Female, Race-Unknown
22. , DOB: 12/06/2017, Sex-Female, Race-Unknown
23. , DOB: 03/18/2017, Sex-Male, Race-Unknown
24. , DOB: 11/20/2017, Sex-Male, Race-White
25. , DOB: 02/10/2018, Sex-Male, Race-White
26. , DOB: 03/21/2018, Sex-Female, Race-White

All addresses listed are located in the City of Colorado Springs, County of El Paso and State of Colorado.

RS

2/7/19

Your affiant is Samantha E. Lembergs 1613D, a detective with the Colorado Springs Police Department Crimes against Children Unit. Your affiant has been assigned to this unit for 16 years. Part of your affiant's responsibilities with the Colorado Springs Police Department is to conduct investigations on possible sex abuse and child abuse cases. The following information is submitted in support of this affidavit.

On November 13, 2019 at 1243 hours, Colorado Springs Patrol Officer Janel Langdon-Isaac 6607P was dispatched to the address of \_\_\_\_\_ to assist the Department of Human Services with a welfare check. There were concerns that a daycare provider may be housing more children than allowed and was possibly hiding children in the home.

Upon Officer Langdon-Isaac's arrival she met with Nikki Adams who explained that she had received multiple complaints about a daycare at \_\_\_\_\_. Ms. Adams explained that the rear cottage with the address of \_\_\_\_\_ is a licensed daycare facility however there were concerns that the owner, Carla Faith (DOB: 09/16/1961) had been caring for more children than allowed and "hiding" the children. Ms. Adams stated that she had contacted Ms. Faith earlier that day who reported that there were no children at the daycare today. Ms. Adams was in contact with \_\_\_\_\_ however, the mother of \_\_\_\_\_ (DOB: 11/20/2017) who confirmed that she had dropped \_\_\_\_\_ off at the daycare that morning.

On November 13, 2019 Officer Langdon-Isaac attempted to make contact at \_\_\_\_\_ at both the front door and at the back yard area, and via phone, for approximately 20 minutes with no response.

Officer Langdon-Isaac was then notified that \_\_\_\_\_ had been able to reach Ms. Faith by phone advising her that she wanted to pick her son up immediately. \_\_\_\_\_ arrived on scene and was met by \_\_\_\_\_ (DOB: 01/03/1984) who was carrying \_\_\_\_\_ out the back gate. After \_\_\_\_\_ returned to \_\_\_\_\_, Officer Langdon-Isaac explained the need to meet with Ms. Faith and she was escorted into the cottage daycare. There Officer Langdon-Isaac introduced herself to Ms. Faith and she explained how she was there to assist the DHS licensing agents in checking the welfare of the children in her care. Ms. Faith stated several times that she did not have any other children in the daycare and she provided verbal consent allowing Officer Langdon-Isaac to check for other children.

On November 13, 2019 Officer Langdon-Isaac completed a search of the cottage daycare facility, being \_\_\_\_\_ where she located no children. Ms. Faith then gave verbal consent allowing Officer Langdon-Isaac to check the main house,

While checking the residence Officer Langdon-Isaac located a large stack of children's backpacks in a closet. Ms. Faith explained that she was volunteering to clean the backpacks for a soccer team and again denied any children being in the residence. Officer Langdon-Isaac then heard children's music coming from the basement and located a lower level window on the outside of the home indicating there was a



basement. Officer Langdon-Isaac asked Ms. Faith how to access the basement and Ms. Faith reported that the home doesn't have a basement and the children were at a park. Officer Langdon-Isaac then heard a child crying and continued to look for access to the basement.

Colorado Springs Patrol Officer Jordan Parker 6377P arrived on scene to assist Officer Langdon-Isaac and while in he bumped into a wall that was jutting out approximately a foot away from the wall in the hallway located across from the rear entrance of the residence. Upon bumping into the wall, Officer Parker felt the wall move and upon pushing on the wall, saw the wall move and bump up against the wall behind it and make a knocking noise. Officer Parker then saw two parallel scrape marks on the wooden floor leading away from the wall. Officer Parker moved a potted plant and was able to see a small seam separating the false wall from the actual wall. Officer Parker then pulled the false wall to the right and was found a stairwell leading to the basement area. Upon entering the basement area 26 children, all aged two or under, were found with two adults. Officer Langdon-Isaac observed that many of the children had soiled or wet diapers, were sweating, and were very thirsty upon contact. The two adults were identified as being (DOB: 09/22/1995) and Katclynne Dianna Leigh Nelson (DOB: 11/18/1988).

The CSPD Crimes against Children Unit was then notified and your affiant, along with several other detectives, responded to assist with the investigation.

On November 13, 2019 Detective Alisha Marrs obtained a search warrant for the addresses of and The warrant was reviewed and approved by the Honorable Judge Robert Lowery.

On November 13, 2019 your affiant assisted in executing the search warrant and completed a search of the basement area of . Your affiant observed that there were three rooms total in the basement, the first being a smaller room with children's toys and high chairs, the second room being a kitchen area, and the third room being a longer narrow room with multiple pack-n-plays, a diaper changing area, and cubbies with children's names and diapers. There was only one way to get out of the basement, being the initial stairway, and all windows were smaller with plexi-glass screwed over the top of the window wells.

During the search of the basement area of specifically the kitchen area (middle room) your affiant located a camouflage backpack on a shelf. Upon searching the backpack I found numerous pay slips for Katclynne D. Nelson from In the same backpack I then located a white folded paper with three syringes, alcohol swabs and two plastic baggies, one with a white powdery substance and the other with a white crystal like substance. All items were seized and transported to the Police Operations Center, 705 S. Nevada Avenue, to be placed into Evidence.

On November 14, 2019 your affiant and Detective Alisha Marrs processed all items seized during the execution of the search warrant into Evidence.

On November 14, 2019 at 1343 hours, your affiant and Detective Marrs field tested the first plastic baggie containing the white powdery substance which tested positive for methamphetamine. This item weighed 1.1 grams.

On November 14, 2019 at 1349 hours, your affiant and Detective Marrs field tested the second baggie containing the white crystal like substance which again tested positive for methamphetamine. This item weighed 2.4 grams,

The syringes were not tested at this time due to CSPD policy.

As part of the investigation, a copy of Ms. Faith's 2019 daycare license renewal form was obtained which documented that the license location was for the address of . The capacity was set for 6 children in between the ages of 0.0 months and 13.0 years. There were other conditions and restrictions set being that no more than 2 children under the age of 2 may be in her care, she could have 2 additional school age children during non-school times, she was approved for 6 children for overnight care and that the capacity included any of the provider's own children.

The parents of the children found were contacted and all parents confirmed that they had no idea that their children were being cared for in the basement of . The parents also did not know that Ms. Faith was caring for that number of children at one time.

On December 5, 2019 your affiant obtained a second search warrant for both addresses obtaining permission to escort the Colorado Springs Fire Department, specifically the Fire Marshals, into the buildings to check for any fire code violations. This warrant was reviewed and approved by the Honorable Judge Marcus Henson and filed with court.

On December 5, 2019 your affiant executed the warrant and escorted CSFD Fire Code Inspectors Jeff Huddleston and Rick Gysin, along with CSFD Deputy Fire Marshal Kristopher Cooper, into the addresses of and where I observed them to inspect both properties.

On December 19, 2019 I was able to review the CSFD Inspection Report completed by Fire Code Inspector Huddleston and found that multiple violations had been noted to include issues with carbon monoxide detectors not being installed, emergency escape and rescue openings not being adequate, to the egress of the basement being obstructed by a "false wall". Multiple other fire code violations were observed and documented in the seven page report.

Based on the above information, I would respectfully request that probable cause be found that Katelynne Dianna Leigh Nelson, DOB: 11/18/1988, SSN: \_\_\_\_\_ did within the City of Colorado Springs, County of El Paso and State of Colorado, commit in violation of the Colorado Revised Statutes 1973 as amended, the offenses of 18-18-403.5, Unlawful Possession of a Schedule II Controlled Substance, A Class Four Drug Felony (DF4) and 18-6-401, Child Abuse, A Class Two Misdemeanor (M2).

Samantha Lembergs 1613D

Applicant: Detective Samantha E. Lembergs 1613D  
Colorado Springs Police Department

Sworn and subscribed before me this day 23<sup>rd</sup> of December, 2019

[Signature]  
Judge