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FOR IMMEDIATE RELEASE

MOTHER ARRESTED FOR DEATH OF CHILDREN **Death of two children ruled hyperthermia**

Mesa County, Colorado— Sheriff's Investigators and District Attorney's staff, working with law enforcement authorities in the State of Florida, were notified today at 2:15 p.m. that Heather Jensen was arrested in North Fort Myers, Florida on a Mesa County warrant. Jensen is the mother of two young boys who died as a result of hyperthermia in November 2012.

The warrant was issued for Jensen earlier today in Mesa County District Court, charging her with two counts of Child Abuse Resulting in Death (class 3 Felony), two counts of Criminally Negligent Homicide (class 5 Felony), and one count of False Reporting to Authorities (class 3 Misdemeanor). That warrant affidavit is attached below with a bond amount of \$150,000.00 cash or surety.

Jensen was arrested without incident after leaving a family member's home. Sheriff's investigators coordinated with the US Marshal's Regional Fugitive Task Force and the Lee County Sheriff's Office to make the arrest. If Jensen is unable to make bond, she may waive extradition or it could be a long process before returning to Mesa County. Transportation arrangements of inmates to our facility will not be released.

###

Previously Released on December 04, 2012- Investigators were officially notified of the death of the Tyler Jensen, the 4-year-old child who had been in the Children's Hospital of Denver since last week. His brother, William Jensen, was 2-years-old, and passed away on Tuesday, November 27, 2012.

The Mesa County Coroner completed an autopsy of William on November 28th. However the results are not available at this time due to the on-going investigation.

All documents associated with this case remain sealed by a Judge, therefore not available to the media or public. In addition, no arrests or arrest documents have been obtained, filed or executed. This case remains active and on-going with updates provided as they become available.

###

Previously Released on November 28, 2012- Dispatch received a call at 6:30 p.m. yesterday of two children needing immediate assistance. Those children were located in a

passenger vehicle on the side of Powderhorn Road, just off Highway 65, on the Grand Mesa.

A 4-year-old male was transported to St. Mary's Hospital by CareFlight, but a second younger child had passed away. The Mesa County Coroner and investigators worked the investigation overnight and continue today. It is standard procedure to investigate the death of any child. The Coroner will release cause and manner of death after an autopsy has been completed.

The child at St. Mary's Hospital was transported to Children's Hospital of Denver overnight. Due to the active and ongoing status of this case, updates will be provided as they become available.

###

COMBINED COURTS, MESA COUNTY, STATE OF COLORADO
ACTION NUMBER 12 CR _____
Mesa County (Colorado) Sheriff's Department Incident 2012-00033894

ARREST WARRANT

THE PEOPLE OF THE STATE OF COLORADO,

TO: **ANY PEACE OFFICER IN THE STATE OF COLORADO, INTO WHOSE HANDS THIS WARRANT SHALL COME, GREETINGS:**

WHEREAS, Investigator Mike Piechota, a peace officer, has made Application and Affidavit for the issuance of an Arrest Warrant; and,

WHEREAS, the Application appears proper, and this Court is satisfied that there is probable cause to believe that the person named in the Application has committed the offenses of

1. CHILD ABUSE RESULTING IN DEATH (3F), two counts, in violation of CRS 18-6-401(7)(a)(II)
2. CRIMINALLY NEGLIGENT HOMICIDE (5F), two counts, in violation of CRS 18-3-105
3. FALSE REPORTING TO AUTHORITIES (3M), one count, in violation of CRS 18-8-111

YOU ARE THEREFORE COMMANDED TO ARREST

HEATHER LYNN JENSEN, DOB 04/23/88, W/F, 5'3", 127 LBS, BROWN HAIR, BLUE EYES

and bring them without unnecessary delay before the nearest available Judge of the County or District Court.

It is therefore ordered that Bond is set in the amount of \$_____.

DONE this _____ day of January, 2013.

BY THE COURT

JUDGE

Return of Service

I certify I arrested this person on _____ at _____

Date / Time

_____, Mesa County, State of Colorado.

Location

Officer

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

IN THE MATTER OF:

The People of The State of Colorado

V.

Heather Lynn Jensen, DOB 04/23/88

and in support of the Application for Arrest Warrant, Investigator Mike Piechota, hereinafter referred to as "Affiant", presents the following Affidavit in support of Arrest Warrant and asserts the following:

1. That the Affiant is of lawful age and is a duly sworn law enforcement officer currently employed by the Mesa County Sheriff's Department and was so at all times relevant to the facts contained herein. All of the information herein contained was compiled by the Affiant in the course of a criminal investigation, including speaking with fellow law enforcement officers and named citizens. All locations referred to are in the County of Mesa, State of Colorado, unless specifically noted otherwise.

2. On 11/27/12 at 1829 hours, the Grand Junction Regional Communication Center (GJRCC) received a 9-1-1 call from a female, later identified as Heather Lynn Jensen, DOB 04/23/88, who reported her 2 year-old son (later identified as William Hayes Jensen, DOB 05/03/10) was unconscious, not breathing, and had no pulse. Heather provided her location as on Powderhorn Road, just off Highway 65, near the town of Mesa, Mesa County, Colorado. Records show Powderhorn Ski Resort, which is located in close proximity of where Heather was at, has an address of 48295 Powderhorn Road, Mesa, Mesa County, Colorado. The initial call from Heather lasted 11 minutes until it was terminated on her end. Dispatch attempted several times to contact Heather after the initial call was terminated. The first time they got a hold of her was at 1841, but the call was again terminated on her end. At 1847 hours, Heather did answer the call and it was at that time dispatch learned of Heather's 4 year old son (later identified as Tyler Brandon Jensen, DOB 06/27/08) was also on scene and also being unconscious and unresponsive. Heather described Tyler as breathing but hearing a "gurgling" sound with every breath. This time they remained on the line with her until paramedics arrived.

3. Once emergency medical staff (Plateau Valley Fire Protection District) arrived at Heather's location they continued providing urgent care to both Tyler and William. While on scene they also spoke to Heather in an attempt to get information as to what had occurred. Paramedic Mark McIntire said he felt Heather was "very vague" as to the timing of the events she disclosed. She has told him that she had left both children in her vehicle with the vehicle running and the heater on. She advised the vehicle had no mechanical problems that she knew of.

4. After the ambulance arrived on scene the EMT staff communicated with Dr. Neece at St. Mary's Hospital. William Jensen was pronounced dead at the scene. Tyler Jensen, who was still alive at the time, was transported to St. Mary's Hospital by Careflight. He was then transferred to Children's Hospital in Denver in critical condition, where he remained until he died on 12/03/12.

5. After the 9-1-1 call was dispatched out MCSO Deputy Tim Orr responded to the scene. Upon arrival he observed two children lying on the ground. Once medical personnel arrived on scene Deputy Orr spoke to Heather. Heather told him she had taken her two sons to play in the snow near Powderhorn Ski Resort. After the boys played, she put them in their car seats and started her vehicle, a red 1995 Toyota 4-Runner. Heather stated she stood outside the vehicle, smoking a cigarette, and then spoke to a friend who happened to drive by. Heather said after about 10 minutes, she got in the vehicle and started driving home. She described hearing Tyler making gurgling noises within minutes of driving away. Heather said she pulled over to check on Tyler and then discovered that William wasn't breathing. She then called 9-1-1.

6. The 1995 Toyota 4-Runner, bearing Colorado plates 589YUK, which was still on scene, is registered to Heather Jensen. The vehicle was parked on the north side of Powderhorn Road, facing east. The vehicle was seized and towed to the alternate storage building at the Mesa County Sheriff's Office, 215 Rice St., Grand Junction, CO.

7. During the initial on scene investigation it was learned that Heather had been married to Eric Brandon Jensen, who had died in a vehicle accident in October 2012. Eric was the biological father to both William and Tyler.

8. At 2050 hrs and at 2210 hrs MCSO Investigator J. Hebenstreit interviewed Heather Jensen. The first interview was at the hospital, the second at the MCSO. Heather, who reported living at 939 Iowa #6, Palisade, Mesa County, Colorado, provided several different stories to Inv. Hebenstreit as to what happened, who she was with, and the time frame she had left the boys in her vehicle. As the interview matured she changed her initial story and described contacting a male friend, later identified as Colten Childers, on the afternoon of 11/27/12 and making arrangements to meet him near the Powderhorn Ski Resort. At one point during the interview she described having "an affair" with Colten. Heather told Inv. Hebenstreit after her sons played in the snow, she put them in their car seats and started her vehicle. She described standing outside with Colten and then getting into his truck, which was parked next to her 4-Runner. Heather admitted that she left her two sons alone in her 4-Runner, with its engine running, for approximately 90 minutes before she returned to the vehicle and drove away.

9. After speaking with Heather, Inv. Hebenstreit interviewed Colten Childers. During this initial interview he stated when he arrived at Powderhorn he witnessed the boys playing outside of Heather's vehicle. Colten said after a short period of time the boys' went back into the Toyota, where they remained the rest of the time they were at Powderhorn.

10. On 11/27/12 at 2245 hrs this affiant, who was assigned the case, interviewed Peter Eugene Stein-Gillette, DOB 04/11/88, at the MCSO. Peter said he had been dating Heather for approximately 2-3 months, was currently her boyfriend, and was residing with her in Palisade. He was introduced to Heather through his cousin, Sharon Romero, who lives next door to Heather. As far as staying with Heather in Palisade, Peter said he started staying there two days after Eric died. Peter acknowledged that he was dating Heather while she was still married to Eric.

11. Peter said around 1600-1630 he called Heather and asked what she was doing. Reportedly she told him she was on her way to the Mesa with the boys. Heather told Peter that she wanted to let the boys play in the snow.

12. Around 1800 hrs Peter sent Heather a text (SMS) message asking if they were having fun. Peter said he did not get a response from Heather until approximately 1830 hrs, at which time she texted him, saying they were having fun and were still up in the Mesa. (These times change somewhat during subsequent contacts with Peter.)

13. At approximately 1845 hrs he missed three consecutive calls from Heather. Peter said he tried to call her back without success between 1845 and 1900 hrs.

14. At approximately 1900 hrs he received a call from Heather telling him about what was happening with her boys. She told him they were en route to St. Mary's Hospital. Peter said he got into his truck and headed to St. Mary's Hospital.

15. I asked about Heather's vehicle. Peter said it was a 1995 Toyota 4Runner. Peter said the only work he knew had happened with the vehicle was the ball joints were changed and it had an alignment. (On 12/19/12 I spoke with Arturo Quezada, DOB 07/14/86, who was the person who fixed the vehicle's ball joints on the front end. I asked if he observed anything else wrong with the vehicle when he worked on it. Art said no, but he added that he really wasn't looking for anything else. Art told me he drove it and did not hear or feel anything wrong at the time.) I asked if he ever drove it. Peter said no, it was not an automatic transmission. I asked if Heather mentioned anything about getting headaches while driving the vehicle. Peter said he sometimes gets headaches while in her vehicle, to include yesterday when he was in it. I asked if it smelled like the exhaust was making its way into the vehicle. Peter said no, he could smell nothing out of the ordinary inside the vehicle.

16. On 11/28/12 Inv. Hebenstreit spoke by phone to Dr. [REDACTED], a pediatric resident at Children's Hospital in Denver, Colorado. Dr. [REDACTED] stated she did not believe Tyler Jensen was suffering from carbon monoxide poisoning, as originally assumed, based on his blood tests.

17. On 11/28/12 Investigators executed a Search Warrant on Heather's Toyota. During the course of said search, David Wolny, who is employed as a mechanic with Mesa County Fleet Management, conducted a visual inspection of the exhaust system and found no visible defects or leaks. Investigators also observed the heat setting inside the vehicle was set to the maximum heat level, and the fan was off.

18. On 11/28/12 I spoke with Peter Stein-Gillette. Peter said he and Heather were on the same AT&T phone plan and he was able to pull up all her calls and text (SMS) records for the past day. Peter said once he receives the email from AT&T he wanted to forward it on to me. Subsequently I received five different electronic messages from Peter containing lists of phone and text (SMS) logs. A review of that information follows later in this affidavit.

19. On 11/28/12 I spoke with Samuel Williams, DOB 05/24/71, the Director of Mountain Operations for the Powderhorn Mountain Resort. Williams said he was leaving work at Powderhorn at approximately 1730 hrs on 11/27/12 when he located two vehicles parked parallel to each other, both facing North, perpendicular to Powderhorn Road. Williams said they were in a pull off area just down from the resort. Williams said there was a white diesel Ford pickup and a red SUV (unknown make or model). Williams said he made contact with the two occupants of the white truck by pulling his vehicle in parallel to the truck. Williams said there was an adult white male in the driver's seat, and an adult female in the passenger's seat. Williams said the truck was running when he pulled up, but

the male turned it off so they could talk. Williams said he asked what business they had up there and the male said they were just enjoying the scenery. (Williams said he was concerned they might have been night skiers or hunters which was why he made contact with them.) Williams said he was content with their answer so he left them alone. I asked about the red SUV. Williams said he could not tell if it was running or not, nor did he notice if anyone was inside. However, Williams admitted he was concentrating on the occupants of the truck so he did not pay much attention to the SUV.

20. On 11/29/12 I spoke again with Peter Stein-Gillette. Peter said he was ready to break up with Heather because she kept lying. Heather kept changing the amount of time she was out of her vehicle that night. It has fluctuated from 5-10 minutes, to 10-15, then to 15-20 minutes, and now he was hearing it was almost 90 minutes that she was out of her vehicle. Peter also wanted me to know that Heather had disclosed to him that she had been smoking "weed" while on the Mesa with Colten. On 11/30/12 Peter Stein-Gillette again called and told me that Heather told him that day that the boys were never out of the vehicle, that they had slept the entire time.

21. On 11/30/12 I received a call from Erna Kathy Mayberry, who is Peter Stein-Gillette's foster mother. Kathy said she watched Tyler and William Jensen on 11/26/12 and the boys acted normal and seemed just fine.

22. On 11/30/12 Inv. Hebenstreit interviewed Colten Childers a second time. Colten said "the kids never got out of the car. They never did." Colten said when Heather arrived, her boys had fallen asleep and she turned her engine off. When they first arrived, Heather gave Colten a hug and said to him "You have never met my babies have you?" Heather opened the rear passenger door and Colten saw them both sleeping in their car seats.

23. After she showed him the boys, Colten indicated they stood outside for a while. Later it started getting "chillier" and Heather started her vehicle up to warm it up for her kids. Colten said he and Heather decided to get into his truck and he started it. While they were inside his truck Colten talked about Heather giving Tyler her phone to play with when they saw the door to her vehicle open. Colten said Heather commented "They're awake" referring to her boys. She went to her vehicle and gave Tyler her telephone to play with. Colten said he never saw Tyler open the door. Inv. Hebenstreit asked if the boy got out of his car seat to open the door and Colten said no. Colten stated Heather told him she didn't like them opening the car doors, so after she gave Tyler her phone, she engaged the child lock and closed the door.

24. Upon getting back into his truck he and Heather ended up having sexual relations, and once they were done, he got out to have a cigarette. Heather then also got out of his truck and Heather told him she had to get going. Heather got in her vehicle and left.

25. Inv. Hebenstreit asked why they decided to meet that day at Powderhorn. Colten said he had suggested it during one of their phone conversations. Colten confirmed that both vehicles were parked facing north and Heather's vehicle was on his left side (west of his vehicle).

26. Colten indicated it was around 1630 or 1700 hours when they got into his pickup. Inv. Hebenstreit asked if Heather's vehicle was running at that time. Colten said no, adding "She didn't start it until after we were sitting in my truck for a little while." He estimated they sat in his truck for 30 minutes to an hour before Heather went back to her vehicle and started it. Inv. Hebenstreit asked if either of the boys woke up during that time. Colten said no, but added "I don't think so...they

could have been awake the whole time playing the game...I never checked on them..." Colten said the only time he saw Heather's boys was when they first arrived. He said Heather's back windows were tinted and he couldn't see inside her vehicle from where he was sitting. Inv. Hebenstreit asked if Heather checked on the boys. Colten said Heather "Kept looking over" from the passenger seat.

27. Inv. Hebenstreit asked if he could hear anything from Heather's vehicle. Colten said he could hear it running, but that was all. Inv. Hebenstreit asked if he heard the boys crying or making any noise from Heather's vehicle. Colten said no, adding that his window was down and she rolled down the passenger window when she smoked a cigarette. Inv. Hebenstreit asked if the windows in Heather's vehicle were rolled down and Colten said he didn't think so.

28. Inv. Hebenstreit asked if there was any period of time when Heather was with the boys and he couldn't see her. Colten mentioned Heather going to her vehicle twice; first to give Tyler her phone, and a second time when she started her vehicle.

29. During Inv. Hebenstreit's interview with Colten I was provided Colten's cell phone and was authorized to document the text (SMS) messages between him and Heather. The first message on 11/27/12 was from Heather to Colten at 0937 hrs, where she asked about another party's telephone number. At 1035 hrs Heather sent a text message to Colten asking him to call her. At 1413 hrs Heather sends a message to Colten asking if he was in Collbran because she was thinking about taking a drive. Colten responded by say he was in the Collbran area.

30. On 12/04/12 I interviewed Peter Eugene Stein-Gillette, in person again. Peter and I reviewed the cell phone records he had forwarded to me. Peter confirmed the records he provided were only for Heather's line and they were listed in our time zone.

31. The records themselves covered calls from 11/26/12 at 1931 hrs to 11/28/12 at 0723 hrs; and the SMS (text) messages from 11/26/12 at 1500 hrs until 11/28/12 at 0642 hrs. I had noted there were a gap in the call log on 11/27/12 as the 911 call was not shown. Following the interview Peter and I went to my office where he pulled up his AT&T account on my computer and we printed the missing records. He was unsure why those records were not included in the batch he had sent me.

32. Using the records, as well as Peter's recollection of the events that day, the following is the time table for 11/27/12 (some of the times are approximate):

- 0700-0800 hrs: Peter said he got out of bed. Present in the residence was Heather and both boys.
- 0830-0900 hrs: Sammi Thomas, a 16 year old female who lives in the apartment below Heather's, arrived. (907.385.7739) Peter said Sammi was going to watch the boys that day but he and Shane (Hill) were joking around with her and something they had said to her had upset her so she did not want to watch the boys. I asked why Sammi was not in school. Peter said Sammi said she is home schooled.
- 0945-1000 hrs: Heather leaves for her meeting with Social Security and for her domestic violence classes. At this point Peter, Sammi, and the boys are home.
- 1000-1015 hrs: Ashley (Pettyjohn) and Shane (Dial), along with 3 unknown individuals, arrive at the apartment. Peter said Ashley and Shane were there to move their property out of the apartment as they were no longer staying there.
- 1000-1130 hrs: Peter said this was Heather's appointment time at Social Security.

- 1115 hrs: Peter is still home with the boys, along with Ashley, Shane, the 3 unknowns when Shane (Hill) came over. For a period of time Sharon (Romero) and her son Jack, stopped in for a little while. It is around this time that Peter turns the boys over to Shane (Hill) as he, Peter, left for work. Peter said the boys were normal and healthy boys when he turned them over to Shane (Hill).
- 1130 hrs: Peter starts work at Palisade Retreat (an assisted living program for the elderly).
- 1148 hrs: Heather called Peter to let him know she was done with her social security meeting and was heading to her domestic violence class.
- 1200-1330 hrs: Heather should have been in her domestic violence class. Peter did not know where Heather attends this class.
- 1332 hrs: Heather called Peter to let him know she was done with her domestic violence class, and also asked him about borrowing money from a co-worker.
- 1341 hrs: Heather called Peter. Peter said this call was about nothing significant that he could remember, thinking perhaps they spoke about their renting situation.
- 1400 hrs: Peter said he believed Heather picked up the boys from Shane (Hill) about this time.
- 1415 hrs: Peter said Heather and the boys, who he personally sees, arrive at his work to pick up the money Peter had borrowed for Heather from a co-worker. The cell log showed a call at this time to Peter, which was how he knew she was there. Peter said he knew Heather to have hung out in the parking lot of his work until approximately 1439 hrs. Peter said Heather tried calling him at 1439 hrs, however he did not answer the phone, believing she was just going to tell him she was leaving the parking lot.
- 1647 hrs: Peter had sent Heather a text message asking if she was having fun. There were two messages sent because he had a typo in the first message.
- 1824 hrs: Heather responds to Peter's text messages, saying they were having fun.
- (1829 hrs: The 911 call is received at GVRCC)
- 1900 hrs: Heather tried calling Peter multiple times
- 2027 hrs: Heather called Peter while she was with deputies, he thought, and he was waiting for her at St. Mary's Hospital. Peter said when he arrived there he left shortly thereafter because Eric Jensen's family was there/arriving and he did not want conflict.
- 2116 hrs: Heather called Peter, he missed the call, but called her right back. Peter thought he was at Kathy Mayberry's residence waiting for Heather to call so he could go back to St. Mary's.

33. Peter said during his subsequent conversations with Heather after the incident she made the comment that while she was on the Mesa and parked, someone contacted her and asked her if she was there, at that location, to hunt. This is consistent with Samuel Williams' previous statement to me.

34. During the course of the investigation we spoke with several people, to include Sammi Thomas, DOB 09/18/96; Shane Hill, DOB 09/05/80; Ashley Pettjohn, DOB 07/16/93; Sharon Romero, DOB 12/06/78; and Aubony Boomer, DOB 12/23/89. All those we spoke to who saw the boys the morning of 11/27/12 stated the boys were fine and in good health.

35. On 12/04/12 Sgt. Stoffel received the historical medical records for William and Tyler Jensen. Sgt. Stoffel reviewed the records and neither child had any significant pre-existing medical issue.

36. On 11/30/12, 12/04/12, and 12/11/12 Inv. Ehlers conducted experiments on Heather's vehicle. Carbon Monoxide showed no levels that would cause harm on humans. However, he tested the heat inside the vehicle twice, with the vehicle at the approximate location of where the incident took place.

- The first test was with the heat all the way on the hot setting, the fan at medium, and two windows cracked. The temperature at the start of the test was between 48 and 52 degrees. After half an hour the temperature inside the vehicle jumped to 114-123 degrees. After an hour and a half the temperature was between 127-145 degrees.
- The second test was with the windows rolled up, the heat at the highest setting, and the fan speed at high. The temperature at the start of the test was 48-50 degrees. After 30 minutes it jumped to 125-132 degrees. After an hour it was 130-136 degrees.

37. On 12/12/12 I called and spoke with Mr. Ed Nugent, the attorney representing Heather Jensen. I asked if Heather would be willing to submit herself to another interview with investigators. Mr. Nugent declined the offer.

38. On 12/13/12 I received the two prior Department of Human Services, Division of Child Welfare hotline reports involving Heather Jensen. Both reports will be placed into the case file.

- The first report was dated 01/25/11 at 1610 hrs. The reporting source (RS), listed only as a neighbor, called in and reported that Heather was smoking marijuana in front of her children. The RS witnessed the activity a month prior to make this report. The RS also said the father of the children, Eric (Jensen), was not involved, only Heather was. DHS noted the RS might be retaliating against Heather as that RS had made another referral on a different family with the same information.
- The second report was dated 08/14/12 at 1404 hrs. The reporting source was listed as [REDACTED] a counselor with Personal Growth Counseling. [REDACTED] had a concern because Heather reported that [REDACTED] was sleeping at a neighbor's house and someone heard an 11 year old asking [REDACTED] to kiss something and [REDACTED] said no didn't want to. This matter was referred to the Palisade Police Department, who opened a case (2012-1937) the next day. Palisade Police closed their investigation as non criminal on 08/20/12.

39. On 12/20/12 I interviewed Colten Childers for a third time. I explained to Colten that the reason I wanted to talk again with him was to review in greater detail the time frame of what happened on the Mesa on 11/27/12. I explained I had obtained phone records which I showed him to help with his recollection of the events that took place.

40. The first message between he and Heather Jensen on 11/27/12 was at 0937 hrs, but the events of the day came into motion when Heather sent him a text message ("Call me") at 1035 hrs. She also tried to call him but he missed the call. Colten said he did call her at 1103 hrs. It was during that conversation that Heather first mentioned her desire to drive up to the Mesa with her kids. Colten said he told her if she did he would be able to meet her up there.

41. At 1433 hrs Heather called Colten and said she was getting fuel at the Maverick in Clifton and then she was headed up the Mesa. It was during this call that they agreed to meet at Powderhorn. This was the last time he actually spoke to Heather before meeting her.

42. Colten said close to 1600 hrs Heather arrived at Powderhorn. Colten said he arrived about 5 minutes before Heather, who pulled in next to him. Colten said she parked her vehicle next to the driver's side of his truck. When she first arrived they both turned off their vehicle engines and stood outside for a while talking. About five to ten minutes after she arrived she commented about him seeing her boys (Tyler and William Jensen). Colten said Heather opened the passenger rear door, next to Tyler, and showed Colten her boys. Both boys were sleeping. Both were clearly breathing as he could see their chests rising and lowering, and both had their heads up and back, resting against the corners of the child safety restraints. I asked if he witnessed any food or drinks in or around their child seats. Colten said he did not notice any.

43. I asked about open windows on Heather's vehicle. Colten said he did not believe any windows were down at all, to any extent, on the passenger side of her vehicle, but he never really looked at the driver's side.

44. After about an hour (approximately 1700 hrs) both he and Heather got into his truck. When they first entered his truck both he and Heather's vehicle were still off. However, about 15 minutes (1715 hrs) after they got into his truck Heather exited his truck to start her vehicle. She then returned to his truck and he also turned his truck on. Colten said from when Heather started her vehicle, at approximately 1715 hrs, her vehicle never turned off until after the boys were found unconscious.

45. I asked him about a male contacting he and Heather at (approximately)1730 hrs. Colten said he recalled the male pulling in next to his truck, on the passenger side, and asking if they were there to hunt. Colten confirmed he turned his truck engine off so he could hear the male. As soon as the male pulled away he started his truck up again. I asked how long that contact lasted. Colten said less than a minute.

46. After the male pulled away the two sat in his truck until he saw Heather's rear passenger door open several times, guessing around three times. Colten said it was clearly a human opening and closing the door, not the wind. Colten said the door opened only a far his Tyler's arm could reach. I asked what time this occurred. Colten said around 1740 hrs.

47. When he saw the door open Colten said Heather got out of his vehicle and went to Tyler's door. Colten said she opened the vehicle door all the way and provided her phone to Tyler and activated the child safety locks on the door. I asked if he heard her talking to Tyler. Colten said he did not hear anything. I asked what Heather said when she returned to his vehicle. Colten said she just commented about not liking the boys opening the door so she put the child door locks on and that Tyler was awake so she gave him her phone. I asked how long she was out of his truck. Colten said 3-5 minutes.

48. I asked about Heather's cell phone. Colten said prior to giving it to Tyler she had it out and in her hands. What she was doing on it he did not know. What he did know was when she returned to his vehicle after Tyler had opened the door she no longer had it out.

49. Around 1745 hrs Heather is back in his truck after giving Tyler her phone. The two were still in the front seat for about the next 15 minutes. Around 1800-1810 hrs they moved to the back seat of his truck, at his suggestion, and engaged in sexual relations. When they finished they both got dressed and got out of his truck. Colten said he smoked a cigarette while she went around his vehicle to urinate.

50. Colten said when she finished she said she had to get going because she needed to pick up a prescription. Colten said they hugged and Heather got back into her vehicle, guessing it was around 1820 hrs at this point.

51. I asked if, between 1745 hrs and 1820 hrs, Heather ever left his vehicle to check on the boys. Colten said no. I asked if he could see from inside his truck into her vehicle. Colten said no, the windows are tinted and it was too dark to see. I asked if Heather had moved her head around to look at the boys in her vehicle. Colten said she did several times, and perhaps she was at such an angle that she could see them, but he could not. I asked if this happened when they were in his front seat or back. Colten said only while they were sitting up front.

52. Colten said Heather pulled away first. There was a text message to Peter Stein-Gillette at 1824 hrs that Colten did not witness her send. Thus Heather would have already been inside her vehicle and had already retrieved the phone from Tyler's possession when she sent it. I asked if he saw Heather open Tyler's door to retrieve her phone. Colten said no, he figured she reached back from the driver's seat to retrieve it.

53. A few minutes later, after he got his dog back in the truck, Colten said he backed up and started to drive towards Hwy 65. Right as he was coming around a small bend in the road he saw that Heather had pulled over and she was out, moving around the back of her vehicle to Tyler's door and opening it. Colten said he saw Heather taking Tyler out of the vehicle at about the time Colten drove up on her and stopped in the middle of the road.

54. After he stopped he got out of his truck and went to William's door to check on him at her request. When he opened William's door he said he observed William being really pale. Colten said he never touched William, but could see that William was not breathing. Colten said William's head was still resting in the corner of the child seat, but he noted it was the other corner from where his head was lying when he first saw him. Colten said he also noted a yellow discharge coming from William's nose, which was down his cheek and on his clothes.

55. I asked how warm Heather's vehicle was when he opened William's door. Colten said "pretty warm", but with all that was going on at the time he really could not recall how warm "pretty warm" was.

56. Colten said he returned to Heather and said she needed to help William. Colten said he took Tyler and sat with him. Colten said Tyler seemed "really warm" to the touch, but not sweating. Tyler was also not pale like William was. Tyler did have the same yellow discharge from his nose, but not as much as William had.

57. I asked about her asking him to lie to the police. Colten said she did, she wanted him to leave when authorities showed up. I asked if he thought that was odd considering everything that was happening at the time. Colten agreed it was odd she would be thinking about that when her kids were in distress.

58. In summary, based on Colten's statement on this date, the timeline (approximate) is as follows:

- 1555 hrs Colten arrives at the Powderhorn location
- 1600 hrs Heather arrived at the Powderhorn location (and turns her Toyota off)
- 1610 hrs Heather shows Colten her two sleeping children (Toyota off)
- 1700 hrs Heather and Colten enter his vehicle (Toyota off)

- 1715 hrs Heather exits Colten's vehicle and starts her vehicle (Toyota on)
- 1740 hrs Colten observes Heather's Toyota door open. Heather exits her vehicle and returns within minutes. (Toyota on)
- 1800-1810 hrs Colten and Heather move to the back seat of his vehicle (Toyota on)
- 1820 hrs Heather returns to her vehicle (Toyota on)

59. Using this time table the Toyota was running from 1715 hrs until 1820 hrs, 65 minutes, with no adult being seated in it to regulate the temperature. There is no evidence to support that Heather entered the front compartment of her vehicle when she checked on the child opening the door thus no evidence to support the temperature was altered. If one considers when Heather went to check on the children (1740 hrs), then the children were left alone and unattended in her running vehicle for 40 minutes.

60. It is important to note that Colten's last account of events of what happened on 11/27/12 is the most reliable and is corroborated by the investigation. His account of events is very different than what Heather had reported to us during all her contacts with the MCSO.

61. On 12/20/12 Assistant DA Rich Tuttle, MCSO Lt. Rosales, Sgt. Stoffel, Inv. Hebenstreit, and myself, along with Dr. Kurtzman (dialed in) had a conference call with Dr. [REDACTED] with the Children's Hospital of Colorado. Dr. [REDACTED] identified herself as Tyler Jensen's primary attending physician. Two other physicians did see Tyler, Dr. [REDACTED] and Dr. [REDACTED], but only for a day each. Dr. Kurtzman spoke to Dr. [REDACTED] about Hyperthermia as a cause of death and Dr. [REDACTED] said she had not observed anything to contradict that finding.

62. On 11/28/12 and 12/04/12 Dr. Kurtzman completed postmortem examinations on William and Tyler Jensen (respectively). On 12/27/12 the MCSO received his report. He ruled the cause of death for both children as Hyperthermia and the manner Accidental. However, he wrote:

"Leaving children unattended in motor vehicles has well known risks associated with various forms of fatal and non-fatal injury; in particular, hyperthermia deaths occurring as a result of sun exposure in automobiles in temperate environments is well known. Other risks include, but are not limited to: Carbon Monoxide inhalation, entrapment in power windows, hypothermia, positional asphyxia, and engagement of the drive train leading to collision. Despite the likely unrecognized risk of hyperthermia in this case, the deliberate and reckless act of leaving the decedent and his brother in an unattended running motor vehicle constitutes neglect and is the sole cause directly responsible for the death of this decedent and his sibling. Despite neglect being the direct precipitating factor in the death of the decedent and his sibling, deliberate intent to kill cannot be established with certainty; therefore, the manner of death is classified as accident. The manner of death may be reclassified as homicide if additional information becomes available."

63. That the Defendant is identified based upon Mesa County Sheriff's Department records as follows: Heather Lynn Jensen, DOB 04/23/88, who is a white female, standing 5'3", weighing 127 lbs, with blue eyes and brown hair.

64. That the Victims are identified based upon Mesa County Sheriff's Department records as follows: Tyler Brandon Jensen (deceased); and William Hayes Jensen (deceased)

65. That based upon the above information, the Affiant has probable cause to believe the following:

- That the Defendant, on November 27, 2012, in Mesa County, Colorado, committed Child Abuse resulting in Death (3F), in violation of CRS 18-6-401(7)(a)(II) (William Jensen);
- That the Defendant, between November 27, 2012 and December 4, 2012, in Mesa County, Colorado, committed Child Abuse resulting in Death (3F), in violation of CRS 18-6-401(7)(a)(II)(Tyler Jensen);
- That the Defendant, on November 27, 2012, in Mesa County, Colorado, committed Criminally Negligent Homicide (5F), in violation of CRS 18-3-105 (William Jensen);
- That the Defendant, between November 27, 2012 and December 4, 2012, in Mesa County, Colorado, committed Criminally Negligent Homicide (5F), in violation of CRS 18-3-105 (Tyler Jensen); and
- That the Defendant, on November 27, 2012, in Mesa County, Colorado, committed False Reporting to Authorities (3M), in violation of CRS 18-8-111.

66. That your Affiant respectfully requests the issuance of a warrant for the arrest of Heather Lynn Jensen, DOB 04/23/88, for the above-named offenses.

Investigator Mike Piechota
Mesa County Sheriff's Office
215 Rice Street
Grand Junction, CO 81505

The foregoing Attachment was subscribed and sworn to or affirmed before me on this 16th day of January, 2013, by Investigator Mike Piechota.

Notary Public

My commission expires _____.