## **Mesa County Sheriff's Office**

**Sheriff Stan Hilkey** 

HEATHER S. BENJAMIN

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## December 22, 2010 FOR IMMEDIATE RELEASE



## **CLIFTON WOMAN ARRESTED FOR ARSON**

Clifton Fire Dept pairs with Investigators

Mesa County, Colorado— A 22-year-old Clifton woman was arrested this afternoon by deputies for Arson, Criminal Mischief, Child Abuse, Reckless Endangerment and False Reporting. Kayla Settle is accused of setting the apartment where she lived, on fire, November 19, 2010. Her brother and children were in the home at the time of the fire.

This investigation was a partnership between investigators and the Clifton Fire Department. Settle's affidavit is attached for more details. She is currently going through the booking process, and a booking photo will be made available once she completes booking.

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## COMBINED COURTS, MESA COUNTY, COLORADO

Criminal Action No. 2010CR	 
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AFFIDAVIT IN SUPPORT OF ARREST WARRANT	

V.S.

KAYLA SETTLE DOB: 11/22/88

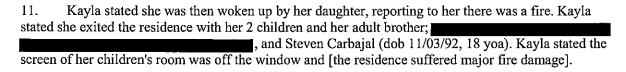
PEOPLE OF THE STATE OF COLORADO

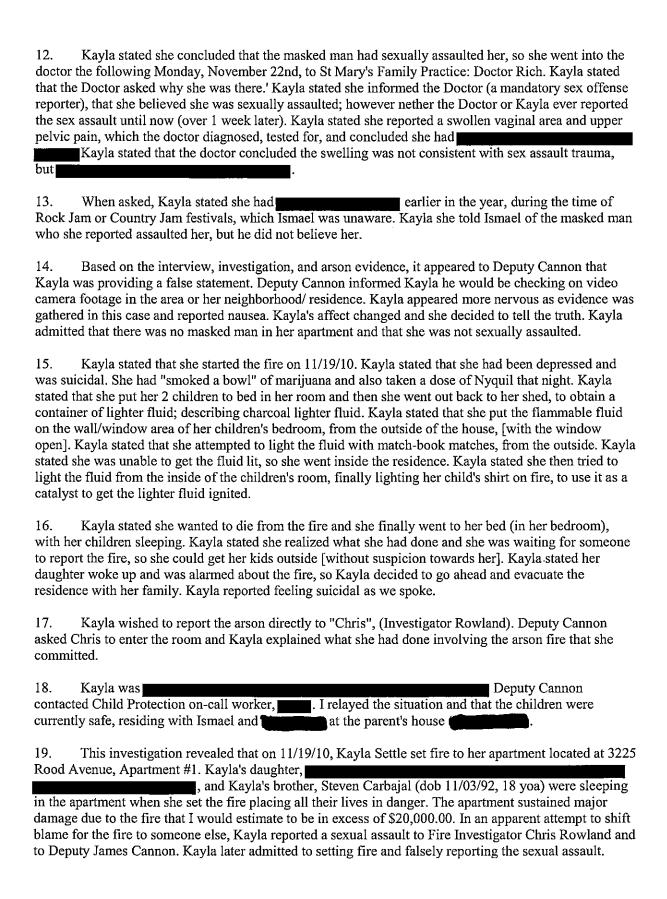
**DEFENDANT** 

COMES NOW, Tim Henderson, being of lawful age and first duly sworn upon oath, states and alleges in support of an arrest warrant for the above-named Defendant as follows:

- 1. Your affiant is a duly employed law enforcement officer with the Mesa County Sheriff's Office, Grand Junction, Colorado at all times relevant to this affidavit. The information contained in this affidavit was compiled by your affiant in the course of an official criminal investigation by speaking to fellow law enforcement officers, citizen informants, personal observations, and reviewing official law enforcement reports. All locations referred to are in Mesa County, Colorado unless specifically noted otherwise.
- 2. On 10/24/10, members of the Clifton Fire Department and Deputies responded to 3225 Rood Ave. Apartment #1 for a reported arson fire. Suspects attempted to burn the apartment and a vehicle parked out front. This incident is still under investigation (MCSO Case 10L9014).
- 3. On 11/19/10, about 0819 hours, Deputies Ross Young and Jamie Pennay and were dispatched to a structure fire at 3225 Rood Ave #1, Mesa County, Colorado (MCSO Case 10L9716). Upon his arrival, Deputy Young observed a large column of black smoke emitting from the front door of apartment #1. Deputy Young immediately began evacuating the residents of the building. Deputy Pennay arrived and assisted with making sure all of the residents of 3225 Rood Ave were clear of the fire. The Clifton Fire Department arrived and began operations to control and extinguish the fire in apartment #1.
- 4. Deputy Young spoke with the reporting party, Kayla Settle, who was at a neighbor's residence. Kayla was extremely upset, she was crying hysterically and physically shaking. Deputy Young attempted to calm Kayla down and after awhile she was able to speak with him about what happened. Kayla stated she was asleep in her bedroom when she was woken up by her children telling her the house was on fire. Kayla stated she awoke to black smoke filling the entire apartment. Kayla stated she grabbed her children, woke up her brother who was sleeping on the couch in the front room, and left the apartment. Deputy Young asked Kayla if everyone was ok. She stated her, her brother, and her children were all safe. Kayla stated her husband, Ismael, wasn't home last night.
- 5. Deputy Young spoke with Kayla's brother, Steven Carbajal. Steven stated he was asleep on the couch in the living room when he was woke up by Kayla stating the house was on fire. Steven stated he woke up to the living room filled with black smoke. Steven stated Kayla told him the fire started inside the house in the kids bedroom.

- 6. On 11/19/10, about 0830 hours, I was advised of the second fire at 3225 Rood Avenue #1. I spoke to Deputy Jamie Pennay who was on scene with the Clifton Fire Department. Deputy Pennay said Clifton Fire Department Arson Investigator Chris Rowland was on scene conducting an origin and cause investigation and he would be there most of the day.
- 7. I later responded to 3225 Rood Avenue and arrived about 1000 hours. I spoke to Arson Investigator Chris Rowland who was in the initial stages of his investigation. Rowland escorted me through the apartment and it was apparent the most damage to the apartment occurred in the southeast bedroom which had been identified by Kayla Settle as her children's bedroom. I walked around the outside of the apartment to the back yard. I saw that the screen had been removed from the southeast bedroom window and was lying on the ground underneath some debris. I later spoke to both Kayla Settle and Ismael Gaona who said the screen had been in place prior to the fire. During subsequent interviews that day, Ismael and Kayla provided information they had intentionally not disclosed during the initial investigation of the fire that occurred on 10/24/10. Specifically, they told me about two fights that occurred that morning between Ismale and his friends and the suspects of the arson.
- 8. On 11/27/10, about 2328 hours, Deputy James Cannon was dispatched a sex assault report that occurred at 3225 Rood Avenue #1 (MCSO Case 10L9920). The complainant, Kayla Settle, was waiting at Clifton Fire Department. Deputy Cannon arrived and spoke with Clifton Fire Investigator Chris Rowland. Deputy Cannon was told that Kayla had returned to the fire department to provide additional information about the fire that occurred at her apartment on Friday, 11/19/10. Kayla reported to Chris that she was also a sex assault victim concurrent with the arson's time frame. Investigator Rowland, having enforcement jurisdiction over only Arson statues, and also being medical staff with the fire department (mandatory sex offense reporter), referred the sex assault investigation to the Sheriff's Office.
- 9. Kayla reported that sometime between 0500 and 0800 on Friday 11/19/10, she heard a noise in her children's room at 3225 Rood Avenue #1. Kayla walked into the hall to investigate when she observed a male standing in her children's room. The male was wearing all black, ski mask, gloves, and a hood. The masked male pointed a gun at her. The male told her to turn around and he held his hand over her mouth. Kayla stated she smelled a chemical odor and became dizzy, as they exchanged a conversation to the effect that he was threatening to kill her and she was telling him he was not going to get away with it. Kayla could not determine the race or any other descriptors, except a strong male with a height of more than her, [5'2"].
- 10. Kayla mentioned that during the conversation/struggle, in the hall, she heard the sounds of someone walking in the gravel back yard, outside her children's room window. Kayla stated this noise was heard about the same time she felt that she was going to pass out. Kayla stated she remembered either walking or crawling to her bed next, in and out of consciousness as her body was limp. Kayla stated she remembered her "female parts", pointing to her vaginal area, hurting badly as she later awakened. Kayla stated again that she heard the sound of walking in the gravel, outside her children's room again, while she was lying on the bed in her room.





BASED ON THE FOREGOING, there is probable cause to believe that, KAYLA SETTLE, DOB 11/22/88, WHITE FEMALE, 5"02" TALL, 110 POUNDS, BLONDE HAIR, HAZEL EYES, committed the violations of C.R.S. 18-4-102(1) First Degree Arson a class three felony, C.R.S.18-4-501(1) Criminal Mischief over \$20,000.00 a class three felony, C.R.S. 18-6-401(1)(a) Child Abuse a class one misdemeanor, C.R.S. 18-3-208 Reckless Endangerment a class three misdemeanor and C.R.S. 18-8-111(1)(b) False Reporting to Authorities a class three misdemeanor. I respectfully request that a warrant be issued for the arrest of the above said defendant.

Investigator Tim Henderson #150	
The foregoing was subscribed and Tim Henderson.	sworn to before me on this 8th day of December, 2010 by Investigator
Notary	My Commission expires
STATE OF COLORADO	

County of Mesa

People v. KAYLA SETLE DOB: 11/22/88		
Criminal Action No. 2010CR		
STATE OF COLORADO County of Mesa		
The People of the State of Colorado, to any pea	ce officer:	
GREETING:		
Whereas a peace officer has this day made comundersigned Judge and relating facts sufficient of C.R.S. 18-4-102(1) First Degree Arson a class throver \$20,000.00 a class three felony, C.R.S. 18-6-407 C.R.S. 18-3-208 Reckless Endangerment a class three porting to Authorities a class three misdemeanor that KAYLA SETTLE, DOB 11/22/88, WHITE FEHAIR, HAZEL EYES, Named on the face thereo COMMAND YOU forthwith to arrest KAYLA without unnecessary delay before the nearest ju according to law.	to establish profee felony, C.R.S. (1)(a) Child Abuee misdemeanor, have been con MALE, 5"02" To f committed the SETTLE, DOB 1	bbable cause that the offenses 18-4-501(1) Criminal Mischief use a class one misdemeanor, and C.R.S. 18-8-111(1)(b) False mmitted and probable cause ALL, 110 POUNDS, BLONDE to offense, WE THEREFORE 11/22/88 and to take her
Given under my hand and seal, this	day of	, 2010.
Bail is set at \$		
		JUDGE
		JONGR