

CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE:**08-1-06974-1 KNT**

That T. Hodge is a Detective with the Federal Way Police Department and has reviewed the investigation conducted in Federal Way Police Department Case Number p0808370; There is probable cause to believe that RIOS, ALBERTO C., 081169, 2611 SW 333RD PL FEDERAL WAY, WA. 98023 committed the crimes of MANSLAUGHTER 19A.32.010 on ~~6-22-08~~@ 0002hrs at 2611 SW 333PL FEDERAL WAY, WA. 98023, Federal Way, King County, Washington.

This belief is predicated on the following facts and circumstances:

On 6-22-08 Officers were sent to 2611 SW 333rd Pl on a fire assist. The call was for an injured infant. The first call was that the baby had been bitten by a dog and the second call was that the baby had been burned.

When Police arrived on scene, they saw a Hispanic male holding what appeared to be an infant child wrapped in a jacket in his arms. The H/M was crying hysterically and rocking back and forth while he was sitting on the ground in the backyard. Officers saw an H/F Maria Santana screaming and crying and she kept crying about her child. Officers got a closer look at the child Albert was holding, and Officers could see that the infant child had a large hole in his head, and brain matter coming out of the large hole. Officers could also see that the child had charred skin. Albert was becoming ever more agitated and kept crying and saying over and over porque, porque. The child was obviously deceased, and Officers wanted to be gentle so They could get the child from Albert. After several minutes Officers gently took the child from Albert. Fire arrived on scene and pronounced the child dead on scene.

Upon my arrival to the scene, a female, verbally identified as Sonya Kendrick, approached Officers and informed them of the following.

She was sleeping and heard a loud banging on her door. She heard her neighbor Maria screaming in Spanish for help. Sonya came out and Maria was beginning to run back towards her house. She was yelling for Sonya to help her with the baby. Sonya knows that Maria and her husband, Albert, have a 6 month old baby named Diego. When she got into the backyard, she saw Albert laying face down cradling the baby near a fire pit. She thought that if the baby wasn't breathing she could help by doing CPR. Albert would not let go of the baby and was screaming loudly. She then realized that she could smell burnt ashes and saw that she had ashes on her hands. It was then that she understood that the baby had been burned.

Sonya stated that the family is a good family and that they took good care of the children.

Officers then transported the male, Albert, back to the FWPD for an interview. During the time in my vehicle, Albert was alternately sobbing and screaming. He also was asking over and over how this could have happened.

Investigation revealed that during the party, Albert had drank an unknown amount of alcoholic beverages. Albert stated that he had between 3-6 beers to drink, but was tired from working all day. He had a party because he had just finished a job and was celebrating the completion. After everyone left he had gone into the house earlier and found his wife on the couch with his son. Diego was crying and she told him that she thought he was getting sick. He told Maria that he would take Diego outside and let him sleep with him. His younger daughter, 4 years old, asked if she too could sleep outside with him. He agreed and he fell asleep with the baby on his chest and his daughter next to him. The next thing he knew, he woke up and the baby was not with him. He also saw that his daughter was also gone. He went back in the house and looked around and did not see his son. He woke his wife and asked her where Diego was and then he ran out to the pit and found the baby. Albert stated he grabbed Diego out of the fire pit, and scrapped the cinders of his back.

Wicklender stated she saw several people bringing in cases of beer into the house and could hear Albert starting to get loud. Wicklender's house is just north of Albert's house and she was in her bedroom with her window open. Wicklender stated there were a lot of loud voices and then all the cars left and it was quiet. She then heard screaming coming from next door. There was a female screaming let me go and it sounded like she was getting hurt. Then she heard males screaming "at the top of their lungs". The female began screaming louder and that is when she looked out and saw fire personnel arriving to the rear of the house.

On 062308 an autopsy was conducted on Diego. The Medical Examiner discovered soot from the fire in the esophagus revealing that the child was alive when he entered the fire pit.

Under the penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct. Signed and dated by me 6/24/2008, at Federal Way, Washington.



Det. T. HODGE

6/24/2008

Date

ORIGINAL

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8 CAUSE NO. 08-1-06974-1 KNT

9 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR
10 CONDITIONS OF RELEASE

11 The State incorporates the Certification for Determination of Probable Cause prepared by
12 Detective T. Hodge of the Federal Way Police Department under case number 08-8370.

13 In addition to the Certification, the State incorporates the following facts:
14 The defendant went to sleep outside on a bench within a few feet of a burning fire pit
15 with his baby, Diego Rios-Santana, lying on his chest. He fell asleep and awoke to find
16 the baby gone. He found the baby lying face-up in the fire pit, burned over his entire
17 body. The cause of death was determined by the medical examiner's office to be smoke
18 inhalation and thermal burns to one hundred percent of the total body surface of Diego.
19 The manner of death has been classified as homicide.

20 Under penalty of perjury under the laws of the State of Washington, I certify that the
21 foregoing is true and correct to the best of my knowledge and belief. Signed and dated by me
22 this 27th day of Kent, 2008, at Kent, Washington.

23

Charles K. Sergis, WSBA #29364

24 REQUEST FOR BAIL

25 Pursuant to CrR 2.2(b)(i), the State requests bail of \$1,000,000 based on the likelihood
26 that the defendant will fail to appear in response to a summons. Bail was set at \$1,000,000 at first
27 appearance. The defendant has prior convictions for Conspiracy to Deliver Cocaine (1994),
28 Possession of Cocaine (1991), Delivery of Cocaine (1991), Possession with Intent to Deliver
29 Cocaine (1991) and Possession of Marijuana (1990).

30 Prosecuting Attorney Case
31 Summary and Request for Bail
32 and/or Conditions of Release - 1

Daniel T. Satterberg, Prosecuting Attorney
Norm Maleng Regional Justice Center
401 Fourth Avenue North
Kent, Washington 98032-4429

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The defendant poses a significant flight risk. He is not a United States citizen and is in this country illegally. In addition, he has been deported to Mexico three times. If released on this charge, he will be placed in federal custody under an immigration detainer. The defendant would then likely be deported to Mexico, making it extremely difficult, if not impossible, for the State to prosecute him for causing his son's death.

Signed this 7th day of June, 2008.



Charles K. Sergis, WSBA #29364

SUPERFORM

CCN/JCN NUMBER

B/A NUMBER

PCN NUMBER

AGENCY: UNINCORPORATED KING COUNTY
 CITY OF FEDERAL WAY

08-8370

CASE NUMBER

FILE NUMBER

DATE OF ARREST/TIME		BOOKING DATE/TIME		ARREST LOCATION	
NAME (LAST, FIRST, MIDDLE/JR., SR., 1 ST , 2 ND) RIOS, ALBERTO CHACON					ALIAS, NICKNAMES
IDENTITY IN DOUBT? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DOB 08011969	SEX H	RACE M	HGT	WGT
EYES BRO			HAIR BLK		SKIN TONE
SCARS, MARKS, TATTOOS, DEFORMITIES					ARMED/DANGEROUS YES <input type="checkbox"/> NO <input type="checkbox"/>
LAST KNOWN ADDRESS 2611 SW 333 PL FEDERAL WAY, WA. 98023			CITY	STATE	ZIP
RESIDENCE PHONE 206-291-6841		BUSINESS PHONE		CITIZENSHIP	
OCCUPATION		EMPLOYER, SCHOOL (ADDRESS, SHOP/UNION NUMBER)			SOCIAL SECURITY NUMBER
DRIVER'S LICENSE #	STATE	AFIS #	FBI #	STATE ID #	
VEHICLE LICENSE #	STATE	YEAR	MAKE	MODEL	VEHICLE LOCATION
TOW COMPANY					
PERSON TO BE CONTACTED IN CASE OF EMERGENCY		RELATIONSHIP	ADDRESS		CITY
STATE		PHONE			
1) OFFENSE <input type="checkbox"/> DV MANSLAUGHTER 1		RCW/ORD# 9A.32.010	COURT/CAU#		CITATION #
2) OFFENSE <input type="checkbox"/> DV		RCW/ORD#	COURT/CAU#		CITATION #
3) OFFENSE <input type="checkbox"/> DV		RCW/ORD#	COURT/CAU#		CITATION #
4) OFFENSE <input type="checkbox"/> DV		RCW/ORD#	COURT/CAU#		CITATION #
ANY OTHER ADDITIONAL CHARGES		CRIMINAL TRAFFIC CITATION ATTACHED? YES <input type="checkbox"/> NO <input type="checkbox"/>	ACCOMPLICES		
LIST VALUABLE ITEMS OR PROPERTY LEFT FOR ARRESTEE AT JAIL					
LIST VALUABLE ITEMS OR PROPERTY ENTERED INTO EVIDENCE YES <input type="checkbox"/> NO <input type="checkbox"/> IF YES DESCRIBE: (SIMPLE DESCRIPTION, IDENTIFYING MARKS, SERIAL #)					
TOTAL CASH OF ARRESTEE \$		WAS CASH TAKEN INTO EVIDENCE? YES <input type="checkbox"/> NO <input type="checkbox"/> AMOUNT: \$		SIGNATURE OF JAIL STAFF RECEIVING ITEMS/SERIAL #	
ARRESTING OFFICER/SERIAL # T. HODGE		TRANSPORTING OFFICER/SERIAL #		SUPERVISOR SIGNATURE/SERIAL #	
SUPERFORM COMPLETED BY (SIGNATURE/SERIAL #)			CONTACT PERSON FOR ADDITIONAL INFORMATION (NAME/SERIAL #/PHONE) DETECTIVE T.HODGE 253-835-6764		

MISDEMEANOR BOOKINGS: Complete to this line. FELONY BOOKINGS: Complete both sides.
OBJECTION TO RELEASE (MISDEMEANOR OR FELONY) IS ON REVERSE SIDE.

C O U R T F I L E	SUPERIOR COURT. <input type="checkbox"/>		IN CUSTODY		COURT CAUSE (STAMP OR WRITE)	
	FILING INFO. <input type="checkbox"/>		AT LARGE		08-1-06974-1KNT	
<input type="checkbox"/>		OUT ON BOND				
W A R R A N T I N F O R M A T I O N /	COURT/DIST.		DIST. CT.	SUP. CT. DATE		WARRANT NUMBER
	CT.NO.		BOND \$			
E N T R Y	WARRANT DATE		OFF CODE OFFENSE		AMOUNT OF BAIL	
	POLICE AGENCY ISSUING		COURT		WARRANT RELEASED TO: SERIAL UNIT DATE TIME	
PERSON APPROVING EXTRADITION CS		SEAKING-LOCAL ONLY WAC-STATE WIDE <input type="checkbox"/>		NCIC-WILL EXTRADITE FROM ID & OR ONLY <input type="checkbox"/>		NCIC-WILL EXTRADITE FROM OR, ID, MT, WY, CA, NV, UT, CO, AZ, NM, HI, AK <input type="checkbox"/>
CCN# 1529333		DOE _____		CLE A R A N C E		DOC _____
WAC# _____		TOE _____				TOC _____
NIC# _____		OP# _____				OP# _____