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## PROBABLE CAUSE AFFIDAVIT

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The following affidavit is submitted to the Court to document the probable cause in support of the arrest of **Maria Darlene Gardner (AKA Joseph) 10/30/1982 SSN: 5**

This offense is fully documented in Colorado Springs Police Department Offense Report **08-03778** detailing the offense(s) of:

§18-3-102 First Degree Murder a Class One (1) Felony

With the victim(s) identified as: **Ashia M. Joseph**, DOB 09/05/2006

Your Affiant is Detective Bradley Pratt 2422. Your affiant is a Police Officer with the Colorado Springs Police Department. Your affiant is currently assigned to the Colorado Springs Police Department's Violent Crimes Unit, as a Homicide Detective.

On 1-28-08 at 2201 hours, the CSPD communications center received a call from phone 459-1885. An unknown female gave the residential address of 3225 Galena Ct but did not provide information about the situation. Your affiant would note 3225 Galena Ct. is located in the City of Colorado Springs, in El Paso County, in the State of Colorado. 911 operators heard a child saying "Why did you kill him?" A child came on the phone and advised that "oil" was on fire, everyone in the house was hurt, and a 10 year old boy was dead.

Police and fire personnel were dispatched; emergency responders identified multiple burned children and a deceased infant in the residence, and extinguished an interior fire. Five victim children, aged 1 to 9, were removed from the residence. A 5 year old boy, preliminarily identified as Supreme Joseph, had a cut-type injury to his throat. All three male children had some degree of burn injury; it is unknown if the children suffered additional injuries. The deceased child may be 1 year old female Ashia Joseph. The cause of the child's death is not known but the child was described as "charred". The other children were transported to area hospitals; three are listed in critical condition.

Investigators also contacted a female party preliminarily identified as Maria Gardner, who ran from the scene. Maria had superficial injuries to both her wrists, and to her neck. Gardner was transported to Penrose Main Hospital with non-life threatening injuries. Your affiant made contact with Gardner at Penrose Main. Your affiant was briefed by Ofc. Hutchison, while at the hospital.

Ofc. Hutchison said he had been the Officer to locate Gardner, after she ran from her residence. Ofc. Hutchison said that while waiting for medical to arrive at his location, Gardner told him, without being asked, that she had poured gas on herself and her children, then lit them on fire.

Your affiant would note Gardner was being treated by Emergency Department Doctor Fry. Dr. Fry told your affiant that Gardner had suffered superficial wounds to both wrists, both arms, neck, and left ankle. Dr. Fry said the wounds appeared to be self-inflicted, and were not life threatening.

Your affiant did observe Gardner while in the Emergency Department, and found the wounds to be consistent with what had originally been reported. Gardner was admitted to the hospital, for overnight observation.

Once admitted to the hospital, your affiant conducted a Mirandized interview with Gardner. During the Mirandized interview, Gardner made the following statement.

Gardner said she had been unable to sleep or eat for the last few days, and wanted to die. Gardner said her troubles stemmed from her husband having killed himself in October 2007. Gardner said prior to tonight's occurrence, she and her five children were together in her bedroom. Gardner said the baby was in the crib, and she and the four older children were sitting on the bed. Gardner said the children told her they could see daddy, and that he was saying to them "we are supposed to be together".

Gardner said she "was tired of seeing her dead husband", and "didn't want to hear it". Gardner said as a result of this frustration, she retrieved gasoline from the garage, and "poured gasoline on all of us". Gardner said she ignited the gasoline using an already lit cigarette. Gardner said a fire ignited in the bedroom, but that she "didn't start on fire".

Gardner said since she didn't start on fire, she grabbed her scalpel, and started cutting herself. Gardner said something inside of her told her to call 911; which she did, because she knew she had done something bad.

Your affiant asked Gardner what her intentions were, when she started the fire. Gardner said she intended for she and her children to die, so they could all be together, with her husband. Your affiant would note that Gardner never once asked about the welfare of her children.

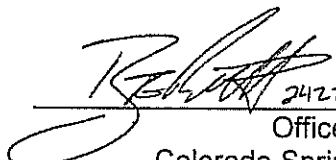
During the on-scene investigation, the victim was observed to have suffered severe burns, covering most of her body. The victim was pronounced dead at the scene, by Deputy Coroner Barbere, on 01/29/2008, at 0300 hours.

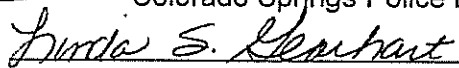
Your affiant would note that Gardner referred to herself as Maria Darlene Joseph, DOB 10/30/1982. Your affiant conducted a computer query of the suspect, and found the CSPD Master Name Index listing as Maria Darlene Gardner, DOB 10/30/1982, SSN --- MNI # 000919098

Your affiant would respectfully request that probable cause be found that **Maria Darlene Gardner**, DOB: **10/30/1982** SSN: \_\_\_\_\_ did commit the offense(s) of §18-3-102 First Degree Murder a Class One (1) Felony in violation of the Colorado Revised Statutes.

Tuesday January 29, 2008

Date

 2422 Detective Bradley Pratt 2422  
Officer's Signature  
Colorado Springs Police Department

  
Notary Signature Linda S. Gearhart

My Commission expires: 08/07/11

Address: 705 S. Nevada  
Colorado Springs, CO 80903

Page

**INFORMATION**

People v. Maria Joseph (AKA Gardner)

Case No. \_\_\_\_\_

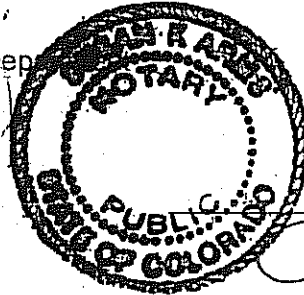
**AFFIDAVIT**

El Paso County, Colorado

(See the supplemental affidavit filed with this Information if an arrest warrant is requested.)

I, Det. B. Pratt 2422, as investigating peace officer, state under oath that I have personal knowledge that each offense set forth in this Information was committed as charged.

Agency: Colorado Springs Police Dep  
Agency case number: 08-03778



Bradley Pratt 2422, Affiant

PRATT # 2422

On this date, I witnessed the affiant sign this affidavit and swear under oath to the truth of the statements it contains.

(SEAL)

February 10, 2008  
Date

Susan K. Adams  
Notary Public

My commission expires: 03-13-10