

FILED

10 JAN 12 PM 4:33

ANDREW P. THOMAS
MARICOPA COUNTY ATTORNEY

~~Belmont-Winter~~
~~Deputy County Attorney~~
~~David [redacted]~~
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Phoenix, AZ 85003
Telephone: [redacted]
MCAO Firm # [redacted]
Attorney for Plaintiff

1/15

DR 09213039-Tempe Police Department
KYRENE JUSTICE COURT
VACATE
CA2010001487

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

COUNTY OF MARICOPA, RCC-Southeast

| | | |
|----------------------|---|---|
| THE STATE OF ARIZONA |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| ELIZABETH JOHNSON |) | CR 2010-101760-001 |
| |) | |
| |) | |
| Defendant |) | DIRECT COMPLAINT |
| |) | |
| |) | COUNT 1: KIDNAPPING, A CLASS 2 FELONY |
| |) | AND A DOMESTIC VIOLENCE OFFENSE (DV) |
| |) | AND A DANGEROUS CRIME AGAINST |
| |) | CHILDREN |
| |) | COUNT 2: CHILD ABUSE, A CLASS 4 FELONY |
| |) | AND A DOMESTIC VIOLENCE OFFENSE (DV) |
| |) | |
| |) | COUNT 3: CUSTODIAL INTERFERENCE, A |
| |) | CLASS 4 FELONY AND A DOMESTIC VIOLENCE |
| |) | OFFENSE (DV) |
| |) | In Custody - Complaint |
| |) | |
| |) | |

The complainant herein personally appears and, being duly sworn, complains on information
and belief against ELIZABETH JOHNSON, charging that in Maricopa County, Arizona:

COUNT 1:

ELIZABETH JOHNSON, on or between the 18th day of December, 2009 and the 30th day of December, 2009, knowingly restrained GABRIEL SCOTT JOHNSON, under fifteen years of age, with the intent to place him, in reasonable apprehension of imminent physical injury to LOGAN MCQUEARY, in violation of A.R.S. §§ 13-1304, 13-1301, 13-705, 13-3601, 13-701, 13-702, and 13-801.

COUNT 2:

ELIZABETH JOHNSON, on or between the 18th day of December, 2009 and the 30th day of December, 2009, having the care or custody of GABRIEL SCOTT JOHNSON, a child, under circumstances other than those likely to produce death or serious physical injury intentionally or knowingly caused or permitted GABRIEL SCOTT JOHNSON'S person or health to be injured or to be placed in a situation where his health was endangered, in violation of A.R.S. §§ 13-3623(F)(B)(C), 13-3601, 13-701, 13-702, and 13-801.

COUNT 3:

ELIZABETH JOHNSON, on or between the 18th day of December, 2009 and the 30th day of December, 2009, removed GABRIEL SCOTT JOHNSON from Arizona, knowing or having reason to know that she had no legal right to do so, and having joint legal custody of GABRIEL SCOTT JOHNSON, took, enticed or withheld, physical custody of him from LOGAN MCQUEARY

for /s/ [Signature]
/s/ Belle Whitney
Deputy County Attorney

IN CUSTODY

[Signature] 11720
Complainant

Agency: Tempe Police Department

Subscribed and sworn upon information and belief this 12 day of January, 2010

BW/pej/OK

COURT INFORMATION SHEET (CIS)

County Attorney Case Number: CA2010001487

Filing ID Number CA2010001487-1-1

STATE v. ELIZABETH JOHNSON

Defendant's Last **In Custody - Complaint**
Known Address: 4[REDACTED]3
Tempe, Az 85283-0000

Defendant's Unknown
Employer Address:

Defendant's
Attorney.

DEFENDANT'S DESCRIPTION:

Race: W Sex: F Hair: BLN Eyes: BLU Hgt. 506
Wgt: 135 DOB: 07/24/1986 Soc Sec #: [REDACTED]

SID #: [REDACTED] FBI #: [REDACTED] Booking #: [REDACTED]

FILING STATUS:

Direct Complaint CR #: [REDACTED]1 (Court Use Only)

Date Filed: _____

Court Designations: RCC-Southeast

Justice Court Precinct: KYRENE JUSTICE COURT

VACATE

ATTORNEY: Belle Whitney **Bar ID:** 023529

PRELIMINARY HEARING / GRAND JURY CHARGES:

COUNT 1: KIDNAPPING, A CLASS 2 FELONY AND A DOMESTIC VIOLENCE OFFENSE (DV) AND A DANGEROUS CRIME AGAINST CHILDREN

COUNT 2: CHILD ABUSE, A CLASS 4 FELONY AND A DOMESTIC VIOLENCE OFFENSE (DV)

COUNT 3: CUSTODIAL INTERFERENCE, A CLASS 4 FELONY AND A DOMESTIC VIOLENCE OFFENSE (DV)

| <u>Count</u> | <u>ARS</u> | <u>ARS Literal</u> | <u>Date of Crime</u> |
|--------------|------------|--------------------|----------------------|
| 1 | 13-1304 | 13-1304A4 | 12/18/2009 |
| 2 | 13-3623 | 13-3623B1 | 12/18/2009 |
| 3 | 13-1302 | 13-1302A3 | 12/18/2009 |

DEPARTMENTAL REPORTS:

09213039-Tempe Police Department

EXTRADITE: OK

IN THE Kyrene Justice COURT
STATE OF ARIZONA, COUNTY OF MARICOPA

RELEASE QUESTIONNAIRE

Information to be supplied by a prosecutor or law enforcement officer

STATE OF ARIZONA vs Elizabeth Johnson

DOB 07/24/86

CASE / BK NO

A GENERAL INFORMATION

1 Charge and class Kidnapping 13-1304 4 F-2, Child Abuse/Endangered 13-3623 A F-2, Custodial Interference

☐ Yes ☐ No ☐ Unk

2 Offense Location 4506 S Priest #153, Tempe

Date 12/27/09 Time 1400

3 Arrest Location Sky Harbor Airport

Date 01/09/2010 Time 2050 hours

B. CIRCUMSTANCES OF THE OFFENSE

1 Was a firearm or other weapon used?

☐ Yes ☒ No
Type of weapon

Was anyone injured by the defendant?

☒ Yes ☐ No

Was medical attention necessary?

☐ Yes ☒ No

Nature of injuries Elizabeth stated she killed her baby, Gabriel

2 Was anyone threatened by the defendant?

☒ Yes ☐ No

Nature & extent of threats Elizabeth stated she killed her baby

3 If property offense, value of property taken or damaged

Was property recovered?

☐ Yes ☒ No

C. CIRCUMSTANCES OF THE ARREST

1 Did the defendant attempt to

Avoid arrest? ☐ Yes ☒ No

Resist arrest? ☐ Yes ☒ No

Explain

2 Was the defendant armed when arrested?

☐ Yes ☒ No

Type of weapon

3 Was evidence of the offense found in the defendant's possession?

☐ Yes ☒ No

Explain

4 Was the defendant under the influence of alcohol or drugs at the time of the offense?

CRIMES OF VIOLENCE

1 Relationship of defendant to victim

mother

Do the victim and defendant reside together?

☒ Yes ☐ No

2 How was the situation brought to the attention of the police?

☐ Victim

☒ Third party

☐ Officer observed

3 Have there been any previous incidents involving these same parties?

☒ Yes ☐ No

Explain December 09, 2009, mother made a false report to law enforcement and stated her child was kidnapped when in fact she turned her child over to the custody of non-relatives who she knew for less than 2 weeks

4 Is defendant currently the subject of

☐ An order of protection

☐ Injunction against harassment

☐ Any other court order

Explain

D. OTHER INFORMATION

1 Is the defendant presently on probation, parole or any other form of release involving other charges or convictions?

☒ Yes ☐ No

Explain Sept of 2009, criminal damage from Tempe Police, 12/09/09, false report to law enforcement

2 List any prior arrests, convictions, and / or F T A 's

09/09 criminal damage/dv

12/09/09 false report to law enforcement

3 Is there any indication the defendant is

☐ An alcoholic?

☐ An addict?

☒ Mentally disturbed?

☐ Physically ill?

☐ Any other court order?

4 Is the defendant currently employed?

☐ Yes ☒ No

With whom

How long

Nature of employment

5 Where does the defendant currently reside?

4505 S Priest #153, Tempe

With whom

How long unk

6 What facts indicate the defendant will flee if released

Explain During the week of 12/22/09, Elizabeth fled the State of Arizona along with her son Gabriel. Elizabeth made a threat and stated she killed her child. She refused to make contact with Law Enforcement in order to ensure that her son was alive and well. Elizabeth was arrested while in the State of Florida. Due to the recent incident she is a high risk to flee the state.

- 7 What facts does the State have to oppose an unsecured release? Explain.
On 2/27/09, Elizabeth stated she killed her son. She fled the state of Arizona and refused to make contact with a local law enforcement officer to ensure that her son was alive and well. Elizabeth was aware of the fact that Tempe Police Department was searching for her yet she continued to flee the state. As of 01/09/2010 Gabriel Johnson's location is unknown and he is a potential homicide victim due to Elizabeth's statements and his whereabouts being unknown. Elizabeth is a flight risk due to Gabriel's location being unknown and her current incident of fleeing the state of Arizona.
-
-
-

E. DRUG OFFENSES

- 1 If the defendant is considered a major drug dealer,
please state the supporting facts
- 2 What quantities and types of illegal drugs are directly
involved in this offense?
- Approximate monetary value \$
- 3 Was any money seized?
- ☐ Yes ☐ No
- Amount \$
- 4 Were there any automatic weapons in the possession of the
defendant at the time of the arrest?
- ☐ Yes ☐ No
- Quantity and type

On 01/09/2010, Elizabeth Johnson was placed under arrest while at the Sky Harbor Airport after an investigation revealed she had an outstanding Maricopa County Superior Court Warrant for Custodial Interference (F-4). Prior to the arrest, on 12/27/09, Elizabeth sent a text to her child's father which read "I killed him." Elizabeth also spoke directly to the father and continued to state that she killed their son, Gabriel (age 8 months). Elizabeth was contacted by Tempe Police on 12/27/09 via telephone. Elizabeth refused to make contact with Law Enforcement and show that Gabriel was alive. An investigation revealed that Gabriel was last seen on 12/26/09 while in San Antonio, Texas. It is important to note that Gabriel's picture has been released to national television as well as on the website of the National Center for Missing and Exploited Children yet his location remains unknown as of 1/9/2010. On 12/31/09, Elizabeth was arrested by Miami Beach Police while in the State of Florida. The FBI interviewed Elizabeth shortly after her arrest. Elizabeth was vague on the whereabouts of Gabriel. Elizabeth stated she gave her child to a couple that she met at a park while in the State of Texas. Gabriel's safety is unknown as of 01/09/2010. Elizabeth has refused to provide further details about the couple who she stated has custody of her 8 month old child.

SECTION III: Probable Cause Statement

- 1 Please summarize and include the information which establishes probable cause for the arrest

**** If a fugitive arrest, a form IVA must also be completed ****

MARICOPA COUNTY JUSTICE COURT PRECINCTS

| | | | |
|----|-------------------|----|----------------------|
| 1 | Buckeye | 13 | Northwest Phoenix |
| 2 | Central Phoenix | 14 | Peoria |
| 3 | Chandler | 15 | Scottsdale |
| 4 | East Mesa | 16 | South Mesa / Gilbert |
| 5 | East Phoenix #1 | 17 | South Phoenix |
| 6 | East Phoenix #2 | 18 | Tempe East |
| 7 | Gila Bend | 19 | Tempe West |
| 8 | Glendale | 20 | Tolleson |
| 9 | Maryvale | 21 | West Mesa |
| 10 | North Mesa | 22 | West Phoenix |
| 11 | North Valley | 23 | Wickenburg |
| 12 | Northeast Phoenix | | |

(Please Refer to Precinct Map)

I certify that the information presented is true to the best of my knowledge

16721

ARRESTING OFFICER, SERIAL NUMBER

Tempe PD

AGENCY / DUTY PHONE NUMBER

1/11/2010

DATE

IN THE Maricopa Superior COURT
STATE OF ARIZONA, COUNTY OF MARICOPA

RELEASE QUESTIONNAIRE

Information to be supplied by a prosecutor or law enforcement officer

STATE OF ARIZONA vs Elizabeth Johnson

DOB 07/24/86

CASE / BK NO _____

A. GENERAL INFORMATION

- 1 Charge and class , Custodial interference warrant
- 2 Offense Location Maricopa Superior Court
- Date 12/28/09 Time 1330
- 3 Arrest Location Sky Harbor Airport
- Date 01/09/2010 Time 2050 hours

B. CIRCUMSTANCES OF THE OFFENSE

- 1 Was a firearm or other weapon used?
☐ Yes ☒ No
Type of weapon _____
- Was anyone injured by the defendant?
☒ Yes ☐ No
- Was medical attention necessary?
☐ Yes ☒ No
Nature of injuries _____
- 2 Was anyone threatened by the defendant?
☐ Yes ☒ No
Nature & extent of threats _____
- 3 If property offense, value of property taken or damaged _____
- Was property recovered?
☐ Yes ☒ No

C. CIRCUMSTANCES OF THE ARREST

- 1 Did the defendant attempt to
Avoid arrest? ☐ Yes ☒ No
Resist arrest? ☐ Yes ☒ No
Explain _____
- 2 Was the defendant armed when arrested?
☐ Yes ☒ No
Type of weapon _____
- 3 Was evidence of the offense found in the defendant's possession?
☐ Yes ☒ No
Explain _____
- 4 Was the defendant under the influence of alcohol or drugs at the time of the offense?
☐ Yes ☐ No ☐ Unk

CRIMES OF VIOLENCE

- 1 Relationship of defendant to victim
mother
- Do the victim and defendant reside together?
☒ Yes ☐ No
- 2 How was the situation brought to the attention of the police?
☐ Victim
☒ Third party
☐ Officer observed
- 3 Have there been any previous incidents involving these same parties?
☒ Yes ☐ No
Explain December 09, 2009, mother made a false report to law enforcement and stated her child was kidnapped when in fact she turned her child over to the custody of non-relatives who she knew for less than 2 weeks
- 4 Is defendant currently the subject of
☐ An order of protection
☐ Injunction against harassment
☐ Any other court order
Explain _____

D. OTHER INFORMATION

- 1 Is the defendant presently on probation, parole or any other form of release involving other charges or convictions?
☒ Yes ☐ No
Explain Sept of 2009, criminal damage from Tempe Police, 12/09/09, false report to law enforcement
- 2 List any prior arrests, convictions, and / or F T A 's
09/09 criminal damage/dv
12/09/09 false report to law enforcement
- 3 Is there any indication the defendant is
☐ An alcoholic? ☐ An addict?
☒ Mentally disturbed? ☐ Physically ill?
☐ Any other court order?
- 4 Is the defendant currently employed?
☐ Yes ☒ No
With whom _____
How long _____
Nature of employment _____
- 5 Where does the defendant currently reside?
4605 S Priest #153, Tempe
- With whom _____
How long unk
- 6 What facts indicate the defendant will flee if released

Explain During the week of 12/22/09, Elizabeth fled the State of Arizona along with her son Gabriel. Elizabeth made a threat and stated she killed her child. She refused to make contact with Law Enforcement in order to ensure that her son was alive and well. Elizabeth was arrested while in the State of Florida. Due to the recent incident she is a high risk to flee the state.

7 What facts does the State have to oppose an unsecured release? Explain.
On 2/27/09, Elizabeth stated she killed her son. She fled the state of Arizona and refused to make contact with a local law enforcement officer to ensure that her son was alive and well. Elizabeth was aware of the fact that Tempe Police Department was searching for her yet she continued to flee the state. As of 01/09/2010 Gabriel Johnson's location is unknown and he is a potential homicide victim due to Elizabeth's statements and his whereabouts being unknown. Elizabeth is a flight risk due to Gabriel's location being unknown and her current incident of fleeing the state of Arizona.

E. DRUG OFFENSES

- 1 If the defendant is considered a major drug dealer, please state the supporting facts
- _____
- _____
- _____
- 2 What quantities and types of illegal drugs are directly involved in this offense?
- _____
- _____
- _____
- Approximate monetary value \$ _____
- 3 Was any money seized?
- ☐ Yes ☐ No
- Amount \$ _____
- 4 Were any automatic weapons in the possession of the defendant at the time of the arrest?
- ☐ Yes ☐ No
- Quantity and type _____

SECTION III: Probable Cause Statement

- 1 Please summarize and include the information which establishes probable cause for the arrest

On 01/09/2010, Elizabeth Johnson was placed under arrest while at the Sky Harbor Airport after an investigation revealed she had an outstanding Maricopa County Superior Court Warrant for Custodial Interference (F-4). Prior to the arrest, on 12/27/09, Elizabeth sent a text to her child's father which read "I killed him." Elizabeth also spoke directly to the father and continued to state that she killed their son, Gabriel (age 8 months). Elizabeth was contacted by Tempe Police on 12/27/09 via telephone. Elizabeth refused to make contact with Law Enforcement and show that Gabriel was alive. An investigation revealed that Gabriel was last seen on 12/26/09 while in San Antonio, Texas. It is important to note that Gabriel's picture has been released to national television as well as on the website of the National Center for Missing and Exploited Children yet his location remains unknown as of 1/9/2010. On 12/31/09, Elizabeth was arrested by Miami Beach Police while in the State of Florida. The FBI interviewed Elizabeth shortly after her arrest. Elizabeth was vague on the whereabouts of Gabriel. Elizabeth stated she gave her child to a couple that she met at a park while in the State of Texas. Gabriel's safety is unknown as of 01/09/2010. Elizabeth has refused to provide further details about the couple who she stated has custody of her 8 month old child.

On 12/28/09, Elizabeth Johnson was scheduled to appear in the Maricopa County Superior Court regarding a Petition to Enforce Child Custody Determination. On 12/27/09, Elizabeth informed Sergeant Lenzen from the Tempe Police Department that she had a scheduled court appearance in the State of Arizona regarding her child, Gabriel. Elizabeth was aware of the fact that she was scheduled to appear in the above listed court yet she failed to arrive.

EL
1/12/10

**** If a fugitive arrest, a form IVA must also be completed ****

MARICOPA COUNTY JUSTICE COURT PRECINCTS

| | | | |
|----|-------------------|----|----------------------|
| 1 | Buckeye | 13 | Northwest Phoenix |
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(Please Refer to Precinct Map)

I certify that the information presented is true to the best of my knowledge

[Signature] 16721
ARRESTING OFFICER SERIAL NUMBER

TEMPE PD [Redacted]
AGENCY / DUTY PHONE NUMBER

1/11/2010
DATE

Pursuant to AQ 2003-046, the oath has been administered pursuant to the law and required procedures.

[Signature]