

Injury to Child – Recklessly
 Penal Code §22.04(a)(1) -- 2F

Waco P.D. Case No. : **18-18845**

COMPLAINT/AFFIDAVIT FOR ARREST WARRANT

THE STATE OF TEXAS

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IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF TEXAS:

COUNTY OF McLENNAN


BEFORE ME, the undersigned authority, on this day, personally appeared E. Trojanowski, #242, known by me to be a credible person who after being duly sworn, upon oath deposes and says that he has good reason to believe and does believe that Andrea Aleman, heretofore on or about the 2nd day of November, A.D. 2018, in the State of Texas and County of McLennan, did then and there recklessly by act or recklessly by omission because he/she had a legal or statutory duty to act or had assumed care, custody, or control of the person, caused serious bodily injury or serious mental deficiency, impairment, or injury, to wit: (specify injury/impairment) Death, to a person, namely (name) Rachel Rose Aleman, who was (choose one: child [14 or younger], elderly individual [65 or older], or disabled individual [older than 14 years & disabled]) a child. Affiant bases his belief upon the following facts:

On 11/02/18 affiant began the death investigation of both Anthony Cole Puente and Rachel Rose Aleman, 4 and 2 yr old child respectively. Both children died of smoke inhalation in a house fire at 1218 Webster Ave which was reported shortly after 0130. This property was a small three room duplex where the distance from the bedroom to the exterior is a mere 32 feet. During the course of the investigation affiant learned that the defendant, Ms. Andrea Aleman, was left in care, custody, and control of both children. The defendant changed her story as to what happened during the fire and her escape multiple times during the course of the investigation. During a follow up interview, the defendant admitted to the affiant that she went to bed while leaving the 4 yr old boy awake and unsupervised in a room where there were multiple fire hazards. When she was alerted to a fire in the kitchen by both awakened young children, she did not immediately get up to investigate, instead she chose to remain in bed for at least several minutes in a home with no working smoke alarms. The defendant stated she eventually got up and saw a fire in the kitchen where affiant has learned there was a pile of clothes, trash, and children toys. Affiant has learned from Waco Fire Marshalls that the fire was set and did not result from a spontaneous accidental ignition. Once the defendant left the bedroom, she left both victims behind and did not return to assist them or ensure they got out of the house. Both children are of the age and ability where they would need help to safely exit the house during a fire. Instead the defendant merely briefly called out from the next room then left herself without ensuring that all the children had fled. According to the surviving child, the defendant was the first person out of the house. The defendant admitted that she left the house without seeing the young children actually leave the house. Once she was outside and realized the children were not with her, the defendant made no effort to get the children out of the house, whether by actually physically getting them or by beckoning to them at the doorway. She did not ask neighbors for help when they also fled the shared part of the duplex on fire. Defendant abandoned her grandchildren in a burning house and took no action to get them help until firefighters walked past her on the corner down from the house. She disregarded her duty to care for these children by placing them in a substantial and unjustifiable risk which was of such a nature as to be a gross deviation from the standard of care from an ordinary person in likewise circumstances.

AGAINST THE PEACE AND DIGNITY OF THE STATE.


 AFFIANT E. Trojanowski #242

Sworn to and subscribed before me, this the 15th day of November, A.D. 2018.


 MAGISTRATE, McLENNAN COUNTY, TEXAS 94/09/01

RALPH T. STRATHAIRN