

Defendant: Smoker, Jason M.      Date of Birth: March 5, 1973  
Case #:            09-01-38                            Arresting Agency: Jeffco D.A.  
Date of Arrest    August 28, 2009

**Court:                    Jefferson County**

| Charge                          | Statute        | Class |
|---------------------------------|----------------|-------|
| 1. Neglect Of An At-Risk Victim | 18-6.5-103 (6) | M1    |

### **AFFIDAVIT IN SUPPORT OF WARRANTLESS ARREST**

Your affiant has been a police officer for the past 25 years. Your affiant worked in the Crime Against Children's Unit with the Lakewood Police Department and now works as an investigator with the Jefferson County District Attorney's Office, assigned to the Crimes Against Children's Unit.

Your affiant interviewed ██████████ on 06/08/09 concerning an incident that occurred in the parking lot of Red Rocks Baptist Church located at 14711 Morrison Road, Morrison, Colorado, Jefferson County on August 27, 2008. ██████████ is an at-risk person as of March 2006 according to the Developmental Disabilities Resource Center and determined to be developmentally disabled according to the State of Colorado. ██████████ was a volunteer at Red Rocks Baptist Church and was asked by Assistant Pastor Jason Smoker to clean the church bus prior to the bus being used for a church outing. ██████████ cleaned the bus but it was cleaned unsatisfactorily according to Pastor Jason Smoker. Sometime during the day of Wednesday, August 27, 2008, Pastor Smoker told ██████████ to go outside at which time he explained that the bus wasn't cleaned properly. Pastor Smoker placed an item around his head, covering his eyes that was described as possibly a t-shirt that was tied in a knot to keep it on ██████████ head. Pastor Smoker had ██████████ lay down on the ground near the bus and dumped trash on top of him that apparently was taken from the bus trash cans. ██████████ said the trash didn't hurt him physically but did emotionally.

Your Affiant interviewed Assistant Pastor Ben Klaus who confirmed the information from ██████████ that I had obtained. Pastor Klaus said on August 27, 2008 Pastor Smoker approached Pastor Klaus and told him about his frustration with ██████████ service as well as his cleaning of the bus. Pastor Smoker told Pastor Klaus that he was going to "discipline" ██████████ by having ██████████ lay down on the ground and talked about the garbage from the bus. Pastor Klaus told Pastor Smoker he didn't think that was an effective way to discipline and that he wouldn't respond well to that type of discipline himself. This conversation occurred sometime during the work day on August 27, 2008.

Later that evening Pastor Klaus learned from Pastor Smoker that he did "disciple" ██████████ by blind folding ██████████, having him lay down on the ground and dumped trash on top of ██████████. Pastor Klaus reported the incident to Pastor Les Heinze who advised he would take care of it.

Your Affiant conducted a search warrant at the church on August 5, 2009 and located a letter that Pastor Heinze and Pastor Smoker signed on September 29, 2008. The letter was concerning the "Event Date:" for August 27, 2008. In the letter Pastor Heinze states that Jason directed ██████████ a handicapped volunteer to clean the van but Pastor Smoker determined the efforts put forth by ██████████ to be unsatisfactory. Pastor Smoker asked Pastor Heinze if he could have teaching time with ██████████ during the evening service and was advised by Pastor Heinze it was fine as long as he obtained permission from ██████████ parents. Pastor Heinze states that Pastor Smoker placed a blind fold on ██████████ had him lay down on the pavement and Pastor Smoker proceeded to dump trash on ██████████ that Pastor Smoker picked up on the buses and van. Pastor Heinze states Red Rocks Baptist Church views the actions of Pastor Smoker as completely unacceptable and Pastor Smoker displayed a lack of judgment for his current capacity of employment as an assistant pastor. Pastor Smoker was placed on a probationary status.

On August 28, 2009 Jason Smoker turned himself in at the Jefferson County Court house reference the charge of "Neglect Of An At Risk Victim". Jason Smoker was jailed at the Jefferson County Jail and lodged on the respective charge.

Dated August 28, 2009 \_\_\_\_\_  
Subscribed and sworn to before me  
(Affiant)

This Affidavit, consisting of 2 pages, were subscribed and sworn to before this  
28 th day of August, 2009.

Notary Public \_\_\_\_\_

Expiration Date \_\_\_\_\_