

IN THE IOWA DISTRICT COURT FOR SIOUX COUNTY

STATE OF IOWA
 City of

NO. _____

v.

Defendant: Rochelle Lynn Sapp
Address: 706 10th St SE
Orange City, IA 51041
DOB: DOB: 02/29/1980

Defendant.

COMPLAINT & AFFIDAVIT

Iowa Code Section 804.1

CLERK
SIOUX
DISTRICT COURT
CITY, IOWA
2013 DECEMBER 29
5 PM
8:16
FILED
KJ

The Defendant is accused of the crime of **Murder In the First Degree**, in violation of Iowa Code §§ 707.1 and 707.2(5) in that the Defendant, on or about October 29, 2013, in Sioux County, Iowa, having malice aforethought, did kill Jane Doe, a three-year-old child, while committing an assault upon the child, and the child's death occurred under circumstances manifesting an extreme indifference to human life.

Therefore, Complainant requests that the said Defendant, subject to bail or conditions of release where applicable, (1) be arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or (2) be detained, if already in custody, pending further proceedings, and that said Defendant otherwise be dealt with according to law.

Simple Misdemeanor; Serious Misdemeanor; Aggravated Misdemeanor;
 Class D Felony; Class C Felony; Class B Felony; Class A Felony

Jim Pottebaum

Jim Pottebaum, Chief of Police
Orange City Police Department

AFFIDAVIT

STATE OF IOWA, COUNTY OF SIOUX, ss:

I, the undersigned Complainant, being first duly sworn on oath, do hereby depose and state I believe the above-named Defendant committed the above-named public offense based on the following facts known by me or told to me by other reliable persons: On October 29, 2013, the Defendant was the daycare provider for Jane Doe, a three-year-old girl, at Defendant's home in Orange City, Iowa. As the daycare provider, the Defendant had accepted, undertaken, or assumed supervision of Jane Doe from the

child's parents, Jane Doe's mother dropped the child off at daycare at Defendant's residence at 8:00 a.m. At approximately 9:04 a.m., while at work, Jane Doe's mother noticed she had a missed call on her cell phone from Defendant's cell phone which call came in at 8:49 a.m. At 9:04 a.m., Jane Doe's mother called Defendant back and Defendant told her that Defendant was reading a book to Jane Doe on the couch, Jane Doe wanted to play downstairs, and Jane Doe fell down the stairs. Defendant told Jane Doe's mother during this telephone call that she had given Jane Doe Tylenol and she would keep an eye on her. At 9:20 a.m. Defendant texted Jane Doe's mother that she thought Jane Doe's neck was hurt and that Jane Doe was "way out of it." The child's mother immediately left work, drove to Defendant's residence, and called her husband and told him to meet her at the Emergency Room. Jane Doe's mother picked up Jane Doe from Defendant's home and drove the short distance to the Orange City Hospital.

The Orange City hospital staff diagnosed the child with a head injury and the child was airlifted to Sanford Hospital in Sioux Falls, South Dakota. Hospital staff in Sioux Falls contacted the Sioux Falls Police Department because the child's injuries were not consistent with the reported description of the cause of the child's injuries previously given by the Defendant. The child was preliminarily diagnosed with a skull fracture and brain swelling by hospital staff and the child died on October 31, 2013, as a result of her injuries.

An autopsy was performed by the Iowa State Medical Examiner's Office. The State Medical Examiner's Office has concluded that the manner of death was homicide and the cause of death was blunt force injury to the child's head. Jane Doe suffered brain trauma and extensive skull fracturing. Given the devastating nature of the child's injuries, the State Medical Examiner's Office has concluded that the child's injuries were the result of considerable inflicted force.

The Defendant was interviewed by law enforcement personnel including the undersigned on October 30, 2013. During her interview, Defendant initially claimed that the child had been injured by falling down the stairs at her home. After being challenged with the contradictory medical opinion that the child's injuries were not consistent with such a fall, Defendant ultimately admitted to having inflicted the child's injuries. Defendant claims that at 8:30 a.m., she picked up the child and threw her down hard on the ground causing the child to strike her head. Defendant claims she did so because she was frustrated that Jane Doe was having difficulty removing her jacket and was not asking for Defendant's assistance.

Defendant's actions in inflicting a blunt force injury to Jane Doe causing her death constitute an assault under Iowa law in that such actions were intended to cause pain or injury to Jane Doe or were intended to result in physical contact with Jane Doe which would be insulting or offensive. Such act was done without justification, and was coupled with the apparent ability to execute the act.

Jim Pottebaum

Jim Pottebaum, Chief of Police
Orange City Police Department

Subscribed and sworn to before me by the person signing this complaint and affidavit
on this 5th day of December, 2013.

Laurie Bolluyt

Notary Public/Witness



Complaint and affidavit filed this 5th day of December, 2013, and probable cause found that the Defendant committed the offense charged.

Warrant to be issued by the Clerk. Bail is set at \$ 250,000 (not for bond County)

Citation issued and Defendant is ordered to initially appear in Sioux County Magistrate Court, Orange City, Iowa, on the _____ day of _____, 2011, at 9:00 a.m.

Defendant having been released on bail prior to initial appearance is ordered to appear in Sioux County Magistrate Court in Orange City, Iowa on the _____ day of December, 2013, at 9:00 a.m.

Judge [Signature]
Judge, Third Judicial District of Iowa

CLERK OF DISTRICT COURT
SIOUX CITY, IOWA
2013 DEC - 5 AM 8:27

FILED *[Signature]*

IN THE IOWA DISTRICT COURT FOR SIOUX COUNTY

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 City of

v.

Defendant: Rochelle Lynn Sapp
Address: 706 10th St SE
Orange City, IA 51041
DOB: DOB: 02/29/1980

Defendant.

NO. _____

COMPLAINT & AFFIDAVIT

Iowa Code Section 803

CLERK OF DISTRICT COURT
SIOUX CITY, IOWA
2013 DEC-5 AM 8:19

FILED
LJ

The Defendant is accused of the crime of **Child Endangerment Resulting in Death**, in violation of Iowa Code §§ 726.6(1)(a), 726.6(3)(a), 726.6(4) in that the Defendant, on or about October 29, 2013, in Sioux County, Iowa, did have custody or control over Jane Doe, a three-year-old child, and did knowingly act in a manner that created a substantial risk to Jane Doe's physical, mental, or emotional health or safety, resulting in the death of Jane Doe.

Therefore, Complainant requests that the said Defendant, subject to bail or conditions of release where applicable, (1) be arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or (2) be detained, if already in custody, pending further proceedings, and that said Defendant otherwise be dealt with according to law.

Simple Misdemeanor; Serious Misdemeanor; Aggravated Misdemeanor;
 Class D Felony; Class C Felony; Class B Felony; Class A Felony

Jim Pottebaum
Jim Pottebaum, Chief of Police
Orange City Police Department

AFFIDAVIT

STATE OF IOWA, COUNTY OF SIOUX, ss:

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Defendant had accepted, undertaken, or assumed supervision of Jane Doe from the child's parents. Jane Doe's mother dropped the child off at daycare at Defendant's residence at 8:00 a.m. At approximately 9:04 a.m., while at work, Jane Doe's mother noticed she had a missed call on her cell phone from Defendant's cell phone which call came in at 8:49 a.m. At 9:04 a.m., Jane Doe's mother called Defendant back and Defendant told her that Defendant was reading a book to Jane Doe on the couch. Jane Doe wanted to play downstairs, and Jane Doe fell down the stairs. Defendant told Jane Doe's mother during this telephone call that she had given Jane Doe Tylenol and she would keep an eye on her. At 9:20 a.m. Defendant texted Jane Doe's mother that she thought Jane Doe's neck was hurt and that Jane Doe was "way out of it." The child's mother immediately left work, drove to Defendant's residence, and called her husband and told him to meet her at the Emergency Room. Jane Doe's mother picked up Jane Doe from Defendant's home and drove the short distance to the Orange City Hospital.

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The Defendant was interviewed by law enforcement personnel including the undersigned on October 30, 2013. During her interview, Defendant initially claimed that the child had been injured by falling down the stairs at her home. After being challenged with the contradictory medical opinion that the child's injuries were not consistent with such a fall, Defendant ultimately admitted to having inflicted the child's injuries. Defendant claims that at 8:30 a.m., she picked up the child and threw her down hard on the ground causing the child to strike her head. Defendant claims she did so because she was frustrated that Jane Doe was having difficulty removing her jacket and was not asking for Defendant's assistance.

Defendant's actions in inflicting a blunt force injury to Jane Doe causing her death constitutes child endangerment under Iowa law in that Defendant knowingly acted in a manner that created a substantial risk to Jane Doe's physical, mental or emotional health or safety.

Jim Pottebaum
Jim Pottebaum, Chief of Police
Orange City Police Department

Subscribed and sworn to before me by the person signing this complaint and affidavit on this 5th day of December, 2013.



Laurie Bolluyt
Notary Public/Witness

- Complaint and affidavit filed this 5th day of December, 2013, and probable cause found that the Defendant committed the offense charged.
- Warrant to be issued by the Clerk. Bail is set at \$ 250.00 - (Total for both counts)
- Citation issued and Defendant is ordered to initially appear in Sioux County Magistrate Court, Orange City, Iowa, on the _____ day of _____, 2011, at 9:00 a.m.
- Defendant having been released on bail prior to initial appearance is ordered to appear in Sioux County Magistrate Court in Orange City, Iowa on the _____ day of December, 2013, at 9:00 a.m.

D. L. Luttrell
Magistrate

2013 DEC -5 AM 8:21
CLERK OF DISTRICT COURT
SIOUX COUNTY, IOWA

FILED