

**OFFICE OF THE PROSECUTING ATTORNEY**

FOURTH JUDICIAL DISTRICT  
WASHINGTON AND MADISON COUNTIES

Court Use Only
Bond Amt. \$ _____
Arraignment Date _____

JOHN THREET County Prosecutor

24 Hour FAX (479) 444-1594

**Preliminary Report Form**

Defendant Information:

Last Name <b>Drain</b>	First <b>Amber</b>	Middle <b>Marie</b>	D.O.B. <b>08/24/87</b>	Age <b>23</b>	Race <b>W</b>	Sex <b>F</b>	Social Security No. [REDACTED]	Arrest Tracking #	
Street Address <b>401 W 24<sup>th</sup> #25</b>	City <b>Fayetteville</b>	State & Zip Code <b>AR</b>	Phone No.	Height <b>5.07</b>	Wt. <b>150</b>	Eyes <b>BLU</b>	Hair <b>BRO</b>	D.L. State <b>AR</b>	D.L. Number [REDACTED]
Place of Employment	<b>McDonald's</b>								

Location of Arrest <b>FPD</b>	Date <b>07/29/10</b>	Time <b>12:30 PM</b>	Arresting Agency <b>AR07270100</b>
Location of Offense <b>Fayetteville</b>	Date <b>07/18/10</b>	Time	Arresting Report # <b>2010-64069</b>

Injured Victim?	<b>Yes</b>	Property Stolen?	<b>No</b>
Injuries:	<b>Skull fractures, bruising</b>	Value:	

\*\*\* Criminal History:

<b>SID 3298450</b>

Charge(s)

<b>Capital Murder</b>	<b>5-10-101</b>

Evidence Obtained:

<b>Statements, photographs, DNA swabs</b>
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\* NOTE: If Co-defendant arrested complete separate form for each

Arresting Officer:	<b>Det. D. Williams 198</b>
Date:	<b>July 29, 2010</b>

Facts to establish probable cause that a crime was committed:  
(narrative will continue to the next page as needed)

On the morning of July 18, 2010 a two-year-old boy was found not breathing by his father's girlfriend and by his sister. Resuscitation efforts failed, and the child was pronounced dead at the hospital. Suspicious bruising prompted an investigation by this department, and an autopsy performed at the Arkansas State Medical Examiner's Office revealed that the baby had suffered a massive head injury including two skull fractures and swelling of the brain. Neighborhood canvases, statements from the victim's family, and evidence from the autopsy relating to estimated time of death led to strong suspicions about the father's girlfriend, Amber Drain. Drain was re-interviewed at the station this morning. During that interview she confessed to slapping the baby across the face twice and then picking him up by the ankles and slamming his head against the floor in her bedroom because he would not stop crying. Drain said that the boy was immediately unconscious, so she went to a neighbor's apartment to borrow a cell phone to call for help. It was 6:30 in the morning at that time, and the neighbor didn't answer. Drain didn't try other apartments at that point. She went back to her apartment and found the boy still unconscious. She then moved the baby from her bedroom floor to his own bed in the children's room, and immediately after that she went back to sleep. She awoke four hours later when the other three young children in that room woke up. The baby's six-year-old sister discovered that he was not breathing after Drain sent her to wake her brother for breakfast. Drain then went back to the same neighbor's house, told the neighbor that the baby was not breathing, and the neighbor called 911. The medical examiner in this case indicated that the baby probably did not die immediately, and that death came over a period of time while his brain swelled and caused his breathing to stop. Therefore, under circumstances manifesting extreme indifference to the value of human life, Amber Drain knowingly caused the death of a person fourteen (14) years of age or younger. Subsequently, she was arrested today for Capital Murder and transported to the Washington County Jail.

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