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FOR IMMEDIATE RELEASE: March 7, 2014

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DA FILES NOTICE TO SEEK DEATH PENALTY

Salt Lake City, UT -- Today, the Salt Lake County District Attorney's Office, Sim Gill, Salt Lake County District Attorney, filed a Notice to Seek the Death Penalty in the case of State of Utah v. David Fresques. As required by Utah State Code (76-5-202(3)), prosecutors must notify the Court and parties that the State intends to seek the death penalty in capital homicide cases.

Originally charged with three counts of aggravated murder, a capital offense, in February, 2013, Defendant Fresques faces possible sentences of life in prison with the possibility of parole, life in prison without the possibility of parole, or a sentence of death.

The case against Defendant Fresques stems from the February 12, 2013 murders of Danielle Lucero, Omar Jarman and Shontay Young. It is alleged that Fresques shot Lucero, Jarman and Young and Vicky Myers (who survived) at 8286 South Adam Street, Salt Lake County.

The Amended Information is attached to this press release.

All persons accused of a crime are presumed innocent unless and until proven guilty in a court of law.

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District Attorney for Salt Lake County
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IN THE THIRD DISTRICT COURT, WEST JORDAN DEPARTMENT
IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

THE STATE OF UTAH

Plaintiff,

vs.

DAVID FRESQUES
DOB: 04/05/1987,
AKA: TWISTED
7973 South Main Street
Midvale, UT 84047
D.L.#
OTN 40684748
SO# 298292

Defendant.

Assigned to: ROBERT L. STOTT, NATHAN
J. EVERSLED, THOMAS LOPRESTO

**AMENDED
INFORMATION**

DAO # 13003434

Case No. 131400326

The undersigned Deputy District Attorney upon a written declaration states on information and belief that the defendant, DAVID FRESQUES, committed the crime(s) of:

COUNT 1

CRIMINAL HOMICIDE, AGGRAVATED MURDER, 76-5-202 UCA, a Capital Felony, as follows: That on or about February 12, 2013 at 8286 South Adam Street, in Salt Lake County, State of Utah, the defendant did intentionally or knowingly cause the death of Danielle Lucero under the following circumstance: the homicide was committed incident to one act, scheme, course of conduct, or criminal episode during which two or more persons were killed.

COUNT 2

CRIMINAL HOMICIDE, AGGRAVATED MURDER, 76-5-202 UCA, a Capital Felony, as follows: That on or about February 12, 2013 at 8286 South Adam Street, in Salt Lake County, State of Utah, the defendant did intentionally or knowingly cause the death of Omar Jarman

under the following circumstance: the homicide was committed incident to one act, scheme, course of conduct, or criminal episode during which two or more persons were killed.

COUNT 3

CRIMINAL HOMICIDE, AGGRAVATED MURDER, 76-5-202 UCA, a Capital Felony, as follows: That on or about February 12, 2013 at 8286 South Adam Street, in Salt Lake County, State of Utah, the defendant did intentionally or knowingly cause the death of Shontay Young under the following circumstances: the homicide was committed incident to one act, scheme, course of conduct, or criminal episode during which two or more persons were killed.

COUNT 4

ATTEMPTED CRIMINAL HOMICIDE, AGGRAVATED MURDER, 76-5-202 UCA, First Degree Felony, as follows: That on or about February 12, 2013 at 8286 South Adam Street, in Salt Lake County, State of Utah, the defendant did attempt to intentionally or knowingly cause the death Vickie Myers under the following circumstance: the attempted homicide was committed incident to one act, scheme, course of conduct, or criminal episode during which two or more persons were killed.

THIS INFORMATION IS BASED ON EVIDENCE OBTAINED FROM THE FOLLOWING WITNESSES:

Tyler Ackerman, Esekia Afatasi, Paul Barker, Justin Beachaver, Zachary Bench, Shannon Bennett, Hugh Bennett, Nichole Brass, Heatherlyn Drips, Timothy Duran, Peggy Faulkner, Angie Hunter, Mike Ikemiyashiro, Aaron Lavin, James Morton, Todd Park, Ben Pender, Paul Peterson, Christine Petty-Brown, Bryan Pickle, Kirk Powell, Chad Reyes, Tyler Richman, Robert Scott, Bret Stewart, Tony Stocking, Douglas Thornton, Pamela Ulmer, Brody Waldram, Scott Warenski, Nicholas Warrick, Ryan Watson

DECLARATION OF PROBABLE CAUSE:

Your Declarant, Andy Arnn, Detective with Unified Police Department, Violent Crimes Unit, based on interviews of witnesses and from information in report 2013-252650, hereby states the following:

On February 12, 2013, officers with Unified Police Department responded to reports of "shots fired" at 8286 South Adam Street, Salt Lake County. Upon arrival, officers found that Danielle Lucero, Omar Jarman and Shontay Young had gunshot wounds and were deceased. Officers also found Vickie Myers had a gunshot wound to her shoulder. Ms. Myers was transported to Intermountain Medical Center to be treated for her injury.

Officers received information that defendant, DAVID FRESQUES, arrived at the residence in the early morning hours of February 12. Officers learned that the defendant was in the living room when he first opened fire and shot Mr. Jarman and Ms. Young. The defendant then went upstairs and shot Ms. Lucero in a bedroom. Afterwards, the defendant shot Vickie Myers in a separate bedroom.

The Utah Office of the Medical Examiner determined the cause of death for Danielle Lucero, Omar Jarman and Shontay Young were gunshot wounds, and the manner of each one the deaths to be homicide.

Pursuant to Utah Code Annotated § 78B-5-705 (2008) I declare under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my belief and knowledge.

Executed on: _____

Declarant

Authorized for presentment and filing
SIM GILL, District Attorney

Deputy District Attorney
3rd day of March, 2014
MAH / / DAO # 13003434

SO # 298292 OTN 40684748
DAO # 13003434

IN THE THIRD DISTRICT COURT, WEST JORDAN DEPARTMENT
IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

THE STATE OF UTAH,

Plaintiff,

vs.

DAVID FRESQUES
DOB: 04/05/1987,
7973 South Main Street
Midvale, UT 84047
AKA: TWISTED
SS# 530196953

Defendant.

Before: _____

Magistrate

WARRANT OF ARREST

Case No. 131400326

THE STATE OF UTAH;

To any Peace Officer in the State of Utah, Greetings:

An Information, based upon a written declaration having been declared by B. Pender - UNIFIED POLICE DEPARTMENT, Agency Case No. CO13-22650, and it appears from the Information or Declaration filed with the Information, that there is probable cause to believe that the public offense(s) of;

CRIMINAL HOMICIDE, AGGRAVATED MURDER, a Capital Felony, CRIMINAL HOMICIDE, AGGRAVATED MURDER, a Capital Felony, CRIMINAL HOMICIDE, AGGRAVATED MURDER, a Capital Felony, ATTEMPTED CRIMINAL HOMICIDE, AGGRAVATED MURDER, First Degree Felony, has been committed, and that DAVID FRESQUES has committed them

YOU ARE THEREFORE COMMANDED to arrest the above-named defendant forthwith and bring the defendant before this Court, or before the nearest or most accessible magistrate for setting bail. If the defendant has fled justice, you shall pursue the defendant into any other county of this state and there arrest the defendant. The Court finds reasonable grounds to believe defendant will not appear upon a summons.

Bail is set in the amount of \$2,000,007.

Dated this _____ day of March A.D. 2014.

This Warrant may be served day or night.

MAGISTRATE

SERVED DATE: _____ BY _____

STATE vs DAVID FRESQUES
DAO # 13003434
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OTHER PENDING CASES FOR THE DEFENDANT

<u>Court</u>	<u>Court Case #</u>	<u>Trial Judge</u>	<u>DAO#</u>	<u>Charge</u>
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