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

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THE STATE OF UTAH,  
  
Plaintiff,

vs.

**DANIEL MARTINEZ,**  
**DOB: 04/06/2004,**  
**3203 WEST 2450 NORTH**  
**LEHI, UT 84043**  
**OTN**  
**SO# 40053915**  
**Booking#**  
**SID#**

Defendant;

Ashtyn Ortega,

Co-Defendant.

Screened by: HOMICIDE UNIT  
Assigned to: ADRIANNA S. DAVIS  
JOHN E. HAM

**INFORMATION**

NO BAIL REQUESTED

Warrant/Release: IN SALT LAKE VALLEY  
DETENTION CENTER: PSR 04/15/2022

Case No.

DA Case No. 22005982

Case No.

DA Case No. 22005981

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The undersigned, Detective J. Simmons with Draper City Police Department, in reference to Agency case No. 22-5975, upon a written declaration states on information and belief that the defendant, DANIEL MARTINEZ, committed the crimes of:

COUNT 1

CRIMINAL HOMICIDE, AGGRAVATED MURDER, 76-5-202 UCA, First Degree Felony, as follows: That on or about April 04, 2022 at 11464 S. Cranberry Hill Ct., in Salt Lake County, State of Utah, the defendant, a party to the offense, intentionally or knowingly caused the death

of Austin Powell under any of 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, or during which the actor attempted to kill one or more persons in addition to the victim who was killed; or the actor knowingly created a great risk of death to a person other than the victim and the actor.

## COUNT 2

CRIMINAL HOMICIDE, AGGRAVATED MURDER, 76-5-202 UCA, First Degree Felony, as follows: That on or about April 04, 2022 at 11464 S. Cranberry Hill Ct., in Salt Lake County, State of Utah, the defendant, a party to offense, intentionally or knowingly caused the death of Jonathan Fuentes under any of 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, or during which the actor attempted to kill one or more persons in addition to the victim who was killed; or the actor knowingly created a great risk of death to a person other than the victim and the actor.

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

P. Wulff, A. Woodard, J. Wolf, S. Williams, R. Williams, M. Todd, M. Thomas, I. Thomas, C. Smith, J. Simons, A. Rookstoll, A. Powell, C. Page, B. Oakland, A. Neff, C. Morley, K. Madrigal, M. Loughheed, J. Little, W. Jensen, N. Hoff, K. Hendricks, D. Hardy, H. Hansen, N. Grscost, J. Groscost, N. Gardner, G. Furner, J. Fuentes, C. Frazier, B. Erickson, D. Dixon, D. Deherrera, G. Davies, T. Crane, B. Chappell, Z. Campbell, D. Burgon, A. Brough, N. Boyle, G. Barraza, S. Arismendi, A. Adrignola, J. Simmons,

## DECLARATION OF PROBABLE CAUSE:

Your Declarant, Detective J. Simons with the Draper Police Department, based on information in report number 22-5975, interviews of witnesses, and investigation by law enforcement officers, states as follows:

On April 3, 2022, at approximately 0100 hours officers responded to shots fired at 11464 South Cranberry Hill Ct, Salt Lake County, UT. When officers arrived, they found Austin Powell deceased, lying near a 2020 Tesla with bullet holes in the windshield and other parts of the

vehicle. A second gunshot victim, later identified as Jonathan Fuentes, was transported to Intermountain Medical Center at 5121 S Cottonwood St. Murray, UT with a gunshot wound to the head. Jonathan was pronounced brain dead and died later that day.

The home was listed on Airbnb as a rental. Detectives spoke with the manager of the Airbnb who went to the residence just before the shooting to shut down the party. He provided video footage from a Ring doorbell camera of the party that captured approximately 10 loud bangs which appeared to be gunshots. A witness recorded the incident via video on his phone which was provided to detectives. In the video, the shooter skipped or jumped around as he fired off rounds toward the direction where the Tesla was parked.

Multiple 9mm bullet casings, 9mm full metal jacket bullets, and an empty tan-colored 9mm Glock magazine were collected on scene.

A confidential source (CS) who had first-hand knowledge of the shooting identified the shooter as DANIEL MARTINEZ. CS stated that MARTINEZ goes by the name Felon. CS was familiar with MARTINEZ and ASHYTN ORTEGA. The confidential source stated they were at the party located at 11464 S. Cranberry Hill Ct. and the manager of the Airbnb asked everyone to leave. The confidential source said a verbal argument began between MARTINEZ and the Tesla driver, Austin Powell. The confidential source saw ORTEGA pull a gun out of his waistband and give it to MARTINEZ who then shot the Tesla driver and then fled the scene.

Detectives were able to confirm the details of the statement the confidential source provided were true and correct. This statement was verified by video evidence, other witness statements, social media messages and text message content. The confidential source was shown a picture of MARTINEZ (DOB 4/6/2004) and stated the shooter was 1,000 percent him. The same confidential source provided a photo of ORTEGA (DOB 3/6/2004) from a social media post. A records search confirmed the identity of both MARTINEZ and ORTEGA.

ORTEGA was arrested at his residence on April 7, 2022. Evidence seized from ORTEGA's residence included a tan Glock magazine, marijuana edibles, raw marijuana, an AR-15 pistol, a Sig Sauer P365, paraphernalia, and .223- and 9mm ammunition.

In a post-*Miranda* statement, ORTEGA stated he went to a party with MARTINEZ and two other friends. The party ended when the homeowner arrived and kicked everyone out. While out in the street beer bottles were being thrown in the street. At this point, MARTINEZ asked ORTEGA to hand him his gun, which was a Glock 19x, sand color. ORTEGA identified MARTINEZ as the one who fired the shots. ORTEGA also admitted to owning an AR-15 pistol and having it in his residence.

When MARTINEZ was taken into custody a Canik 9mm gun case, an empty Glock 17 gun case, an American Eagle 9mm box of ammunition, and loose 9mm ammunition were obtained from the residence where he was residing during a search.

In a post-*Miranda* statement, MARTINEZ stated he was at a party in Draper and was throwing beer bottles on the ground just prior to the shooting occurring. MARTINEZ initially stated that he did not know what the commotion was about and had no idea what caused the shooting. Later in the interview, MARTINEZ admitted that ORTEGA may have been carrying a gun, but MARTINEZ did not know who was shooting. A few minutes later, MARTINEZ indicated ORTEGA was the shooter.

On April 4, 2022, the Utah Office of the Medical Examiner, performed an autopsy on Austin Powell and Jonathan Fuentes. The medical examiner preliminarily determined that both men died from a gunshot wound, and their manner of death to be homicide.

#### REQUEST FOR NO BAIL HOLD:

Pursuant to Utah Code 77-20-1(2), the State requests that Defendant be held without bail until further notice in this matter on the following grounds:

The defendant is charged with a felony and there is substantial evidence supporting the charge and clear and convincing evidence that the defendant would constitute a substantial danger to any other individual or to the community, or is likely to flee the jurisdiction of the court, if released on bail.

There is substantial evidence, as referenced above in the probable cause statement, demonstrating the Defendant committed the offenses charged. On April 3, 2022, at approximately 0100 hours the Defendant shot multiple rounds from a handgun towards partygoers who were attempting to leave the area after being asked to do so. Not only did the Defendant shoot multiple rounds towards a particular vehicle and person but his motion of skipping along while holding the gun with one hand and spraying bullets across the area not only killed his intended target, Austin Powell, but also killed a second person, Jonathan Fuentes, with rounds the Defendant discharged as he shot multiple rounds at the 2020 Tesla.

MARTINEZ was aware that ORTEGA brought a gun to a party where minors were drinking. When a verbal confrontation occurred MARTINEZ requested the gun from ORTEGA, who pulled it from his waistband and provided it to MARTINEZ. MARTINEZ immediately skipped or danced down the street while shooting at the other party in that argument over the beer bottles being broken in the street, killing that person along with an uninvolved person who was walking away from the party. MARTINEZ's attitude of indifference and even amusement while pulling the trigger demonstrates his danger to the community. He had an immediate lethal response to a verbal altercation.

The callousness of these acts, the complete disregard for the sanctity of human life and the inability and unwillingness to consider the safety of others around him when he chose to shoot the handgun multiple times as people were dispersing from the party demonstrate by clear and convincing evidence that the Defendant is a danger to the community. Moreover, the Defendant has ties to other States and would be a flight risk if allowed to be released on bail.

Pursuant to Utah Code Annotated § 78B-18a-106 (2018) I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on the 15<sup>th</sup> day of April, 2022,  
in Salt Lake County, Utah

*/s/ J. Simons*

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J. Simmons  
Declarant

Authorized for presentment and filing

SIM GILL, District Attorney

*/s/ Adrianna S. Davis*

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Deputy District Attorney  
15th day of April, 2022  
SG / JEH / DA Case No. 22005982

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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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