

SIM GILL, Bar No. 6389
District Attorney for Salt Lake County
JENNIFER ZELENY, Bar No. 15044
Deputy District Attorney
35 East 500 South
Salt Lake City, Utah 84111
(385) 468-7600
Jzeleny@slco.org

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

THE STATE OF UTAH

Plaintiff,

vs.

ANH DUY PHAM

DOB: 04/10/1997

OTN#: 65340564

SO#: 412725

SID#/BCI#: 1379862

Booking#: 24011500

Defendant.

Screened by: HOMICIDE TEAM
Assigned to: TO BE ASSIGNED

INFORMATION

DAO # 24.004983

BAIL: NO BAIL WARRANT

WARRANT/RELEASE: CG, WA

Case No.

The undersigned Law Enforcement Officer KEVIN E. FORTUNA - Salt Lake City Police Department, Agency Case No. 24-54182, upon a written declaration states on information and belief that the defendant, ANH DUY PHAM, committed the crime(s) of:

COUNT 1

ATTEMPTED MURDER, 76-5-203, a First Degree Felony, as follows: That on or about August 22, 2023 at 1000 West 500 South, the defendant did attempt to (a) intentionally or knowingly cause the death of another;

(b) intending to cause serious bodily injury to another, commit an act clearly dangerous to human life that caused the death of another;

(c) acting under circumstances evidencing a depraved indifference to human life, knowingly engage in conduct which created a grave risk of death to another and thereby caused the death of another;

(d)(i) engage in the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense, or was a party to the predicate offense; and

(ii) a person other than a party as defined in Utah Code Section 76-2-202 was killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted

commission of any predicate offense; and

(iii) the actor acted with the intent required as an element of the predicate offense;

(e) recklessly cause the death of a peace officer or military service member in uniform while in the commission or attempted commission of:

(i) an assault against a peace officer under Utah Code Section 76-5-102.4;

(ii) interference with a peace officer while making a lawful arrest under Section 76-8-305, having used force against a peace officer; or

(iii) an assault against a military service member in uniform under Utah Code Section 76-5-102.4;

(f) commit a homicide which would have been aggravated murder, but the offense was reduced pursuant to Utah Code Subsection 76-5-202(4). Samantha Mathews

COUNT 2

FAILURE TO STOP AT INJURY ACCIDENT, 41-6A-401.3(3)(A), a Class A Misdemeanor, as follows: That on or about August 22, 2023 at 1000 West 500 South, the defendant did , as the operator of a vehicle who had reason to believe that the operator may have been involved in an accident resulting in injury to any person, failed to:

(i) immediately stop the vehicle at the scene of the accident or as close to it as possible without obstructing traffic more than is necessary; and

(ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 41-6a-401.7.

(b) If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator failed to immediately comply as nearly as possible with the requirements of Section 41-6a-401.7 . Samantha Mathews

COUNT 3

ATTEMPTED MURDER, 76-5-203, a First Degree Felony, as follows: That on or about February 24, 2024 at 1700 East 11490 South, the defendant did attempt to (a) intentionally or knowingly cause the death of another;

(b) intending to cause serious bodily injury to another, commit an act clearly dangerous to human life that caused the death of another;

(c) acting under circumstances evidencing a depraved indifference to human life, knowingly engage in conduct which created a grave risk of death to another and thereby caused the death of another;

(d)(i) engage in the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense, or was a party to the predicate offense; and

(ii) a person other than a party as defined in Utah Code Section 76-2-202 was killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense; and

(iii) the actor acted with the intent required as an element of the predicate offense;

(e) recklessly cause the death of a peace officer or military service member in uniform while in the commission or attempted commission of:

(i) an assault against a peace officer under Utah Code Section 76-5-102.4;

(ii) interference with a peace officer while making a lawful arrest under Section 76-8-305, having used force against a peace officer; or

(iii) an assault against a military service member in uniform under Utah Code Section 76-5-102.4;

(f) commit a homicide which would have been aggravated murder, but the offense was reduced pursuant to Utah Code Subsection 76-5-202(4). Jocelyn Peirce

COUNT 4

ATTEMPTED MURDER, 76-5-203, a First Degree Felony, as follows: That on or about February 24, 2024 at 1700 East 11490 South, the defendant did attempt to (a) intentionally or knowingly cause the death of another;

(b) intending to cause serious bodily injury to another, commit an act clearly dangerous to human life that caused the death of another;

(c) acting under circumstances evidencing a depraved indifference to human life, knowingly engage in conduct which created a grave risk of death to another and thereby caused the death of another;

(d)(i) engage in the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense, or was a party to the predicate offense; and

(ii) a person other than a party as defined in Utah Code Section 76-2-202 was killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense; and

(iii) the actor acted with the intent required as an element of the predicate offense;

(e) recklessly cause the death of a peace officer or military service member in uniform while in the commission or attempted commission of:

(i) an assault against a peace officer under Utah Code Section 76-5-102.4;

(ii) interference with a peace officer while making a lawful arrest under Section 76-8-305, having used force against a peace officer; or

(iii) an assault against a military service member in uniform under Utah Code Section 76-5-102.4;

(f) commit a homicide which would have been aggravated murder, but the offense was reduced pursuant to Utah Code Subsection 76-5-202(4). M.P.

COUNT 5

FAILURE TO STOP AT SERIOUS INJURY ACCIDENT, 41-6A-401.3(3)(B), a Third Degree Felony, as follows: That on or about February 24, 2024 at 1700 East 11490 South, the defendant did , as the operator of a vehicle who has reason to believe that the operator may have been involve in an accident resulting in injury to any person failed to:

(i) immediately stop the vehicle at the scene of the accident or as close to it as possible without obstructing traffic more than is necessary; and

(ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 41-6a-401.7.

(b) If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator failed to immediately comply as nearly as possible with the requirements of Section 41-6a-401.7.

Furthermore, the accident resulted in serious bodily injury to any person. Jocelyn Peirce

COUNT 6

FAILURE TO STOP AT SERIOUS INJURY ACCIDENT, 41-6A-401.3(3)(B), a Third Degree Felony, as follows: That on or about February 24, 2024 at 1700 East 11490 South, the defendant did , as the operator of a vehicle who has reason to believe that the operator may have been involve in an accident resulting in injury to any person failed to:

(i) immediately stop the vehicle at the scene of the accident or as close to it as possible without obstructing traffic more than is necessary; and

(ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 41-

6a-401.7.

(b) If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator failed to immediately comply as nearly as possible with the requirements of Section 41-6a-401.7.

Furthermore, the accident resulted in serious bodily injury to any person. M.P.

COUNT 7

ATTEMPTED MURDER, 76-5-203, a First Degree Felony, as follows: That on or about February 28, 2024 at Douglas Avenue and Laird Avenue, the defendant did attempt to (a) intentionally or knowingly cause the death of another;

(b) intending to cause serious bodily injury to another, commit an act clearly dangerous to human life that caused the death of another;

(c) acting under circumstances evidencing a depraved indifference to human life, knowingly engage in conduct which created a grave risk of death to another and thereby caused the death of another;

(d)(i) engage in the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense, or was a party to the predicate offense; and

(ii) a person other than a party as defined in Utah Code Section 76-2-202 was killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense; and

(iii) the actor acted with the intent required as an element of the predicate offense;

(e) recklessly cause the death of a peace officer or military service member in uniform while in the commission or attempted commission of:

(i) an assault against a peace officer under Utah Code Section 76-5-102.4;

(ii) interference with a peace officer while making a lawful arrest under Section 76-8-305, having used force against a peace officer; or

(iii) an assault against a military service member in uniform under Utah Code Section 76-5-102.4;

(f) commit a homicide which would have been aggravated murder, but the offense was reduced pursuant to Utah Code Subsection 76-5-202(4). Janette Brummett

COUNT 8

ATTEMPTED MURDER, 76-5-203, a First Degree Felony, as follows: That on or about February 28, 2024 at Douglas Avenue and Laird Avenue, the defendant did attempt to (a) intentionally or knowingly cause the death of another;

(b) intending to cause serious bodily injury to another, commit an act clearly dangerous to human life that caused the death of another;

(c) acting under circumstances evidencing a depraved indifference to human life, knowingly engage in conduct which created a grave risk of death to another and thereby caused the death of another;

(d)(i) engage in the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense, or was a party to the predicate offense; and

(ii) a person other than a party as defined in Utah Code Section 76-2-202 was killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense; and

(iii) the actor acted with the intent required as an element of the predicate offense;

(e) recklessly cause the death of a peace officer or military service member in uniform while in the commission or attempted commission of:

(i) an assault against a peace officer under Utah Code Section 76-5-102.4;

- (ii) interference with a peace officer while making a lawful arrest under Section 76-8-305, having used force against a peace officer; or
- (iii) an assault against a military service member in uniform under Utah Code Section 76-5-102.4;
- (f) commit a homicide which would have been aggravated murder, but the offense was reduced pursuant to Utah Code Subsection 76-5-202(4). Janette Brummett

COUNT 9

FAILURE TO STOP AT SERIOUS INJURY ACCIDENT, 41-6A-401.3(3)(B), a Third Degree Felony, as follows: That on or about February 28, 2024 at Douglas Avenue and Laird Avenue, the defendant did , as the operator of a vehicle who has reason to believe that the operator may have been involve in an accident resulting in injury to any person failed to:

- (i) immediately stop the vehicle at the scene of the accident or as close to it as possible without obstructing traffic more than is necessary; and
- (ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 41-6a-401.7.
- (b) If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator failed to immediately comply as nearly as possible with the requirements of Section 41-6a-401.7.

Furthermore, the accident resulted in serious bodily injury to any person. Martha Knudson

COUNT 10

FAILURE TO STOP AT INJURY ACCIDENT, 41-6A-401.3(3)(A), a Class A Misdemeanor, as follows: That on or about February 28, 2024 at Douglas Avenue and Laird Avenue, the defendant did , as the operator of a vehicle who had reason to believe that the operator may have been involved in an accident resulting in injury to any person, failed to:

- (i) immediately stop the vehicle at the scene of the accident or as close to it as possible without obstructing traffic more than is necessary; and
- (ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 41-6a-401.7.
- (b) If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator failed to immediately comply as nearly as possible with the requirements of Section 41-6a-401.7 . Janette Brummett

COUNT 11

ATTEMPTED MURDER, 76-5-203, a First Degree Felony, as follows: That on or about March 11, 2024 at 600 West North Temple Street, the defendant did attempt to (a) intentionally or knowingly cause the death of another;

- (b) intending to cause serious bodily injury to another, commit an act clearly dangerous to human life that caused the death of another;
- (c) acting under circumstances evidencing a depraved indifference to human life, knowingly engage in conduct which created a grave risk of death to another and thereby caused the death of another;
- (d)(i) engage in the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense, or was a party to the predicate offense; and
- (ii) a person other than a party as defined in Utah Code Section 76-2-202 was killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense; and

- (iii) the actor acted with the intent required as an element of the predicate offense;
- (e) recklessly cause the death of a peace officer or military service member in uniform while in the commission or attempted commission of:
 - (i) an assault against a peace officer under Utah Code Section 76-5-102.4;
 - (ii) interference with a peace officer while making a lawful arrest under Section 76-8-305, having used force against a peace officer; or
 - (iii) an assault against a military service member in uniform under Utah Code Section 76-5-102.4;
- (f) commit a homicide which would have been aggravated murder, but the offense was reduced pursuant to Utah Code Subsection 76-5-202(4). Nisha Shrestha

COUNT 12

FAILURE TO STOP AT SERIOUS INJURY ACCIDENT, 41-6A-401.3(3)(B), a Third Degree Felony, as follows: That on or about March 11, 2024 at 600 West North Temple Street, the defendant did , as the operator of a vehicle who has reason to believe that the operator may have been involve in an accident resulting in injury to any person failed to:

- (i) immediately stop the vehicle at the scene of the accident or as close to it as possible without obstructing traffic more than is necessary; and
- (ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 41-6a-401.7.
- (b) If the operator has reason to believe that the operator may have been involved in an accident only after leaving the scene of the accident, the operator failed to immediately comply as nearly as possible with the requirements of Section 41-6a-401.7.

Furthermore, the accident resulted in serious bodily injury to any person. Nisha Shrestha

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

ANDREW GATES, GARY MADDOX, SANTIAGO PEREZ, JOSH D. MORTENSEN, WYATT KESTI, SAM ACOSTA, MICHAEL C. MELYSHER, Faautagia Alo, Eduardo Jara, ERIC S. PHILBRICK, KYLE WALKINGSHAW, MICHAEL CHIDESTER, KYLE LALLISS, Katherine Downs, MIKAH K. LINDQUIST, KARLY CHRISTENSEN, AARON J. HARGROVE, KARLY CHRISTENSEN, Katie Blodgett, JACOB N BENSON, KEVIN E. FORTUNA, KODY BOEHME, MATTHEW TAYLOR, ALAN GREENWOOD, RICHARD A FORTNER, WYATT KESTI, Pratista Ghimire, Treven Marler, Finley Stumph, NICHOLAS THOMAS, CRISTI ANN DEMARCO, AMANDA FERN STEARNS, Gregory Vernon Lahr, Ervin Ray Herman, Treven Dylan Marler, Christa Dawn Miesner, Jacob Mel Davis, Zachary Jacob Meyer, Nisha Shrestha, Janette Brummett, MARTHA KNUDSON, SAMANTHA KATEY MATHEWS, Jocelyn Florence Peirce, M.P., Jill Mortensen, Dacia Troy Davis and Ethan Macintosh

DECLARATION OF PROBABLE CAUSE:

Your Declarant bases the Information upon the following:

The statement of Salt Lake City Police Officer Perez that on or about August 22, 2023, he

was dispatched to an accident with injuries at 1000 West 500 South in Salt Lake County. Witnesses Amanda Stearns and Cristi Demarco stated that they observed a white vehicle with Utah license plates (U385WV) pull next to a female, identified as Samantha Mathews. Amanda and Cristi observed Samantha shrug off the vehicle and begin to run away. Amanda and Cristi stated that the white vehicle sped up and hit Samantha causing her to fly over the vehicle and land on the ground hard before speeding away. Samantha stated that prior to hitting her, the driver asked her to get into the vehicle multiple times and that she refused before starting to walk away. Samantha suffered minor injuries and refused medical attention. Officer Perez ran the plate and confirmed that the vehicle, a white Toyota Avalon, was registered to ANH DUY PHAM.

The statement of Sandy Police Officer Acosta that on or about February 24, 2024, he was dispatched to a hit and run with serious injuries at 1700 East 11490 South. Witnesses informed officers that they arrived after the accident to find Jocelyn Peirce and her daughter, M.P. (04/05/07) lying on the side of the road. Officers reviewed home security footage which showed that a white Toyota Avalon was observed driving down the street three times prior to the accident. Security footage showed that on the third pass down the street the white Toyota is driving slowly in the bicycle lane. A review of license plate reader cameras (LPRs) confirmed that PHAM's vehicle was in the area nine minutes after the crash. Jocelyn suffered an epidural hematoma, temporal bone fracture and blunt force trauma. M.P. suffered a scalp laceration, back injuries and abrasions.

The statement of Salt Lake City Police Officer Kolva that on or about February 28, 2024, he was dispatched to a hit and run with serious injuries at Douglas Avenue and Laird Avenue. Witness Nick Thomas stated that he heard the crash and came outside to observe two females, identified as Martha Knudson and Janette Brummett, lying on the ground. Martha stated that she and Janette were walking on the east side of the street on Douglas Avenue when she heard a vehicle accelerating before being struck from behind. Martha described the vehicle as an older white sedan. Martha suffered a concussion, lacerations to her head, and fractured front teeth which will require oral surgery to fix. Janette lost consciousness at the scene and suffered a brain bleed, a concussion, hand fracture, and lacerations to her head and scalp. A review of home security footage in the area showed PHAM's vehicle in the area at the time of this occurrence.

The statement of Officer Christensen that on or about March 11, 2024, at 4:49 a.m. she was dispatched to a hit and run with serious injuries at 600 West North Temple Street. Pratista Ghimire stated she and Nisha Shrestha started walking eastbound in the crosswalk when their crossing light turned green. Pratista stated she was ahead of Nisha with her earbuds in when she observed a white vehicle driving southbound on 600 West traveling fast. Pratista stated she then heard the impact when the vehicle hit Nisha and turned to see the white vehicle driving away from the scene. Witnesses Treven Marler and Finley Stumph stated that they were walking southbound on 600 West when they observed a white sedan approach them at a slow speed, which "creeped them out." Teven and Finley confirmed that the light was red for the white car when it picked up speed and intentionally drove in the direction of Pratista and Nisha. Security footage shows a white Toyota Avalon driving northbound on 600 West before turning around to head southbound. Security footage shows Pratista and Nisha waiting for their light to cross while the Toyota slowly drives in the bicycle lane. As Pratista and Nisha start across the crosswalk, the Toyota is observed quickly picking up speed and the sound of the collision is heard. Security video confirmed that the driver of the Toyota did not use his brakes, nor attempt to stop before hitting Nisha. Light timing analysis

confirmed that north and southbound traffic had a red light for a minute and forty-five seconds before the crash. Officers were informed that Nisha had to be intubated and suffered a left femur fracture, a left tib/fib fracture, a brain bleed, skull fracture and multiple pelvic fractures. Nisha has since been removed from the ventilator but is currently in an ICU unit at a local hospital. While on scene, officers located a front bumper belonging to the white sedan. Investigations confirmed that the bumper belonged to a Toyota Avalon. LPR analysis confirmed that a white Toyota Avalon with Utah license plates (U385WV) was in the area at that time of the accident and had been traveling through Salt Lake City starting at 12:00 a.m. Investigators confirmed that on March 4th LPR photos show that the Toyota did not have front passenger damage. LPR photos of the Toyota from March 12th showed that it was missing a front bumper and had extensive damage to the right passenger side of the vehicle.

On March 13, 2024, officers located the white Toyota Avalon at Liberty Park with a single male occupant, identified as PHAM. Officers approached the vehicle and took PHAM into custody without incident. PHAM confirmed that he was the owner of the vehicle and that he was the only individual who drove the vehicle. When interviewed about the accident, PHAM at first stated he didn't drive that late and had been in West Jordan staying with a friend. PHAM stated that he, "may have lent the vehicle to one of his friends" and then stated, "yeah it's only mine. I don't let anyone drive." PHAM stated that if he had been in an accident he would have waited for the police to arrive. PHAM's family confirmed that the Toyota belonged to him and that he is the only individual who drives the vehicle.

MOTION FOR PRETRIAL DETENTION:

Pursuant to Utah Code 77-20-201(1) the State requests that Defendant be held without bail until further notice in this matter because 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.

As referenced in the probable cause statement in this Information, there is substantial evidence based on the following grounds:

- 1) The defendant is charged with multiple counts of attempted murders in this case and there is substantial evidence supporting the charges, including the serious injuries of Janette Brummett, Martha Knudson, Jocelyn Peirce, M.P., and Nisha Shrestha;
- 2) There is clear and convincing evidence that the defendant would constitute a substantial danger to himself and any other individual or the community. The Defendant currently has two third degree felony cases pending in the Third District Court under Court case numbers 241902924 and 231912364, and two pending cases in the Salt Lake County Justice Court under Court case numbers 241401673 and 231600432. The Defendant entered in to a no contest plea in the Third District Court under Court case number 211904391 for a third degree felony Possession of a Firearm by Restrict Person and was sentenced to jail to close. The Defendant has previously been on probation and has been unsuccessful on probation having been revoked and ordered to jail time to close in the West Jordan Justice Court under Court case numbers 201300251 and 18131970, and in the Second District under Court case number 171902612. The Defendant has multiple traffic convictions throughout the State including no proof of insurance, no valid driver's license, speeding, and vehicle violations.

3) There is clear and convincing evidence that the Defendant is a flight risk. The Defendant is currently homeless and resides out of his vehicle, so he has no valid address and has been driving on an expired driver's license. The Defendant and his family have confirmed that he is the only person who drives his vehicle and that no one else has permission to use it. The Defendant has failed to successfully complete probation having his probation revoked in two cases in the West Jordan City Justice Court and in the Second District Court.

4) There is clear and convincing evidence that the Defendant would constitute a substantial risk to the community as he has targeted females in crosswalks and walking along the roads. The Defendant does not know the female victims and has been choosing females at random to hit. Moreover, the Defendant is currently under investigation for at least three more hit and run incidents of which the State is currently aware, including two cases in Salt Lake City and one in Summit County. The State is concerned that if the Defendant is released, he will not only flee the area but continue to drive and target females within the community. The ongoing nature of the Defendant's reckless disregard for human safety, callousness towards the results of his actions and complete disregard for the law, clearly and convincingly demonstrates that the defendant constitutes a substantial danger to himself and any other individual or the community if released on bail. Consequently, the State is requesting a no bail warrant be issued for the defendant, and he be held pending resolution of the case.

Pursuant to Utah Code Annotated § 78B-18a-106 (2018) 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: 25th day of March, 2024

/s/ KEVIN E. FORTUNA
Declarant

Authorized for presentment and filing

SIM GILL, District Attorney

/s/ Jennifer Zeleny
Deputy District Attorney
25th day of March, 2024
JZ / KF / DAO # 24.004983

OTHER PENDING CASES FOR THE DEFENDANT

Court	Court Case #	Trial Judge	DAO #	Charge
Third District Court, SALT LAKE DEPARTMENT	241902924	Mow, Adam	23.016957	Count 1 76-9-202(2)(D) EMERGENCY REPORTING ABUSE (Third Degree Felony) Count 2 76-6-206(2B)+(3A) CRIMINAL TRESPASS AFTER NOTICE (Class B Misdemeanor)
SALT LAKE COUNTY JUSTICE COURT	231600432	Graves- Robertson, Shauna	23.011790	Count 1 76-6-602(2)+(3D) RETAIL THEFT < \$500 (Class B Misdemeanor)
Third District Court, SALT LAKE DEPARTMENT	231912364	Mow, Adam	23.022906	Count 1 76-6-106.1(2B)+(3BII) PROPERTY DAMAGE/DESTRUCTION >... (Third Degree Felony)