

SIM GILL, Bar No. 6389
District Attorney for Salt Lake County
EMILY PAULOS, Bar No. 13834
Deputy District Attorney
35 East 500 South
Salt Lake City, Utah 84111
(385) 468-7600
epaulos@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.

ZACHARY JARRED WALTON,
DOB: 12/11/1995
AKA: Zachary Walton
529 W 9th Ave
Midvale, UT 84047
OTN#: 68053834
SO#: 451109
SID#/BCI#: 1373340
Booking#: 24039678

Defendant.

Screened by: HOMICIDE TEAM
Assigned to: TO BE ASSIGNED

INFORMATION

DAO # 24.015745

BAIL: NO BAIL WARRANT

WARRANT/RELEASE: IN JAIL PRD
09/06/2024

Case No.

The undersigned Detective K. Sperry - Unified Police Department, Agency Case No. CO24-80518, upon a written declaration states on information and belief that the defendant, ZACHARY JARRED WALTON, committed the crime(s) of:

COUNT 1

MURDER, 76-5-203, a First Degree Felony, as follows: That on or about August 25, 2024, at 529 West 9th Ave, in Salt Lake County, the defendant did intentionally or knowingly cause the death of another; intending to cause serious bodily injury to another, commit an act clearly dangerous to human life that caused the death of another; 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; 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 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 the actor acted with the intent required as an element of the predicate offense; recklessly cause the death of a peace officer or military service member in uniform while in the commission or attempted commission of: an assault against a peace officer under Utah Code Section 76-5-102.4; interference with a peace officer while making a lawful arrest under Section 76-8-305, having used force against a peace officer; or an assault against a military service member in uniform under Utah Code Section 76-5-102.4; commit a homicide which would have been aggravated murder, but the offense was reduced pursuant to Utah Code Subsection 76-5-202(4).

COUNT 2

AGGRAVATED CHILD ABUSE - INTENTIONALLY OR KNOWINGLY, 76-5-109.2(2)+(3A), a Second Degree Felony, as follows: That on or about August 1, 2024, through August 24, 2024, at 529 West 9th Ave, in Salt Lake County, the defendant did intentionally or knowingly inflict upon a child, serious physical injury or having the care or custody of such child, caused or permitted another to intentionally or knowingly inflict serious physical injury upon a child.

To wit: rib fracture

COUNT 3

AGGRAVATED CHILD ABUSE - INTENTIONALLY OR KNOWINGLY, 76-5-109.2(2)+(3A), a Second Degree Felony, as follows: That on or about August 1, 2024, through August 24, 2024, at 529 West 9th Ave, in Salt Lake County, the defendant did intentionally or knowingly inflict upon a child, serious physical injury or having the care or custody of such child, caused or permitted another to intentionally or knowingly inflict serious physical injury upon a child.

To wit: rib fracture

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

Officer J. Stilson, S.R., Dr. Russell, Officer L. Lopez, and Detective K. Sperry

DECLARATION OF PROBABLE CAUSE:

Your affiant bases probable cause on information and evidence collected by Unified Police Department, Case No. CO24-80518 and the following:

The statement of Unified Police Officer J. Stilson that on August 25, 2024, officers were dispatched to an unresponsive 4-month-old child, S.S., at the Road Home Shelter, 529 West 9th Ave, in Salt Lake County. The child was transported to the hospital.

The statement of S.R. that she is S.S.'s mother. S.R. stated that she had left S.S. in the care of a "family friend", ZACHARY JARRED WALTON, while she was at work on August 25, 2024. S.R. stated that WALTON has cared for S.S. on several occasions. S.R. stated that she has left her kids with WALTON because he is great with kids.

The statement of Dr. Russell with Safe and Healthy Families with Primary Children's Hospital, that an exam of S.S. revealed she had bilateral skull fractures, intracranial hemorrhage, and both acute and healing rib fractures. S.S.'s constellation of symptom is highly concerning for inflicted trauma. Regarding her brain injury, S.S. has evidence of both impact (skull fractures) and inertial (interhemispheric hemorrhage) injuries. This pattern of injury is far outside the scope of what is seen in accidental falls or drops and is unrelated to the history of fall one month ago; cardiorespiratory arrests associated with brain injury occur very acutely after the insult or traumatic event. The radiographic evidence of soft tissue swelling overlying both skull fractures indicates that they are also acute. The soft tissue swelling is not visible on exam (again, an indicator of the acuity of the injury as it often becomes more apparent on exam as time progresses). The presence of healing rib fractures, dated to approximately 2-3 weeks prior based on signs of healing, indicates S.S. has been maltreated on more than one occasion. Rib fractures in an infant are highly specific for inflicted injury. S.S. is COVID positive and has been symptomatic, and this infection would not cause or predispose her to the traumatic injuries noted. To a reasonable degree of medical certainty, the injuries/findings described cannot plausibly be explained by accidental injury, preexisting medical illness, reasonable discipline or benign events. Therefore, these injuries should be considered consistent with inflicted trauma.

Post-Miranda WALTON stated that S.R. left about 11 o'clock and S.S. slept most of the day. WALTON stated that he took the children downstairs for dinner and when he went back upstairs, he handed S.S. to his daughter who changed S.S.'s diaper. After the diaper change, WALTON took S.S. to the room, and she was crying. WALTON stated that he was frustrated and yelled at his daughter for waking S.S. up. WALTON had his daughter watch S.S. because he needed a break, and he went upstairs to vape. WALTON stated that his daughter called him saying that S.S. was crying and wouldn't stop. WALTON came back downstairs, and S.S. was grabbing her face. WALTON stated that he decided to take S.S. up on the roof because the air usually helps calm her down. WALTON stated that while he was waiting for the elevator to go upstairs, S.S. was screaming, and he had to keep putting the binky "mute button" back in. WALTON stated that his frustration was an 8 out of 10. WALTON was asked what happened in the elevator. WALTON initially said nothing, and he never smacked S.S.'s head. WALTON

then stated that S.S. was just screaming inside the elevator, nothing happened, that he was just trying to calm her down. WALTON was asked if he bumped S.S.'s head. WALTON paused and asked if we meant, "like swing her head." WALTON was asked what happened. WALTON stated that he bumped S.S.'s head in the elevator, that he was trying to get items out of his pocket, and he accidentally bumped her head. WALTON stated that he accidentally hit her head on the corner of the elevator near the buttons, that it was an accident, she was screaming, and then she was not breathing. When asked how many times he hit S.S.'s head, WALTON stated twice. WALTON claimed that he attempted life saving measures for 5 minutes prior to calling for help.

WALTON was asked how he was feeling during the incident and he stated that he was frustrated. WALTON stated that when he was in the elevator, he thought to himself, "How do I get her to shut up." WALTON stated that he saw the corner of the elevator and while cradling S.S. in his left arm, he smashed her head into the metal corner of the elevator where the elevator curves to the sliding doors. WALTON stated that this only made S.S. cry harder. WALTON explained that his frustration grew, and he thought to himself again, "How do I get her to shut up." WALTON stated that he consciously decided to hit S.S.'s head against the metal corner of the elevator. WALTON explained that he used significant force and even used his upper body weight to force S.S.'s head onto the corner of the elevator. WALTON stated that S.S. stopped crying and looked at him. WALTON then thought to himself, "What had I done."

When WALTON was asked about the broken rib, he stated that he squeezed S.S. too hard because he was excited to see her and it forced the air out of her lungs, but he did not hear any crack.

The statement of Unified Police Officer L. Lopez that a review of video surveillance from the shelter showed WALTON seated on the roof area. After a few minutes, WALTON walks to the elevators and goes to the dorm area. When WALTON goes to his bunk, a female hands him an infant in a diaper. WALTON places the infant at the head of the bunk and on top of what appeared to be a pillow. The infant is moving her arms and legs. After a short while, WALTON appears to place a pacifier in the infant's mouth. WALTON then lifts the infant and carries it to the elevator. WALTON waits for the elevator and then takes the elevator to the roof. WALTON enters the roof area of the building while holding the infant. WALTON walks north on the roof and makes a left turn and continues to walk, when it's observed that the infant's head drops back. WALTON is slow to react as the infant's head is laying back. The infant's arms also appear to go limp. WALTON lifts the infant and appears to blow into the infant's face and lifts the infant up and down as if he's trying to wake the infant up. The video shows WALTON carrying the 4-month-old limp infant around the roof for approximately 17 minutes while trying to blow into her face. When WALTON took the infant back to the lobby, her skin color was very pale compared to her skin color when she and Walton first entered the elevator 19 minutes before.

The statement of Unified Police Detective K. Sperry that he obtained a babysitting log from the shelter, which showed WALTON has been taking care of S.S. and her siblings on and off for approximately three weeks.

S.S. died September 6, 2024, at 7:17 am.

MOTION FOR NO BAIL HOLD:

Pursuant to Utah Code 77-20-201(1) the State requests that the defendant be held without bail until further notice in this matter on the following:

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.

In this case, a 4-month-old child was left in the care of a family friend, the defendant. While the defendant was caring for the child, he became frustrated with her crying. While taking the child up to the roof to try to calm her down, he asked himself how he could get her to shut up. The defendant then made a conscious decision to use significant force to hit her head into the corner of the elevator twice to get her to stop crying. This caused the child to lose consciousness and stop breathing. The child was taken to Primary Children's Hospital and was found to have a skull fractures, a brain bleed, and broken ribs. The defendant was trusted with the care of the child and when he couldn't handle it, he took dramatic actions. The defendant was unable to control his frustration which resulted in the injuries to the child. The defendant is a danger to children. The child was taken off life support and died on September 6, 2024, at 7:17 am. Due to the serious nature of the allegations, the defendant should be held without bail.

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: 6th day of September, 2024.

/s/ KAYDEN R SPERRY
Declarant

Authorized for presentment and filing:
SIM GILL, District Attorney

/s/ Emily Paulos
Deputy District Attorney
6th day of September, 2024
EP / MM / DAO # 24.015745

OTHER PENDING CASES FOR THE DEFENDANT

Court	Court Case #	Trial Judge	DAO #	Charge
-------	--------------	-------------	-------	--------