

SIM GILL, Bar No. 6389
District Attorney for Salt Lake County
JONATHAN FENN, Bar No. 18369
Deputy District Attorney
8090 South 1825 West
West Jordan, Utah 84088
(385) 468-7550
JHFenn@saltlakecounty.gov
DAO# 24.013735

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.

RUBEN SERNA
DOB: 01/21/1982
7400 S State St #17305
Midvale, UT 84047
OTN#: 68033307
SO#: 415877
Booking#: 24035510

Defendant.

**AMENDED
INFORMATION**

DAO # 24.013735

Case No. 241909258

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

COUNT 1

DISARMING A POLICE OFFICER - FIREARM, 76-5-102.8(2)+(3A), a First Degree Felony, as follows: That on or about August 3, 2024 in Salt Lake County, the defendant did intentionally take or remove, or attempt to take or remove a firearm from the person or immediate presence of a person the defendant knew was a peace officer, without the consent of the peace officer, and while the peace officer was acting within the scope of his authority as a peace officer.

COUNT 2

ASSAULT ON PEACE OFFICER/MILITARY FORCE PRODUCE DEATH/INJURY, 76-5-102.4(2)+(3CII), a Second Degree Felony, as follows: That on or about August 3, 2024 in Salt Lake County, the defendant did , assault a peace officer, with the knowledge that the person was a peace officer, when the peace officer was acting within the scope of his authority as a peace officer; or(b) assault a military servicemember in uniform when that service member was on orders and acting within the scope of authority granted to the military servicemember in uniform; and used other means or force likely to produce death or serious bodily injury.

COUNT 3

DISARMING A POLICE OFFICER - ENERGY DEVICE, 76-5-102.8(2)+(3B), a Third Degree Felony, as follows: That on or about August 3, 2024 in Salt Lake County, the defendant did intentionally take or remove, or attempt to take or remove a conductive energy device from the person or immediate presence of a person the defendant knew was a peace officer, without the consent of the peace officer, and while the peace officer was acting within the scope of his authority as a peace officer.

COUNT 4

AGG KIDNAPPING IN THE COURSE OF COMMITTING UNLAWFUL DETENTION (DV) (Prior DV), 76-5-302(2)+(3A), a Third Degree Felony, as follows: That on or about August 3, 2024 in Salt Lake County, the defendant did in the course of committing unlawful detention:(a) uses or threatens to use a dangerous weapon; or(b) acts with the intent to:(i) hold the victim for ransom or reward, as a shield or hostage, or to compel a third person to engage in particular conduct or to forbear from engaging in particular conduct;(ii) facilitate the commission, attempted commission, or flight after commission or attempted commission of a felony;(iii) hinder or delay the discovery of or reporting of a felony;(iv) inflict bodily injury on or to terrorize the victim or another individual;(v) interfere with the performance of any governmental or political function; or(vi) commit a sexual offense as described in Title 76, Chapter 5, Part 4, Sexual Offenses. Furthermore, the defendant was a cohabitant of the victim.

COUNT 5

VIOLATION OF PRETRIAL PROTECTIVE ORDER - FELONY ARREST/CHARGE (DV), 78b-7-806(2)(A), a Third Degree Felony, as follows: That on or about August 3, 2024 in Salt Lake County, the defendant did knowingly violate any pretrial protective order issued under Subsection 78B-7-803 and the original arrest or subsequent charge is for a felony. Furthermore, the defendant was a cohabitant of the victim.

COUNT 6

ASSAULT AGAINST A PEACE OFFICER OR MILITARY SERVICE MEMBER, 76-5-102.4(2)+(3A), a Class A Misdemeanor, as follows: That on or about August 3, 2024 in Salt Lake County, the defendant did assault a peace officer, with the knowledge that the person was a peace officer, when the peace officer was acting within the scope of his authority as a peace officer; or(b) assault a military servicemember in uniform when that service member was on orders and acting within the scope of authority granted to the military servicemember in uniform.

COUNT 7

ASSAULT (DV) (Prior DV), 76-5-102(2)+(3A), a Class A Misdemeanor, as follows: That on or about August 3, 2024 in Salt Lake County, the defendant did attempt, with unlawful force or violence, to inflict bodily injury upon another; or(b) commit an act, with unlawful force or violence, that:(i) caused bodily injury to another; or(ii) created a substantial risk of bodily injury to another. Furthermore, the defendant was a cohabitant of the victim.

COUNT 8

COMMISSION OF DOMESTIC VIOLENCE IN THE PRESENCE OF A CHILD (DV) (Prior DV), 76-5-114(2C), a Class A Misdemeanor, as follows: That on or about August 3, 2024 in Salt Lake County, the defendant did under circumstances not amounting to a violation of Subsection (2)(a) or (b), commits an act of domestic violence in the presence of a child. Furthermore, the defendant was a cohabitant of the victim.

COUNT 9

COMMISSION OF DOMESTIC VIOLENCE IN THE PRESENCE OF A CHILD (DV) (Prior DV), 76-5-114(2C), a Class A Misdemeanor, as follows: That on or about August 3, 2024 in Salt Lake County, the defendant did under circumstances not amounting to a violation of Subsection (2)(a) or (b), commits an act of domestic violence in the presence of a child. Furthermore, the defendant was a cohabitant of the victim.

COUNT 10

COMMISSION OF DOMESTIC VIOLENCE IN THE PRESENCE OF A CHILD (DV) (Prior DV), 76-5-114(2C), a Class A Misdemeanor, as follows: That on or about August 3, 2024 in Salt Lake County, the defendant did under circumstances not amounting to a violation of Subsection (2)(a) or (b), commits an act of domestic violence in the presence of a child. Furthermore, the defendant was a cohabitant of the victim.

COUNT 11

INTERFERING WITH A PEACE OFFICER, 76-8-305, a Class B Misdemeanor, as follows: That on or about August 3, 2024 in Salt Lake County, the defendant did have knowledge, or by the exercise of reasonable care should have had knowledge, that a peace officer was seeking to effect a lawful arrest or detention of the defendant or another and interfered with the arrest or detention by: (a) the use of force or any weapon; (b) refusing to perform any act required by lawful order: (i) necessary to effect the arrest or detention; and (ii) made by a peace officer involved in the arrest or detention; or (c) refusing to refrain from performing any act that would impede the arrest or detention.

COUNT 12

INTOXICATION, 76-9-701, a Class C Misdemeanor, as follows: That on or about August 3, 2024 through August 3, 2024 in Salt Lake County, the defendant did while under the influence of alcohol, a controlled substance, or any substance having the property of releasing toxic vapors, to a degree that the person may have endangered himself or another, in a public place or in a private place where the person unreasonably disturbs other persons.

THIS INFORMATION IS BASED ON EVIDENCE OBTAINED FROM THE FOLLOWING WITNESSES: TODD J RASMUSSEN, ERMINA MUSTAFIC, ETHAN ANDRUS, Sasha Serna, Ruben Serna, Jr., Bentley Serna and Zaiden Serna

DECLARATION OF PROBABLE CAUSE:

Your Declarant bases the Information upon the following:

The statement of Unified Police Officer Mustafic that on or about August 3, 2024, she was dispatched to a residence in Salt Lake County on the report of a domestic violence incident. Officers contacted RUBEN SERNA at the front door of his residence, SERNA refused to exit his residence and attempted to shut the door. Officers pushed the door open, Officer Mustafic entered SERNA's residence and attempted to take SERNA to the ground. SERNA refused to place his hands behind his back, and Officer Mustafic felt SERNA reach for her firearm and place his hand on her holster. Officer Mustafic placed her hand on her holster and SERNA grabbed Officer Mustafic by her throat and began to squeeze, during which time Officer Mustafic had difficulty breathing and was unable to speak. SERNA was on his knees and refused to go to the ground. Officer Mustafic retrieved her taser and delivered a shock to SERNA's lower back and he refused to go to the ground. Officer Mustafic delivered a shock to SERNA's bicep, SERNA refused to go to the ground and attempted to grab the taser. Officer Mustafic delivered a shock to SERNA's wrist, SERNA eventually complied and was placed into custody.

The statement of Officer Andrus that while attempting to place SERNA into custody, SERNA caused a laceration and swelling to his upper lip. Officer Andrus saw that Officer Mustafic had marks on her neck. While enroute to the jail, SERNA stated that he was going to flee to Texas. While awaiting booking at the jail, SERNA stated, "I choked that bitch," referring to Officer Mustafic.

The statement of Officer Asevedo that he contacted Sasha Rios who stated that her husband SERNA consumed approximately 30 beers and began acting violent and erratic. SERNA pushed Sasha into the corner of the kitchen and refused to let her leave. Sasha told SERNA to move multiple times, attempted to push SERNA away, SERNA continued to block her in the corner and grabbed her by the neck. Sasha and SERNA's shared children B.S. (03/10/2012), R.S. (12/22/2009), and Z.S. (06/24/2020) were present when the incident occurred.

NOTICE IS GIVEN that the defendant has previously entered into a domestic violence Plea in Abeyance in the Salt Lake City Justice Court under Court case number 191404542 and is therefore subject to enhancement.

NO BAIL WARRANT REQUEST:

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 the victim, to the community and 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 officer's statement that she felt the Defendant reach for her firearm and place his hand on her holster. The Defendant then grabbed the officer by her throat and began to squeeze, during which time the officer had difficulty breathing and was unable to speak. The Defendant refused to comply with officers and go to the ground. The officer deployed her taser and delivered three different shocks to Defendant, during which time the Defendant reached for her taser. While enroute to the jail, the Defendant stated that he was going to flee to Texas. While waiting for booking at the jail, the Defendant stated, "I choked that bitch," referring to the officer. The victim stated that the Defendant pushed her into the corner of her kitchen, refused to let her leave, and grabbed her by the neck.

The Defendant has demonstrated himself to be a danger to the victims and the community by reaching for the officer's firearm and placing his hand on her holster. The Defendant then grabbed the officer by her throat and began to squeeze, during which time the officer had difficulty breathing and was unable to speak. The Defendant refused to comply with officers and go to the ground. The officer deployed her taser and delivered three different shocks to Defendant, during which time the Defendant reached for her taser. While enroute to the jail, the Defendant stated that he was going to flee to Texas. While waiting for booking at the jail, the Defendant stated, "I choked that bitch," referring to the officer. The victim stated that the Defendant pushed her into the corner of her kitchen, refused to let her leave, and grabbed her by the neck. Additionally, the report of strangulation is particularly concerning. Injuries related to strangulation can be serious, yet not necessarily apparent. When a person reports lightheadedness or dizziness, this is a medical indication that the brain is being deprived of oxygen due to restriction of blood flow to the brain. This lack of oxygen to the brain can cause brain cell death, more commonly known as brain damage, and possibly brain death. When a victim is strangled, loss of consciousness can occur in as little as 6 seconds and death can occur in as little as 62 seconds. The State believes that should the defendant be released from custody, it is likely that the victim will suffer further domestic abuse or death at the hands of the defendant.

Authorized for presentment and filing

SIM GILL, District Attorney

/s/ Jonathan Fenn

Jonathan Fenn

Deputy District Attorney

13th day of January, 2025 / SR / DAO# 24.013735