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FOR IMMEDIATE RELEASE: May 29, 2014
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Salt Lake County District Attorney's Office Files Charges in 1988 Homicide

Salt Lake City, UT -- Today, the Salt Lake County District Attorney's Office, Sim Gill, Salt Lake County District Attorney, filed charges in the "cold-case" 1998 homicide of V.N., a fifteen-month-old infant.

As outlined more fully in the accompanying Information and statement of probable cause, it is alleged that the defendant, Louis Duran inflicted injuries upon V.N. It is alleged that these injuries resulted in the death of the infant, which medical examiners determined was a homicide.

Defendant Duran is charged with Murder, Criminal Homicide in the Second Degree, a First Degree Felony which was the statute in effect at the time of the crime. This offense is punishable by a maximum possible sentence of life in the Utah State Prison.

The Salt Lake County District Attorney's Office expresses its appreciation for the professional, dedicated efforts of law enforcement and criminal justice personnel who worked together to bring these charges. The Salt Lake County District Attorney especially appreciates the work of the Salt Lake City Police Department for their hard work in this case.

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

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

<p>THE STATE OF UTAH</p> <p>Plaintiff,</p> <p>vs.</p> <p>LOUIS DURAN DOB: 07/12/1960, AKA: Louie Mark Duran, Lewis Duran, Louis M Duran, Louis Mark Duran, Lewis Durn, 28 SOUTH BLAIR STREET SALT LAKE CITY, UT 84115 D.L.# 154715682 OTN SO# 96991</p> <p>Defendant.</p>	<p>Screened by: ROBERT PARRISH Assigned to: ROBERT PARRISH KIMBERLY M. CRANDALL</p> <p>INFORMATION</p> <p>DAO # 14004098</p> <p>ECR Status: NON-ECR Initial Appearance:</p> <p>Bail: \$1,000,007 Warrant/Release: NOT BOOKED</p> <p>Case No.</p>
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The undersigned TOM FLORES - SALT LAKE CITY POLICE DEPARTMENT, Agency Case No. SL1988-94748, upon a written declaration states on information and belief that the defendant, LOUIS DURAN, committed the crime(s) of:

COUNT 1

CRIMINAL HOMICIDE, MURDER IN THE SECOND DEGREE, 76-5-203ⁱ (1988) UCA, a First Degree Felony, as follows: That on or about October 03, 1988 at 418 SOUTH 1000 WEST, in Salt Lake County, State of Utah, the defendant did intentionally or knowingly cause the death of V.N.; or intending to cause serious bodily injury to another, he committed an act clearly dangerous to human life that caused the death of V.N.; or acting under circumstances evidencing a depraved indifference to human life, engaged in conduct which created a grave risk of death to another and thereby caused the death of V.N.; or while in the commission, attempted commission, or immediate flight from the commission or attempted commission of child abuse, as defined in Subsection 76-5-109(2)(a)ⁱⁱ, when the victim, V.N., was younger than 14 years of age, caused the death of a person other than a party, to wit: V.N.

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

TOM FLORES, MIRANDA CHAVEZ, CAROLYN DENT, TERRY GARCIA, CHRIS GARCIA, CRYSTAL GARCIA, KYLE JONES, GILBERT LOZANO, LORETTA MARTINEZ, LAURA MEDINA, V.N., DAWN NIETO, JIM SPANGENBERG, DR. SHARON SCHNITTKER, DR. EDWARD LEIS, DR. ANTOINETTE LASKEY, RICHELLE FERNANDEZ

DECLARATION OF PROBABLE CAUSE:

Your declarant bases this Information upon the following:

The statement of Detective Thomas Flores that he was requested to review the investigative files relating to the death of 15 month-old V.N., which occurred in Salt Lake County on October 3, 1988. Detective Flores was able to locate and interview several witnesses to the events leading up to the death of the toddler, and determined that the police investigation was inappropriately closed in 1988. Based upon the reinvestigation of the matter, Detective Flores was able to interview the victim's mother, Dawn Nieto and several other witnesses including the Defendant, LOUIS DURAN about what happened to V.N. He was also able to obtain the autopsy report concerning the autopsy of V.N. performed by Assistant Utah Medical Examiner Dr. Sharon Schnittker, the Medical Examiner's file, and the autopsy photographs, all of which document that V.N. died as a result of multiple blunt force trauma inflicted to the child on the day that she died. Dr. Schnittker had certified the cause of V.N.'s death as a result of multiple injuries inflicted to her brain, including multiple skull fractures, fresh subdural hemorrhage, and other signs of head trauma and further certified the manner of the victim's death as "homicide."

Although Dr. Schnittker is retired and resides out of State, current Chief Assistant Utah Medical Examiner Dr. Edward Leis reviewed the medical examiner's file, recalled likely having attended the autopsy in 1988 while doing his fellowship at the Utah Medical Examiner's Office, and was able to draw conclusions regarding the cause and timing of the injuries to V.N. According to Dr. Leis, V.N. suffered multiple high-impact blows to her head, evidenced by external bruises to her scalp, internal bruises under her scalp, two fractures of the base of her skull along with extensive (48cc) amounts of subdural blood over the right convexity of her brain. She also had extensive retinal hemorrhages and bleeding around the left optic nerve. Most of the subdural blood was fresh at the time of her death. In Dr. Leis' opinion, the cause of V.N.'s death was the combination of the large amount of subdural hemorrhage (mass-effect), brain swelling, and subarachnoid irritation of the brain stem, which caused the child to be unable to breathe or maintain heart function. Dr. Schnittker's findings had also ruled out any other cause of death, including disease, natural causes or any other non-traumatic cause. Dr. Leis verified that V.N. had also suffered numerous older injuries not directly related to the cause of her death and several fresh injuries also not related to death, but all of which are consistent with having been inflicted by another person. Dr. Leis agreed with Dr. Schnittker's original certification that the manner of death was homicide.

Dr. Antoinette Laskey, Medical Director of the Safe and Healthy Families Team at Primary Children's Medical Center and Board Certified Child Abuse Pediatrician, reviewed the autopsy photographs, handwritten Primary Children's Hospital records relating to V.N., and the autopsy reports and police reports relating to the injuries V.N. suffered in 1988. Based on that review, Dr. Laskey stated that V.N. was the victim of abusive head trauma on the day she died and on prior occasions as well. She also stated that in her opinion, V.N. would not have been able to take the bottle that was prepared for her after Dawn Nieto left the residence if she already had the ultimately fatal head injury, nor would she have acted at all normally after the injuries were inflicted. Since the autopsy shows that V.N. had milk in her stomach, that is consistent with the reports that she drank a bottle that day before the fatal injuries were inflicted. Dr. Laskey further stated the bruises on V.N.'s body were consistent with her having been abused for the last month of her life, including the several bite marks that were identified. Dr. Laskey verified that the young girl would have been fussy and difficult to take care of because she had an ear infection and a urinary tract infection in the weeks before her death. Dr. Laskey agreed that there were several injuries caused to V.N. on or about the day she died which did not directly result in her death, but which identified her as a victim of ongoing child abuse.

Dawn Nieto was interviewed by police detectives and disclosed that she and the Defendant's sister, Emily Duran (now deceased), had left the residence to run several errands at about 1:30 p.m. on October 3, 1988 and that when they left, V.N. was breathing normally and had no serious medical problems. She gave V.N. a bath that morning and noticed some bruising on the side of her head, on her cheeks and noted V.N. was not her normal self, but said V.N. did not have any bite marks or bruises anywhere else on her body, including on her head. When Dawn returned briefly to the apartment at about 4:30 pm, she looked into the room where V.N. appeared to be sleeping, but did not go in to check on her daughter beyond that. When she returned home at about 6:30 pm, Dawn went into V.N.'s room and noticed that she was in the same position she had been in at 4:30, there was vomit on the bed, and V.N. was blue and not breathing. When she picked V.N. up, she noted that the baby's body was stiff and not normal. Although Dawn put water on V.N.'s face and shook her to try to wake her, there was no response. The Defendant told Dawn he didn't know what happened, but did say "I'm sorry, I'm sorry." When paramedics arrived, they pronounced V.N. deceased at the scene.

Dawn Nieto further confirmed that she had moved in with the Defendant and his sister Emily after leaving a bad relationship with V.N.'s father. She said that before moving in to their residence, V.N. had had no injuries and no bruises anywhere on her body. Dawn also verified that the Defendant often watched the children because he was not employed at the time. She was aware that the Defendant sucked on V.N.'s cheeks and left marks when he did.

The Defendant was interviewed by Detectives on January 24, 2014 and he told them that he had been in sole care of V.N. on October 3, 1988 from about 1:30 pm until 6:30 pm. The Defendant admitted that during those times, no other adult was present and he had been asked by Dawn and his sister, Emily, to take care of the children. The Defendant stated that V.N. was a fussy child, who was sick a lot. According to the Defendant, four year-old C.G. gave V.N. a bottle about an hour after Dawn and Emily left and V.N. was able to drink it. He also admitted that during that from the time that Emily and Dawn left until they returned at 6:30 p.m., V.N. went from being able to interact with other children, playing with toys and other children, and with no injuries on her, to being deceased. The Defendant further admitted to having caused bite marks on the victim's forearm and face, some of which likely happened the day that she died. The Defendant otherwise said he couldn't tell the officers what happened that day. On October 3, 1988, the Defendant was 28 years old.

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: _____

TOM FLORES
Declarant

Authorized for presentment and filing

SIM GILL, District Attorney



Deputy District Attorney
27th day of May, 2014
KRH / DAO # 14004098

¹ UTAH CODE ANN. Section 76-5-203 - Second Degree Murder

(1) Criminal homicide constitutes murder in the second degree if the actor:

- (a) Intentionally or knowingly causes the death of another;
- (b) Intending to cause serious bodily injury to another, he commits an act clearly dangerous to human life that causes the death of another;
- (c) acting under circumstances evidencing a depraved indifference to human life, he engages in conduct which creates a grave risk of death to another and thereby causes the death of another; or
- (d) while in the commission, attempted commission, or immediate flight from the commission or attempted commission of aggravated robbery, robbery, rape, object rape, forcible sodomy, or aggravated sexual assault, aggravated arson, arson, aggravated burglary, burglary, aggravated kidnaping, kidnaping, child kidnaping, rape of a child, object rape of a child, sodomy upon a child, forcible sexual abuse, sexual abuse of a child, aggravated sexual abuse of a child, or child abuse, as defined in Subsection 76-5-109(2)(a), when the victim is younger than 14 years of age, causes the death of another person other than a party as defined in Section 76-2-202.

ⁱⁱ 1) As used in this section:

- (a) "Child" means a human being who is 17 years of age or less;
 - (b) "Physical injury" means impairment of the physical condition including, but not limited to, any contusion of the skin, laceration, failure to thrive, malnutrition, burn, fracture of any bone, subdural hematoma, injury to any internal organ, any injury causing bleeding, or any physical condition which imperils a child's health or welfare;
 - (c) "Serious physical injury" means any physical injury which creates a permanent disfigurement; protracted loss or impairment of a function of a body member, limb or organ, or substantial risk of death.
- (2) Any person who inflicts upon a child serious physical injury or, having the care and custody of such child, causes or permits another to inflict serious physical injury upon a child is guilty of an offense as follows:
- (a) If done intentionally or knowingly, the offense is a felony of the second degree;
 - (b) If done recklessly, the offense is a felony of the third degree;
 - *401 (c) If done with criminal negligence, the offense is a class A misdemeanor.
- (3) Any person who inflicts upon a child physical injury or, having the care and custody of such child, causes or permits another to inflict physical injury upon a child is guilty of an offense as follows:
- (a) If done intentionally or knowingly, the offense is a class A misdemeanor;
 - (b) If done recklessly, the offense is a class B misdemeanor;
 - (c) If done with criminal negligence, the offense is a class C misdemeanor.
- (4) Criminal actions under this section may be prosecuted in the county or district where the offense is alleged to have been committed, where the existence of the offense is discovered, where the victim resides, or where the defendant resides.

Utah Code Ann., § 76-5-109 (1986).

STATE vs LOUIE MARK DURAN
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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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