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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, Plaintiff, vs. AUSTIN JEFFERY BOUTAIN, DOB: 10/16/1993, AKA: AJ BOUTAIN, AUSTIN BOUDAIN, AUSTIN HERRING, TRANSIENT, UT D.L.# B350-0109-3376-02 OTN 56428501 SO# 404691 Booking# 17059858 Defendant. KATHLEEN ELIZABETH ROSE BOUTAIN, DOB: 03/17/1994, Co-Defendant.</p>	<p>Screened by: HOMICIDE UNIT Assigned to: MATTHEW B. JANZEN, CHOU CHOU COLLINS, and KENT F. DAVIS INFORMATION BAIL NOT ALLOWED Warrant/Release: IN SALT LAKE COUNTY JAIL Case No. DA Case No. 17027038 Case No. DA Case No. 17027036</p>
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The undersigned Detective J. Kortright with the University of Utah Police Department, in reference to agency case no. 17-1777, upon a written declaration states on information and belief that the defendant, AUSTIN JEFFERY BOUTAIN, committed the crimes of:

COUNT 1

CRIMINAL HOMICIDE, AGGRAVATED MURDER, 76-5-202 UCA, First Degree Felony, as follows: That on or about October 30, 2017 at 2209 Red Butte Canyon Road, in Salt Lake County, State of Utah, the defendant intentionally or knowingly caused the death of ChenWei Guo 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; or the homicide was committed incident to an act, scheme, course of conduct, or criminal episode during which the actor committed or attempted to commit Aggravated Robbery, Robbery, Aggravated Kidnapping, or Kidnapping.

COUNT 2

ATTEMPTED CRIMINAL HOMICIDE, AGGRAVATED MURDER, 76-5-202 UCA, First Degree Felony, as follows: That on or about October 30, 2017 at 2209 Red Butte Canyon Road, in Salt Lake County, State of Utah, the defendant intentionally attempted to cause the death of Xiaoying Ding under any of the following circumstances: the attempted homicide was committed incident to one act, scheme, course of conduct, or criminal episode during which the actor attempted to kill one or more persons in addition to the victim who was killed; or the attempted homicide was committed incident to an act, scheme, course of conduct, or criminal episode during which the actor committed or attempted to commit Aggravated Robbery, Robbery, Aggravated Kidnapping, or Kidnapping.

COUNT 3

AGGRAVATED KIDNAPPING, 76-5-302 UCA, First Degree Felony, as follows: That on or about October 30, 2017 at 2209 Red Butte Canyon Road, in Salt Lake County, State of Utah, the defendant, in the course of committing unlawful detention or kidnapping, possessed, used, or threatened to use a dangerous weapon as defined in Utah Code Section 76-1-601; or acted with intent: to hold the victim for ransom or reward, or as a shield or hostage, or to compel a third person to engage in particular conduct or to forbear from engaging in particular conduct; or to facilitate the commission, attempted commission, or flight after commission or attempted commission of a felony; or to hinder or delay the discovery of or reporting of a felony; or to inflict bodily injury on or to terrorize the victim or another.

COUNT 4

AGGRAVATED ROBBERY, 76-6-302 UCA, First Degree Felony, as follows: That on or about October 30, 2017 at 2209 Red Butte Canyon Road, in Salt Lake County, State of Utah, the defendant unlawfully and intentionally took or attempted to take personal property in the possession of another from his or her person, or immediate presence, against his or her will, by means of force or fear, and with a purpose or intent to deprive the person permanently or temporarily of the personal property; or intentionally or knowingly used force or fear of immediate force against another in the course of committing a theft or wrongful appropriation; and in the course of committing the before mentioned act, used or threatened to use a dangerous weapon; or caused serious bodily injury upon another; or took or attempted to take an operable motor vehicle.

COUNT 5

PURCHASE, TRANSFER, POSSESSION OR USE OF A FIREARM BY RESTRICTED PERSON, 76-10-503(2)(a) UCA, Second Degree Felony, as follows: That on or about October 30, 2017 through November 01, 2017, in Salt Lake County, State of Utah, the defendant, being then a Category I Restricted Person, intentionally or knowingly agreed, consented, offered, or arranged to purchase, transfer, possess, use, or have under the person's custody or control, or intentionally or knowingly purchased, transferred, possessed, used, or had under the person's custody or control: any firearm; to wit: a .44 caliber Ruger handgun.

COUNT 6

PURCHASE, TRANSFER, POSSESSION OR USE OF A FIREARM BY RESTRICTED PERSON, 76-10-503(2)(a) UCA, Second Degree Felony, as follows: That on or about October 30, 2017 at 2209 Red Butte Canyon Road, in Salt Lake County, State of Utah, the defendant, being then a Category I Restricted Person, intentionally or knowingly agreed, consented, offered, or arranged to purchase, transfer, possess, use, or have under the person's custody or control, or intentionally or knowingly purchased, transferred, possessed, used, or had under the person's custody or control: any firearm; to wit: a .308 caliber Winchester Rifle.

COUNT 7

THEFT BY RECEIVING STOLEN PROPERTY, 76-6-408 UCA, Second Degree Felony, as follows: That on or about October 28, 2017 through October 30, 2017, in Salt Lake County, State of Utah, the defendant received, retained, or disposed of the property of another knowing that the property had been stolen, or believing that it probably had been stolen, or concealed, sold or withheld or aided in concealing, selling or withholding the property, knowing the property had been stolen, intending to deprive the owner thereof, and the property stolen was an operable motor vehicle.

COUNT 8

THEFT BY RECEIVING STOLEN PROPERTY, 76-6-408 UCA, Second Degree Felony, as follows: That on or about October 28, 2017 through November 01, 2017, in Salt Lake County, State of Utah, the defendant received, retained, or disposed of the property of another knowing that the property had been stolen, or believing that it probably had been stolen, or concealed, sold or withheld or aided in concealing, selling or withholding the property, knowing the property had been stolen, intending to deprive the owner thereof, and the property stolen was a firearm; to wit: a .44 caliber Ruger handgun.

COUNT 9

THEFT BY RECEIVING STOLEN PROPERTY, 76-6-408 UCA, Second Degree Felony, as follows: That on or about October 28, 2017 through October 30, 2017, in Salt Lake County, State of Utah, the defendant received, retained, or disposed of the property of another knowing that the property had been stolen, or believing that it probably had been stolen, or concealed, sold or withheld or aided in concealing, selling or withholding the property, knowing the property had been stolen, intending to deprive the owner thereof, and the property stolen was a firearm; to wit: a .308 caliber Winchester Rifle.

COUNT 10

FELONY DISCHARGE OF A FIREARM, 76-10-508.1 UCA, Third Degree Felony, as follows: That on or about October 30, 2017 at 2209 Red Butte Canyon Road, in Salt Lake County, State of Utah, the defendant, knowing or having reason to believe that any person may be endangered by the discharge of a firearm, discharged a firearm in the direction of any person or persons; or with the intent to intimidate or harass another or with intent to damage a habitable structure, discharged a firearm in the direction of any person or habitable structure; or with the intent to intimidate or harass another, discharged a firearm in the direction of any vehicle.

COUNT 11

FELONY DISCHARGE OF A FIREARM, 76-10-508.1 UCA, Third Degree Felony, as follows: That on or about October 30, 2017 at 2209 Red Butte Canyon Road, in Salt Lake County, State of Utah, the defendant, knowing or having reason to believe that any person may be endangered by the discharge of a firearm, discharged a firearm in the direction of any person or persons; or with the intent to intimidate or harass another or with intent to damage a habitable structure, discharged a firearm in the direction of any person or habitable structure; or with the intent to intimidate or harass another, discharged a firearm in the direction of any vehicle.

COUNT 12

FELONY DISCHARGE OF A FIREARM, 76-10-508.1 UCA, Third Degree Felony, as follows: That on or about October 30, 2017 at 2209 Red Butte Canyon Road, in Salt Lake County, State of Utah, the defendant, knowing or having reason to believe that any person may be endangered by the discharge of a firearm, discharged a firearm in the direction of any person or persons; or with the intent to intimidate or harass another or with intent to damage a habitable structure, discharged a firearm in the direction of any person or habitable structure; or with the intent to intimidate or harass another, discharged a firearm in the direction of any vehicle.

COUNT 13

FELONY DISCHARGE OF A FIREARM, 76-10-508.1 UCA, Third Degree Felony, as follows: That on or about October 30, 2017 at 2209 Red Butte Canyon Road, in Salt Lake County, State of Utah, the defendant, knowing or having reason to believe that any person may be endangered by the discharge of a firearm, discharged a firearm in the direction of any person or persons; or with the intent to intimidate or harass another or with intent to damage a habitable structure, discharged a firearm in the direction of any person or habitable structure; or with the intent to intimidate or harass another, discharged a firearm in the direction of any vehicle.

COUNT 14

FELONY DISCHARGE OF A FIREARM, 76-10-508.1 UCA, Third Degree Felony, as follows: That on or about October 30, 2017 at 2209 Red Butte Canyon Road, in Salt Lake County, State of Utah, the defendant, knowing or having reason to believe that any person may be endangered by the discharge of a firearm, discharged a firearm in the direction of any person or persons; or with the intent to intimidate or harass another or with intent to damage a habitable structure, discharged a firearm in the direction of any person or habitable structure; or with the intent to intimidate or harass another, discharged a firearm in the direction of any vehicle.

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

B. Adamson, R. Benson, J. Bird, J. Buchanan, J. Counter, K. Dallof, J. Dial, X. Ding, C. Durbin, M. Feltenberger, D. Forsman, J. Gonzalez-Rubio, H. Horstmeier, E. Jimenez, J. Kortright, J. Lehman, G. Mills, J. Pollard, J. Rowe, A. Sanchez, S. Nabi, C. Valero, M. Veatupu, S. Worona, and K. Krehbiel.

DECLARATION OF PROBABLE CAUSE:

Your Declarant, Detective J. Kortright with the University of Utah Police Department, based on information in report number 17-1777, Salt Lake City Police Department report no. 2017-207086, Golden Colorado Police Department report no. 1-17-003866, Rawlins Wyoming Police Department report no. 17-R11455, interviews of witnesses, and investigation by law enforcement officers, states as follows:

On October 30, 2017 at 7:59 p.m., police were called to the Heritage Center at 151 South Connor Street in Salt Lake County, Utah, near the mouth of Red Butte Canyon. They met with KATHLEEN ELIZABETH ROSE BOUTAIN who stated her husband, AUSTIN JEFFERY BOUTAIN, had already killed someone, was in possession of two guns, had pistol whipped her, and that he would kill someone for a vehicle.

At 8:32 p.m. Campus Security Officer G. Mills reported he heard four gunshots coming from the direction of Red Butte Canyon. At 8:38 p.m. Xiaoying Ding called 911 and stated ChenWei Guo had been shot. Ms. Ding stated she and Mr. Guo were in a vehicle in a dirt parking lot in Red Butte Canyon. As officers made their way up Red Butte Canyon they heard more gunshots. They then saw Ms. Ding run toward them from the parking area. Officers continued up the Canyon until they located a vehicle on the berm with a bullet hole through the driver's side window. Officers broke out the driver's side window and found the deceased body of Mr. Guo in the driver's seat.

Ms. Ding stated that she was in the front passenger seat in Mr. Guo's vehicle, while Mr. Guo was in the driver's seat. They were in a parking lot in Red Butte Canyon when Ms. Ding heard a knock on the driver's side window. Mr. Guo began to drive away, but was shot. The vehicle continued traveling until it came to a stop against an object. Ms. Ding stated she climbed into Mr. Guo's lap and attempted to drive the vehicle, but she did not know how to drive the car. Ms. Ding then called 911 and while she was speaking with the operator a male opened the front passenger side door. The male told Ms. Ding to turn off the phone and get out of the car. Ms. Ding threw her phone to the ground and exited the vehicle. When the male turned or bent down, Ms. Ding ran down the road leading out of the canyon. Ms. Ding stated the male shot at her as she ran away.

On October 31, 2017, AUSTIN was arrested at the Salt Lake City Public Library. AUSTIN admitted, post-*Miranda*, to murdering a man named Mitchell in Golden, Colorado on or about October 27, 2017. AUSTIN stated he and KATHLEEN planned the murder and that KATHLEEN helped him clean up blood and collect Mitchell's property to steal. AUSTIN stated he and KATHLEEN stole a rifle, .44 caliber Ruger handgun, a .38 caliber Smith & Wesson handgun, ammunition, three knives, money, and Mitchell's F350 Ford truck, along with other miscellaneous items. They then drove to Salt Lake County, Utah, where they set up a camp in Red Butte Canyon. AUSTIN stated he gave the truck to a couple named Paul and Brittany because he didn't want to be caught with it.

AUSTIN said that he and KATHLEEN both wanted to leave Utah and travel to Tennessee. They came up with a plan to kidnap someone in Red Butte Canyon and drive the victim's vehicle, along with the victim, to Tennessee. Along the way, they would use their victim's money and/or financial transaction cards to purchase food, fuel, and supplies. Once they reached Tennessee they planned to kill the victim and hide or destroy the vehicle. An alternative plan was to kill the person in the canyon and take their vehicle.

According to AUSTIN, on October 30, 2017 he and KATHLEEN agreed to look for a victim. They went to an area overlooking the dirt parking lot in Red Butte Canyon and discussed the different people and vehicles they observed. AUSTIN stated that he contacted several people looking for an opportunity to kill or kidnap them and steal their vehicle. AUSTIN stated KATHLEEN would point out vehicle to him and encouraged him to kill the person who was driving the vehicle. At one point, KATHLEEN instructed AUSTIN to continue looking for a victim while she packed up items from their camp and brought them closer to the parking lot for quick transfer to a vehicle. AUSTIN stated that a few times he had decided on a victim, but then another vehicle or person would arrive and he didn't want witnesses. AUSTIN was also hesitant to kill someone during daylight. As the day went on, AUSTIN stated KATHLEEN became upset and more vocal about him killing someone and getting a vehicle. KATHLEEN insinuated that AUSTIN was a coward. AUSTIN and KATHLEEN engaged in a physical fight and KATHLEEN left the area.

AUSTIN stated a black car passed KATHLEEN as she walked away, then parked in the parking lot. AUSTIN stated that after KATHLEEN failed to return, he approached the car with the intention of asking if the occupants had seen KATHLEEN. AUSTIN stated he knocked on the driver's side window several times but received no response. AUSTIN started to yell at the occupants and attempted to open the driver's side door. The vehicle then started traveling and made a U-turn. AUSTIN stated he became enraged, pulled out the .44 caliber Ruger handgun and shot at the driver's side window. AUSTIN stated he shot at the vehicle five times, until the gun was empty. The vehicle rolled forward until it hit a rock on the berm.

AUSTIN stated he ran to where KATHLEEN had brought their property down from the campsite and re-loaded the firearm. AUSTIN returned to the vehicle with the intention of stealing it. Once outside the vehicle, AUSTIN heard a female voice coming from inside the vehicle. AUSTIN believe the female to be on the phone with 911. AUSTIN walked up the hill and sat down for a few minutes before deciding to return to the vehicle and kill the female.

AUSTIN returned to the vehicle, opened the front passenger side door and instructed the female to hang up the phone and get out of the car. AUSTIN stated he wanted to lead the female to the foothills to kill her so her body would not be in the parking lot. The female exited the vehicle and threw the phone to the ground. AUSTIN bent down to turn off the phone and the female ran down the road. AUSTIN stated he quickly fired a shot at the female, but missed. AUSTIN then put both hands on the gun, took better aim, and fired a second shot at the female. AUSTIN stated he intended to kill the female.

Mr. Guo's vehicle had four bullet holes, in addition to the hole in the driver side window observed by first responders. Two bullet holes were located in a fence along the roadway where Ms. Ding fled. Officers located six .44 caliber cartridges where AUSTIN stated he reloaded his weapon.

Officers confirmed a Mitchell Ingle was found murdered in Golden, Colorado. Officers found several pieces of Mitchell Ingle's property along with AUSTIN and KATHLEEN's identification cards by the parking lot and at their campsite; including a .308 caliber Winchester Rifle, .44 caliber ammunition, and several knives. Additionally, both AUSTIN and KATHLEEN were wearing items of Mitchell Ingle's clothing.

On November 3, 2017, Mitchell Ingle's Ford F350 truck was found in Rawlins, Wyoming in the possession of Paul Wappler and Brittany Dortch. Post-Miranda, Paul and Brittany stated they received the truck from AJ and Katie in Salt Lake County, Utah. Brittany stated AJ told them he took the truck from an old man.

On November 1, 2017, Dr. K. Krehbiel, Assistant Medical Examiner with the Utah Office of the Medical Examiner, performed an autopsy on ChenWei Guo. Dr. Krehbiel preliminarily determined Mr. Guo's cause of death to be a gunshot wound to his neck and his manner of death to be homicide.

AUSTIN was on probation for felony convictions at the time of these offenses. Therefore, he was a Category I Restricted Person. See Marion County Alabama Circuit Court case number CC-2015-249 wherein AUSTIN was convicted of Sex Offender Registration & Community Notification Violation, a Class C Felony; and was granted probation on November 20, 2015 for a period of three (3) years. Also see Marion County Alabama Circuit Court case number CC-2016-254 wherein AUSTIN was convicted of Theft of a Motor Vehicle, a Class B Felony; and was granted probation on February 24, 2017 for a period of three (3) years.

REQUEST FOR ISSUANCE OF A WARRANT:

The State hereby requests that the Court issue a Warrant of Arrest in this case due to the nature of the offenses and facts as alleged in the probable cause statement. Additionally, the defendant is currently incarcerated at the Salt Lake County Jail. A Warrant of Arrest is necessary to prevent risk of injury to a person or property, to protect the public safety and welfare of the community or an individual, and to secure the appearance of the accused.

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: _____

J. Kortright
Declarant

Authorized for presentment and filing
SIM GILL, District Attorney


Deputy District Attorney

16th day of November, 2017

EG / DA Case No. 17027038

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

<p>THE STATE OF UTAH, Plaintiff,</p> <p>vs.</p> <p>AUSTIN JEFFERY BOUTAIN DOB: 10/16/1993 TRANSIENT, UT SS# 476472202 Booking# 17059858 Defendant.</p>	<p style="text-align: center;">WARRANT OF ARREST</p> <p>Case No.</p>
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THE STATE OF UTAH;

To any Peace Officer in the State of Utah, Greetings:

An Information, based upon a written declaration having been declared by Detective J. Kortright with the University of Utah Police Department in reference to agency case no. 17-1777, has been filed and it appears from the Information or Declaration filed with the Information, that there is probable cause to believe the public offenses of:

CRIMINAL HOMICIDE, AGGRAVATED MURDER, First Degree Felony; ATTEMPTED CRIMINAL HOMICIDE, AGGRAVATED MURDER, First Degree Felony; AGGRAVATED KIDNAPPING, First Degree Felony; AGGRAVATED ROBBERY, First Degree Felony; 2 Counts of PURCHASE, TRANSFER, POSSESSION OR USE OF A FIREARM BY RESTRICTED PERSON, both Second Degree Felonies; 3 Counts of THEFT BY RECEIVING STOLEN PROPERTY, all Second Degree Felonies; and 5 Counts of FELONY DISCHARGE OF A FIREARM, all Third Degree Felonies; have been committed, and that AUSTIN JEFFERY BOUTAIN has committed them.

FURTHER, the Court finds, based upon information provided in the Declaration of Probable Cause and the State's Request for Issuance of a Warrant, that a warrant is necessary in this case to:

- prevent risk of injury to a person or property; and/or
- secure the appearance of the accused; and/or
- protect the public safety and welfare of the community or an individual.

YOU ARE THEREFORE COMMANDED to arrest the above named defendant forthwith and bring the defendant before this Court, or before the nearest or most accessible magistrate for setting bail. If the defendant has fled justice, you shall pursue the defendant into any other county of this state and there arrest the defendant. The Court finds reasonable grounds to believe defendant will not appear upon a summons.

BAIL NOT ALLOWED.

This Warrant may be served day or night.

SIM GILL, Bar No. 6389
District Attorney for Salt Lake County
MATTHEW B. JANZEN, Bar No. 8219
CHOU CHOU COLLINS, Bar No. 6081
KENT F. DAVIS, Bar No. 14625
Deputy District Attorneys
111 East Broadway, Suite 400
Salt Lake City, Utah 84111
Telephone: (385) 468-7600

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

THE STATE OF UTAH,	Screened by: HOMICIDE UNIT Assigned to: MATTHEW B. JANZEN, CHOU CHOU COLLINS, and KENT F. DAVIS
Plaintiff,	INFORMATION
vs.	BAIL: \$1,000,007.00
KATHLEEN ELIZABETH ROSE BOUTAIN, DOB: 03/17/1994, AKA: KATIE BOUTAIN, KATHLEEN CLARK, KATIE CLARK, TRANSIENT, UT D.L.# B350-5059-4597-02 OTN 56427925 SO# 404673 Booking# 17059721	Warrant/Release: IN SALT LAKE COUNTY JAIL
Defendant;	Case No.
AUSTIN JEFFERY BOUTAIN, DOB: 10/16/1993,	DA Case No. 17027036
Co-Defendant.	Case No.
	DA Case No. 17027038

The undersigned Detective J. Kortright with the University of Utah Police Department, in reference to agency case no. 17-1777, upon a written declaration states on information and belief that the defendant, KATHLEEN ELIZABETH ROSE BOUTAIN, committed the crimes of:

COUNT 1
CRIMINAL SOLICITATION, 76-4-203 UCA, First Degree Felony, as follows: That on or about October 30, 2017 at 2209 Red Butte Canyon Road, in Salt Lake County, State of Utah, the defendant, with intent that a felony be committed, to wit: Aggravated Murder, §76-5-202,

solicited, requested, commanded, offered to hire, or importuned another person to engage in specific conduct that under the circumstances as the actor believed them to be would have been a felony or would have caused the other person to be a party to the commission of a felony.

COUNT 2

CRIMINAL SOLICITATION, 76-4-203 UCA, Second Degree Felony, as follows: That on or about October 30, 2017 at 2209 Red Butte Canyon Road, in Salt Lake County, State of Utah, the defendant, with intent that a felony be committed, to wit: Aggravated Kidnapping, §76-5-302, solicited, requested, commanded, offered to hire, or importuned another person to engage in specific conduct that under the circumstances as the actor believed them to be would have been a felony or would have caused the other person to be a party to the commission of a felony.

COUNT 3

CRIMINAL SOLICITATION, 76-4-203 UCA, Second Degree Felony, as follows: That on or about October 30, 2017 at 2209 Red Butte Canyon Road, in Salt Lake County, State of Utah, the defendant, with intent that a felony be committed, to wit: Aggravated Robbery, §76-6-302, solicited, requested, commanded, offered to hire, or importuned another person to engage in specific conduct that under the circumstances as the actor believed them to be would have been a felony or would have caused the other person to be a party to the commission of a felony.

COUNT 4

THEFT BY RECEIVING STOLEN PROPERTY, 76-6-408 UCA, Second Degree Felony, as follows: That on or about October 28, 2017 through October 30, 2017, in Salt Lake County, State of Utah, the defendant received, retained, or disposed of the property of another knowing that the property had been stolen, or believing that it probably had been stolen, or concealed, sold or withheld or aided in concealing, selling or withholding the property, knowing the property had been stolen, intending to deprive the owner thereof, and the property stolen was an operable motor vehicle.

COUNT 5

THEFT BY RECEIVING STOLEN PROPERTY, 76-6-408 UCA, Second Degree Felony, as follows: That on or about October 28, 2017 through October 30, 2017, in Salt Lake County, State of Utah, the defendant received, retained, or disposed of the property of another knowing that the property had been stolen, or believing that it probably had been stolen, or concealed, sold or withheld or aided in concealing, selling or withholding the property, knowing the property had been stolen, intending to deprive the owner thereof, and the property stolen was a firearm; to wit: a .44 caliber Ruger handgun.

COUNT 6

THEFT BY RECEIVING STOLEN PROPERTY, 76-6-408 UCA, Second Degree Felony, as follows: That on or about October 28, 2017 through October 30, 2017, in Salt Lake County, State of Utah, the defendant received, retained, or disposed of the property of another knowing that the property had been stolen, or believing that it probably had been stolen, or concealed, sold or withheld or aided in concealing, selling or withholding the property, knowing the property had been stolen, intending to deprive the owner thereof, and the property stolen was a firearm; to wit: a .308 caliber Winchester Rifle.

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

B. Adamson, R. Benson, J. Bird, J. Buchanan, J. Counter, K. Dallof, J. Dial, X. Ding, C. Durbin, M. Feltenberger, D. Forsman, J. Gonzalez-Rubio, H. Horstmeier, E. Jimenez, J. Kortright, J. Lehman, G. Mills, J. Pollard, J. Rowe, A. Sanchez, S. Nabi, C. Valero, M. Veatupu, S. Worona, and K. Krehbiel.

DECLARATION OF PROBABLE CAUSE:

Your Declarant, Detective J. Kortright with the University of Utah Police Department, based on information in report number 17-1777, Salt Lake City Police Department case no. 2017-207086, Golden Colorado Police Department report no. 1-17-003866, Rawlins Wyoming Police Department report no. 17-R11455, interviews of witnesses, and investigation by law enforcement officers, states as follows:

On October 30, 2017 at 7:59 p.m., police were called to the Heritage Center at 151 South Connor Street in Salt Lake County, Utah, near the mouth of Red Butte Canyon. They met with KATHLEEN ELIZABETH ROSE BOUTAIN who stated her husband, AUSTIN JEFFERY BOUTAIN, had already killed someone, was in possession of two guns, had pistol whipped her, and that he would kill someone for a vehicle.

At 8:32 p.m. Campus Security Officer G. Mills reported he heard four gunshots coming from the direction of Red Butte Canyon. At 8:38 p.m. Xiaoying Ding called 911 and stated ChenWei Guo had been shot. Ms. Ding stated she and Mr. Guo were in a vehicle in a dirt parking lot in Red Butte Canyon. As officers made their way up Red Butte Canyon they heard more gunshots. They then saw Ms. Ding run toward them from the parking area. Officers continued up the canyon until they located a vehicle on the berm with a bullet hole through the driver's side window. Officers broke out the driver's side window and found the deceased body of Mr. Guo in the driver's seat.

Ms. Ding stated that she was in the front passenger seat in Mr. Guo's vehicle, while Mr. Guo was in the driver's seat. They were in a parking lot in Red Butte Canyon when Ms. Ding heard a knock on the driver's side window. Mr. Guo began to drive away, but was shot. The vehicle continued traveling until it came to a stop against an object. Ms. Ding stated she climbed into Mr. Guo's lap and attempted to drive the vehicle, but she did not know how to drive the car. Ms. Ding then called 911 and while she was speaking with the operator a male opened the front passenger side door. The male told Ms. Ding to turn off the phone and get out of the car. Ms. Ding threw her phone to the ground and exited the vehicle. When the male turned or bent down, Ms. Ding ran down the road leading out of the canyon. Ms. Ding stated the male shot at her as she ran away.

Mr. Guo's vehicle had four bullet holes, in addition to the hole in the driver side window observed by first responders. Two bullet holes were located in a fence along the roadway where Ms. Ding fled. Officers located six .44 caliber cartridges were AUSTIN stated he reloaded his weapon.

KATHLEEN admitted, post-Miranda, that she and AUSTIN made a plan to rob and kill a man named Mitchell in Colorado and that she assisted AUSTIN in taking Mitchell's property; including guns, knives, and his truck. KATHLEEN stated AUSTIN gave the truck away to a couple named Paul and Brittany when they came to Utah so they would not have to dispose of the truck. KATHLEEN and AUSTIN then came up with a plan to kidnap or kill someone in order to obtain another vehicle to continue their travel. KATHLEEN stated she brought their belongings down from their campsite to facilitate a quick get-a-way when they obtained a vehicle. KATHLEEN admitted she became irritated when AUSTIN took too long to find and kill a victim. KATHLEEN stated she called AUSTIN a "pussy" because he didn't want to take a car during the daylight hours. KATHLEEN stated AUSTIN hit her with a gun, she then ran away and found help in contacting the police.

Officers confirmed a Mitchell Ingle was found murdered in Golden, Colorado. Officers found several pieces of Mitchell Ingle's property along with AUSTIN and KATHLEEN's identification cards by the parking lot and at their campsite; including a .308 caliber Winchester Rifle, ammunition, and several knives. Additionally, both AUSTIN and KATHLEEN were wearing items of Mitchell Ingle's clothing.

On November 3, 2017, Mitchell Ingle's Ford F350 truck was found in Rawlins, Wyoming in the possession of Paul Wappler and Brittany Dortch. Post-Miranda, Paul and Brittany stated they received the truck from AJ and Katie in Salt Lake County, Utah. Brittany stated AJ told them he took the truck from an old man.

On November 1, 2017, Dr. K. Krehbiel, Assistant Medical Examiner with the Utah Office of the Medical Examiner, performed an autopsy on ChenWei Guo. Dr. Krehbiel preliminarily determined Mr. Guo's cause of death to be a gunshot wound to his neck and his manner of death to be homicide.

REQUEST FOR ISSUANCE OF A WARRANT:

The State hereby requests that the Court issue a Warrant of Arrest in this case due to the nature of the offenses and facts as alleged in the probable cause statement. Additionally, the defendant is currently incarcerated at the Salt Lake County Jail. A Warrant of Arrest is necessary to prevent risk of injury to a person or property, to protect the public safety and welfare of the community or an individual, and to secure the appearance of the accused.

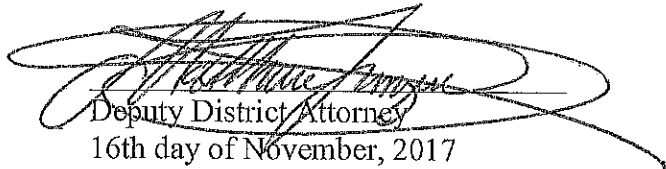
Pursuant to Utah Code Annotated § 78B-5-705 (2008) I declare under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my belief and knowledge.

Executed on: _____

J. Kortright
Declarant

Authorized for presentment and filing

SIM GILL, District Attorney


Deputy District Attorney
16th day of November, 2017
EG / DA Case No. 17027036

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

THE STATE OF UTAH,
Plaintiff,

vs.

KATHLEEN ELIZABETH ROSE BOUTAIN,
DOB: 03/17/1994,
TRANSIENT, UT
SS# 424413915
Booking# 17059721
Defendant.

WARRANT OF ARREST

Case No.

THE STATE OF UTAH;

To any Peace Officer in the State of Utah, Greetings:

An Information, based upon a written declaration having been declared by Detective J. Kortright with the University of Utah Police Department in reference to agency case no. 17-1777, has been filed and it appears from the Information or Declaration filed with the Information, that there is probable cause to believe the public offenses of:

CRIMINAL SOLICITATION, First Degree Felony; 2 Counts of CRIMINAL SOLICITATION, both Second Degree Felonies; 3 Counts of THEFT BY RECEIVING STOLEN PROPERTY, all Second Degree Felonies; have been committed, and that KATHLEEN ELIZABETH ROSE BOUTAIN has committed them.

FURTHER, the Court finds, based upon information provided in the Declaration of Probable Cause and the State's Request for Issuance of a Warrant, that a warrant is necessary in this case to:

- prevent risk of injury to a person or property; and/or
- secure the appearance of the accused; and/or
- protect the public safety and welfare of the community or an individual.

YOU ARE THEREFORE COMMANDED to arrest the above named defendant forthwith and bring the defendant before this Court, or before the nearest or most accessible magistrate for setting bail. If the defendant has fled justice, you shall pursue the defendant into any other county of this state and there arrest the defendant. The Court finds reasonable grounds to believe defendant will not appear upon a summons.

Bail is set in the amount of \$1,000,007.00.

This Warrant may be served day or night.