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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.

TOREY CHASE MASSEY

DOB: 08/03/1988,

West Jordan, UT

D.L.# 193041209

SO# 300005

Defendant.

Screened by: ANDREW K. DEESING and
BYRON F. BURMESTER

Assigned to: ANDREW K. DEESING and
BYRON F. BURMESTER

INFORMATION

DAO # 17017076

Warrant \$1,000,007

Warrant/Release: IN PRISON

Case No.

The undersigned Detective P. Mount - SALT LAKE CITY POLICE DEPARTMENT, Agency Case No. 2017-121660, upon a written declaration states on information and belief that the defendant, TOREY CHASE MASSEY, committed the crime(s) of:

COUNT 1

PURCHASE, TRANSFER, POSSESSION OR USE OF A FIREARM BY RESTRICTED PERSON (HABITUAL OFFENDER), 76-10-503(2)(a) UCA, First Degree Felony, as follows: That on or about July 06, 2017, in Salt Lake County, State of Utah, the defendant did being then a Category I restricted person, intentionally or knowingly agree, consent, offer, or arrange 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.

NOTICE IS GIVEN pursuant to Utah Code Annotated §76-3-203.5 that the defendant is subject to an enhanced penalty and sentencing as the defendant has been twice before convicted of a violent felony and was committed to the Utah State Prison; to wit: Robbery in the Third District Court case number 061401784, and Aggravated Assault in the Third District Court case number 071401037.

COUNT 2

PURCHASE, TRANSFER, POSSESSION OR USE OF A DANGEROUS WEAPON BY RESTRICTED PERSON (HABITUAL OFFENDER), 76-10-503(2)(b) UCA, First Degree Felony, as follows: That on or about July 06, 2017, in Salt Lake County, State of Utah, the defendant did being then a Category I restricted person, intentionally or knowingly agree, consent, offer, or arrange 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 dangerous weapon other than a firearm.

NOTICE IS GIVEN pursuant to Utah Code Annotated §76-3-203.5 that the defendant is subject to an enhanced penalty and sentencing as the defendant has been twice before convicted of a violent felony and was committed to the Utah State Prison; to wit: Robbery in the Third District Court case number 061401784, and Aggravated Assault in the Third District Court case number 071401037.

COUNT 3

INJURING OR INTERFERING WITH A POLICE SERVICE ANIMAL (DANGEROUS WEAPON), 76-9-306(2) UCA, Third Degree Felony, as follows: That on or about July 06, 2017, in Salt Lake County, State of Utah, the defendant did intentionally (a) cause bodily injury or death to a police service animal;
(b) engage in conduct likely to cause bodily injury or death to a police service animal;
(c) lay out, place, or administer any poison, trap, substance, or object which was likely to produce bodily injury or death to a police service animal; or
(d) offer or agree with one or more persons to engage in or cause the performance of an act which constitutes a violation of Utah Code Ann. § 76-9-306.

NOTICE IS GIVEN pursuant to Utah Code Annotated §76-3-203.8 that the defendant is subject to an enhanced sentence as he committed a felony in which a dangerous weapon was used in the commission or furtherance of a felony.

COUNT 4

FAILURE TO RESPOND TO OFFICER'S SIGNAL TO STOP, 41-6a-210 UCA, Third Degree Felony, as follows: That on or about July 06, 2017, in Salt Lake County, State of Utah, the defendant did, as an operator who received a visual or audible signal from a peace officer to bring the vehicle to a stop, (a) operate the motor vehicle in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vehicle or person; or
(b) attempt to flee or elude a peace officer by vehicle or other means.

COUNT 5

UNLAWFUL ACQUISITION, POSSESSION OR TRANSFER OF A FINANCIAL TRANSACTION CARD, 76-6-506.3 UCA, Third Degree Felony, as follows: That on or about July 06, 2017, in Salt Lake County, State of Utah, the defendant did (1) acquire a financial transaction card from another without the consent of the card holder or the issuer;

(2) receive a financial transaction card with intent to use it in violation of Utah Code § 76-6-506.2;

(3) sell or transfer a financial transaction card to another person with the knowledge that it would be used in violation of Utah Code § 76-6-506.2;

(4) (a) acquire a financial transaction card that the defendant knew was lost, mislaid, or delivered under a mistake as to the identity or address of the card holder; and

(b) (i) retain possession with intent to use it in violation of Utah Code § 76-6-506.2; or

(ii) sell or transfer a financial transaction card to another person with the knowledge that it would be used in violation of Utah Code § 76-6-506.2; or

(5) possess, sell, or transfer any information necessary for the use of a financial transaction card, including the credit number of the card, the expiration date of the card, or the personal identification code related to the card:

(a) (i) without the consent of the card holder or the issuer; or

(ii) with the knowledge that the information had been acquired without consent of the card holder or the issuer; and

(b) with intent to use the information in violation of Utah Code Ann. §76-6-506.2

COUNT 6

UNLAWFUL POSSESSION OF ANOTHER'S IDENTIFICATION DOCUMENTS, 76-6-1105(2)(a) UCA, Class A Misdemeanor, as follows: That on or about July 06, 2007, in Salt Lake County, State of Utah, the defendant did (a) obtain or possess an identifying document with knowledge that he was not entitled to obtain or possess the identifying document; or

(b) assist another person in obtaining or possessing an identifying document with knowledge that the person was not entitled to obtain or possess the identifying document.

COUNT 7

FAIL TO STOP AT COMMAND OF LAW OFFICER, 76-8-305.5 UCA, Class A Misdemeanor, as follows: That on or about July 06, 2017, in Salt Lake County, State of Utah, the defendant did flee from or otherwise attempt to elude a law enforcement officer

(a) after the officer issued a verbal or visual command to stop;

(b) for the purpose of avoiding arrest; and

(c) by any means other than a violation of Utah Code Section 41-6a-210.

COUNT 8

POSSESSION OR USE OF A CONTROLLED SUBSTANCE, 58-37-8(2)(a)(i) UCA, Class A Misdemeanor, as follows: That on or about July 06, in Salt Lake County, State of Utah, the defendant did knowingly and intentionally possess or use a controlled substance analog or a controlled substance to wit: Methamphetamine a Schedule II substance.

COUNT 9

POSSESSION OR USE OF A CONTROLLED SUBSTANCE, 58-37-8(2)(a)(i) UCA, Class A Misdemeanor, as follows: That on or about July 06, 2017, in Salt Lake County, State of Utah, the defendant did knowingly and intentionally possess or use a controlled substance analog or a controlled substance to wit: Heroin a Schedule I substance.

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

Pat Mount, Chad Reyes, M. Thompson, T. Kelly, J. Ziegler, S. Stevenson, R. Pedroza, J. Golding, K. Welch, E. Olsen, S. Adams, J. Roothoff, J. Dimick, C. Snyder, J. Hill, Braxton Boyer, D. Ferron and B. Jorgensen

DECLARATION OF PROBABLE CAUSE:

Your declarant bases this information upon the following:

On July 6, 2017, members of the United States Marshal's Violent Fugitive Apprehension Strike Team (VFAST) were conducting an operation to apprehend TOREY CHASE MASSEY, a wanted State of Utah parole fugitive. Sgt. Chad Reyes of the Unified Police Department and his partner, K9 Dingo, were part of a task force surveillance team observing a residence in the area of 900 East and 3400 South in Salt Lake County.

A short time after surveillance was set up, Marshal Ziegler of the United States Marshals Service saw MASSEY enter a dark GMC Yukon and begin traveling northbound on 900 East. West Valley Police Detective Snyder successfully deployed spikes to disable the defendant's vehicle, but the defendant continued to flee on flat tires. Sgt. Reyes observed the vehicle turn eastbound on 3300 South and he activated his emergency lights. Marshal Ziegler also activated his emergency lights and pursued the defendant into the VASA gym parking lot located at approximately 1200 East and 3300 South.

Sgt. Reyes prepared for a kennel/capture deployment and alerted K9 Dingo to the impending deployment. MASSEY abandoned the Yukon and began to flee on foot. Dingo observed the defendant running across the parking lot and placed his paw on Sgt. Reyes' shoulder indicating that he had target identification. Dingo exited the vehicle and pursued the defendant. Dingo quickly closed in on MASSEY as they approached a steep, weed-covered drop off. Sgt. Reyes observed MASSEY look back at Dingo and then at Sgt. Reyes with a taunting smirk on his face. Dingo leapt up and attached to MASSEY's left side which caused them both to tumble off the drop off and into the weeds. As Sgt. Reyes ran towards Dingo and the defendant he heard three gunshots, Dingo yelping, a pause, and then two more gunshots. Sgt. Reyes caught up to Dingo and observed that he was struggling to inhale. Concerned about a possible ambush attack, Sgt. Reyes scanned the area looking for MASSEY. Dingo then collapsed at Sgt. Reyes' feet and became unresponsive. Sgt. Reyes heard other VFAST officers broadcast that they were pursuing the defendant and he began to render emergency aid to Dingo. Officers rushed Dingo to a nearby animal hospital where he succumbed to his injuries.

Deputy United States Marshals Thompson, Ziegler and Stevenson pursued MASSEY westbound through a gas station parking lot. He was ordered to stop and get on the ground multiple times as he ran away. MASSEY finally surrendered, laid down on the ground, and was placed into custody.

Task force officers searched the area and located a .45 caliber handgun and a black folding knife in the gas station parking lot near the embankment where the shooting occurred. Marshal Ziegler searched the defendant incident to arrest and located multiple small baggies in his pants pocket. One of the baggies contained methamphetamine and one baggie contained heroin. Officer Jorgensen field-tested the suspected methamphetamine and heroin and they both tested positive for the respective drugs.

Detective Mount of the Salt Lake City Police Department responded to the scene a short time after MASSEY was taken into custody. He found that the engine of the 2000 GMC was running, the driver's side door was open and there was black tape covering the make and model of the vehicle and the rear license plate was wrapped in black tape.

A search warrant was obtained and the subsequent search yielded the discovery of a blue/black backpack on the front floorboard of the vehicle. The backpack contained multiple sets of keys, a wallet containing a driver's license and social security card belonging to Braxton Boyer, a digital scale, a bag of jewelry and identification documents belonging to the defendant. Detective Mount contacted Braxton Boyer who stated that his wallet containing \$500 in cash, his identification and credit cards were stolen in a vehicle burglary on June 16, 2017, and reported to the Wasatch County Sheriff's Office (police report number 1706-0758). Mr. Boyer stated that his stolen credit card was then used at the Walmart in Salt Lake County. Mr. Boyer stated that he did not give anyone permission to possess or use his identification and credit cards.

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NOTICE IS GIVEN that the defendant has been twice before convicted of a violent felony in Third District Court case numbers 061401784 and 071401037 and therefore is a Category 1 restricted person.

REQUEST FOR ISSUANCE OF A WARRANT

The State hereby requests that the Court issue a Warrant of Arrest in the above-entitled case for the reason that it involves the shooting and death of a police service K9, weapons, drugs and other felony charges. The defendant has been twice before convicted of violence crimes and was a parole fugitive at the time of this incident. Furthermore, the defendant is currently incarcerated at the Utah State Prison. A high bail warrant is necessary to protect and prevent injury to the general public as well as ensure his appearance in court.

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: _____

Pat Mount
Declarant

Authorized for presentment and filing
SIM GILL, District Attorney

Deputy District Attorney
19th day of July, 2017
JEO / DAO # 17017076

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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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