



DISTRICT ATTORNEY
SALT LAKE COUNTY
SIM GILL

FOR IMMEDIATE RELEASE: Sept. 11, 2013

Contact:

Salt Lake County District Attorney, Sim Gill: (801) 230-1209, sgill@slco.org

SALT LAKE CITY, UT — The Salt Lake County District Attorney's today office filed criminal charges against Timothy Troy Walker for the death of Draper City Police Department Sgt. Derek Johnson on September 1, 2013. Walker was charged in Count 1 with Criminal Homicide, Aggravated Murder and in Count 2 with Attempted Homicide against Traci Vallincourt. Count Two is charged in the alternative in that either Walker attempted to kill Vallincourt or Walker discharged a firearm resulting in serious bodily injury to Vallincourt. Walker was charged with three additional counts of Felony Discharge of a Firearm as well as one count of Possession of a Weapon by a Restricted Person.

Upon a decision made after preliminary hearing and within sixty days of arraignment, the District Attorney may give notice to seek the death penalty and Count 1, Aggravated Murder, may proceed as a capital felony. A capital felony is punishable by death, or by life in prison without parole or an indeterminate prison term of not less than 25 years and which may be for life.

Count 2, Attempted Homicide, is a first degree felony punishable by life in prison. The alternative Count 2, Felony Discharge of a Firearm with Serious Bodily, is also a first degree felony punishable by life in prison.

Counts 3, 4 and 5, Felony Discharge of a Firearm are third degree felonies, each punishable by up to five years in the Utah State Prison.

Count 6, Possession of a Weapon by a Restricted Person is a third degree felony, punishable by up to five years in the Utah State Prison.

As outlined in the statement of probable cause attached to the Information, it is alleged that on the morning of Sept. 1, 2013 Sgt. Derek Johnson was on duty in a marked Draper City Police vehicle when he stopped to assist a stopped Volvo at 13200 S. Fort Street, Draper, Utah. The Volvo was operated by the defendant Walker. The Volvo had run out of gas and had a passenger side flat tire from a previous collision at a different location. The defendant had left the scene of that earlier accident and had stopped at the Fort Street location.

Sgt. Johnson pulled up to the disabled Volvo when Defendant Walker shot Sgt. Johnson through the police vehicle's open front passenger window. The bullet struck Sgt. Johnson and penetrated through his chest. This shot was later determined by the medical examiner to be the cause of death and the manner of death to be homicide. During this incident, the defendant also shot Traci Vaillancourt striking her in the upper back portion of her back.

Sgt. Johnson's vehicle accelerated northbound at the moment he was shot and his vehicle was shot at least three additional times as it was driving away from the defendant. Sgt. Johnson was able to notify dispatch of "shots fired" over his radio before colliding with trees and coming to rest two blocks north from where he was shot.

A subsequent toxicology examination and report of the defendant showed that when he fired his weapon, the defendant had methamphetamine in his blood making him a restricted person for possessing firearms as an unlawful user of controlled substances.

The Salt Lake County District Attorney's office commends the investigative efforts of the Draper Police Department and Unified Police Department who have worked tirelessly since this tragic incident to put together the screening of these charges. The DA's Office thanks the leadership of Draper Police Department Chief Bryan Roberts and Salt Lake County Sherriff Jim Winder of the UPD and their detectives during this investigation. The DA's office extends its condolences to the family of Sgt. Derek Johnson, Draper City and his fellow officers and friends for the tragic loss of an honorable young man who died in the line of duty, doing what he loved, serving his community.

Today, the District Attorney also filed two counts of Obstructing Justice against Traci Lee Vaillancourt. Each count is a second degree felony, punishable by up to 15 years in the Utah State Prison.

As outlined in more detail in the statement of probable cause against Vaillancourt , it is alleged that Vaillancourt intended to hinder, delay or prevent the investigation, apprehension, prosecution, conviction, or punishment of any person regarding conduct that constitutes a criminal offense. It is alleged that the defendant was interviewed twice by law enforcement, and that both times provided false accounts of the shooting of Sgt. Johnson on Sept. 1, 2013. All persons are considered innocent under the law until proven guilty.

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SIM GILL, Bar No. 6389
District Attorney for Salt Lake County
VINCENT B. MEISTER, Bar No. 5653
BLAKE R. HILLS, Bar No. 8199
AARON W. FLATER, Bar No. 9458
Deputy District Attorney
111 East Broadway, Suite 400
Salt Lake City, UT 84111
Telephone: (385) 468-7600

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

THE STATE OF UTAH

Plaintiff,

vs.

TIMOTHY TROY WALKER

DOB: 08/18/1979

AKA:

UNKNOWN

UT

D.L.#

OTN

SO#

Defendant.

Screened by: ROBERT L. STOTT, VINCENT
B. MEISTER

Assigned to: VINCENT B. MEISTER,
BLAKE. R. HILLS, AARON W. FLATER

INFORMATION

DAO # 13019355

ECR Status: **NON-ECR**

Initial Appearance:

Bail: \$2,000,007

Warrant/Release: NOT-BOOKED

Case No.

The undersigned M. Ikemiyashiro - UNIFIED POLICE DEPARTMENT, Agency Case No. 2013-137289, upon a written declaration states on information and belief that the defendant, TIMOTHY TROY WALKER, committed the crime(s) of:

COUNT 1

CRIMINAL HOMICIDE, AGGRAVATED MURDER, 76-5-202 UCA, First Degree Felony, as follows: That on or about September 01, 2013 at 13200 South Fort Street, in Salt Lake County, State of Utah, the defendant, a party to the offense, did intentionally or knowingly cause the death of Derek Johnson under any of the following circumstances: the victim was or had been a peace officer or law enforcement officer, and the victim was either on duty or the homicide was based on, was caused by, or was related to that official position, and the actor knew, or reasonably should have known, that the victim held or had held that official position; and/or the actor knowingly created a great risk of death to a person other than the victim and the actor.

COUNT 2

ATTEMPTED HOMICIDE, 76-5-203 UCA, First Degree Felony, as follows: That on or about September 01, 2013 at 13200 South Fort Street, in Salt Lake County, State of Utah, the defendant, a party to the offense, intentionally or knowingly attempted to cause the death of another, and caused serious bodily injury to Traci Vaillancourt.

OR IN THE ALTERNATIVE

COUNT 2

FELONY DISCHARGE OF A FIREARM WITH SERIOUS BODILY INJURY, 76-10-508.1 UCA, First Degree Felony, as follows, That on or about September 01, 2013, at 13200 South Fort Street, in Salt Lake County, State of Utah, the defendant, a party to the offense, did 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. Furthermore, the aforementioned violation caused serious bodily injury to another person, to wit: Traci Vaillancourt.

COUNT 3

FELONY DISCHARGE OF A FIREARM, 76-10-508.1 UCA, Third Degree Felony, as follows: That on or about September 01, 2013 at 13200 South Fort Street, in Salt Lake County, State of Utah, the defendant, a party to the offense, did 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 4

FELONY DISCHARGE OF A FIREARM, 76-10-508.1 UCA, Third Degree Felony, as follows: That on or about September 01, 2013 at 13200 South Fort Street, in Salt Lake County, State of Utah, the defendant, a party to the offense, did 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.

STATE vs TIMOTHY TROY WALKER

DAO # 13019355

Page 3

COUNT 5

FELONY DISCHARGE OF A FIREARM, 76-10-508.1 UCA, Third Degree Felony, as follows: That on or about September 01, 2013 at, in Salt Lake County, State of Utah, the defendant, a party to the offense, did, knowing or having reason to believe that any person may be endangered by the discharge of a firearm, discharge 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, discharge a firearm in the direction of any person or habitable structure; or with the intent to intimidate or harass another, discharge a firearm in the direction of any vehicle.

COUNT 6

PURCHASE, TRANSFER, POSSESSION OR USE OF A FIREARM BY RESTRICTED PERSON, 76-10-503(3)(a) UCA, Third Degree Felony, as follows: That on or about September 01, 2013 at 13200 South Fort Street, in Salt Lake County, State of Utah, the defendant, a party to the offense, being then a category II restricted person, by being an unlawful user of a controlled substance, did purchase, transfer, possess, use, or have under the person's custody or control any firearm.

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

M. Ikemiyashiro, Jason Ackerman, Michael Anderson, Jason Appleman, Kevin Barrett, Shannon Bennett, Lenny Bruno, David Dow, Heatherlyn Drips, Timothy Duran, Clint Fackrell, S. Finlayson, Aaron Lavin, Tyler Livingston, David Marino, Matt Masock, Todd Park, Ben Pender, Paul Peterson, Christine Petty-Brown, Tyler Richman, Rob Scott, Bradford Sousley, Kris Szelag, Pamela Ulmer, Jordan Upchurch, Kodie Van Roosendaal - Gill, Matthew Visher, Mike Wekluk, Matt Wilkins

DECLARATION OF PROBABLE CAUSE:

Your affiant, Mike Ikemiyashiro, based on interviews of witnesses, scene reconstruction, and on information in report 2013-137289, hereby states the following:

1. On or about September 1, 2013, in Salt Lake County, Officer Derek Johnson was in uniform, on duty, in a marked Draper City Police vehicle, when he stopped at 13200 South Fort Street.
2. Defendant Timothy Troy Walker was outside his Volvo car at said location.
3. Defendant Walker stopped at 13200 South Fort Street because his car ran out of gas, and because the passenger side front tire was flat from damage sustained shortly before when he drove over a curb, over a stop sign, over a large rock, and through a fence at 13800 South 933 East, Salt Lake County. Defendant left the scene of said accident.
4. Very shortly after Officer Johnson pulled over near the Volvo, defendant Troy Walker shot at Officer Johnson through the open front passenger side window of the officer's marked vehicle.
5. Officer Johnson was struck by a round fired by defendant Walker and immediately accelerated northbound away from Mr. Walker, at which time Mr. Walker fired at least three other shots which impacted the rear of Officer Johnson's marked police vehicle.
6. Officer Johnson put out a radio call of "shots fired" before losing control of his vehicle and crashing into a wooded area approximately two blocks north of where he was shot.
7. An autopsy conducted by the Utah Office of the Medical examiner determined the cause of death to be a penetrating gunshot wound to the chest and the manner of death to be homicide.

8. During this incident, defendant Walker also shot Traci Vaillancourt, striking her in the upper right portion of her back, the bullet coming to rest near her sternum, causing serious bodily injury.
9. A toxicology report shows that defendant Walker had methamphetamine in his blood at the time of the offense, making him a person restricted from possessing firearms as an unlawful user of controlled substances.

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: _____

M. Ikemiyashiro
Declarant

Authorized for presentment and filing

SIM GILL, District Attorney

Deputy District Attorney
10th day of September, 2013
MAH / / DAO # 13019355

SO # OTN
DAO # 13019355

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

THE STATE OF UTAH,	Before: _____
Plaintiff,	Magistrate
vs.	
TIMOTHY TROY WALKER	WARRANT OF ARREST
DOB: 08/18/1979,	
UNKNOWN	
UT	
AKA:	
SS#	
Defendant.	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 M. Ikemiyashiro - UNIFIED POLICE DEPARTMENT, Agency Case No. 2013-137289, and it appears from the Information or Declaration filed with the Information, that there is probable cause to believe that the public offense(s) of;

CRIMINAL HOMICIDE, AGGRAVATED MURDER, First Degree Felony, ATTEMPTED HOMICIDE, First Degree Felony,- **OR IN THE ALTERNATIVE-** FELONY DISCHARGE OF A WEAPON WITH SERIOUS BODILY INJURY, First Degree Felony, FELONY DISCHARGE OF A FIREARM, Third Degree Felony, FELONY DISCHARGE OF A FIREARM, Third Degree Felony, FELONY DISCHARGE OF A FIREARM, Third Degree Felony, PURCHASE, TRANSFER, POSSESSION OR USE OF A FIREARM BY RESTRICTED PERSON, Third Degree Felony, has been committed, and that TIMOTHY TROY WALKER has committed them.

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 \$2,000,007.

Dated this _____ day of __September__ A.D. _2013_.

This Warrant may be served day or night.

MAGISTRATE

SERVED DATE: _____ BY _____

STATE vs TIMOTHY TROY WALKER
DAO # 13019355
Page 1

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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SIM GILL, Bar No. 6389
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IN THE THIRD DISTRICT COURT, WEST JORDAN DEPARTMENT
IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

THE STATE OF UTAH

Plaintiff,

vs.

TRACI LEE VAILLANCOURT

DOB: 04/01/1979

AKA:

UNKNOWN

UT

D.L.#

OTN

SO#

Defendant.

Screened by: VINCENT B. MEISTER,
ROBERT L. STOTT
Assigned to: VINCENT B. MEISTER,
BLAKE R. HILLS, AARON W. FLATER

INFORMATION

DAO # 13019357

ECR Status: **NON-ECR**

Initial Appearance:

Bail: \$500,007

Warrant/Release: JAIL

Case No.

The undersigned M. Ikemiyashiro - UNIFIED POLICE DEPARTMENT, Agency Case No. 2013-137289, upon a written declaration states on information and belief that the defendant, TRACI LEE VAILLANCOURT, committed the crime(s) of:

COUNT 1

OBSTRUCTING JUSTICE, 76-8-306(1) UCA, Second Degree Felony, as follows: That on or about September 04, 2013, in Salt Lake County, State of Utah, the defendant did, with intent to hinder, delay, or prevent the investigation, apprehension, prosecution, conviction, or punishment of any person regarding conduct that constituted a criminal offense, prevent by force, intimidation, or deception, any person from performing any act that might aid in the discovery, apprehension, prosecution, conviction, or punishment of any person; or provided false

information regarding a suspect, a witness, the conduct constituting an offense, or any other material aspect of the investigation.

COUNT 2

OBSTRUCTING JUSTICE, 76-8-306(1) UCA, Second Degree Felony, as follows: That on or about September 07, 2013, in Salt Lake County, State of Utah, the defendant did , with intent to hinder, delay, or prevent the investigation, apprehension, prosecution, conviction, or punishment of any person regarding conduct that constituted a criminal offense, prevent by force, intimidation, or deception, any person from performing any act that might aid in the discovery, apprehension, prosecution, conviction, or punishment of any person; or provided false information regarding a suspect, a witness, the conduct constituting an offense, or any other material aspect of the investigation.

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

M. Ikemiyashiro, Jason Ackerman, Michael Anderson, Jason Appleman, Kevin Barrett, , Shannon Bennett, Lenny Bruno, David Dow, Heatherlyn Drips, Timothy Duran, Clint Fackrell, S Finlayson, Aaron Lavin, Tyler Livingston, David Marino, Matt Masock, Todd Park, Ben Pender, Paul Peterson, Christine Petty-Brown, Tyler Richman, Rob Scott, Bradford Sousley, Kris Szelag, Pamela Ulmer, Jordan Upchurch, Kodie Van Roosendaal - Gill, Matthew Visser, Mike Wekluk, Matt Wilkins

DECLARATION OF PROBABLE CAUSE:

Your affiant, based on interviews of witnesses, on information in report 2013-137289, on crime scene reconstruction, and on interviews of the defendant, hereby states that defendant Tracy Vaillancourt was interviewed on three occasions regarding the aggravated murder of Draper police officer Derek Johnson. During two interviews, including a September 4, 2013 interview, Ms. Vaillancourt stated that she never saw a police officer, did not see who was shooting, and did not know who shot her. Ms. Vaillancourt told detectives also where and how she was positioned when she was shot. During a September 7, 2013 interview Ms. Vaillancourt again told detectives where and how she was positioned when she was shot in the upper right part of her back. The location of the wound, the directionality of the wound, and the lack of

physical evidence at the location where Ms. Vaillancourt said she was shot does not support her statement. In her September 7, 2013 statement Ms. Vaillancourt then admitted that she did see a marked police vehicle pull up next to the Volvo and then heard several shots fired in a quick succession, one of the shots hitting her. By her own admissions, Ms. Vaillancourt admitted that other statements she made earlier to detectives on September 1, 2013, September 4, 2013, and on September 7, 2013 were also not true.

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: _____

M. Ikemiyashiro
Declarant

Authorized for presentment and filing

SIM GILL, District Attorney

Deputy District Attorney
11th day of September, 2013
MAH / / DAO # 13019357

SO # OTN
DAO # 13019357

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

THE STATE OF UTAH,	Before: _____
Plaintiff,	Magistrate
vs.	
TRACI LEE VAILLANCOURT	WARRANT OF ARREST
DOB: 04/01/1979	
UNKNOWN	
UT	
AKA:	
SS#	Case No.
Defendant.	

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 M. Ikemiyashiro - UNIFIED POLICE DEPARTMENT, Agency Case No. 2013-137289, and it appears from the Information or Declaration filed with the Information, that there is probable cause to believe that the public offense(s) of;

OBSTRUCTING JUSTICE, Second Degree Felony, OBSTRUCTING JUSTICE, Second Degree Felony, has been committed, and that TRACI LEE VAILLANCOURT has committed them.

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 \$500,007.

Dated this _____ day of __September__ A.D. _2013_.

This Warrant may be served day or night.

MAGISTRATE

SERVED DATE: _____ BY _____

STATE vs TRACI LEE VAILLANCOURT
DAO # 13019357
Page 1

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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