

SIM GILL, Bar No. 6389
District Attorney for Salt Lake County
T. LANGDON FISHER, Bar No. 5694
MATTHEW J. HANSEN, Bar No. 9003
Deputy District Attorney
111 East Broadway, Suite 400
Salt Lake City, UT 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

Plaintiff,

vs.

OSA CHAD MASINA
DOB: 06/26/1997,
AKA:
852 S DIESTEL RD
SALT LAKE CITY, UT
OTN
SO#
Booking#

Defendant.

Assigned to: T. LANGDON FISHER

INFORMATION

DAO # 16020783

Bail \$250,000

Warrant/Release: NOT BOOKED

Case No.

The undersigned DETECTIVE D. MORZELEWSKI - COTTONWOOD HEIGHTS POLICE DEPARTMENT, Agency Case No. 16X004399, upon a written declaration states on information and belief that the defendant, OSA CHAD MASINA, committed the crime(s) of:

COUNT 1

RAPE, 76-5-402 UCA, First Degree Felony, as follows: That on or about July 25, 2016 at 7810 South Chatsworth Ct., in Salt Lake County, State of Utah, the defendant did have sexual intercourse with another person without the victim's consent.

COUNT 2

FORCIBLE SODOMY, 76-5-403(2) UCA, First Degree Felony, as follows: That on or about July 25, 2016 at 7810 South Chatsworth Ct., in Salt Lake County, State of Utah, the defendant did engage in any sexual act with a person 14 years of age or older, and without that person's

consent, involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.

COUNT 3

FORCIBLE SODOMY, 76-5-403(2) UCA, First Degree Felony, as follows: That on or about July 25, 2016 at 7810 South Chatsworth Ct., in Salt Lake County, State of Utah, the defendant did engage in any sexual act with a person 14 years of age or older, and without that person's consent, involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.

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

OFFICER A. ZELLER, JUAN AVILA TEJADA, ERIC BENNION, BRODY BOLERJACK, K., MAX LINDER, LOGAN LUND, DETECTIVE D. MORZELEWSKI, KANIELA NEVES, KAHIAPO NEVES, TIANNA THOMPSON.

DECLARATION OF PROBABLE CAUSE:

Your declarant bases this information upon the following:

The statement of a nineteen-year-old woman, "K," that on 7-25-2016 at approximately 9:30 p.m., she went to a party at a residence at 7810 S. Chatsworth Ct., Cottonwood Heights, Salt Lake County, Utah. At that party, K consumed alcoholic beverages and marijuana. Also at the party was Osa Chad Masina ("Masina"), whom K has known for several years. In the early morning hours of 7-26-2016, K went to get something to eat with Masina, who was driving, and two other men from the party. By the time they reached the fast food restaurant, however, the alcoholic beverages and marijuana were making K feel "not all there," so she did not go inside for food. She fell asleep in the car until the three men returned. After that they drove around for a while. K remembered arriving back at the Chatsworth Ct. residence. Inside, in the basement, Masina asked K which couch she wanted to sleep on; she did not recall answering him. After that, K passed out or fell asleep.

According to K, she awoke to find Masina on top of her. His erect penis was in her anus, which "hurt [her] so bad." Due to her intoxicated state, all she felt capable of doing was moving her legs to try to lessen the pain. She heard Masina laugh, and he continued to have anal intercourse with her. K passed out again. K next awoke to Masina holding her head and thrusting his erect penis into her mouth. His penis was being thrust in so far that she could not breathe or talk. She attempted to push him away to get his penis out of her mouth. She was focusing on trying to breathe. Masina kept putting his penis back in her mouth. At that point, K passed out again.

K described further that when awoke again, still in the early morning hours, she found she was wearing only a bra, with a blanket over her. Her “throat hurt . . . bad” from Masina thrusting his penis into the back of her mouth. She tried to call her a friend and his father to come pick her up, but she could not reach either of them. Frightened, she left the house. She may have passed out again, because the next thing she could remember was waking up later in the morning in the front yard of a neighbor next to the Chatsworth Ct. residence. K was hunched against a tree with only her bra on and the blanket over her. Later, after K was able to get home, she discovered that she had bleeding from her anus. She also later discovered that she had damage to porcelain crowns on her back teeth.

The report of the Sexual Assault Nurse Examiner who conducted a “Code R” examination of K on 7-26-2016 indicated that redness was observed at the back of K’s mouth and a small laceration was noted on K’s genitalia near the vaginal entrance. The statement of the defendant in a Mirandized interview that he had engaged in vaginal intercourse, oral sex, and anal intercourse with K on the night in question.

REQUEST FOR ISSUANCE OF A WARRANT:

The State hereby requests that the Court issue a Warrant of Arrest in this case with a bail amount of \$250,000 in order to ensure the safety and welfare of the community, and due to a concern about flight risk.

Affiant has received information indicating that the defendant has been suspended from university; therefore he does not currently have that impetus to remain available. This bail request is based on the further statement of K, who also related an incident in California that had preceded the Utah events. According to K, on 7-14-2016, she had traveled to Los Angeles, California, to visit Masina for a few days. During that visit, after consuming alcohol and marijuana, as well as two Xanax bars provided to her by Masina, K fell asleep or passed out. K awoke to Masina holding her head and putting his erect penis into her mouth, and to a male friend of Masina's + having sex with her from behind. She had not consented to this sexual contact with either Masina or his friend. This evidence suggests that the Utah incident was neither a one-time event nor a spontaneous occurrence, and therefore raises concerns about the safety of others with whom the defendant may have contact.

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: _____

DETECTIVE D. MORZELEWSKI
Declarant

Authorized for presentment and filing
SIM GILL, District Attorney

Deputy District Attorney
14th day of September, 2016
AJN / AM / DAO # 16020783

STATE vs OSA CHAD MASINA

DAO # 16020783

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>
---------------------	----------------------------	---------------------------	--------------------	----------------------