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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.

MATTHEW JAMES DAY

Defendant.

Screened by: SANDI JOHNSON
Assigned to: SANDI JOHNSON
DAO# 09006063

Bail: \$1,000,007
Warrant/Release: In Jail

INFORMATION

Case No.

The undersigned Scott NESBITT - STATE BUREAU OF INVESTIGATIONS, Agency Case No. 200900012, upon a written affidavit states on information and belief that the defendant, MATTHEW JAMES DAY, committed the crime of:

COUNT 1

MURDER, 76-5-203 UCA, first degree felony, as follows: That on or about January 09, 2009 at I-15 and 1700 South, in Salt Lake County, State of Utah the defendant **MATTHEW JAMES DAY**, a party to the offense, intentionally or knowingly caused the death of Cesar Ramirez; and/or intending to cause serious bodily injury to another committed an act clearly dangerous to human life that caused the death of Cesar Ramirez; and/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 Cesar Ramirez; and/or while engaging in the commission, attempted commission, or immediate flight from the commission or attempted commission of a predicate offense, or as a party to the predicate offense to wit: Discharge of a Firearm under Utah Code Annotated 76-10-508.1 (i) a person other than the party as defined in Utah Code 76-2-202 was killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of the predicate offense; and (ii) the defendant acted with the intent required as an element of the predicate offense.

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

AFFIDAVIT OF PROBABLE CAUSE:

Your Affiant Detective Scott Nesbitt obtained the following information from his own investigation, interviews and review of police reports from various other agencies:

On January 9, 2009, at approximately 5:30 p.m., a black passenger vehicle cut off a witness who was driving southbound on Interstate 15 at approximately 1700 South and pulled up alongside a Jeep driven by Cesar Ramirez. A shot was fired from the black vehicle, striking Mr. Ramirez. Mr. Ramirez managed to stop the vehicle on the side of the freeway, and was taken to the hospital, where he later died from the injuries sustained from the bullet wound.

The suspects were described as white males wearing red clothing. On January 10, 2009, Davis County officers stopped a black Nissan Maxima driven by MATTHEW JAMES DAY and occupied by three other individuals. All four individuals are associated with the Nortenos gang, and were wearing red clothing.

The statements of several different individuals that subsequent to the shooting they spoke with MATTHEW JAMES DAY and he admitted he was driving the vehicle from which the fatal shot was fired. He also stated the shooting resulted from an earlier altercation with the occupants of the Jeep who were believed to be rival gang members. Further he admitted that he participated in the shooting, along with two others in his vehicle.

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Two witnesses were shown photo line-ups and identified MATTHEW JAMES DAY as being in the vehicle from which the fatal shot was fired.

Pursuant to Utah Code Annotated § 46-5-101 (2007) 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: _____

Scott NESBITT
Affiant

Authorized for presentment and filing

LOHRA L. MILLER, District Attorney

Deputy District Attorney
3rd day of March, 2009
SJ/MAH / DAO # 09006063