

FILED DISTRICT COURT
Third Judicial District

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APR 08 2008

SALT LAKE COUNTY

MATHESON COURTHOUSE

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.

ESAR MET
DOB: 01/01/1987,
AKA: Esar Samad
472 E 2250 S
SOUTH SALT LAKE, UT
OTN 30472070
SO# 314702
Defendant.

Screened by: ANGELA MICKLOS
Assigned to: ANGELA MICKLOS
DAO# 08007585

Bail: \$2,500,000.00
Warrant/Release: IN JAIL

INFORMATION

Case No.

001907720

The undersigned D. Byington - SOUTH SALT LAKE POLICE DEPARTMENT, Agency Case No. 08G002540, upon a written affidavit states on information and belief that the defendant, ESAR MET, committed the crime of:

COUNT I

CRIMINAL HOMICIDE, AGGRAVATED MURDER, (2627) 76-5-202 UCA, first degree felony, as follows: That on or about March 31, 2008 at 472 East 2250 South, in Salt Lake County, State of Utah the defendant intentionally or knowingly caused the death of Hser Ner Moo under either of the following circumstances:

(d) the homicide was committed incident to an act, scheme, course of conduct, or criminal episode during which the actor committed or attempted to commit rape of a child, object rape of a child, sexual abuse of a child, aggravated sexual abuse of a child, child abuse as defined in Subsection 76-5-109(2)(a); and/or child kidnapping; or (t) the victim was younger than 14 years of age.

COUNT II

CHILD KIDNAPPING, (193) 76-5-301.1 UCA, first degree felony, as follows: That on or about March 31, 2008 at 472 East 2250 South, in Salt Lake County, State of Utah the defendant did intentionally or knowingly, without authority of law, by any means and in any manner, seize, confine, detain, or transport a child under the age of fourteen years, without the consent of the victim's parent or guardian.

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

D. Byington,

AFFIDAVIT OF PROBABLE CAUSE:

1. Your affiant is a South Salt Lake Police Detective. On March 31, 2008, your affiant was assigned as the lead detective to investigate the disappearance of a seven year-old female, Hser Ner Moo, DOB 07/16/00. The investigation yielded the following information.
2. A male child, S.M., DOB 9/17/97, who is Hser Ner Moo's brother, last saw Hser Ner Moo at approximately 2:00 p.m. on March 31, 2008, when Hser Ner Moo left her apartment located at 2232 South 460 East in South Salt Lake City. S.M. did not see Hser Ner Moo again. Members of Hser Ner Moo's family reported that she was last seen wearing a pink shirt, pink skirt, and a pink jacket.
3. Shortly after 2:00 p.m. on March 31, 2008, Aurora Gongora, who lives in the South Parc Apartment Complex, saw Hser Ner Moo leave her own apartment and walk south. Your affiant has examined the layout of the entire apartment complex. The apartment located at 472 East 2250 South is directly south of Hser Ner Moo's apartment.
4. On April 1, 2008 at approximately 7:00 p.m., four agents with the Federal Bureau of Investigation, who were assisting in the effort to locate Hser Ner Moo, spoke to residents of the apartment located at 472 East 2250 South. The agents received consent to enter the apartment and search for Hser Ner Moo. During the consent search of the apartment located at 472 East 2250 South, the agents learned from the other four residents of the apartment that the defendant is the only person who lived in the basement bedroom of the apartment, and had only lived in the apartment for approximately one month. Officers showed the four residents photos of refugees living in the apartment complex that included a photo of the defendant, Esar Met. The residents verified that the defendant was their roommate who lived in the basement bedroom. The

defendant's four roommates worked on Monday, March 31, 2008. On that date, all four of the defendant's roommates left the apartment by 6:30 a.m. and returned no earlier than 4:30 p.m. Each of the residents stated that they had not looked for Hser Ner Moo in their apartment and they had not been in the basement in the past several days. Each of the other residents confirmed that in the past several days, the defendant is the only person who had been in the basement.

5. During the consent search of the apartment (472 E. 2250 S.) on April 1, 2008, FBI agents observed what appeared to be two cell-phone sized dried blood spots on the carpet in the main room in the basement. In the basement, the agents also saw a trail of blood droplets extending out from the larger blood spots, and blood spatters and drips on one wall of the basement. In the common bathroom which is located in the basement, FBI agents saw blood on the tile floor, a large plastic bag that was bloody, and the body of a female child. The child victim, later identified as Hser Ner Moo, was found face down in the shower. She was wearing a pink shirt, pink skirt, and a pink coat. Hser Ner Moo's skirt was lifted up and it appeared to the agents that she did not have on any underwear. A pair of child's underwear was subsequently located next to Hser Ner Moo's head.

6. On April 1, 2008 at approximately 8:20 p.m., South Salt Lake Fire Captain Rasmussen entered the apartment and verified that Hser Ner Moo was dead.

7. Acting on information obtained by other residents of Apartment 472 as to the location of the resident of the basement, law enforcement located the defendant in Cottonwood Heights at approximately 10:00 p.m. on April 1, 2008. When officers attempted to arrest the defendant, he tried to flee and officers had to restrain him to keep him from leaving.

8. The defendant's aunt, Mi Cho, told police that the defendant arrived at her residence in Cottonwood Heights on March 31, 2008 around 3:30 or 4:00 p.m. The defendant did not bring a change of clothes, but he spent the night at the aunt's residence, where he slept on the floor. Ms. Cho reported that the defendant has never spent the night at her home before.

9. On April 2, 2008, Chief Utah Medical Examiner, Todd Grey, conducted the autopsy of the victim, Hser Ner Moo. Dr. Grey determined that Hser Ner Moo died as a result of multiple inflicted blunt force injuries to her head, neck and torso. Dr. Grey opined that some of Hser Ner Moo's injuries were consistent with strangulation or suffocation. Dr. Grey indicated the manner of her death is homicide. The injuries were consistent with having been caused at or about the same time. The evidence reviewed shows the time of Hser Ner Moo's death is consistent with having occurred the afternoon of March 31, 2008. Additionally, Hser Ner Moo had short black hairs clutched in her right hand, and some similar hairs on her abdomen. The defendant has short black hair.

10. Dr. Lori Frasier, Medical Director of the Medical Assessment Team at the Center for Safe and Healthy Families Team at Primary Children's Medical Center, a nationally recognized

expert in identification of the cause of injuries to young children, conducted a colposcopic examination of the ano-genital areas of Hser Ner Moo during the autopsy process. Both Dr. Frasier and Dr. Grey confirm that there was evidence of blunt force trauma to the upper hymen and periurethral tissues of Hser Ner Moo, with evidence of vaginal injury in the anterior wall of the lower vagina. These findings are consistent with blunt force injury with penetration caused by a digit, an object or a penis. Those injuries were consistent with having been caused the afternoon of March 31, 2008.

11. Employees of the Utah State Crime Lab processed the crime scene at the apartment located at 472 East 2250 South. During the processing, crime lab employees discovered a substance that appeared to be blood that tested positive for blood, in multiple areas of the basement level of the apartment. Specifically, the crime lab discovered an adult-sized bloody footprint on the carpet in the main room of the basement. Crime lab employees have compared the bloody footprint with measurements and footprints taken from the defendant, and determined that a right footprint found at the scene is consistent with the defendant's right foot.

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: 4-8-08

Daman Byington
D. Byington
Affiant

Authorized for presentment and filing

LOHRA L. MILLER, District Attorney

L. Miller
Deputy District Attorney
8th day of April, 2008
SMR / DAO # 08007585

*Subscribed and sworn
before me this 8th
day of April, 2008
Judith [Signature]*

APR 08 2008

SALT LAKE COUNTY

By _____ Deputy Clerk

SO # 314702 OTN 30472070
DAO # 08007585

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.

ESAR MET
DOB: 01/01/1987,
472 E 2250 S
South Salt Lake, Utah
AKA: Esar Samad
SS# 646022143

Defendant.

Before: _____
Magistrate

WARRANT OF ARREST

Case No.

001902720

THE STATE OF UTAH;

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

An Information, based upon a written affidavit having been declared by D. Byington - SOUTH SALT LAKE POLICE DEPARTMENT, Agency Case No. 08G002540, and it appears from the Information or Affidavit filed with the Information, that there is probable cause to believe that the public offenses of;

CRIMINAL HOMICIDE, AGGRAVATED MURDER, a First Degree Felony and CHILD KIDNAPPING, a First Degree Felony, has been committed, and that ESAR MET has committed them.

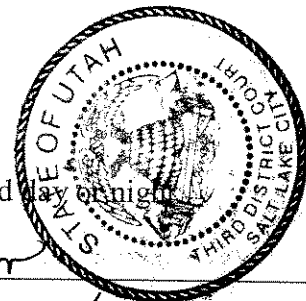
YOU ARE THEREFORE COMMANDED to arrest the above-named defendant forthwith and bring the defendant before this Court, or before the nearest or most accessible magistrate for setting bail. If the defendant has fled justice, you shall pursue the defendant into any other county of this state and there arrest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

Bail is set in the amount of \$2,500,000.00.

Dated this 8 day of April A.D. 2008.

This Warrant may be served day or night

Judith D. Dehner
MAGISTRATE



SERVED: DATE: 4-8-08

BY: *Dann Byington*