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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-

BRYAN DAVID MITCHELL
DOB 10/18/53,
OTN 13821616
SO# 0063783

Defendant,

WANDA EILEEN BARZEE
DOB 11/06/45,
OTN 13821582
SO# 0270457

Co-Defendant.

BAIL: \$10,000,000.00, Each Defendant

INFORMATION

Case No.

027901884 (Mitchell)

027901886 (Barzee)

MITCHELL - D.A. No. 03005560

BARZEE - D.A. No. 03005553

The undersigned Detective Mark Sharman - Salt Lake City Police Department, Agency Case No. 02-96734, and based upon the report of Salt Lake County Sheriff's Office Agency Case No. 02-87210, under oath states on information and belief that the defendants committed the crimes of:

COUNT I

AGGRAVATED BURGLARY, a First Degree Felony, in Salt Lake County, State of Utah, on or about June 5, 2002, in violation of Title 76, Chapter 6, Section 203(b), Utah Code Annotated 1953, as amended, in that the defendants, BRYAN DAVID MITCHELL and WANDA EILEEN BARZEE, parties to the offense, entered or remained unlawfully in a

private residence located within Salt Lake County, with intent to commit a felony, or an assault upon a person, and used a knife, which is a dangerous weapon.

COUNT II

AGGRAVATED KIDNAPPING, a First Degree Felony, in Salt Lake County, State of Utah, on, about or between June 5, 2002 through March 12, 2003, in violation of Title 76, Chapter 5, Sections 302(1)(a) and (b)(ii-vi), Utah Code Annotated 1953, as amended, in that the defendants, BRYAN DAVID MITCHELL and WANDA EILEEN BARZEE, parties to the offense, did intentionally or knowingly, without authority of law and against the will of Elizabeth Smart, a minor child under the age of 18 years of age:

(1) detained or restrained her for a substantial period of time; or (2) detained or restrained her in circumstances exposing her to risk of bodily injury; or (3) detained or restrained her without the consent of her parent or legal guardian; or (4) moved her a substantial distance and across a state line; and

The defendants, in committing this offense:

- (a) possessed, used or threatened to use a dangerous weapon; or
- (b) intended to facilitate the commission, attempted commission, or flight after commission or attempted commission of a felony; or
- (c) intended to hinder or delay the discovery of or reporting of a felony; or
- (d) intended to inflict bodily injury on or to terrorize the victim; or
- (e) intended to commit a sexual offense.

COUNT III

AGGRAVATED SEXUAL ASSAULT, a First Degree Felony, in Salt Lake County, State of Utah, on or about June 5, 2002, in violation of Title 76, Chapter 5, Section 405, Utah Code Annotated 1953, as amended, in that the defendants, BRYAN DAVID MITCHELL and WANDA EILEEN BARZEE, parties to the offense, in the course of committing a rape, attempted rape, forcible sexual abuse or attempted forcible sexual abuse against Elizabeth Smart:

- (a) used or threatened the use of a dangerous weapon; or
- (b) compelled or attempted to compel the victim to submit to forcible sexual abuse, by threat of kidnapping, death or serious bodily injury to be inflicted imminently on any person; or
- (c) was aided or abetted by one or more persons.

COUNT IV

AGGRAVATED SEXUAL ASSAULT, a First Degree Felony, in Salt Lake County, State of Utah, on, about or between June 5, 2002 and August 8, 2002, in violation of Title 76, Chapter 5, Section 405, Utah Code Annotated 1953, as amended, in that the defendants, BRYAN DAVID MITCHELL and WANDA EILEEN BARZEE, parties to the offense, in the course of committing a rape, attempted rape, forcible sexual abuse or attempted forcible sexual abuse against Elizabeth Smart:

- (a) used or threatened the use of a dangerous weapon; or

- (b) compelled or attempted to compel the victim to submit to forcible sexual abuse, by threat of kidnapping, death or serious bodily injury to be inflicted imminently on any person; or
- (c) was aided or abetted by one or more persons.

COUNT V

AGGRAVATED BURGLARY, a First Degree Felony, in Salt Lake County, State of Utah, on or about July 24, 2002, in violation of Title 76, Chapter 6, Section 203(b), Utah Code Annotated 1953, as amended, in that the defendant, BRYAN DAVID MITCHELL and WANDA EILEEN BARZEE, as parties to the offense, entered or remained unlawfully in a private residence with intent to commit a felony, or an assault upon a person, and used a knife or other sharp instrument, which is a dangerous weapon.

COUNT VI

ATTEMPTED AGGRAVATED KIDNAPPING, a Second Degree Felony, in Salt Lake County, State of Utah, on or about July 24, 2002, in violation of Title 76, Chapter 5, Sections 302(1)(a) and (b)(ii-vi), and Title 76, Chapter 4, Section 101, Utah Code Annotated 1953, as amended, in that the defendants, BRYAN DAVID MITCHELL and WANDA EILEEN BARZEE, parties to the offense, did intentionally or knowingly, without authority of law and against the will of a minor child under the age of 18 years of age attempted to: detain or restrain the minor child without the consent of the minor's parents or legal guardians; and

The defendants, in committing this offense:

- (a) possessed, used or threatened to use a dangerous weapon; or
- (b) intended to facilitate the commission, attempted commission, or flight after commission or attempted commission of a felony; or
- (c) intended to hinder or delay the discovery of or reporting of a felony; or
- (d) intended to inflict bodily injury on or to terrorize the minor child; or
- (e) intended to commit a sexual offense.

OR – IN THE ALTERNATIVE

COUNT VI

CONSPIRACY TO COMMIT AGGRAVATED KIDNAPPING, a Second Degree Felony, in Salt Lake County, State of Utah, on or about July 24, 2002, in violation of Title 76, Chapter 5, Sections 302(1)(a) and (b)(ii-vi), and Title 76, Chapter 4, Section 201, Utah Code Annotated 1953, as amended, in that the defendants, BRYAN DAVID MITCHELL and WANDA EILEEN BARZEE, parties to the offense, did intentionally or knowingly, conspire or agree with each other to: detain or restrain a minor child without her consent, and against her will, and without the consent of the minor's parents or legal guardians; and

The defendants, in committing this offense:

- (a) possessed, used or threatened to use a dangerous weapon; or

- (b) intended to facilitate the commission, attempted commission, or flight after commission or attempted commission of a felony; or
- (c) intended to hinder or delay the discovery of or reporting of a felony; or
- (d) intended to inflict bodily injury on or to terrorize the minor child; or
- (e) intended to commit a sexual offense.

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

Detective C. Parks, Detective M. Sharman, Detective C. Nelson, Steven Wright, Deputy T. Stocking, Chief Investigator M. George, Lois Smart, Elizabeth Smart, Special Agent G. Dougherty, Special Agent S. Sorenson, Special Agent J. Ross, Detective C. Shoney, Detective K. Moreno, Detective R. Moser

PROBABLE CAUSE STATEMENT:

1. In the early morning hours of June 5, 2002, Elizabeth Smart, a minor child under the age of 18 years of age, was awakened and abducted at knifepoint by an individual she came to know as "Immanuel", later identified as BRYAN DAVID MITCHELL, who entered her home located in Salt Lake County, Utah, by using a knife or other sharp instrument to cut the screen to a first floor window.

2. MITCHELL forced Elizabeth Smart to leave her home, against her will, at knifepoint. MITCHELL had neither permission nor consent from Elizabeth Smart's parents to take her or have custody of her. MITCHELL had neither permission nor consent from Elizabeth Smart's parents to enter their home.

3. Your affiant received information that sometime after June 5, 2002, WANDA EILEEN BARZEE told Elizabeth Smart that she knew BRYAN DAVID MITCHELL was going to kidnap her and bring her to a camp in the mountains to be held against her will.

4. After being abducted from her home, Elizabeth Smart was compelled at knifepoint to walk in her pajamas up a mountain trail to a concealed campsite approximately four (4) miles from her home. Elizabeth Smart stated that from the time that she was confronted by MITCHELL in her home and throughout her forced march to the camp, MITCHELL threatened to harm or kill her family if she did not comply with his directions.

5. At the campsite, BARZEE attempted to remove Elizabeth Smart's pajamas. When she resisted, BARZEE threatened to have MITCHELL forcibly remove Elizabeth Smart's clothing, at which point she complied with BARZEE's demands.

6. MITCHELL then committed a rape, attempted rape, forcible sexual abuse or attempted forcible sexual abuse against Elizabeth Smart. MITCHELL had previously threatened the use of a knife, and had previously threatened to harm or kill her family if she did not comply with his demands and directions. MITCHELL was aided or abetted throughout these acts by BARZEE.

7. After Elizabeth Smart was abducted, MITCHELL used a cable to restrain her. MITCHELL thereafter, on one or more occasions, committed a rape, attempted rape, forcible sexual abuse or attempted forcible sexual abuse against Elizabeth Smart. MITCHELL had previously threatened the use of a knife, and had previously threatened to harm or kill her family if she did not comply with his demands and directions. MITCHELL was aided or abetted throughout these acts by BARZEE.

8. From June 5, 2002 through and including March 12, 2003, BRIAN DAVID MITCHELL and WANDA EILEEN BARZEE held Elizabeth Smart against her will, and without consent or other legal authority to do so, and restrained Elizabeth Smart and refused to allow her to leave, to make contact with others, or to contact her family.

9. From June 5, 2002 through and including October 8, 2002, BRIAN DAVID MITCHELL and WANDA EILEEN BARZEE held, detained and restrained Elizabeth Smart in a make-shift campsite in the mountains above Salt Lake City, Utah, in Salt Lake County, Utah, with little or no shelter; with no plumbing; with no water supply; and with little or no food, in circumstances posing a grave risk of bodily injury to Elizabeth Smart.

10. Detective C. Nelson of the Salt Lake County Sheriff's Office reports that on or about July 24, 2002 at approximately 3:11 a.m., an unknown person cut, with a knife or other

sharp instrument, a first floor screen window of a private residence located in Salt Lake County, Utah. The window belonged to the bedroom of a minor child.

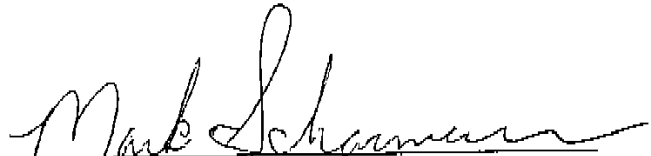
11. The minor child reported seeing something come through the cut screen. The person, in attempting to climb into the bedroom, awoke the minor child and her family, which caused the unknown person to flee.

12. On March 12, 2003, Defendant WANDA EILEEN BARZEE told Detective R. Moser and Special Agent S. Sorenson that she knew, agreed, assisted, aided and conspired with BRIAN DAVID MITCHELL to go the same private residence in order to abduct a minor child over the age of 14 years and under the age of 18 years of age, to bring her to their camp in the mountains to be held against her will, without any legal authority to do so, and without the permission of the child's parents.

13. On March 12, 2003, BARZEE also told Detective R. Moser and Special Agent S. Sorenson that MITCHELL was going to abduct the child in order to hold and detain her in their camp in the mountains above Salt Lake City, Utah, in Salt Lake County, Utah.

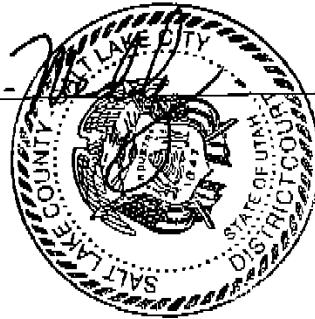
14. Your affiant states that he knows upon information and belief that the camp had little or no shelter; no plumbing; no water supply; and little or no food, in circumstances posing a grave risk of bodily injury to the child.

15. In October, 2002, BRIAN DAVID MITCHELL and WANDA EILEEN BARZEE took Elizabeth Smart, from the state of Utah, through the State of Nevada, to the State of California, where they stayed until approximately March 5, 2003, when they began traveling back to Utah.


DETECTIVE MARK SHARMAN
Affiant

Subscribed and sworn to before me this 18 day of March, 2003.

[Signature]
DISTRICT JUDGE



Authorized for presentment and filing:

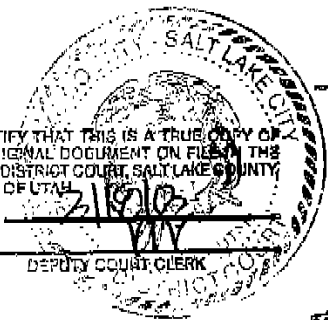
DAVID E. YOCOM, District Attorney

[Signature of Kent Morgan]

B/KENT MORGAN
Deputy District Attorney
March 18, 2003

I CERTIFY THAT THIS IS A TRUE COPY OF
AN ORIGINAL DOCUMENT ON FILE IN THE
THIRD DISTRICT COURT, SALT LAKE COUNTY,
STATE OF UTAH.

DATE: 3/18/03
[Signature]
DEPUTY COURT CLERK



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.

BRYAN DAVID MITCHELL,
DOB 10/18/53
OTN 13821616

Defendant.

Before: _____
Magistrate

WARRANT OF ARREST

Case No. 031901884

THE STATE OF UTAH: To any Peace Officer in the State of Utah, Greetings:

An Information, upon oath, having been this day made before me by Detective Mark Sharman - Salt Lake City Police Department, Agency Case No. 02-96734, and Salt Lake County Sheriff's Office Case No. 02-87210, and it appears from the Information or Affidavit filed with the Information, that there is probable cause to believe that the public offenses of:

AGGRAVATED BURGLARY (2 Counts), First Degree Felonies, AGGRAVATED KIDNAPPING, a First Degree Felony, AGGRAVATED SEXUAL ASSAULT (2 Counts), First Degree Felonies, and ATTEMPTED AGGRAVATED KIDNAPPING or in the alternative CONSPIRACY TO COMMIT AGGRAVATED KIDNAPPING, a Second Degree Felony have been committed, and that **BRYAN DAVID MITCHELL** has committed them.

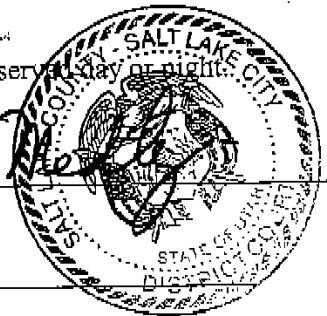
YOU ARE THEREFORE COMMANDED to arrest the above-named defendant forthwith and bring the defendant before this Court, or before the nearest or most accessible magistrate for setting bail. If the defendant has fled justice, you shall pursue the defendant into any other county of this state and there arrest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

Bail is set in the amount of \$10,000,000.00.

Dated this 18 day of March, A.D. 2003.

This Warrant may be served day or night.

[Signature]
DISTRICT JUDGE



Served: Date: _____

By: _____

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.

WANDA EILEEN BARZEE,
DOB 11/06/45
OTN 13821582

Defendant.

Before: _____

Magistrate

WARRANT OF ARREST

Case No. 021901804

THE STATE OF UTAH: To any Peace Officer in the State of Utah, Greetings:

An Information, upon oath, having been this day made before me by Detective Mark Sharnan – Salt Lake City Police Department, Agency Case No. 02-96734, and Salt Lake County Sheriff's Office Case No. 02-87210, and it appears from the Information or Affidavit filed with the Information, that there is probable cause to believe that the public offenses of:

AGGRAVATED BURGLARY (2 Counts), First Degree Felonies, AGGRAVATED KIDNAPPING, a First Degree Felony, AGGRAVATED SEXUAL ASSAULT (2 Counts), First Degree Felonies, and ATTEMPTED AGGRAVATED KIDNAPPING or in the alternative CONSPIRACY TO COMMIT AGGRAVATED KIDNAPPING, a Second Degree Felony have been committed, and that **WANDA EILEEN BARZEE** 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 \$10,000,000.00.

Dated this 18 day of March, A.D. 2003.

This Warrant may be served day or night.

[Signature]
DISTRICT JUDGE

By: _____

Served: Date: _____

I CERTIFY THAT THIS IS A TRUE COPY OF AN ORIGINAL DOCUMENT ON FILE IN THE THIRD DISTRICT COURT, SALT LAKE COUNTY, STATE OF UTAH.

[Signature]
CLERK

