



Wasatch County Attorney's Office Statement on Charging Decision in Patrick Hayes Shooting

On September 25, 2024, Patrick Hayes was shot by Greg DeBoer. On December 26, 2024, the Wasatch County Attorney's Office filed charges against Mr. DeBoer that did not include homicide charges. Members of the community, including the family of Mr. Hayes, have expressed frustration with that decision and the County Attorney's office believes that while there may never be a complete meeting of the minds in a situation like this, providing more information about the decision may help the community to better understand the decision.

The Wasatch County Attorney's Office recognizes the seriousness of this incident and that fact that a loss of life is a deeply saddening incident that requires the utmost attention from all involved. Nothing in our decision making process changes the fact that many people have lost a loved one. Our sympathy goes out to those who have been affected by this incident.

There are many considerations a prosecutor should consider in charging a crime. Criminal prosecution includes the threat of depriving an individual of property and liberty by action of the state and prosecutors should not file charges unless they believe there is a likelihood of conviction at trial. Therefore, prosecutors are required to look at the facts that support criminal charges, and the facts that support innocence and defenses. Prosecutors should believe that they can convince a judge and jury beyond a reasonable doubt that the suspect committed a crime and that there are no sustainable defenses before filing criminal charges.

Under Utah law, what is generally described as "self-defense" is governed by several statutes, depending on the circumstances of the use of force. Most of these statutes are found in Utah Code, Title 76, Chapter 2, Part 4 Justification Excluding Criminal

Responsibility. Under the specific facts of this case, which will be discussed in greater detail below, U.C.A. 76-2-405 "Force or deadly force in defense of habitation, vehicle, or place of business or employment" is a statute that directly applies.

Under that statute, a person is justified in using force to defend their vehicle if the person "reasonably believes that the force is necessary to prevent or terminate the individual's unlawful entry into the actor's vehicle," and is justified in using deadly force to defend their vehicle if the person reasonably believes "the entry is made or attempted in a violent and tumultuous manner...; and the actor reasonably believes: that the entry is attempted or made for the purpose of assaulting or perpetrating personal violence against any individual who... is present in the vehicle...; and that the force is necessary to prevent the assault or perpetration of personal violence...."

Under Utah law, if a defendant in a criminal prosecution raises self-defense, they are not required to prove self-defense, but instead the State of Utah, the prosecutor, will ultimately need to prove beyond a reasonable doubt that self-defense does not apply. Therefore, the prosecutor would have to prove beyond a reasonable doubt that it was not reasonable for the individual to believe that the person was attempting to enter the vehicle in a violent manner to perpetrate personal violence and that the force used was not necessary to prevent it. Furthermore, under Utah law, an individual has no duty to retreat. Therefore, if they are lawfully present, did not deliberately provoke someone into attacking, and are not engaged in criminal activity, not including traffic offenses, then the person is generally not legally required to leave the area or situation before using force.

The State of Utah takes self-defense so seriously that the legislature, through HB 227 (2021), has added additional protections for those that raise self-defense by creating a new hearing called a Justification Hearing. In that hearing the State must prove to the judge that self-defense does not apply before the case can even be brought before a jury.

In this case, applying the law to the specific facts and evidence that can be admitted at court, the Wasatch County Attorney's Office does not believe that there is admissible evidence that can prove beyond a reasonable doubt that defense of vehicle does not apply. In most cases a charging decision would be made by members of the prosecution team, but this incident by its nature was so serious that the prosecution team considered the opinions of lawyers outside of our office. The Wasatch County Attorney's Office discussed this case and its reasoning with several

other prosecutors in the state from two different prosecution offices, who agreed with this analysis.

In this case, the evidence available to prosecutors was obtained by an excellent investigation done by law enforcement under a task force that includes officers from the Wasatch County Sheriff's Office, the Heber City Police Department, Summit County Sheriff's Office, Park City Police Department, the State of Utah Attorney General's Office, the Utah State Medical Examiner, and the Utah State Crime Lab. The only known witnesses to the event are Greg DeBoer and surveillance equipment from the Jordanelle State Park. The Wasatch County Attorney's Office does not believe that the means and methods of the investigation in any way hindered our office from proceeding in this case.

In order to help the public understand our decision, below are many key facts the prosecutors believed the evidence would support that were key in their decision of how to charge this case.

Patrick Hayes left the Salt Lake Valley on the evening of September 25, 2024, driving home to Hideout, Utah. He was driving with a blood alcohol level of .145g/dL, nearly three times the legal limit. Greg DeBoer states that he first saw Mr. Hayes as they were both transitioning between I-80 and Highway 40. At that time, Mr. DeBoer states that Mr. Hayes' vehicle was driving erratically and almost drove into or under a semitruck. Mr. Hayes' vehicle had damage to the exterior consistent with contacting the semi's tire while driving at speed. After seeing Mr. Hayes driving in erratic manner, Mr. DeBoer says that he attempted to pass Mr. Hayes and that Mr. Hayes attempted to block him from passing. From that point until both vehicles left Highway 40 onto State Road 248, Mr. DeBoer states that both drivers were driving in an aggressive manner, but that the vehicles never came into contact. There was no evidence that the vehicle driven by Mr. DeBoer had sustained any damage.

Mr. DeBoer states that he continued to follow Mr. Hayes, including following him past the exit to his own home, and off the main road toward the state park, because he wanted to confront him about his driving. Mr. Hayes pulled off the main road onto the access road for the Ross Creek Day Use Area of Jordanelle State Park. Mr. Hayes pulled to the right side of that road, just prior to the entrance to the park and the fee station. Their surveillance cameras document much of what happens next.

Mr. Hayes then exits his vehicle as Mr. DeBoer pulls up behind him and stops his own vehicle. Mr. Hayes has a polymer baton in one hand and a knife in the other. Mr. DeBoer

told law enforcement that Mr. Hayes had what looked like a pipe in one hand and said he saw something in the other hand but didn't know what it was. As Mr. Hayes approaches Mr. DeBoer's vehicle, Mr. DeBoer drives toward Mr. Hayes and then brakes stopping his vehicle, drives forward again and then brakes, stopping his vehicle. Mr. DeBoer states that he lunged his vehicle at Mr. Hayes to stop him from approaching the vehicle with what he perceived as a pipe.

Mr. DeBoer says, and the video confirms through the audio, that Mr. Hayes strikes Mr. DeBoer's vehicle with the baton, including that Mr. Hayes begins striking the passenger side window of Mr. DeBoer's vehicle. During this time, Mr. Hayes can be heard yelling obscenities and taunting Mr. DeBoer. Mr. DeBoer then says that he was afraid that Mr. Hayes would break the window, and so he rolled down the window.

Mr. DeBoer says that at this time he became concerned with getting his head beat in with a pipe. Mr. DeBoer fired his weapon out of the passenger door window. The bullet entered Mr. Hayes' chest between the second and third rib and travelled downward to stop near the back of the ninth rib. This would support that Mr. Hayes was leaning forward at a significant angle when he was shot. There was also blood splatter found on the outside of Mr. DeBoer's passenger door that would suggest that the bullet's entrance wound was in close proximity to the door when he was shot. These facts support Mr. DeBoer's statements that it appeared that Mr. Hayes was positioned in an aggressive stance in close proximity to Mr. DeBoer's open passenger window.

Applying these facts to the laws of the State of Utah, the Wasatch Attorney's Office does not believe that there is a likelihood that the evidence can disprove beyond a reasonable doubt the assertion of self-defense in this case. While additional facts could come to light that would change this analysis, considering our confidence in the thoroughness of the investigation that was performed, this is not likely. Under the statutory and ethical guidelines on the misuse of prosecutorial discretion, the Wasatch County Attorney's Office believes that it would not be appropriate to file homicide charges under these circumstances.

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