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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.

NESTOR ROCHA AGUAYO,
DOB: 04/13/2000
AKA: Nestor Rocha-Aguayo; Nestor Olved
Rocha-Aguayo; Nestor Oved Rocha-Aguayo
4646 South 4800 West, #B
West Valley City, UT 84129
OTN#: 68159698
SO#: 444421
SID#/BCI#: 1476283
Booking#: 25000775

Defendant.

Screened by: HOMICIDE TEAM
Assigned to: TO BE ASSIGNED

INFORMATION

DAO # 25.000611

BAIL: NO BAIL WARRANT

WARRANT/RELEASE: IN JAIL PRD
01/14/2025

Case No.

The undersigned Detective C. Rigby - Unified Police Department, Agency Case No. CO25-473, upon a written declaration states on information and belief that the defendant, NESTOR ROCHA AGUAYO, committed the crime(s) of:

COUNT 1

AGGRAVATED MURDER (DV), 76-5-202, a First Degree Felony, as follows: That on or about January 1, 2025, at in Salt Lake County, the defendant did intentionally or knowingly cause the death of another under any of the following circumstances: the homicide was committed incident to an act, scheme, course of conduct, or criminal episode during which the actor committed or attempted to commit aggravated kidnapping, or kidnapping, the homicide was committed incident to one act, scheme, course of conduct, or criminal episode during which the actor

committed the crime of abuse or desecration of a dead human body as defined in Subsection 76-9-704(2)(e); and the homicide was committed in an especially heinous, atrocious, cruel, or exceptionally depraved manner, any of which must be demonstrated by physical torture, serious physical abuse, or serious bodily injury of the victim before death.

Furthermore, the defendant was a cohabitant of the victim.

COUNT 2

AGGRAVATED KIDNAPPING (DV), 76-5-302(2)+(3B), a First Degree Felony, as follows: That on or about January 1, 2025, at in Salt Lake County, the defendant did in the course of committing a kidnapping: act with the intent to: facilitate the commission, attempted commission, or flight after commission or attempted commission of a felony; hinder or delay the discovery of or reporting of a felony; inflict bodily injury on or to terrorize the victim or another individual; or commit a sexual offense as described in Title 76, Chapter 5, Part 4, Sexual Offenses.

Furthermore, the defendant was a cohabitant of the victim.

COUNT 3

OBSTRUCTION OF JUSTICE - CAPITAL/FIRST DEGREE FELONY CONDUCT, 76-8-306(2)+(3A), a Second Degree Felony, as follows: That on or about January 1, 2025, at in Salt Lake County, the defendant did with intent to hinder, delay, or prevent the investigation, apprehension, prosecution, conviction, or punishment of any person regarding conduct that constitutes an offense that would be a capital felony or first degree felony: alter, destroy, conceal, or remove any item or other thing; and is a second degree felony if the conduct that constitutes an offense would be a capital felony or first degree felony.

To wit: phone

COUNT 4

OBSTRUCTION OF JUSTICE - CAPITAL/FIRST DEGREE FELONY CONDUCT, 76-8-306(2)+(3A), a Second Degree Felony, as follows: That on or about January 1, 2025, at in Salt Lake County, the defendant did with intent to hinder, delay, or prevent the investigation, apprehension, prosecution, conviction, or punishment of any person regarding conduct that constitutes an offense that would be a capital felony or first degree felony: alter, destroy, conceal, or remove any item or other thing; and is a second degree felony if the conduct that constitutes an offense would be a capital felony or first degree felony.

To wit: clean up car

COUNT 5

OBSTRUCTION OF JUSTICE - CAPITAL/FIRST DEGREE FELONY CONDUCT, 76-8-306(2)+(3A), a Second Degree Felony, as follows: That on or about January 1, 2025, at in Salt Lake County, the defendant did with intent to hinder, delay, or prevent the investigation, apprehension, prosecution, conviction, or punishment of any person regarding conduct that constitutes an offense that would be a capital felony or first degree felony: alter, destroy, conceal, or remove any item or other thing; and is a second degree felony if the conduct that constitutes an offense would be a capital felony or first degree felony.

To wit: burn floor mat

COUNT 6

ABUSE OR DESECRATION OF A HUMAN BODY, 76-9-704, a Third Degree Felony, as follows: That on or about January 1, 2025, at in Salt Lake County, the defendant did intentionally and unlawfully disturb, move, remove, conceal, or destroy a dead human body or any part of it; or commit or attempt to commit upon any dead human body any act of sexual penetration, however slight, of the genital or anal opening by any object, substance, instrument or device, including a part of the human body, or penetration involving the genitals of the actor and the mouth of the dead human body, regardless of the sex of the actor and of the dead human body.

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

Officer C. Mann, G.S., W.B., V.G., Detective Santoro, Detective Flores, Detective C. Rigby, Dr. Lily Marsden, Officer Child, Detective Moore, and Dr. Lily Marsden

DECLARATION OF PROBABLE CAUSE:

Your affiant bases probable cause on information and evidence collected by Unified Police Department, Case No. CO25-473 and the following:

The statement of Unified Police Officer C. Mann that on January 2, 2025, in Salt Lake County, he was dispatched to a missing person's case. The caller, G.S., report that on January 1, 2025, his ex-girlfriend, T.B., had borrowed his 2017 white Volkswagen Jetta to go to work. G.S. stated that he received a text message from T.B. at 6:30 pm and has not heard anything since and she is not answering her phone.

Officer Mann stated that later that day, T.B.'s father, W.B., called to report that T.B. had been missing for over one day. Family was unsuccessful at getting a hold of T.B. Officer Mann made multiple phone calls to T.B. with no answer.

Officer Mann was again contacted by G.S. who had found messages on Instagram between T.B. and another male. G.S. stated that the messages would indicate that T.B. and NESTOR ROCHA AGUAYO were in a relationship. The messages on Instagram to T.B. from ROCHA AGUAYO were threatening. G.S. then asked for his Volkswagen Jetta be listed as a breach of trust and it was listed on NCIC.

The statement of V.G. that she his T.B.'s best friend. V.G. stated that ROCHA AGUAYO and T.B.'s relationship was very toxic, and they fought a lot. V.G. described ROCHA AGUAYO as jealous and he didn't like T.B. talking to other men, including the father of her child. V.G. stated that last she heard ROCHA AGUAYO had been deported and then heard that he was back. V.G. stated that she last saw T.B. on New Year's Eve Day at Cyprus Credit Union in West Valley around 3 or 4 pm. V.G. stated that T.B. had liked her New Years Day story at around 6:00 am on January 1st.

The statement of Unified Police Detective T. Santoro that the Volkswagen Jetta was located at a residence ROCHA AGUAYO has ties to in Salt Lake County, Utah, and a search warrant was obtained. Detectives observed that the rear passenger seat, floorboard, and door had a reddish-brown substance consistent with blood. The rear passenger floor mat was missing. Detectives located blood on the outside of the rear passenger door and blood spatter on the interior roof of the vehicle above the front passenger seat, the rear passenger side seat, and the rear passenger floorboard. The rear passenger seatbelt and rear middle seatbelt also had a reddish-brown substance. A large amount of suspected blood was observed on the padding of the seats and maggots had formed. The trunk of the car had a strong odor of gasoline.

The statement of Unified Police Detective Flores that detectives received information that ROCHA AGUAYO and T.B. had a history of domestic violence. Detectives were provided with T.B.'s tablet that contained messages between her and ROCHA AGUAYO. Detectives learned that ROCHA AGUAYO and T.B. were going to meet up on January 1, 2025, at a Maverik gas station located at 9000 South and 5600 West. Detectives obtained surveillance video from Maverik on January 1, 2025. At 14:52 hours, a silver passenger vehicle arrives and drops off a male later identified as ROCHA AGUAYO. ROCHA AGUAYO goes into the store. At 15:25 hours, T.B. can be seen arriving in a white sedan and parking in front of the store. ROCHA AGUAYO approaches T.B.'s vehicle and enters the passenger seat. ROCHA AGUAYO and T.B. sit in the vehicle for over 40 minutes. During this time, ROCHA AGUAYO and T.B. appear to be arguing. At 16:06, ROCHA AGUAYO and T.B. leave Maverik.

Detectives obtained cell phone data for T.B. and ROCHA AGUAYO's phones tracking their time together after they met up at Maverik. Detectives learned that T.B. and ROCHA AGUAYO drove around Salt Lake County shopping and then went to Magna Regional Park around 1845 hours where they remained for approximately 40 minutes. ROCHA AGUAYO and T.B.'s phones then leave the park and travel to Tooele County. At 2220 hours, ROCHA AGUAYO's phone shows him traveling to a residence on Kathleen Drive in Salt Lake County.

The statement of Unified Police Detective C. Rigby that based on evidence, law enforcement went to a remote area in Tooele County. A burn pit was located that had remnants of a mat that matched the one missing from the Volkswagen Jetta. A cadaver dog was called out and located the body of T.B. covered with what appeared to be a large pile of sage brush and strategically stacked sticks. There was a blood splotch next to the sage brush pile. The pile of sage brush and sticks were on the opposite side of the road from the burn pit approximately 70-100 feet away. Once uncovered, T.B. had substantial trauma to her face, neck, and body. T.B. had scratches and bruises throughout the top portion of her arms and chest, which appeared to be defensive wounds. T.B. had marks that indicated that she had been dragged and other injuries that appeared to have occurred after she was already deceased. T.B. was missing her pants and shoes and her shirt and bra were pulled up exposing her breasts. T.B.'s cell phone was located along the side of eastbound I-80, where it's location data last pinged prior to dying.

Dr. Lily Marsden with the Utah State Office of the Medical Examiner conducted an autopsy on T.B. Dr. Marsden concluded that the cause of death was homicide, caused by a mix of asphyxiation and blunt force trauma.

The statement of Unified Police Officer M. Child that while acting as a Task Force Officer with the US Marshal Fugitive Apprehension Team, task force officers developed information that ROCHA AGUAYO was traveling south possibly trying to make it to Mexico. Further information was developed that ROCHA AGUAYO was on a bus and the next stop was Beaver, Utah. Officers began watching the bus and observed ROCHA AGUAYO exit the bus in Beaver, Utah and walk onto a dirt lot. As task force officers approached ROCHA AGUAYO, he began to flee. Officers chased ROCHA AGUAYO yelling "Police, Police". Officers took ROCHA AGUAYO into custody.

The statement of Unified Police Detective B. Moore that after obtaining an approved search warrant, he went through ROCHA AGUAYO's cell phone and Facebook account. Detective Moore located photos of T.B.'s body. T.B.'s shirt was up around her shoulders, exposing her breasts. T.B. was naked from the breasts down to the upper thighs. T.B.'s face is bloody and swollen. She is on her back in the area with a lot of foliage. In the photograph, to the left of T.B.'s body was the ankle and shoe of ROCHA AGUAYO.

Detectives obtained surveillance video from Maverik gas station at 4692 South 4800 West. The video shows ROCHA AGUAYO approach from the north of the gas station, walking southbound. ROCHA AGUAYO has a container in his hand that he sets down next to the gas pump. ROCHA AGUAYO walks into Maverik and purchases gloves, a lighter, and gasoline with cash. ROCHA AGUAYO exits the store, fills the container shaped like an anti-freeze bottle with gasoline, and walks northbound out of camera view. ROCHA AGUAYO's full body can be seen on the video. He is wearing a black sweatshirt, jeans and under armor shoes, which matched those seen in the photograph of T.B.

Several additional photos were found of T.B.'s body on ROCHA AGUAYO's phone. Two photographs show T.B.'s vagina. T.B. appears to be laying down in the back of a vehicle with black interior, similar to that of VW Jetta. Blood can be seen on T.B.'s body leading Detectives to believe she was either deceased or severely injured. The blood is in the same spot on her stomach that is seen from the overhead photograph taken by ROCHA AGUAYO in the same area with all the foliage.

A third photograph was found of T.B.'s vagina. This photograph depicted semen protruding from her vagina. Two photographs of T.B.'s battered body and face were also found. Detectives discovered that ROCHA AGUAYO had sent all five photographs (the three of T.B.'s vagina and two of her body) to himself via Facebook Messenger.

MOTION FOR NO BAIL HOLD:

Pursuant to Utah Code 77-20-201(1) the State requests that the defendant be held without bail until further notice in this matter on the following grounds:

The defendant is now charged with a felony while on probation for a felony conviction in case 241909786 and there is substantial evidence to support the current charge.

The defendant is charged with multiple felonies and based upon the above probable cause statement, there is substantial evidence supporting the charges and clear and convincing evidence that the defendant would constitute a substantial danger to any other individual or to the community or is likely to flee the jurisdiction of the court, if released on bail.

The defendant was convicted of Burglary of a Dwelling (DV) in the Third District Court case no. 241909786. The defendant was placed on Court probation for 36 months, was given 90 and ordered to be released to ICE to be deported. A warrant was issued to ensure that the defendant did not return or remain in the United States illegally. It was discovered that the defendant was physically deported on December 24, 2024.

The defendant has made numerous attempts to flee from police during his current apprehension. The defendant fled from law enforcement on January 4, 2025, and was located on an international bus headed to Mexico. The defendant fled after the incident and tried to leave the United States. The defendant poses a flight risk and if released on bail, will flee the jurisdiction of the Court.

There is substantial evidence in support of the charges. In this case, the defendant and the victim were in a relationship that was described as toxic. There was a history of domestic violence between them. On the day of the incident, the victim borrowed her ex-boyfriend's Volkswagen Jetta to go to work. When she did not return, she was listed as missing, and the car was listed on NCIC. Information was developed during the investigation that showed that the defendant and victim were going to meet up. Surveillance video shows the victim, and the defendant together. Phone data collected showed the victim and the defendant together during the day, they went to a park in Magna, and then went to Tooele County which was the last known area for the victim. Detectives were able to track down the car and blood was found inside the car. Using cadaver dogs, the victim's body was located, already deceased.

Detectives found a burn pit near the victim that contained pieces of the Volkswagen car mat. The victim was found mostly naked and with substantial trauma to her face, neck, and body. The defendant further had pictures of T.B. on his cell phone of a very depraved nature. The medical examiner ruled the victim's death as a homicide and the photos on the defendant's phone show that T.B. was sexually assaulted around the time of her death.

Due to the serious nature of the allegations, the defendant's flight risk, his actions with destroying evidence, his desecration of a human body, his current no bail hold on probation violation, and his ICE hold, the defendant should be held without bail.

Pursuant to Utah Code Annotated § 78B-18a-106 (2018) 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: 13th day of January, 2025.

/s/ CARRIE B RIGBY
Declarant

Authorized for presentment and filing:

SIM GILL, District Attorney

/s/ Joshua Graves
Deputy District Attorney
13th day of January, 2025
JG / MM / DAO # 25.000611

OTHER PENDING CASES FOR THE DEFENDANT

Court	Court Case #	Trial Judge	DAO #	Charge
Third District Court, SALT LAKE DEPARTMENT	241909786	Kendall, William K, Johnson, Kristine	24.014720	No active charges
SALT LAKE COUNTY JUSTICE COURT	241600018	Graves- Robertson, Shauna	23.022939	Count 1 76-5-102(2)+(3A) ASSAULT (Class B Misdemeanor) - Guilty Plea Count 2 76-5-304(2A) UNLAWFUL DETENTION (Class B Misdemeanor) - Guilty Plea
Third District Court, SALT LAKE DEPARTMENT	241914364	Johnson, Kristine, Nelson, Stephen	24.019914	Count 1 58-37-8(1)(A)(III) POSSESSION OF A CONTROLLED SU... (Second Degree Felony) Count 2 58-37-8(1)(A)(III) POSSESSION OF A CONTROLLED SU... (Second Degree Felony) Count 3 76-8-305.5 FAIL TO STOP AT COMMAND OF LA... (Class A Misdemeanor) Count 4 41-6A-528 RECKLESS DRIVING (Class B Misdemeanor) Count 5 76-8-305 INTERFERING WITH A PEACE OFFICER (Class B Misdemeanor) Count 6 41-22-10.3 OPERATING AN OFF- HIGHWAY VEHL... (Infraction)
Third District Court, SALT LAKE DEPARTMENT	241909761	Kendall, William K, Johnson, Kristine	24.013042	No active charges