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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

THE STATE OF UTAH
Plaintiff,
vs.
ADOLFO TONY YAPIAS-DELGADO
DOB: 08/28/1966,
Defendant.

INFORMATION
CASE #
WARRANT

The undersigned prosecutor states on information and belief that the defendant, either directly or as a party, in the County of Salt Lake, State of Utah, committed the crime(s) of:

COUNT 1

RAPE, a First Degree Felony, in violation of Utah Code Ann. § 76-5-402, as follows: That the above named defendant, on or about March 21, 2016, did have sexual intercourse with another person without the victim's consent.

COUNT 2

TAMPERING WITH EVIDENCE, a Class A Misdemeanor, in violation of Utah Code Ann. § 76-8-510.5, as follows: That the above named defendant, on or about March 21, 2016, did knowingly or intentionally, believing that an official proceeding or investigation was pending or was about to be instituted, or with the intent to prevent an official proceeding or investigation, or to prevent the production of anything or item which reasonably would be anticipated to be evidence in the official proceeding or investigation, (a) alter, destroy, conceal,

or remove any thing or item with the purpose of impairing the veracity or availability of the thing or item in the proceeding or investigation; or (b) make, present, or use anything or item which he knew to be false with the purpose of deceiving a public servant or any other party who was or may have been engaged in the proceeding or investigation.

This Information is based on evidence obtained from witness Joe Sutera.

PROBABLE CAUSE STATEMENT: The undersigned prosecutor is a Deputy Davis County Attorney and has received information from the investigating officer, Joe Sutera of the South Salt Lake Police, and the information herein is based upon such personal observations and investigation of said officer.

On or around March 31, 2016 in South Salt Lake City, Utah, the defendant came to the home of an adult female victim he had been in a relationship with for approximately four (4) years. The victim had terminated the relationship 10 days prior and had expressed strongly and repeatedly in text messages that the relationship was over and she did not want anything to do with the defendant. The defendant persisted and came to her home on March 21, 2016 against her wishes (as evidenced by the text exchanges). In fact, the victim's last text to the defendant, before he arrived at her home said: "I said no. don't you get it." The defendant responded with a series of three (3) text messages as follows: "No, I don't get it" then "I'll be there" followed a short time later by "I'm here."

The defendant was also well aware of issues related to the victim's immigration status. As part of the March 21st text exchange, before he arrived at her home, he had stated: "I'm at meeting about immigration with representatives from Washington DC." Once the defendant arrived, he went inside the victim's home uninvited after she opened the door to go confront him in the parking lot. The victim again made it clear she was not interested in a

continuing relationship and did not want to engage in sex. The defendant forced the issue and had sexual intercourse with the victim without her consent. When interviewed about the incident, the defendant admitted sex had occurred, but felt the victim consented at some point by removing her clothes.

Subsequent to the criminal sex act, the defendant wanted to talk further about their relationship. During that conversation which took place in his car, as the victim was explaining why she was upset and angry, the defendant grabbed the victim's cell phone and deleted their text message exchanges. When interviewed by the police, the defendant stated he did not know why he deleted the text exchanges off of the victim's phone. He could not, or would not, explain it. Unfortunately for the defendant, the text messages he deleted were retrieved by a forensic investigator.

Despite her fears and concerns with respect to immigration issues, the victim reported the sexual assault the day it happened to multiple people, including the police. She was also examined by a forensic nurse and found to have multiple physical injuries consistent with her explanation of what happened in her home on March 21, 2016.

On April 4, 2016 the victim, working with a police officer, had a text exchange with the defendant confronting him about the events of March 21, 2016 and seeking an apology. The defendant apologized for erasing the text message exchanges from the victim's phone. As part of those April 4 communications, the defendant further acknowledged that the victim had told him "no" she did not want to have sex multiple times. As part of the defendant's asking the victim to "accept my apologies for what happened", the defendant also stated he felt she had eventually consented "when you took your clothes off..." A significant part of the dialogue went as follows: Victim - "Ok, I'll remind you, how many times I told you NO, I don't want sex and

you don't care for me, you don't think I'm hurting?" The defendant's initial response was: "That, But at the end you accepted Didn't you?" The victim also texted: "First...I need you to recognized that what you did was not right" and the defendant responded: "That's fine. I accept I am very sorry..."

Authorized September 8, 2016
for presentment and filing:

TROY S. RAWLINGS
Davis County Attorney

By /s/ Troy S. Rawlings
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