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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.

MICAH SMITH
DOB: 12/08/1993
AKA: MICAH ZEPHAN SMITH
11782 S. Zephyr Wy
South Jordan, UT 84009
SO#: 360203
OTN: 68440742
SID#/BCI#: 1276123
BOOKING#: 25057506

Defendant.

Screened by: JENNIFER ZELENY
Assigned to: TO BE ASSIGNED

INFORMATION

DAO # 25.037491

BAIL: NO BAIL WARRANT

WARRANT/RELEASE: **IN CUSTODY PFR**
12/1

Case No.

The undersigned DEPUTY KYLE JIMAL LIDDIARD - Salt Lake County Sheriff, Agency Case No. SO25-25336, upon a written declaration states on information and belief that the defendant, MICAH SMITH, committed the crime(s) of:

COUNT 1

CHILD TORTURE, 76-5-109.4, a First Degree Felony, as follows: That on or about October 11, 2025 through October 12, 2025 in Salt Lake County, the defendant did intentionally or knowingly inflict upon a child, or having the care or custody of a child, intentionally or knowingly caused or permitted another to inflict upon the child:

- (a) a serious injury that was inflicted in an exceptionally cruel or exceptionally depraved manner that caused the child to experience extreme physical or psychological pain or anguish; or
- (b) a serious injury, or more than one serious injury, as part of a course of conduct or over a

prolonged period of time. To Wit: E.A.S.

COUNT 2

AGGRAVATED CHILD ABUSE - INTENTIONALLY OR KNOWINGLY, 76-5-109.2(2)+(3A), a First Degree Felony, as follows: That on or about October 11, 2025 through October 12, 2025 in Salt Lake County, the defendant did intentionally or knowingly inflict upon a child, serious physical injury or having the care or custody of such child, caused or permitted another to intentionally or knowingly inflict serious physical injury upon a child. To Wit: E.A.S.

COUNT 3

CHILD TORTURE, 76-5-109.4, a First Degree Felony, as follows: That on or about October 11, 2025 through October 12, 2025 in Salt Lake County, the defendant did intentionally or knowingly inflict upon a child, or having the care or custody of a child, intentionally or knowingly caused or permitted another to inflict upon the child:

- (a) a serious injury that was inflicted in an exceptionally cruel or exceptionally depraved manner that caused the child to experience extreme physical or psychological pain or anguish; or
- (b) a serious injury, or more than one serious injury, as part of a course of conduct or over a prolonged period of time. To Wit: E.Z.S.

COUNT 4

AGGRAVATED CHILD ABUSE - INTENTIONALLY OR KNOWINGLY, 76-5-109.2(2)+(3A), a First Degree Felony, as follows: That on or about October 11, 2025 through October 12, 2025 in Salt Lake County, the defendant did intentionally or knowingly inflict upon a child, serious physical injury or having the care or custody of such child, caused or permitted another to intentionally or knowingly inflict serious physical injury upon a child. To Wit: E.Z.S.

COUNT 5

CHILD TORTURE, 76-5-109.4, a First Degree Felony, as follows: That on or about October 11, 2025 through October 12, 2025 in Salt Lake County, the defendant did intentionally or knowingly inflict upon a child, or having the care or custody of a child, intentionally or knowingly caused or permitted another to inflict upon the child:

- (a) a serious injury that was inflicted in an exceptionally cruel or exceptionally depraved manner that caused the child to experience extreme physical or psychological pain or anguish; or
- (b) a serious injury, or more than one serious injury, as part of a course of conduct or over a prolonged period of time. To Wit: E.S.

COUNT 6

AGGRAVATED CHILD ABUSE - INTENTIONALLY OR KNOWINGLY, 76-5-109.2(2)+(3A), a First Degree Felony, as follows: That on or about October 11, 2025 through October 12, 2025 in Salt Lake County, the defendant did intentionally or knowingly inflict upon a child, serious physical injury or having the care or custody of such child, caused or permitted another to intentionally or knowingly inflict serious physical injury upon a child. To Wit: E.S.

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

KYLE LIDDIARD, E.A.S., E.Z.S., and E.S.

DECLARATION OF PROBABLE CAUSE:

Your Declarant bases the Information upon the following:

The statement of Detective Liddiard of the Salt Lake County Sheriff's Office that he investigated a report of overdue hikers. On or about October 12, 2025, the Sheriff's Office received a missing persons report regarding a group of overdue hikers. The hikers were identified as 2-year-old E.S., 4-year-old E.Z.S., 8-year-old E.A.S., and their father, defendant MICAH SMITH. Search and Rescue (SAR) Team Members encountered SMITH on the trail and noted that SMITH was behaving oddly and did not appear to be concerned about the children. SMITH also told SAR team members that one of his children was dead.

Members of the SAR team, Deputy Franchow and Trooper Haney, deployed via helicopter and located E.A.S. standing alongside a boulder with a "few sticks stacked against it" and were hoisted to their location. They noted that the children were not wearing much clothing, stating that E.S. was under E.Z.S. and E.Z.S. was mostly exposed, unconscious, and "appeared lifeless." Deputy Franchow attempted to find a pulse on E.Z.S. and detected no pulse. Deputy Franchow stated he believed E.S. to be in critical condition and in need of immediate treatment. E.S. was extracted from the mountain first and transported to the hospital. E.Z.S. and E.A.S. were extracted next and transported to the hospital, where E.Z.S. remains.

Medical records show that while en route to the hospital, E.Z.S. was pulseless, and CPR was initiated. En route, E.Z.S. was intubated and received approximately 25 minutes of CPR. It was noted that his heart rhythms were either asystole or bradycardic. Upon arrival at the hospital, his core body temperature was 17 degrees Celsius (62.6 degrees Fahrenheit), and CPR was continued with three rounds of epinephrine. E.Z.S. was emergently placed on VA ECMO. While in the hospital, E.Z.S. suffered a stroke, which required a portion of his skull to be removed and an external ventricular drain to be placed.

E.A.S. reported that on the day of the hike, they got snacks. She said SMITH told her "it was going to be a 9-mile hike and a 9-hour hike," but wasn't sure which. E.A.S. described that she was tired at the beginning of the hike and ate the snacks they were supposed to save. E.A.S. said they "climbed about two miles from the top" and they had to "climb rocks" and "grab onto bushes." E.A.S. said near the top, the clouds started to come in, and she suggested to SMITH that they should go, but he shook his head "no," and said, "This is a once-in-a-lifetime thing." E.A.S. said she again expressed to SMITH that they "should really go" and said that "she was getting scared." E.A.S. said SMITH told her "you shall not pass," and then the storm came in "really quickly" and described that it was "snowing, hailing, and raining." She said she was "worried about not living," but SMITH told her that they were okay. E.A.S. described that it was a "really hard night" and she was "freezing cold." She described that she had to "keep [E.Z.S.] warm" and SMITH had to "keep [E.S.] warm." E.A.S. described that their teeth were chattering and their clothes were wet. E.A.S. stated that one of her brothers had hypothermia, and she ran to her brother with hypothermia and "hugged him tight to try and make him a little warmer," and she "had to breathe into his mouth" and "push on his chest."

E.A.S. said SMITH taught her CPR and how to push on E.Z.S.'s chest.

SMITH reported that on October 11, 2025, he decided to take the children on a hike, and around 9:00 AM, they left their home. SMITH stated they stopped at a store for new shoes and socks for them to hike in and arrived at the trailhead around 10:00 AM. SMITH stated they "made good time up the trail" and were near the summit around 6:00 PM. SMITH said around this time, the "weather turned into mist, fog, rain, and hail." SMITH said they attempted to hike back down the trail and made it approximately "600 feet down" before he decided they should find shelter and estimated it was 8:00 PM. SMITH said while they attempted to hike down, E.S. fell and hit his head and "appeared dazed." SMITH said he "found a large rock that had some kind of overhang they could shelter under." He then "gathered logs, sticks, and rocks to make a windscreen and put pine needles down on the ground." SMITH said he also added his shirt to the "makeshift wall," then put the children under the boulder, removed their wet clothes, and "tried to use his body, head, and theirs to keep the children warm." SMITH reported that around this same time, E.S. was unconscious and stopped breathing. SMITH said he performed CPR on E.S. until he was breathing on his own." SMITH described the children as "very, very cold," and said that "all of their clothing was soaked from the rain." He also described them as "numb from the cold" and "scared." SMITH admitted he was unfamiliar with the trail.

SMITH explained that during the night, E.Z.S. became "very, very cold," "was not warming up," and "had difficulty breathing." SMITH said he had to perform CPR and described that he gave him "compressions and breaths." SMITH said E.Z.S. began breathing on his own but "was not coherent or responsive." SMITH reported he also taught E.A.S. how to do CPR and "gave her instructions to do CPR on [E.Z.S.] while he was gone." SMITH said he then left the three children and went down the mountain.

During a subsequent interview, SMITH was Mirandized and reported that the children were dressed in pants and jackets. He also admitted that he did not check the trail reports or the weather prior to heading out for the hike. SMITH stated that he bought jerky, cans of tuna, five waters, pretzels, cliff bars, candy, and a Gatorade for the hike. SMITH reported that when they attempted to descend the mountain, E.S. fell and hit his head and was "dazed initially but did not lose consciousness." While in the shelter, E.S. became "unconscious, unresponsive, and not breathing." SMITH said he gave E.S. CPR, chest compressions, and rescue breaths, and E.S. "was able to make moans and groans after the CPR." He said at "about 4:00 AM, [E.Z.S.], was having trouble breathing" and described his breathing as "labored, and the time in between breaths was long." SMITH said he "could hear [E.Z.S.]'s heartbeat" and "performed CPR doing chest compressions and rescue breaths." SMITH said that "[E.Z.S.] had fluid in his lungs and it was coming out of his nose and foam was coming out of his mouth." He said he continued to do CPR on E.Z.S. until he began labored breathing again. SMITH estimated that he did CPR on E.S. for "a minute or two" and on E.Z.S. for a "large portion of the night, about every five minutes." SMITH also confirmed he taught E.A.S. how to do CPR and told her to continue doing CPR on E.Z.S. after he left. SMITH admitted that "he considered turning around due to the weather when they were close to the peak, but wanted to finish the hike before turning around." SMITH also said that the kids asked to go home, but he "thought they would be okay and continued hiking." SMITH said E.Z.S., E.A.S., and E.S. "complained about the hike through most of the hike," and he "managed the complaints by taking breaks, giving encouragement, and playing games with them." SMITH said they "watched the weather come in" and he sent photos

to his wife, S.S., who suggested they start hiking down the mountain” however, SMITH reported that he “was comfortable hiking in the dark without light.” SMITH said that E.A.S. expressed that she was “scared” when the clouds moved in and asked if they were “something bad” however he assured her that “they were just clouds” and said it “was dark and kinda cool.” SMITH admitted that the hike was “spontaneous” and “not well planned.”

Law Enforcement noted that the hike SMITH took E.Z.S., E.A.S., and E.S. on was nearly 9 miles, rated hard, and not recommended for beginner hikers or children. They also noted that the weather on the date of the hike showed rain and thunderstorms, strong winds, below normal temperatures, and snow in the mountains. During the course of the investigation, SAR team members retraced the hike that SMITH, E.A.S., E.Z.S., and E.S. took, and it was noted by Deputy Wasson that the hike was hazardous, the rocks and boulders were not stable and shifted under their feet, and the ground was unstable. Deputy Franchow reported that the hike took approximately 5 hours and 15 minutes to reach the area where the children were located. He noted that they hiked 6.6 miles and gained 3160 feet of elevation. Deputy Franchow stated that only two deputies felt confident in their skills to access the rescue location, and while hiking, they encountered thorny bushes, shifting rocks, and received injuries, including bloody arms, bloody knuckles, and puncture wounds. They also experienced a rockslide.

A search of SMITH’s phone revealed multiple photos and videos that he took on the date of the hike. In one of the videos, E.A.S. expressed that the clouds were moving in fast and asked SMITH, “Are we going to freeze to death, daddy?” SMITH responded that they “are almost to the top.” In another video, SMITH told the children that the path they would take was “not the normal one and they are taking the path less traveled,” and then explained that the “path will be hard” and “is not easy.” In multiple videos, E.Z.S. and E.A.S. are observed hiking with no trail, scaling the sides of the cliff, and trying to make it through the bushes. The children are observed struggling, complaining, and cold.

During the hike, SMITH sent text messages to S.S., where they discussed the children. S.S. asked if the children were safe, and he responded with a photo at 5:17 PM. In the photo, dark clouds and rain are visible in the distance. At 5:18 PM, SMITH responded, “Yes, [E.Z.S.] is exhausted. We’re almost to the very top, but everyone is starting to fail and it’s starting to rain. I’m getting tired of carrying [E.S.]. It’s tough with three children and no second parent.” They engage in a text argument, and at 5:26 PM, S.S. told SMITH, “you better leave it’s gonna get dark.” At 6:02 PM, SMITH responded, “I know,” “it’s stressing me out or deep in the clouds.” S.S. responded at 6:03 PM, “Child endangerment,” “Not cool”. At 6:11 PM, SMITH sent S.S. a photo that showed E.A.S. and E.Z.S. in the clouds surrounded by rocks and snow. E.Z.S. appears visibly cold. S.S. responded at 6:11 PM, “Get them home”. At 6:41 PM, she sent a message that said, “Well!?!”

MOTION FOR PRETRIAL DETENTION:

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

The defendant is charged with a felony and there is substantial evidence supporting the charge 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.

What seemed like an innocent hike with his three children quickly turned into a nightmare when the defendant chose to summit a mountain over the safety of the kids. The defendant refused to turn around when their mom told him to turn around and get the children home. He also refused to turn around when E.A.S. said to him that she was scared and that they should go. During the 24-hour ordeal, the victims expressed that they were cold, tired, and wanted to go home. The defendant, who is supposed to be the protector of his children, was ill-prepared and extremely selfish.

E.A.S. described that she had to provide her brother CPR, and she repeatedly told the defendant “not in a mean way” that they should go, which she refused and told her that the hike was a “once-in-a-lifetime experience.” E.A.S. recalled lying next to E.Z.S. to keep him warm.

Members of the Search and Rescue team attempted to take the same hike and route that the defendant and the victims took, and out of the five members, only two of them felt confident enough in their climbing skills to continue onto the location on the mountain where the victims were located. During the course of the investigation, investigators spoke with a hiker who encountered the family, and he reported that two hours into his hike, he reached a point where the terrain became steep, and the weather began changing. The hiker described that at around 12:55 PM, the temperature dropped approximately 20 degrees and became cold. The hiker reported that at this time, he began to descend the mountain because he did not have the appropriate equipment to continue. He described that once he got to the lower elevation, he again encountered the defendant and victims, who were still ascending.

Approximately one month before this incident, the defendant expressed suicidal ideations and was located by the Cottonwood Heights Police Department, documented in CHPD CRN 25-11935, with multiple firearms, attempting to locate a mountain. He reported to the officer that he was “going through a really hard time” and was going to “hike up to the top of the mountain.” The defendant had two firearms and an axe in his vehicle when he was contacted by the police; however, he denied that he was going to kill himself.

On November 10, 2025, the defendant was trespassed from Primary Children’s Hospital, documented in CHPD case report number 25-13491, for interfering with E.Z.S.’s care and tampering with the equipment.

Following this incident, the defendant was arrested for domestic violence and charged in the Salt Lake City Justice Court under Court case number 251413979.

The defendant's behavior is clearly spiraling, and he's not only a danger to himself, but he is a danger to these victims. The defendant's intentional and selfish act left his children in grave danger, with one of them dying and being revived multiple times, and will never fully recover. The defendant is charged in this matter with six first-degree felonies, and based on the serious nature of the allegations, along with his continued access to the victims, the State requests that the defendant be held in custody 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: 25th day of November, 2025

/s/ KYLE JIMAL LIDDIARD
Declarant

Subscribed and sworn to before me this 25th day of
November, 2025

Authorized for presentment and filing:

SIM GILL, District Attorney

/s/ Jennifer Zeleny
Zeleny, Jennifer [SCRNATTY]
25th day of November, 2025
JZ / AW / DAO# 25.037491

OTHER PENDING CASES FOR THE DEFENDANT

Court	Court Case #	Trial Judge	DAO #	Charge
Third District Court, SALT LAKE DEPARTMENT	231904496	Johnson, Kristine, Nelson, Stephen	23.003915	No active charges
SALT LAKE CITY JUSTICE COURT	251413979	LANDAU, CLEMENS A	25.036989	Count 1 ASSAULT [76-5- 102(2)+(3A)] MB (Class B Misdemeanor) Count 2 DAMAGE TO OR INTERRUPTION OF COMMUNICATION DEVICE [76-6-108] MB (Class B Misdemeanor)