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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA, Plaintiff, v. DARIK ALLAN OTTENS, Defendant.	**UNITED STATES' POSITION REGARDING DETENTION** Case No.: 2:26-cr-00463

☐ The United States is not seeking detention.

☒ The United States moves for detention based on current information. The United States' positions in this preliminary pleading could change after reviewing the Pretrial Report or learning of additional evidence. The United States reserves the right to assert positions even if the boxes next to those positions are not checked below, raise additional arguments, and file additional pleadings in support of detention. The United States' motion for detention is:

☒ Pursuant to 18 U.S.C. § 3142(f)(1) because defendant is charged with:

- ☐ **(A)** a crime of violence (*see* 18 U.S.C. § 3156(a)(4)), a violation of 18 U.S.C. § 1591 (sex trafficking of children), or an offense under § 2332b(g)(5)(B) (specific enumerated crimes) for which a maximum term of imprisonment of 10 years or more is prescribed; **or**

☒ **(B)** an offense for which the **maximum sentence is life imprisonment** or death; **or**

☒ **(C) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act** (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508); **or**

☐ **(D)** any felony if the defendant has been convicted of two or more offenses described in (a) through (c) above, or two or more State or local offenses that would have been offenses described in (a) through (c) above if a circumstance giving rise to Federal jurisdiction had existed, or a combination of such offenses; or

☐ **(E)** any felony that is not otherwise a crime of violence but involves: (i) a minor victim; (ii) the possession or use of a firearm or destructive device (as defined in 18 U.S.C. § 921); (iii) any other dangerous weapon; or (iv) a failure to register under 18 U.S.C. § 2250;

OR

☐ Pursuant to 18 U.S.C. § 3142(f)(2) because the case involves:

☐ **(A)** a serious risk the defendant will flee; or

☐ **(B)** a serious risk the defendant will obstruct or attempt to obstruct justice, or threaten, injure, intimidate, attempt to threaten, injure or intimidate a prospective witness or juror.

Procedure

The defendant may seek a continuance of the detention hearing of up to five days, and the United States may seek a continuance of up to three days. 18 U.S.C. § 3142(f). During any such continuance, the defendant shall be detained. *Id*. The rules concerning the admissibility of evidence do not apply at the detention hearing. *Id*. The United States has the burden of persuasion by clear and convincing evidence that no condition or combination of conditions of release will reasonably the safety of any other person and the community or by a preponderance of evidence that no condition or combination of conditions of release will reasonably assure the defendant's appearance as required. *Id*.; *United States v. Cisneros*, 328 F.3d 610, 616 (10th Cir. 2003).

Rebuttable Presumption

☒ A rebuttable presumption applies and the defendant bears the burden to produce some credible evidence to rebut this presumption. The United States acknowledges that it retains the burden of persuasion. The statutory presumption applies:

☐ Pursuant to 18 U.S.C. § 3142(e)(2) *(previous violator)*: There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community because:

(A) the defendant has previously been convicted of a Federal offense that is described in 18 U.S.C. § 3142(f)(1), or of a State or local offense that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed; ***and***

(B) the defendant committed that offense while on release pending trial for a Federal, State, or local offense; ***and***

(C) a period of not more than five years has elapsed since the date of conviction, or the release of the defendant from imprisonment, for that, whichever is later.

☒ Pursuant to 18 U.S.C. § 3142(e)(3) *(narcotics, firearm, other offenses)*: There is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because there is probable cause to believe that the defendant committed one or more of the following offenses:

☒ **(A) an offense for which a maximum term of imprisonment of 10 years or more is prescribed in the Controlled Substances Act** (21 U.S.C. §§ 801-904), the Controlled Substances Import and Export Act (21 U.S.C. §§ 951-971), or Chapter 705 of Title 46, U.S.C. (46 U.S.C. §§ 70501-70508);

☐ **(B)** an offense under 18 U.S.C. §§ 924(c), 956(a), or 2332b;

☐ **(C)** an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a maximum term of imprisonment of 10 or more is prescribed;

☐ **(D)** an offense under Chapter 77 of Title 18, U.S.C. (18 U.S.C. §§ 1581-1597) for which a maximum term of imprisonment of 20 years or more is prescribed; **or**

☐ **(E)** an offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260,

2421, 2422, 2423, or 2425.

Factors to Be Considered

The United States may present arguments, proffer evidence, or provide testimony at the scheduled detention hearing supporting the detention of the defendant including, but not limited to:

☒ The nature and circumstances of the offense charged, including whether the offense is a crime of violence, a violation of section 1591, a Federal crime of terrorism, or involves a minor victim or a **controlled substance**, firearm or destructive device. (18 U.S.C. § 3142(g)(1)).

Darik Allan OTTENS distributed fentanyl to Person 1 on or about May 15, 2025, while Person 1 was participating in a drug treatment program. Text messages from Person 1's phone show that Person 1 reached out to OTTENS on May 15, 2025, and told OTTENS that she had been in treatment and that is why she hadn't had her phone for a few months. After a conversation about their respective sobriety, Person 1 asked OTTENS if he had any pills he could bring her. OTTENS agreed to pick up 20 pills from "his guy" and drop them by a Macey's grocery store near where Person 1 was receiving treatment. OTTENS sent Person 1 a text after the drop that said, "please promise me you will be careful and that you really erased the messages." Person 1 responded approximately 2 hours later and told OTTENS that she did erase the messages and that she had already used all of the pills. Staff at the treatment facility called 911 due to Person 1 overdosing. Draper Fire arrived and transported Person 1 to the hospital.

On or about June 27, 2025, Person 1's mother first contacted OTTENS and asked if he could chat on the phone. Following that conversation, Person 1's mother followed up with OTTENS via text message. Person 1's mother pled with OTTENS to stop all contact with her daughter. OTTENS responded with, "Maybe you should have a conversation with her and tell her not to reach out to me." Despite repeated requests from Person 1's mother to OTTENS to stop providing fentanyl to her daughter, OTTENS did not stop.

On or about September 28, 2025, Person 1 asked OTTENS if he could bring her stuff to her work in Orem, Utah. OTTENS was initially resistant as he didn't want to drive that far. Person 1 offered to pay extra for the delivery, and OTTENS quickly agreed.

OTTENS said, "if you give me extra money then I could go meet him and bring it to wherever you are." Later, after OTTENS met with his supplier, he told Person 1 that he would drop it off near the bathroom inside Person 1's work. OTTENS was then seen on surveillance placing something on the ground near the bathroom inside Person 1's work. He then had a quick phone call with Person 1 and followed up the phone call with a text saying, "Sorry I can't bring you anything. Erase all these messages please." Despite the final text, Person 1 was seen on surveillance moments later retrieving something from the floor near the bathroom. Approximately a few hours later, Person 1's roommate found Person 1 unconscious and nonresponsive on the bathroom floor inside their apartment. She called 911 and Draper Fire responded and was able to revive Person 1 using Narcan.

On October 12, 2026, Person 1 texted OTTENS asking if he could get her more stuff. OTTENS told Person 1 that he went to his usual source, but that the quality was horrible and that he would stay out all night to get the "good shit." The following morning, on October 13, 2026, OTTENS texted Person 1 that, "…I found a guy that has better than the stuff we normally get but he charges way more. You take two hits and you're nodding though." Person 1 texted back, "ok I trust you." OTTENS then made a drop to Person 1 at her apartment as she was leaving to go to work in Orem, Utah. Approximately 6 hours later, Person 1 was found in the bathroom at her work in Orem, Utah, deceased from a fentanyl overdose. After Person 1 was already deceased, OTTENS sent a text to Person 1 saying, "this stuff is better than the other huh."

The medical examiner from the Utah State Crime Lab concluded, after performing an autopsy, that Person 1 died from acute fentanyl toxicity.

☒ The weight of evidence against the defendant. (18 U.S.C. § 3142(g)(2)).

OTTENS was arrested and charged in Utah State Court on October 14, 2025. At his arrest, and post-*Miranda,* OTTENS admitted to law enforcement that he has "helped" Person 1 get drugs before, but nothing big. When confronted by law enforcement about the selling to Person 1 on October 13 (Monday), he says that he did on Sunday, but not on Monday.

Following the conversation OTTENS had with Person 1's mother in June of 2025, OTTENS also texted Person 1 and told her that her mom had just reached out to him and that Person 1's mother knew about all the drops OTTENS had made to Person 1.

Following OTTENS' arrest, and after he was made aware of Person 1's death, he made several recorded jail phone calls. OTTENS acknowledged during those calls that Person 1 was a risky drug user, and he would often tell her to be careful. Despite his admitted concern and awareness of the risk, he continued to sell fentanyl to her every time she asked.

☒ The history and characteristics of the defendant including the defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history and record concerning court proceedings. (18 U.S.C. § 3142(g)(3)(A)).

OTTENS has been convicted of at least 19 felonies since 2006. He has served time in Utah State Prison from approximately January 2013 to October 2013, November 2014 to April 2017, and most recently from August 2019 to February 2023. As is evidenced from the dates of his prison sentences, he has continued to commit new crimes shortly after each of his releases from incarceration. His most recent conviction following the February 2023 release was for a Felony Failure to Stop at the Command of a Law Enforcement Officer on September 25, 2024. That case was ultimately resolved as a class A misdemeanor, but the allegations were that upon being stopped for a traffic violation, OTTENS fled the traffic stop at high speeds after law enforcement made initial contact. He was on parole at the time.

☐ Whether, at time of the current offense or arrest, the defendant was on probation, parole, or other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law. (18 U.S.C. § 3142(g)(3)(B)).

☒ The nature and seriousness of danger to any person or to the community that would be posed by the defendant's release. (18 U.S.C. § 3142(g)(4)).

The evidence in this case shows that OTTENS was aware of Person 1's risky drug behavior. He had been warned to stop providing fentanyl to her. Despite all of his knowledge and the warnings, he continued to sell fentanyl to her. His actions resulted in two overdoses causing serious bodily injury and, finally, a third overdose resulting in her death.

☐ The defendant's lack of legal status in the United States.
☐ How the defendant would be subject to removal or deportation after serving a period of incarceration.
☐ The defendant's significant family or other ties outside of the United States.
☐ The defendant's use of aliases or false documents.
☒ The defendant's prior attempts to evade law enforcement.
☐ How the defendant's proposed residence, employment, or proposed treatment programs have not been verified.
☐ The defendant's prior failures to appear for court proceedings.

Victim Notification

☒ This matter does not involve a victim requiring notification.

DATED this XX day of November 2026.

/s/ Pete Reichman
Pete Reichman
Special Assistant United States Attorney