

STATEMENT OF FACTS IN SUPPORT OF A CRIMINAL COMPLAINT

IN THE MAGISTRATE COURT

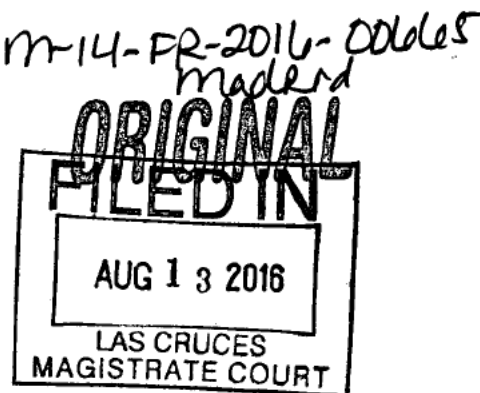
STATE OF NEW MEXICO

Vs

DEFENDANT: Hanes, Jesse

ADDRESS: 3391 Parklane Avenue Columbus, OH 43213

[REDACTED]



The undersigned being duly sworn on his/her oath, has reason to believe that on or about the 12th day of August 2016 in Dona Ana County, State of New Mexico, the above named defendant committed the crime of **First Degree Murder (Willful and Deliberate)** contrary to section 30-2-1(A)(1) NMSA 1978.

The undersigned further states the following facts and information on oath to establish probable cause to believe the above-named defendant did commit the crimes charged.

- A. The undersigned affiant, Detective Lawrence A. Louick (976) is a full timed salaried employee of the Dona Ana County Sheriff's Office currently assigned to the Criminal Investigations Division.
- B. The undersigned affiant learned the following from Mesilla Valley Regional Dispatch Authority (MVRDA) Computer Aided Dispatch (CAD) notes:
 1. Hatch, New Mexico Police Officer Jose Chavez (H105), a commissioned law enforcement officer, who was wearing his uniform, displaying his badge, and driving a marked Hatch Police Department patrol vehicle called out a traffic stop at 1541.
 2. The license plate Officer Chavez called out to the dispatcher was [REDACTED], which is a Silver 1991 Lexus four door vehicle registered to Emily Rinehart with a Vehicle Identification Number [REDACTED].
 3. The location of the stop was called out as the Pic Quick Store on Franklin Avenue.
- C. The undersigned affiant then learned the following during a preliminary interview of Raymond Lazos with New Mexico State Police Criminal Agent Freida Hall :
 1. He is a commissioned law enforcement officer employed by the Hatch, New Mexico Police Department officer, who began his shift at 0700 hours and wore his uniform, with his badge displayed, and drove a marked Hatch Police Department patrol vehicle.
 2. He was getting ready to leave his assigned area of work as a School Resource Officer (SRO), and was on the phone with Officer Chavez when Chavez told him he was about to pull over a Silver vehicle with Ohio registration plates. Lazos said he told Chavez he would meet him at the location of the stop and he proceeded to that location.
 3. When he arrived he saw Chavez vehicle stopped behind the Silver car and saw Chavez standing on the passenger side of the Silver vehicle. He walked up towards where Chavez stood at the passenger side and saw Chavez holding paperwork.
 4. Lazos told us he saw a tall white man in a red shirt in the driver seat of the silver car.
 5. Officer Chavez reached for his holstered service weapon and the top half of his body began to move backwards, as the rear passenger ducked and the front passenger turned his body. He did not see a firearm, but he saw smoke and Chavez fell backwards to the ground.
 6. Lazos drew his department issued Glock model 19, 9mm handgun and fired three shots towards the silver vehicle.

7. Before Chavez hit the ground, the silver vehicle sped off east on NM HWY 26/Franklin Street and Hatch Police Officer Valerie Montoya, who was apparently on her way to that area pursued the silver vehicle as it fled.
8. Lazos holstered his weapon and ran towards Chavez as he called out on his radio than an officer was down.

D. The following was learned from Freida Hall:

1. She is a commissioned officer employed by the New Mexico State Police (NMSP) with the rank of Criminal Agent.
2. She interviewed Samantha Villegas, who said she and her boyfriend Nicholas Castillo were travelling in a vehicle west on Franklin Street near Franciscan RV in Hatch, NM around 1545 hours on Friday August 12, 2016. As she rode in the front passenger seat of the vehicle, she saw a gray or silver vehicle stopped on the shoulder of the eastbound lane of Franklin Street with two marked police vehicles behind it with their emergency lights flashing.
3. She saw one officer standing on the passenger side of the gray vehicle while another officer walked up to the gray vehicle and was almost to the rear of it.
4. She saw three males in the gray vehicle-two in the front and one in the back, and she noticed the front passenger window was down. Just as their vehicle was passing the gray vehicle she heard one gunshot and saw the officer who was standing at the passenger door fall backwards. The officer who was approaching the rear of the gray vehicle leaned forward and fired three shots at the gray vehicle as it sped away.
5. She interviewed Nicholas Castillo at the scene of the shooting near Franciscan RV. He was traveling west on Franklin Street with his girlfriend when and he saw a gray vehicle stopped on the south side of the road facing east with two marked police vehicles behind it.
6. One officer was standing at the front passenger door and another was approaching from the rear. As his vehicle was passing the gray vehicle, he heard one gunshot and the officer next to the car fell backwards as the gray car sped off.
7. The gray car was occupied by three men and the front passenger window was down.
8. The officer who was approaching from the rear fired his weapon three times.

E. The undersigned affiant learned the following from Dona Ana County Sheriff's Detectives Ivan Zarate and Mark Rodriguez:

1. They conducted interviews with several people who live in Rincon, NM, including Rebecca Rael and her son Alex Garcia at [REDACTED], John Molina at [REDACTED] and Mary Lucero at [REDACTED]
2. Rael saw a white male in a blue or turquoise shirt and gray shorts on her property, as well as a black male pulling a suitcase along the ground. These two men were arguing with one another and with another white male who was driving a silver car. The white man driving the car was yelling at them to get back in or he would leave them.
3. Rebecca went inside to call 911 and made the call at 1647 hours. She heard two gunshots and returned outside and saw the gray car driving away with the white man in the turquoise shirt chasing it. That man and the black man ended up walking away from her residence together.
4. [REDACTED] he saw a white man and a black man standing at [REDACTED] Street and the white man was arguing with another white man who was in the driver seat of a gray car. At some point he got out and all three men were standing outside the car and he heard two gunshots. He ran inside to tell his mother what happened and when he came back out he saw a white man chasing the gray car as it drove away. He and the black man he was originally seen with were last seen walking away together.
5. Mary Lucero lives at [REDACTED] and she saw a white man in a turquoise shirt and gray shorts walking with a black male who wore a baseball cap and dragging a suitcase.
6. John Molina lives [REDACTED] and he seemed drunk and nervous. He said he didn't hear anything, but blood droplets, disposable lighters and disturbed dirt were found under a covered porch/awning at his home. They collected the blood droplets and lighters,

F. The following was learned from New Mexico State Police (NMSP) Sgt. Patrick Bucksath:

1. He is a commissioned law enforcement officer employed by NMSP and is assigned to the Criminal Investigations Section.
2. He interviewed Daryl Krenn and his aunt Sharon Bingasser at the Rest Area located along Interstate 25 southbound near mile post 30.
3. They were moving from Minnesota to Arizona and stopped to use the facilities when they were confronted as they smoked cigarettes.
4. The man who confronted them was described as a white male with a red shirt, red shorts and was holding a rag.
5. The man in the red shirt demanded Mr. Krenn's vehicle keys two separate times, and each time he demanded the keys Mr. Krenn refused to give them up. He demanded keys from Ms. Bingasser and she told him she didn't have them.
6. The man in the red shirt then approached another man at the rest area and not only demanded his keys, but demanded the man go with him. The man gave up his keys but refused to go, and Mr. Krenn and Ms. Bingasser heard a single shot and the red car left the rest stop fast.

G. The following was learned from Sgt. Jeremy Hash:

1. He is a commissioned law enforcement officer employed by the Dona Ana County Sheriff's Department, who is assigned to the Criminal Investigations Division and holds the rank of Sergeant.
2. He interviewed Angel Flores, who said he was at the rest area near mile post 30 when he was told by a man to give him his vehicle keys and get into his car. He gave up the keys but refused to get in the car, and he was shot in the hip.
3. He could not describe the man who demanded his keys, demanded he get in the car, and who then shot him.
4. While on scene he found a gray Lexus and could see in plain view one .45 caliber casing on the driver seat, several .45 caliber cartridges on the driver seat, a .45 shell casing on the ground near the vehicle, several blood spots on the ground and one expended projectile with what appeared to be flesh on it.

H. The following was learned from Federal Bureau of Investigation (FBI) Special Agents Daniel Lavis and George Dogherty:

1. They interviewed Toney Marcell Jones and James D. Nelson at the Dona Ana County Sheriff's Office:
2. Mr. Jones said he was in the backseat of a vehicle driven by Jesse D. Hanes, while James Nelson was in the front passenger seat. Jones was asleep in the backseat when he woke up and realized the vehicle was being stopped by a police officer.
3. Jones said he saw a police officer standing at the front passenger window and Hanes pulled out a handgun and shot the officer through the front passenger window.
4. Hanes, who was wearing a red shirt drove the vehicle away from the scene. Mr. Nelson wore a blue shirt.
5. After Hanes drove away, he fled at a high rate of speed on the interstate and then exited.
6. All three occupants exited the vehicle at some point after exiting the interstate, and Jones said he heard a gunshot and saw Hanes had shot himself. Hanes reportedly ordered Jones to get back into the car, but Jones refused and Hanes got in and fled the scene alone in the vehicle.
7. James D. Nelson said he was seated in the front passenger seat of a vehicle driven by Jesse Hanes, while a black hitchhiker they'd picked up who they called "TC" or "TJ" (later ID as Tony Jones) was in the backseat.

8. Nelson was asleep in the front passenger seat and woke up when Hanes announced they were being pulled over by a police officer. Nelson said he remembered the officer asking for the vehicle registration and then instructing Hanes to exit the vehicle. He said Hanes then raised a .45 caliber compact handgun towards the officer standing at the passenger side window and fired a single shot.
9. Nelson's head was turned to his left when he saw the gun raised and when the gun was fired he said he experienced hearing loss in his right ear.
10. Hanes drove away at a high rate of speed onto the interstate and then exited, and all three men got out of the car. At some point he heard a gunshot and Hanes yelling, and he noticed Hanes had shot himself in the groin area. Hanes got back into the vehicle alone and sped away.
11. When he shot the officer, Hanes was wearing a red shirt,

I. I saw the following when I arrived at 23420 N NM HWY 185:

1. A red four door Chevrolet Cruz which bore Nevada registration plate [REDACTED] and was assigned [REDACTED]. The vehicle was stopped facing west atop a pile of chopped firewood, underneath a metal frame for some sort of shed, with one of the posts flush against the front passenger door.
2. The driver door and rear driver side door were opened, and a white male wearing a red shirt and red shorts was seated in the driver seat. I saw what appeared to be a small handgun near the top of the windshield on the driver side of the vehicle.
3. I was at the scene along with dozens of other officers from many agencies, and the man in the red shirt exited the vehicle, stood and pulled his red shirt out from his shorts and walked away from the vehicle. He walked several feet to the south and a few feet forward (west) before he lay prone with his arms outstretched.
4. Numerous Deputies rushed him and detained him and a safety sweep of the vehicle was conducted. The man was identified as Jesse Hanes, [REDACTED] with the assistance of a bulletin given out by the Federal Bureau of Investigation. It was also discovered there was an active warrant for his arrest out of the state of Ohio for a charge of Aggravated Murder.
5. I photographed tire marks from the vehicle as they went around the back (north) side of a double wide mobile home, then all the way around west toward NM HWY 185, then reversed to where it ran atop the wood pile and became immobile.
6. A Silver Kimber .45 ACP Ultra Crimson Carry II hand gun, [REDACTED] was removed from the windshield, one SIG .45 jacketed hollow point cartridge was removed from the chamber and a magazine with four SIG .45 jacketed hollow point cartridges was removed from the weapon.
7. A white rag with red stains was collected from the wood pile just outside the driver door.
8. Red/blood stains were seen on the front of the driver seat, gear shifter knob and base of the gear shifter.

J The following was learned through American Medical Response Paramedics, Medical Doctors at University Medical Center in El Paso, Texas and New Mexico State Police Crime Scene Technician Norman Rhodes:

1. Officer Jose Chavez suffered a single gunshot wound to the upper chest/lower throat area just above his ballistic vest.
2. The projectile traveled through his chest cavity.
3. He was conscious and breathing during transport to University Medical Center.
4. Surgery was performed by trauma surgeons at University Medical Center during which he died just after 2000 hours.

5. Officer Rhodes discovered what appeared to be a .45 caliber projectile inside Officer Jose Chavez police uniform shirt, which had been cut off his body by paramedics and was left on the ground at the crime scene.

Based on the above stated facts and information, the undersigned affiant petitions the court to accept this statement of facts in supports of a criminal complaint, charging the above defendant with the crimes of **First Degree Murder (Willful and Deliberate)** contrary to section 30-2-1(A)(I) NMSA 1978.

Subscribed and sworn to before me in the above
Named county of the state of New Mexico this

13th day of Aug 2016
(976)

S. M. Adair
Judge

12:54 pm

Lawrence A. Louick

Detective Lawrence A. Louick

Affiant