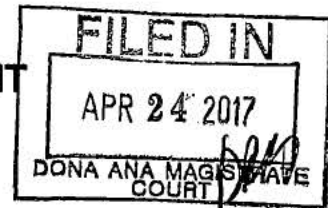


STATEMENT OF FACTS IN SUPPORT OF COMPLAINT  
IN THE MAGISTRATE COURT




Dona Ana County  
State of New Mexico

M-14-FR-2017-305  
Division II

V.

ARCINIEGA-SAENZ, Joel

 SEX: Male RACE: White	HGT: 5'6 WGT: 136 EYE: Brown HAIR: Brown COMP: Light	ADDRESS: 2205 W. Picacho #105 Las Cruces, NM 88001 OTHER:
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The undersigned, being duly sworn on his oath, has reason to believe that on or about the 22nd day of April, 2017, in Dona Ana County, State of New Mexico, the above-named Defendant did commit the crime of Murder (Open Count) contrary to sections 30-2-1(A)(1) NMSA 1978.

Undersigned further states the following facts on oath to establish probable cause to believe that the above-named Defendant did commit the crime charged.

- A. Undersigned Affiant, Detective Ricky Bardwell L722, is a full-time salaried, law enforcement officer with the City of Las Cruces Police Department's Criminal Investigation Division, County of Dona Ana, State of New Mexico.
- B. Undersigned Affiant learned the following facts and information from Joel Arciniega-Saenz:
  - a. That he lives at the address 2205 West Picacho #105, which is the location of the incident.
  - b. That two of his friends Benjamin Montoya and Dakota Ocampo arrive at his apartment.
  - c. That both Benjamin and Dakota fall asleep in his apartment, and he is intending on sleeping on the couch.
  - d. That he gets up, and goes outside to smoke a cigarette.
  - e. That he sees a female approach him and ask for Dakota. He thinks she is a friend of Dakota, and allows her to enter the apartment.
  - f. That during this time Benjamin and Dakota are still asleep.
  - g. That while he was outside doing his thing, he began to hear arguing coming from inside the apartment.



- h. That he approaches the apartment, and hears a gunshot.
- i. That he gets scared, and hides behind a bush in the parking lot.
- j. That while he was hiding the female he allowed into the apartment runs out with a gun in her hand. They make eye contact with one another as she runs through the parking lot.
- k. That he described the female to wearing basketball shorts, a hoodie and is dark in color. He described her to be tall and skinny like a drug addict.
- l. That the female jumps into a silver car and drives away.
- m. That Benjamin walks out of the apartment and falls with a gunshot wound to his chest.
- n. That he never approached Benjamin or entered the apartment after hearing the shot. He waited outside until the police arrived.

C. Undersigned affiant learned the following facts and information from Dakota Ocampo:

- a. That she and Joel have been friends for over five years, and she considers him to be a brother.
- b. That she and Benjamin have been in an on again, off again type of relationship for several months.
- c. That Benjamin met with her at Joel's apartment to stay with her.
- d. That Joel has had a crush on her, and she told him she valued their friendship too much and did not want to ruin it.
- e. That she confides in Joel about all her intimate relationships.
- f. That on this day she fell asleep, and is awoken by Benjamin arguing with an unknown male.
- g. That she describes this male to be thin, tall, and with shaggy hair to the point that it begins to curl.
- h. That she does have her seeing glasses on, and is unable to recognize the males face. She stated the male is wearing a white shirt.
- i. That during the argument between Benjamin and the Male she is struck in the mouth.
- j. That Benjamin and the male begin got physically fight. The fight moves towards the area where the refrigerator is located, and eventually back towards the bed.
- k. That Benjamin is pushed onto the bed, and she sees the male pull a handgun. The male fires a shot at Benjamin.
- l. That the male runs out of the apartment.
- m. That Benjamin screams for help, and walks out of the apartment towards the parking lot.
- n. That a short time later Joel enters the apartment and tells her "don't worry I got this", and to "stay in the apartment" as he walks back outside.



- o. That Dakota mentioned to the Affiant Benjamin had confronted her the previous night about being pregnant, and it had become a topic of conversation throughout the night.
- p. Affiant asked Dakota if she is able to recognize people in the same room without her seeing glasses? She stated yes.
- q. Affiant asked if the person who shot Benjamin was wearing the same clothing as Joel? She stated yes. Dakota then stated she was 60 % it was the same clothing.
- r. Affiant asked if Joel was the person who shot Benjamin? Dakota began to cry and stated yes.

D. Undersigned affiant learned the following facts and information from:

Annette Martinez

- a. That Mrs. Annette Martinez resides at the Townhouse Motel and is familiar with Joel Arciniega-Saenz who lives a few doors down from her.
- b. That for several days, Mrs. Martinez has been hearing Joel, Dakota and Benjamin argue, yell or make a commotion.
- c. That on today's date, Mrs. Martinez hears Dakota and Benjamin arguing outside of room 105, which is Joel's room.
- d. That they continued to argue but took the argument back into the house where she could still hear them.
- e. That shortly after hearing them argue, Mrs. Martinez hears a loud bang, and looks outside but doesn't initially see anything.
- f. That Mrs. Martinez carefully looks out and sees that Joel and Dakota are standing over a body which is laying in the parking lot of the Townhouse and that upon Mrs. Martinez's initial observation, it looked like Joel was visibly angry.
- g. That at one point, Joel makes eye contact with Mrs. Martinez and he immediately runs toward the landlord's office as if he was suddenly startled.
- h. That Mrs. Martinez is familiar with Joel and has witnessed him to become more aggressive lately and that he has recently made comments as to wanting to kill someone.

E. Undersigned Affiant learned the following facts and information from the investigation:

- a. That affiant arrived and assessed the scene located at 2205 West Picacho.
- b. Affiant recollection of the events and injuries seen on Benjamin are not consistent with Joel's statement of Benjamin being attacked by a petite woman.
- c. Affiant observed a red substance to be blood on Joel's sleeve, which is not consistent with the statement Joel gave of not making contact with Benjamin or enter the apartment after he is shot.



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- d. That Joels' statement and knowledge of the bullet wound to Benjamin is not consistent with him not making contact with Benjamin or entering the room after he is shot.
- e. That upon looking at the bottom of Joel's shoes, affiant observed a red substance which is known to be blood and a large amount of blood was located near the entrance of Joel's apartment.
- f. That upon observation of Dakota, injuries were observed upon her body to include scratches upon her neck and an injury upon her mouth. That due to affiant's training and experience, the injuries that were observed were consistent to someone being involved in a physical domestic altercation which is consistent to Mrs. Martinez's observations.

Based upon the above-mentioned information, Affiant petitions the Court to accept this Statement of Facts for the above-mentioned Defendant charging him with Murder (Open Count) contrary to sections 30-2-1(A)(1) NMSA 1978.

Subscribed and sworn before me  
In Dona Ana County, State of New  
Mexico this \_\_\_ day of \_\_\_\_\_  
2017.

  
Affiant R. Bardwell L722  
Detective Las Cruces Police Dept.

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Judge