

JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

FILED

MAR 29 2022

NORTH LAS VEGAS JUSTICE COURT
BY: JB

THE STATE OF NEVADA,
Plaintiff,

-vs-

JAVIER BENITEZ #2727362,
Defendant.

22CRN000457

DA CASE NO: 202218962C

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001), in the manner following, to wit: That the said Defendant, on or about the 18th day of March, 2022, at and within the County of Clark, State of Nevada, did willfully, unlawfully, feloniously and with malice aforethought, kill [REDACTED], a human being, with use of a deadly weapon, to wit: a firearm, by shooting into the body of the said [REDACTED] the said killing having been (1) willful, deliberate and premeditated, and/or (2) committed during the perpetration or attempted perpetration of a robbery.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

[REDACTED]
03/29/22

/vw
NLVPD EV# 2204896
(TK)

1 State of NEVADA }
2 County of Clark } ss:

3 S. Forsberg #2143, being first duly sworn, deposes and says:

4 That he is a Police Detective with the North Las Vegas Police Department, City of North
5 Las Vegas, County of Clark, State of Nevada, being so employed for a period of more than 14
6 years, assigned to investigate the crime(s) of **Murder with Use of a Deadly Weapon**,
7 committed on or about **03/18/2022**, which investigation has developed **Benitez, Javier** as the
8 perpetrator(s) thereof.

9 That Affiant developed the following facts in the course of the investigation of said crime,
10 to wit:

11 On 03/18/2022, at about 0815 hours, Officers of the North Las Vegas Police Department
12 were dispatched to [REDACTED], in regard to a male subject bleeding, and lying in the
13 street. The person reporting, identified as [REDACTED] stated the male was not responsive
14 and appeared to have a gunshot wound to the back. According to [REDACTED], he was taking his kids
15 to school when his wife called at about 0755 hours and said she heard a gunshot in the area.
16 [REDACTED] told his wife he would check the area when he returned. Upon doing so, he found the
17 victim lying on the sidewalk and then called 911.

18 Paramedics responded to the scene and determined the victim was beyond
19 resuscitation. The victim was later identified as [REDACTED]. He had an
20 apparent gunshot wound to his chest and exit wound on the left side of his back. A records
21 check on [REDACTED] indicated he lived at [REDACTED] which is in close proximity to
22 where [REDACTED] body was discovered. Upon the realization that the investigation was likely
23 a homicide, Officers secured the scene and blocked vehicles and pedestrians from
24 entering/exiting the scene. Detective Wells and Affiant were requested to respond to the
25 scene, along with Crime Scene Analyst Fischer. CSA Torres was later called to assist. Officers
26 canvassed the area for witnesses and surveillance cameras prior to our arrival.

27 Upon arrival at the scene, we were briefed on the investigative details gathered to that
28 point. Your Affiant learned that surveillance cameras were present at [REDACTED] and

1 [REDACTED] Some of the cameras mounted to the residence of [REDACTED]
2 appeared to be aimed in the direction of [REDACTED] I was informed that Officers had made
3 contact with two 19 year old persons, [REDACTED] at [REDACTED]
4 [REDACTED] They were both residents of [REDACTED] but had left the scene to attend a funeral,
5 after being contacted by patrol Officers. Prior to departing, [REDACTED] had told Officers that he could
6 not access the DVR housing the surveillance, due to not having the password. [REDACTED] also told
7 Officers that his parents were not home at the time and that the house would be vacant when
8 they left for the funeral. Neither [REDACTED] recalled hearing any gunshots or anything
9 else suspicious prior to being contacted by law enforcement. Officers were able to get phone
10 numbers for [REDACTED] mother [REDACTED]) and [REDACTED] father [REDACTED] from [REDACTED]
11 Several attempts to contact both persons, via the phone numbers provided, were unsuccessful.

12 Officers had made contact with a resident of [REDACTED] who advised their
13 cameras were operational and that Detectives were welcome to look through the footage.
14 Officers advised me that a resident of the address, [REDACTED] had heard and seen a disturbance
15 prior to the discovery of [REDACTED] body, that was potentially related to [REDACTED] death.

16 While CSI Fischer processed the scene, Detective Wells and Affiant made contact with
17 [REDACTED] advised that she had heard a single loud bang, consistent with a gunshot,
18 sometime around "7:50 or 8 o'clock" in the morning. [REDACTED] looked out of a window and saw two
19 males across the street from her house. [REDACTED] recognized the males as residents of [REDACTED]
20 [REDACTED] and said they had lived at the address for about 4 or 5 years. [REDACTED] said she knew
21 the two males to be brothers. [REDACTED] did not know the names of the males, but said that they
22 were large build males and that one of the two was known to wander around the neighborhood
23 and spark up conversations with various residents, sometimes asking for money. She said the
24 male was possibly mentally ill, as he often exhibited strange behavior. [REDACTED] said the male
25 often wore oversized shirts and long shorts. [REDACTED] said that the two males were standing in the
26 street and one of them was saying to the other, "Are you crazy?", while attempting to push the
27 other male toward the residence of [REDACTED] The male who was being pushed back
28 toward the residence was the male [REDACTED] had described as being potentially mentally ill.

1 Although both males were heavy set, [REDACTED] said the male that was being ushered back toward
2 the house was noticeably heavier than the male who was trying to usher him back to the house.

3 [REDACTED] never saw [REDACTED]

4 After speaking with [REDACTED] Affiant informed patrol Officers that [REDACTED] was
5 potentially of investigative interest and the house was locked down, pending the issuance and
6 service of a search warrant. Detectives Booker and Cherrier had also responded to the scene
7 and assisted with securing the residence and searching for evidence. Detective Wells and
8 Affiant looked through [REDACTED] video surveillance footage. [REDACTED] had one camera mounted to
9 the front of her residence that aimed in a southwest direction, from the north side of her
10 driveway. At about 0755 hours (her camera timestamp was within 3 seconds of actual time),
11 [REDACTED] can be seen running southbound on the sidewalk in front of [REDACTED] residence. This
12 was in the direction of where [REDACTED] body was later discovered and was the same sidewalk
13 he was found lying on by patrol Officers. [REDACTED] body was out of camera view by the time
14 he fell to the ground.

15 On another camera, which was facing [REDACTED] from the rear of [REDACTED] residence,
16 Affiant was able to see [REDACTED] in an apparent struggle with a heavy set male, wearing long,
17 dark colored shorts. The two males appear on camera at timestamp 07:54:53. [REDACTED] is
18 seen backpedaling, southbound, away from the heavier male, who is aggressively advancing
19 toward [REDACTED] At timestamp 07:54:55, the larger male stops advancing toward [REDACTED]
20 and the two are standing a short distance apart, facing each other, with [REDACTED] facing north
21 and the other male facing south. The two are in front of the residence of [REDACTED]
22 which is one house south of [REDACTED] At a timestamp of about 07:54:57 the larger
23 male appears to raise his hand, holding a dark colored object. [REDACTED] then flinches in a way
24 that causes his shoulders to slump downward and his buttocks to push back. This appears to
25 be the time [REDACTED] was shot. Following the flinch, [REDACTED] turns and runs toward the east
26 side of [REDACTED] and out of camera view. At a timestamp of 07:55:13, a second male,
27 wearing dark colored shorts and a dark tee shirt, enters the camera view and pushes the
28 suspect northbound toward [REDACTED] and out of camera view. [REDACTED] confirmed that

1 the two males seen on the surveillance footage at this time were the two males she witnessed
2 when she looked from her window, after hearing a possible gunshot. They were the two adult
3 males she recognized as being residents of [REDACTED]

4 After reviewing the footage, Affiant updated Detective Cherrier of what I had learned.
5 Detective Cherrier then drafted a search warrant for the residence of [REDACTED] The
6 warrant was granted and the NLVPD SWAT team was requested to assist in clearing the
7 residence for the execution of the search warrant. Digital Forensic Analyst J. Nutting
8 responded to the scene and preserved the video evidence from [REDACTED]

9 While awaiting the arrival of NLVPD SWAT, Affiant made contact with a resident of [REDACTED]
10 [REDACTED] I noticed that there was a doorbell camera affixed to the house that would have
11 likely captured the shooting. However, I was advised that the camera was not operational. The
12 resident I spoke to advised that she did not hear nor see the incident because she was not
13 home at the time. There was a [REDACTED] in the driveway of [REDACTED] which was not consistent with
14 the vehicle seen in the driveway on video surveillance from [REDACTED] Affiant was
15 advised that the vehicle in the surveillance belonged to a male resident who had since left the
16 scene. A call was made to the male resident and he later arrived back at the scene. He was
17 identified as [REDACTED] We were unable to locate any cartridge case in the area where
18 the shooting occurred. The shooting happened within close proximity to [REDACTED]
19 [REDACTED] and I found it possible the cartridge case landed on the truck, or in the bed of the truck.
20 We were unable to locate anything of evidentiary value on, or in, [REDACTED]
21 told me that he was awoken by a bang, consistent with a gunshot, just prior to 0800 hours.
22 When he looked outside he did not see anything overly suspicious, so he didn't call the Police.
23 [REDACTED] did not recall seeing any persons outside of his house when he looked outside.

24 Between the residences of [REDACTED] and [REDACTED] we located sunglasses in the
25 street and the landscaping was disturbed in a way that was indicative of a struggle occurring
26 near the south side of [REDACTED] In further review of the camera footage obtained from
27 [REDACTED] the suspected shooter is seen chasing [REDACTED] and swinging at him in a
28 manner indicative of trying to batter him. This occurred at a timestamp of 07:54:31. The

1 suspect appeared to either have shockingly white lower legs, or was wearing some type of long
2 pants under the long shorts.

3 In talking with [REDACTED] prior to his departure for the aforementioned funeral,
4 Officers had learned that his parents (also residents of [REDACTED] were [REDACTED]
5 and [REDACTED]. Other residents in the neighborhood advised that the large build
6 male living in the garage of the residence was believed to be [REDACTED] brother. No persons
7 contacted knew [REDACTED] brother's name, but all described him as being a bit odd and likely in his
8 30's. In researching the address for likely residents aside from [REDACTED] we did not
9 find any male subjects with a Nevada ID, registered to the address, that matched the
10 description of [REDACTED] brother. However, Affiant noted that [REDACTED] legal last name was
11 hyphenated as [REDACTED]. Affiant also learned that [REDACTED] had a previous listed address
12 of [REDACTED]. In researching persons with NV ID cards registered to that address, I
13 located a "Javier Benitez" (30 YOA). The ID card was issued in 2017 and did not initially seem
14 to match the physical description of [REDACTED] brother, as the weight was listed at "150". However,
15 in conducting a records check of Javier, Affiant learned that he was arrested in November of
16 2021. The booking photo from the arrest showed a significant weight gain between the time the
17 ID card was issued in 2017, and the time of Javier's arrest in 2021. The height and weight
18 listed for Javier at the time of his arrest was 5'09" tall and 300 pounds. This was consistent
19 with the description we were given of [REDACTED] brother.

20 A short while later, while SWAT was still trying to render the residence of [REDACTED]
21 [REDACTED] safe for execution of the search warrant, [REDACTED] arrived back at the
22 scene. Detective Wells and Affiant contacted [REDACTED] first and [REDACTED] agreed to speak with us.
23 I asked [REDACTED] who all lived at the residence and [REDACTED] identified three adult male residents [REDACTED]
24 children also live there) as [REDACTED]
25 brother, Javier Benitez. [REDACTED] as being about 5'11" tall and weighing
26 somewhere around 250 pounds. [REDACTED] said Javier is similar in height to [REDACTED] but weighs closer
27 to 300 pounds. The general build of the two males seen on video surveillance is consistent with
28 [REDACTED] and Javier. [REDACTED] told me that Javier lives in the garage of the residence and kind of

1 keeps to himself. [REDACTED] said that Javier has lived with them in the house for the past 5 years
2 (approximate). [REDACTED] said Javier is diagnosed "schizophrenic" and regularly sees a doctor.
3 [REDACTED] did not know the name of the doctor. [REDACTED] said Javier does not have a phone and does
4 not have any mode of transportation other than walking. [REDACTED] said [REDACTED] did not know [REDACTED]
5 nor Javier to possess any firearms. [REDACTED] confirmed that Javier is the person neighbors know
6 to roam the neighborhood. [REDACTED] said it is not uncommon for Javier to be involved in
7 altercations with random persons.

8 Your Affiant asked [REDACTED] what Javier's typical clothing would be and [REDACTED] said that he
9 is known to wear sweatshirts and long shorts (nearly down to his ankles) with pants underneath
10 the shorts. [REDACTED] described Javier and he matched the shooting suspect seen on video
11 surveillance. [REDACTED] said [REDACTED] did not know the password for the DVR surveillance system in
12 the home and said that [REDACTED] was the only person that knew the password. [REDACTED] said [REDACTED]
13 had not seen [REDACTED] in two days, as [REDACTED] were having difficulties in their marriage, and he
14 came and went from the house as he pleased, with no real pattern of activity.

15 There were three vehicles in close proximity to the residence of [REDACTED]. Two
16 of the vehicles were in the driveway. They were a [REDACTED] and a [REDACTED]
17 bearing Nevada license plate [REDACTED] was registered to [REDACTED]
18 told your Affiant that the [REDACTED] was [REDACTED] primary mode of transportation and that it was
19 not present in the driveway of the house when [REDACTED] left for work at around 0130 hours. [REDACTED]
20 had not returned to the residence prior to Police arrival, so she was unaware [REDACTED] had come
21 to the house. [REDACTED] said that the [REDACTED] was [REDACTED] only vehicle and that there shouldn't be any
22 reason he wasn't at the house, if his vehicle was there. [REDACTED] said that [REDACTED] had tried to call
23 [REDACTED] several times after [REDACTED] informed [REDACTED] that the Police were present at [REDACTED] house, but he
24 did not answer and would not return [REDACTED] calls or messages. [REDACTED] provided a current phone
25 number for [REDACTED] of [REDACTED]. Several attempts to contact [REDACTED] were made, to include
26 [REDACTED] calling him in my presence, and [REDACTED] did not answer. If [REDACTED] and Javier had fled the
27 scene together, [REDACTED] said [REDACTED] did not know where they would have gone.

28 Due to the position of the sun and the camera distance from the scene of the shooting,

1 at the time the shooting likely occurred, the video surveillance from [REDACTED] was not
2 sufficient in visually confirming Javier's identity, when viewed by someone unfamiliar with him.
3 However, his general appearance and style of movement, would likely be sufficient evidence
4 to identify him, if viewed by a person intimately familiar with him, such as [REDACTED]. For this
5 reason, Affiant chose to show [REDACTED] a small clip of the video surveillance gathered of the
6 suspected shooter. [REDACTED] watched the footage, became visibly emotional, and said [REDACTED]
7 believed the suspected shooter to be Javier. Your Affiant did not show [REDACTED] the actual
8 moment that we believed the suspect shot [REDACTED]. I did show [REDACTED] the second male that
9 appeared in the camera view after [REDACTED] was shot. [REDACTED] indicated that the male's stature
10 was similar to [REDACTED] but the male only appears briefly, with his back to the camera and
11 [REDACTED] could not definitively identify the male as [REDACTED] could offer no other
12 persons [REDACTED] was aware of that could have been the second male.

13 Detective Wells and Affiant then interviewed [REDACTED] said that he and [REDACTED] are
14 a couple, expecting a child, and live together in a bedroom of [REDACTED] said he
15 and [REDACTED] fell asleep at about 0400 hours and he woke up around 0800 to get ready to leave
16 for a funeral. He was not aware of any other persons being in the house at the time he left for
17 the funeral. [REDACTED] said he never heard any noise consistent with a gunshot and was unaware
18 of any incident that occurred outside of his residence, prior to being contacted by NLVPD Patrol
19 Officers. [REDACTED] did not know of any handguns that Javier or [REDACTED] possessed and did not know
20 if there were any guns in the house. [REDACTED] confirmed that [REDACTED] is the only person who knows
21 the password to the surveillance system. [REDACTED] said he does not really have a relationship with
22 [REDACTED] and doesn't speak with him often. He had not seen [REDACTED] recently and did not know if he
23 was at the residence at the time of the shooting. [REDACTED] said he knows [REDACTED] to be
24 schizophrenic and said he does not really associate much with him. [REDACTED] said Javier mostly
25 confines himself to the garage of the house and [REDACTED] rarely enters the garage. After speaking
26 with [REDACTED] we also interviewed [REDACTED] who gave a recollection of the morning events similar
27 to what [REDACTED] had told us. She said she had not seen [REDACTED] at the house for about 2 days.

28 After interviewing [REDACTED] Affiant was notified that SWAT had

1 cleared the residence without finding any persons inside. Detective Wells and Affiant searched
2 the residence and vehicles along with Detectives Booker, Brooks and Cherrier. We located the
3 following items of note (in additional to several photographed documents bearing the names
4 of [REDACTED] Javier and [REDACTED]: [REDACTED]

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED] was advised of such. [REDACTED] described [REDACTED] cell phone as being consistent with
12 the one we located in the [REDACTED]. The fact that [REDACTED] would be away from the residence, without
13 his phone, is suggestive of him being present at the scene and leaving in a rush. The phone
14 was still powered on, suggesting it had not been in the car for a significant period of time. The
15 fact that [REDACTED] phone, car and other personal items (to include methamphetamine related
16 paraphernalia located in the [REDACTED] were present at the scene, suggests that [REDACTED] was present
17 at the time that the physical altercation and shooting occurred.

18 [REDACTED] were
19 secured in the Digital Forensic Lab at the NLVPD Detective Bureau, awaiting application and
20 issuance of search warrants for the devices. Search Warrants for the electronic devices were
21 applied for and granted on 03/21/2022. After issuance of the search warrants, NLVPD Digital
22 Forensic Analyst, Officer B. Wheeler was able to access the DVR footage from the [REDACTED]
23 surveillance system seized from [REDACTED]. The system time had an offset of about
24 +1 hour, 11 minutes. Although we were able to watch much of the video as "preview clips",
25 Officer Wheeler has not been able to fully download the footage. Therefore, the footage does
26 not play smoothly and the frames move faster than real time. However, the video quality is
27 very good and the viewer is able to clearly see the faces of all persons involved and the details
28 of what generally occurred can be accurately discerned.

1 Your Affiant watched the footage, which showed the following: At about 0711 hours (real
2 time), a [REDACTED] driven by an Asian male adult, parked in front of [REDACTED]
3 [REDACTED]. The [REDACTED] was followed by [REDACTED]. The [REDACTED] parked
4 in the driveway and [REDACTED] got out of the driver's seat and was the sole occupant of the car.
5 [REDACTED] met with the Asian male. They then went into the trunk of the [REDACTED] retrieved an air
6 compressor, and the Asian male appeared to fill the rear passenger tire of the [REDACTED].

7 At about 0739 hours, Javier walked westbound to [REDACTED].
8 At about 0740 hours, [REDACTED] walked northbound on [REDACTED] from [REDACTED] park
9 (located at the south end of [REDACTED]) [REDACTED] was wearing a pink hat, sunglasses, and
10 carrying a backpack. He crossed the street to the west sidewalk and continued north as he
11 approached [REDACTED] stopped in front of [REDACTED] and looked
12 toward the garage. A couple of seconds later, Javier walked out to the sidewalk and engaged
13 in conversation with [REDACTED]. The two talked for a short time and it appeared as though
14 [REDACTED] removed something from his backpack and showed it to Javier. The two then walked
15 over to a set of trash cans, which were on the street, in front of the sidewalk, between [REDACTED]
16 [REDACTED]. Javier leaned on one of the trash cans as [REDACTED] was
17 manipulating something in his hands. The two were standing there for some time and [REDACTED]
18 set something on the lid of the trash can that Javier was leaning on. It looked as though
19 [REDACTED] may have been rolling a marijuana cigarette at this point and a marijuana cigarette
20 was later located, clutched [REDACTED] right hand.

21 At about 0754 hours, Javier appeared to snatch the item which [REDACTED] had previously
22 set on the trash can, believed to be a bag containing marijuana. At the same time, [REDACTED]
23 (wearing all black) walked up to the two. At this point, [REDACTED] backed away from Javier and
24 Javier chased [REDACTED] around. Javier can be seen holding a black semi-automatic pistol in
25 his right hand while chasing [REDACTED]. This occurred between the [REDACTED] in the driveway of
26 [REDACTED] and the [REDACTED] parked in the driveway of [REDACTED] (where we had
27 previously seen signs of a scuffle in the dirt). [REDACTED] continued to back away from Javier, as
28 Javier aggressively moved toward [REDACTED] gun in hand. At the same time, [REDACTED] was also

1 moving toward [REDACTED] moved to the street, where he dropped his pink hat and
2 another item (consistent with a cell phone), in front of the [REDACTED] that was parked in the
3 driveway of [REDACTED]. As [REDACTED] continued to move into the street, he was backing
4 away from Javier, who was following him. While [REDACTED] was in the middle of the street,
5 Javier raised the gun and a puff of smoke was visible, consistent with the gun being
6 discharged. [REDACTED] then ran to the east sidewalk and then southbound, where he collapsed.

7 Javier then picked up the items which [REDACTED] dropped (his pink hat and possibly his
8 phone). At this point, [REDACTED] stood in front of Javier and it appeared as though he was
9 attempting to get Javier to go back to the house. [REDACTED] Javier, and the Asian male then
10 walked toward the front door of [REDACTED] presumably to go inside. While walking
11 back toward the house, [REDACTED] had [REDACTED] hat in his hand. A short time later, all three
12 entered the [REDACTED] with the Asian male in the driver's seat. [REDACTED] was
13 wearing the pink hat on his head when he walked to the [REDACTED]. The [REDACTED] then drove
14 away, eastbound on [REDACTED].

15 The search warrant executed for the digital contents of the cell phone seized from
16 [REDACTED] vehicle confirmed that [REDACTED] was the owner of the phone. Search warrants were
17 executed to obtain call detail records and location data for [REDACTED] and [REDACTED] cell phones.
18 Due to [REDACTED] leaving his phone at the scene, the information gathered was not helpful in
19 determining where the trio traveled, following the shooting. A review of [REDACTED] cell phone
20 transmissions showed no activity after the time of the shooting.

21 Based on the above articulated investigative details, Affiant determined probable cause
22 exists to arrest Javier Benitez [REDACTED] for the crime of Murder with Use of a Deadly
23 Weapon. At the time of the drafting of this Affidavit and Application, the whereabouts of Javier
24 and [REDACTED] are unknown. The asian male seen in the video surveillance is not yet identified. In
25 researching relatives and previous addresses for [REDACTED] and Javier, there are numerous
26 connections to California. In review of the data extracted from [REDACTED] phone, there are also
27 messages sent to and from persons with phone prefixes belonging to the country of Mexico.
28 Due to Javier not having a phone or social media accounts, he will likely be difficult to locate

1 using conventional investigative means. Affiant requests a Warrant of Arrest be issued for
2 Javier for the crime of Murder with Use of a Deadly Weapon, to ensure that Javier is detained,
3 and the NLVPD is notified, if he is contacted by law enforcement in any other jurisdiction.
4

5 Affiant believes that, at the conclusion of this investigation, there are sufficient facts to
6 show that **Benitez, Javier** (D.O.B.: [REDACTED] cs# 2727362) did commit the offense(s) of
7 **Murder with Use of a Deadly Weapon**, as defined in Nevada Revised Statute 200.010.

8 WHEREFORE, Affiant prays that a Warrant of Arrest be issued for **Benitez, Javier** on
9 the charge of **Murder with Use of a Deadly Weapon**.

10 [REDACTED]
11 [REDACTED]
12 [REDACTED] 2143
13 [REDACTED]

14
15 SUBSCRIBED and SWORN to before me by
16 S. Forsberg #2143 this 29th day of March, 2022.

17 [REDACTED]
18 [REDACTED]
19 Notary Public In and For Said County and State

