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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.

JOSE LUIS PINA-CRUZ

DOB: 02/08/1985

AKA: Jesus Jimenez

SO#: 271603

SID#/BCI#: 1025432

Defendant.

BENAVIDEZ, FRANK P

DOB: 07/26/1987

Co-Defendant(s)

Screened by: MORGAN VEDEJS
Assigned to: TO BE ASSIGNED

INFORMATION

DAO # 23.022352

BAIL: NO BAIL WARRANT

WARRANT/RELEASE: USP - Gunnison

Case No.

Co-Defendant DAO# 23.013454

The undersigned Police Officer DAVID S. LOYOLA - Salt Lake City Police Department, Agency Case No. 06-117702, upon a written declaration states on information and belief that the defendant, JOSE LUIS PINA-CRUZ, committed the crime(s) of:

COUNT 1

AGGRAVATED KIDNAPPING (Gang (a)), 76-5-302(2)+(3B), a First Degree Felony, as follows: That on or about July 3, 2006 in Salt Lake County, the defendant did in the course of committing a kidnapping:

(a) uses or threatens to use a dangerous weapon; or

(b) acts with the intent to:

(i) hold the victim for ransom or reward, as a shield or hostage, or to compel a third person to engage in particular conduct or to forbear from engaging in particular conduct;

- (ii) facilitate the commission, attempted commission, or flight after commission or attempted commission of a felony;
- (iii) hinder or delay the discovery of or reporting of a felony;
- (iv) inflict bodily injury on or to terrorize the victim or another individual;
- (v) interfere with the performance of any governmental or political function; or
- (vi) commit a sexual offense as described in Title 76, Chapter 5, Part 4, Sexual Offenses.

COUNT 2

AGGRAVATED SEXUAL ASSAULT (Gang (a)), 76-5-405, a First Degree Felony, as follows: That on or about July 3, 2006 in Salt Lake County, the defendant did , (a) in the course of a rape, object rape, forcible sodomy, or forcible sexual abuse,

(i) use, or threaten the victim with the use of, a dangerous weapon as defined in Utah Code Section 76-1-601;

(ii) compel, or attempt to compel, the victim to submit to rape, object rape, forcible sodomy, or forcible sexual abuse, by threat of kidnapping, death, or serious bodily injury to be inflicted imminently on any person; or

(iii) receive aid or abetment from one or more persons;

(b) in the course of an attempted rape, attempted object rape, or attempted forcible sodomy,

(i) cause serious bodily injury to any person;

(ii) use, or threaten the victim with the use of, a dangerous weapon as defined in Section 76-1-601;

(iii) attempt to compel the victim to submit to rape, object rape, or forcible sodomy, by threat of kidnapping, death, or serious bodily injury to be inflicted imminently on any person; or

(iv) receive aid or abetment from one or more persons; or

(c) in the course of an attempted forcible sexual abuse:

(i) cause serious bodily injury to any person;

(ii) use, or threaten the victim with the use of, a dangerous weapon as defined in Section 76-1-601;

(iii) attempt to compel the victim to submit to forcible sexual abuse, by threat of kidnapping, death, or serious bodily injury to be inflicted imminently on any person; or

(iv) receive aid or abetment from one or more persons.

COUNT 3

AGGRAVATED ROBBERY (Gang (a)), 76-6-302, a First Degree Felony, as follows: That on or about July 3, 2006 in Salt Lake County, the defendant did unlawfully and intentionally take or attempt to take personal property in the possession of another from his or her person, or immediate presence, against his or her will, by means of force or fear, and with a purpose or intent to deprive the person permanently or temporarily of the personal property; or

(b) intentionally or knowingly use force or fear of immediate force against another in the course of committing a theft or wrongful appropriation; and

(1) in the course of committing the aforementioned act,

(a) used or threatened to use a dangerous weapon;

(b) caused serious bodily injury upon another; or

(c) took or attempted to take an operable motor vehicle.

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

D. CRISTENSEN, C. Treasa, S. Smith., R. Van Fleet, D.. LOYOLA, J Mott, C. Lambourne, D. COATS, T. Anderson, W.J., and I.J.

DECLARATION OF PROBABLE CAUSE:

Your affiant bases probable cause on information and evidence collected by Salt Lake City Police Department, the Utah Highway Patrol, and the Utah State Bureau of Investigations, Case No. 2006-17702, and the following: the statement of I.J. that on or about July 3, 2006, she was walking home in the area of 300 S. Cheyenne Street in Salt Lake City, Utah. She noticed a red hatchback drive past her a couple of times. Shortly after, a male passenger jumped out of the vehicle, ran towards her, grabbed her head, and pointed a silver handgun at her stomach. The male stated, "You're coming with me, bitch." I.J. was shoved into the vehicle. I.J. was taken to an unknown field where she was forced to lie on a mattress. I.J. was raped by both the male passenger and the driver of the vehicle. The two men told I.J. to get dressed and they placed her back in the car. After a short drive, the two men took I.J.'s cell phone, identification, and cash, and threw her out of the car. I.J. was transported to the hospital where a rape kit was conducted, and DNA was collected. The kit was sent to the Utah State Lab for testing.

On June 5, 2018, Salt Lake City Police was notified that the Combined DNA Index System (CODIS) returned a match to Utah convicted offender named FRANK P. BENAVIDEZ. Investigators with the State Bureau of Investigations operating under the Sexual Assault Kit Initiative (SAKI) interviewed BENAVIDEZ at the Utah State Prison where he is currently serving a sentence for murder. BENAVIDEZ denied any sexual assault. Investigators collected a DNA sample from BENAVIDEZ which was subsequently tested and was confirmed to match the DNA collected during the sexual assault examination of I.J.

On July 18, 2023, Salt Lake City Police was notified that the Combined DNA Index System (CODIS) returned a match to Utah convicted offender named JOSE PINA-CRUZ. Detectives from the Salt Lake City Police Department interviewed PINA-CRUZ. PINA-CRUZ confirmed that he also goes by the name Jesus Jiminez, that he is friends with FRANK BENAVIDEZ and that he also knew I.J. Detectives collected a DNA sample from PINA-CRUZ which was subsequently tested and was confirmed to match the DNA collected during the sexual assault examination of I.J.

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.

The defendant is presently charged with Aggravated Sexual Assault, Aggravated Kidnapping and Aggravated Robbery based on a police report that was made in 2006 by I.J. At the time of the report, I.J. reported that she was taken off the street at gunpoint, brought to a secluded location, and sexually assaulted by two unknown males. After sexually assaulting her, the two males took her belongings, including her cell phone, identification, and cash. I.J. was able to flag down someone on a motorcycle who called the police for her. I.J. was transported to the hospital and underwent a sexual assault exam where multiple samples of DNA were collected from her persona and her clothing was collected. DNA results subsequently identified two male contributors to several DNA samples which were later identified as Frank Benavidez and the defendant.

The defendant is currently incarcerated at the Utah State Prison following a conviction for Murder in December 2007. The defendant was also arrested with the co-defendant FRANK BENAVIDEZ a few months following the allegations in this case for Aggravated Kidnapping, Robbery and Aggravated Assault with a weapon. That case was dismissed, however the facts alleged in the police report include the defendant acting as the getaway driver while BENAVIDEZ forcefully removed a female from her vehicle and attempted to force her into the defendant's vehicle. Defendant has demonstrated he poses a risk to the safety and welfare of the victim and the community. The defendant still associates with BENAVIDEZ as they are both currently housed in the same prison for separate murder convictions. Based on the serious nature of the allegations, the defendant's criminal history and current incarceration, the State requests the Defendant be held without bail.

REQUEST FOR ISSUANCE OF A WARRANT:

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.

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: 16th day of November, 2023

/s/ DEREK COATS
Declarant

Authorized for presentment and filing

SIM GILL, District Attorney

/s/ Morgan Vedejs
Deputy District Attorney
16th day of November, 2023
MV / GG / DAO # 23.022352

OTHER PENDING CASES FOR THE DEFENDANT

Court	Court Case #	Trial Judge	DAO #	Charge
Third District Court, SALT LAKE DEPARTMENT	181910364	Hruby-Mills, Elizabeth A	23.013454	Count 1 76-5-302(2)+(3B) AGGRAVATED KIDNAPPING (First Degree Felony) Count 2 76-5-405 AGGRAVATED SEXUAL ASSAULT (First Degree Felony) Count 3 76-6-302 AGGRAVATED ROBBERY (First Degree Felony)