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AFFIDAVIT FOR ARREST

STATE OF TEXAS
COUNTY OF BELL

JANNA JENKS
DISTRICT CLERK
BELL COUNTY TEXAS

2020 AUG - 1 A 8:44

FILED

COMES NOW the undersigned Affiant, a peace officer under the laws of the State of Texas, after having been duly sworn on oath, deposes and says that I have good reason to believe and do believe that BRANDON MICHAEL OLIVARES committed the offense of MURDER as charged in the complaint to which this Affidavit is attached and that my belief in the foregoing is based on the following information.

I, HEATHER JENKS, AM A CERTIFIED PEACE OFFICER FOR THE STATE OF TEXAS CURRENTLY EMPLOYED WITH THE HARKER HEIGHTS POLICE DEPARTMENT, BELL COUNTY, TEXAS. PURSUANT TO MY DUTIES, I'VE BEEN ASSIGNED TO AN INVESTIGATION INTO A REPORT OF MURDER IN WHICH THE SUSPECT IS BRANDON MICHAEL OLIVARES. PURSUANT TO THIS INVESTIGATION I HAVE REVIEWED ALL OFFENSE REPORTS AND WITNESS STATEMENTS MADE IN CONNECTION WITH THIS INVESTIGATION.

I would advise the morning of May 18, 2020 at 10:16am a 911 call came into the Harker Heights Police Department about a body being on the side of the road near Fuller Ln & Oakridge Blvd, Harker Heights, Bell County, Texas. The body was identified as Brandon Rosecrans, a member of the United States Military and assigned to 215 Combat Support Company at Ft. Hood.

At 10:29am on MAY 18, 2020, Harker Heights Police Officers were dispatched to a structure fire call at the location of Evergreen Estates, near the 1500 block of FM 2410 and Cedar Knob Road, Harker Heights, Bell County, Texas. The structure fire turned out to be a vehicle on fire, a 2016 Jeep Renegade. The place where the Jeep Renegade was found was located at the top of a hill, by a water tower emblazoned with the city name, Harker Heights. The Jeep Renegade was determined to be registered to Brandon Rosecrans and Ronny Doss. This vehicle fire was approximately three (3) miles away from where Rosecrans' body was found.

Video found and reviewed by detectives shows the Jeep Renegade entering the neighborhood, where Rosecrans' body was discovered, near Fuller Ln & Oakridge Blvd at approximately 7:16am May 18, 2020 and leaving the neighborhood at approximately 7:22am the same morning. Video recordings also show the Jeep Renegade being driven into Evergreen Estates neighborhood and up the hill at Fraiser Fir and Jubilation Drive at approximately 10:17am the same morning. At the base of one side of the hill and on part of the slope is a neighborhood consisting of family homes. The land that does not currently have family homes is wooded or being cleared for construction. A small creek borders one side of the bottom of the hill. There are no roads or cleared hiking trails leading down the hill other than Jubilation Drive to Fraiser Fir.

The Jeep Renegade was found to be off the road, in a wooded area, at the end of the north cul-de-sac of Jubilation Drive. When Harker Heights Police and Harker Heights Fire Department arrived on scene the vehicle was completely engulfed in flames. The land on which the Jeep Renegade was set on

fire was in the care, custody, and control of Chad McLean and located within the incorporated city of Harker Heights, Texas. When the vehicle fire was extinguished by Harker Heights Fire Department personnel and a search of what remained of the vehicle was conducted. Found burned inside the vehicle were items detectives believed to belong to Rosecrans: clothing, shoes, and audio equipment. Detectives had spoken with acquaintances of Rosecrans who told them about some of the audio equipment he had in his Jeep Renegade. The Harker Heights Fire Marshall found what he believed to be a gun shot hole in the back-passenger side door of the Jeep Renegade. It was also observed that the front passenger seat was reclined almost all the way.

It was determined by the Dallas County Medical Examiner the manner of Rosecrans' death was homicidal violence. The autopsy performed on Rosecrans' body showed him to have died as a result of a gunshot wound. The DCME found four gunshot entrance wounds to Rosecrans' head and neck with one gunshot exit wound; "dense stippling" was found surrounding three of the four gunshot entrance wounds, leading detectives to believe the gunshots were made in close proximity. The general direction of the gunshot wounds were determined to be "left to right, front to back, and upward."

A search warrant was obtained for the cellular information Rosecrans' cell phone. A review of the cellular information showed Rosecrans in communication with BRANDON MICHAEL OLIVARES the night of May 17, 2020 and the morning of May 18, 2020. Upon talking with acquaintances of Rosecrans, detectives learned OLIVARES and Rosecrans were together the night of May 17, 2020 and the morning of May 18, 2020 and had possibly traveled together. A search warrant was obtained for OLIVARES' cellular information. Cross referencing the cellular GPS data from OLIVARES and Rosecrans' cell phones it shows them in the same locations on the morning of May 18, 2020.

At 7:09am and 7:10am, for Rosecrans' and OLIVARES' cell phones respectively, a cellular "ping" shows both cell phones traveling through Youngsport, Bell County, Texas, which is on the southern border of Harker Heights, Bell County, Texas.

At 7:19am and 7:22am May 18, 2020 cellular "pings" show OLIVARES' cell phone in the approximate location of where Rosecrans' body was found.

At approximately 10:28am, a man living in the neighborhood of Evergreen Estates called 911 in regards to a possible fire. He told authorities he heard a "boom" and then saw smoke coming from the top of the hill by the water tower. The caller advised officers he saw what looked like two people in the woods, coming down the hill, at the top of which was the Jeep Renegade. The witness called out to the people he saw in the trees and they changed direction and did not exit the wooded area where the witness could see.

At 10:31am a cellular "ping" shows OLIVARES' cell phone in the approximate location of where Rosecrans' Jeep Renegade was found.

At 10:51 am video footage was found showing OLIVARES walking along Granite Trail at 10:51am, after a canvas of homes for surveillance cameras in the neighborhood at the bottom of the hill. Granite Trail is a residential street at the bottom of the hill in Evergreen Estates. The direction of travel of OLIVARES in the videos was North. Multiple videos were found. The video that first shows OLIVARES on Granite Trail is the southern-most house on that street, closest to the wooded area spanning the top to bottom of the hill. The area from which OLIVARES was walking is the bottom part of the wooded area from where the Jeep Renegade was found on fire. Video was found that shows OLIVARES walking along Granite Trail until he reaches Knight's Way, which intersects Granite Trail.

At 11:02am OLIVARES stops and speaks with a female passerby, who told officers it seemed as if the man she spoke with was in a hurry. Video of this interaction was shown to acquaintances and a family member of OLIVARES who identified OLIVARES as the man in the video. When speaking with detectives, acquaintances of OLIVARES noted he usually carries a gun tucked into the waistband of his bottom garments. OLIVARES does not live in or around the neighborhood of Evergreen Estates where the Jeep Renegade was found nor in the neighborhood where Rosecrans' body was found.

An investigation by the Harker Heights fire investigator was started at the scene of the vehicle fire. Investigation into what started the vehicle fire was begun and further lab results are pending. It is believed a competent ignition source in the form of an open flame, heat source, or hot surface was used causing combustible items to ignite to start the vehicle fire. The fire investigator believes the fire was not a result of an electrical or mechanical accident due to his investigation and experience. When the vehicle was removed from the area, charred earth surrounding the placement of Jeep Renegade remained.

On the morning of June 4, 2020, OLIVARES was found at his residence at 1608 Alamo Ave Killeen, Bell County, Texas and arrested on an active arrest warrant issued for parole violations by the US Marshalls Fugitive Taskforce. Harker Heights detectives were also present. Multiple search warrants were obtained for a search of OLIVARES' residence.

During the search of OLIVARES' residence, a firepit was found in the yard that contained burned items. In these items was found to be a burned Jeep key. The keys to the Jeep Renegade owned by Rosecrans were not found on his body or in or around the burned vehicle.

An interview of OLIVARES was conducted later that same day. In the interview OLIVARES told a Criminal Investigations Division Detective, he (OLIVARES) was with Rosecrans, OLIVARES' girlfriend Estrellita Falcon also known as "Star," and Jai Smith, and they were driving back from San Antonio on the morning of May 18, 2020. When they returned to the Harker Heights area OLIVARES remained on the Northside of Harker Heights near Interstate 14. This story did not match up with a review of the cellular GPS data. OLIVARES told the detective he then dropped off Rosecrans and Smith at a house. Then OLIVARES said he left with Falcon; they went to a Wal Mart parking lot and he did not see Rosecrans again.

OLIVARES then admitted to lying to the detective about what he had just told him. OLIVARES asked to "start over" and then told the detective he was with Rosecrans the night of May 17, 2020 and the morning of May 18, 2020. OLIVARES said he, Rosecrans, Falcon, and Smith drove to San Antonio for Rosecrans to purchase illegal narcotics. The morning of May 18, 2020 the four were returning to Bell County after purchasing the illegal narcotics, and the route OLIVARES explained they drove matches the cellular "pings" of OLIVARES' and Rosecrans' phone GPS data reviewed by detectives. OLIVARES said Rosecrans had the illegal narcotics when they were driving back. No illegal narcotics were found on or with Rosecrans' body nor was Rosecrans' wallet ever recovered. At different points OLIVARES told the detective Rosecrans was driving the Jeep Renegade and then at other points OLIVARES said he was driving the Jeep Renegade.

OLIVARES told the detective he; Rosecrans, Falcon, and Smith went into the neighborhood of Evergreen Estates and went up to the top of the hill. OLIVARES said he and Falcon left Rosecrans and the Jeep Renegade with Smith at the top of the hill. OLIVARES said he and Falcon walked down the hill through the woods, leaving Rosecrans alive. OLIVARES told the detective the last time he saw Rosecrans alive was at the top of the hill of Evergreen Estates.

Two subsequent interviews of OLIVARES were conducted. In every interview OLIVARES told Detectives that Falcon had nothing to do with the murder. When confronted with a photo of OLIVARES holding a handgun, OLIVARES told detectives that it was the weapon with which Rosecrans was shot and he had been in possession of the handgun on May 17, 2020 but was no longer in possession of it because he had sold it to Smith that night. OLIVARES told Detectives the weapon was a 9mm Ruger. A review of messages from OLIVARES showed OLIVARES was in talks to trade the handgun to a third party, not Smith.

OLIVARES told detectives that Smith had killed Rosecrans in the Jeep Renegade while OLIVARES was driving. OLIVARES said he was in the driver's seat, Rosecrans was in the passenger seat, Falcon was in the rear driver's side seat, and Smith was in the rear passenger side seat. OLIVARES said Rosecrans was reclined in the seat. When the Jeep Renegade was found the front passenger seat was reclined almost the entire way back. OLIVARES told detectives, Smith had slid to the middle section of the rear seats, leaned forward, and stood hunching over the middle console to shoot Rosecrans.

After a review of the burned Jeep Renegade and a new Jeep Renegade, detectives believed the rear seat was too small for the shooting to have occurred in the way OLIVARES described Smith to have shot Rosecrans. A review of the gunshot wound paths also show that if Rosecrans was reclined in the seat, as OLIVARES told detectives, the trajectory of the entry wounds and bullet hole in the rear door, would not match the downward angle as OLIVARES showed in his interview. Detectives also believe that there would not be enough room for two adults in the rear seats if the front passenger seat was reclined as the leg room and available room on the seats would be too small.

OLIVARES also told detectives that Smith has been using his (Smith's) phone the entire night to and from San Antonio. A search warrant was conducted for two cell phone numbers associated with

Smith. A return of those GPS records show that Smith's cell phones were in Killeen the night of May 17, 2020 and the morning of May 18, 2020. The GPS records, from incoming and outgoing data, also show that neither of the two cell phones identified as belong to Smith traveled to or from San Antonio May 17, 2020 or May 18, 2020.

On August 4, 2020 Detectives interviewed Jai Smith and Smith's girlfriend, Jennifer Dowell, at Harker Heights Police Department. Smith told officers he did not travel to San Antonio with Rosecrans and OLIVARES. Smith told Detectives he was in Killeen the morning of the murder. Dowell told officers that Smith had not been away from their residence over night for the past few months and Smith had not traveled overnight in the past few months, to include May.

Dowell told detectives that OLIVARES and Falcon had come to the residence she shares with Smith. Dowell told officers that OLIVARES and Falcon seemed paranoid and nervous while she was at Dowell's residence. OLIVARES told Dowell that he has just killed a man and the man he killed, Rosecrans, was being "too greedy." OLIVARES told Dowell that he had shot Rosecrans because Rosecrans had tried to rape Falcon.

Dowell later spoke with Falcon who told her that Rosecrans hadn't tried to rape her and actually OLIVARES was discussing the sale of guns and a possible a "lick" or a robbery. Falcon also told Dowell that OLIVARES wanted more than Rosecrans was wanting to give. Falcon told Dowell that OLIVARES was scared to shoot Rosecrans and Falcon had called OLIVARES a "punk" for being scared. Falcon told Dowell that OLIVARES waited to shoot the man, Rosecrans, until he fell asleep since he was scared to shoot Rosecrans. Falcon told Dowell that OLIVARES wanted to "show out" and make a statement.

An approximate timeline summary of May 18, 2020 with timestamps put forth in this affidavit is as follows:

- 7:09am** – cellular "ping" of Rosecrans' phone in Youngsport, Bell County, Texas
- 7:10am** – cellular "ping" OLIVARES' phone in Youngsport, Bell County, Texas
- 7:16am** – video of Jeep Renegade entering Fuller/Oakridge neighborhood
- 7:19am** – cellular "ping" of OLIVARES' phone in the area of Fuller/Oakridge
- 7:22am** – cellular "ping" of OLIVARES' phone in the area of Fuller/Oakridge
- 7:22am** – video of Jeep leaving the Fuller/Oakridge neighborhood
- 10:16am** – 911 call of a body located in a ditch
- 10:17am** – video of Jeep driving up the hill at Fraiser Fir & Jubilation Drive (Evergreen Estates)
- 10:28am** – 911 calls of fire at the top of the hill at Evergreen Estates
- 10:29am** – dispatches of Harker Heights police to fire at Evergreen Estates
- 10:31am** – cellular "ping" of OLIVARES' phone in area of Evergreen Estates
- 10:51am** – video of OLIVARES walking north on Granite Trail at the bottom of the Evergreen Estates hill
- 11:02am** – video of OLIVARES' speaking with a female along Knight's Way which intersects Granite Trail

OLIVARES told detectives he was in the Jeep Renegade with Rosecrans to and from San Antonio. OLIVARES told detectives he was driving when Rosecrans was shot, he was driving when Rosecrans' body was dumped on the side of the road, and he was in the vehicle when the Jeep Renegade was left at the top of the hill by the water tower. OLIVARES told detectives he was in possession of the firearm that killed Rosecrans the day before Rosecrans was killed. OLIVARES told detectives Jai Smith was traveled to and from San Antonio with OLIVARES, Falcon, and Rosecrans and it was on the return trip, after passing over the long bridge in Harker Heights, that Smith shot Rosecrans and then made OLIVARES dispose of his body on the side of the road. A review of the cellular GPS location data of two phones associated with Smith, including the one OLIVARES told detectives was Smith's, show the cell phones to be in Killeen, Texas the night and morning of the murder of Rosecrans. The story told by OLIVARES of Smith leaning forward in the vehicle and shooting Rosecrans from above Rosecrans' head does not match with the gunshot wound paths determined by the DCME and the bullet hole in the Jeep Renegade. Smith told Detectives he has not traveled to San Antonio and he was in Killeen the morning of the murder. Dowell told Detectives that Smith did not travel overnight. Dowell also told Detectives that both OLIVARES and Falcon had confessed to her that OLIVARES had shot Rosecrans.

WHEREFORE, PREMISES CONSIDERED, YOUR AFFIANT REQUESTS THAT A WARRANT ISSUE FOR THE ARREST OF THE SUSPECT IDENTIFIED ABOVE FOR THE FELONY OFFENSE DESCRIBED ABOVE.



AFFIANT

SWORN TO AND SUBSCRIBED before me by the above named Affiant, as credible person, this the 5th day of AUGUST, 2020.



JUSTICE OF THE PEACE

PRECINCT NO. 42

BELL COUNTY, TEXAS