

1 **Statement of Facts**

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3 I, **Detective Joel Martinez #4117**, offer the following declaration as a synopsis of police  
4 reports, documents, interviews, and surveillance footage on an attempted homicide investigation  
5 assigned to San Jose Police Department (SYPD) case #22-059-1143 and Morgan Hill Police  
6 Department case 22-000-436. I am assigned to this investigation. Based on reports, statements,  
7 video footage and evidence, I believe the following to be true.

8 **Investigation:**

9 On 02/28/2022 at approximately 1514 hours, San Jose Police Officers responded to a Shooting  
10 into an Occupied Vehicle or Inhabited Dwelling call at multiple locations including Monterey  
11 Road and Bailey Avenue in San Jose, California, County of Santa Clara. A reporting party called  
12 and stated a vehicle had been shot into. Prior to the call, Morgan Hill Police received two similar  
13 calls for service.

14 San Jose Police Officers arrived on scene and contacted the victim vehicle, described as a Chevy  
15 Silverado, in the area of Madrone Avenue and Hale Avenue. San Jose Fire Department was on  
16 scene and provided medical treatment to Victim Paul Bender. The victim vehicle had three  
17 people inside at the time of incident. Victim Paul Bender was in the driver's seat, Victim Patricia  
18 Goularte was in the rear passenger seat, and Victim Harry Goularte was in the front passenger  
19 seat.

20 Victim Bender had sustained a gunshot wound and was transported to Regional Medical Center  
21 for treatment.

22 The investigation showed that Velasquez followed Victim Patricia Goularte and Victim Bender  
23 from their residence in San Martin to Morgan Hill and then to San Jose where Valezquez began  
24 shooting at the Victim's automobile.

25 The investigation revealed that Velasquez, driving a black Ford F250, pointed a gun at Victim  
26 Harry Goularte and fired a gun at him at Cochrane Road and Butterfield Blvd in Morgan Hill.  
27 Victim Harry Goularte was recently charged with molesting a close relative of Velasquez and  
28 was out of custody on bail/SORP.

29 When the Victim automobile neared the intersection of Bailey Avenue, Velasquez was able to  
30 close the distance and rammed the Silverado with his Ford. Witnesses #1 and #2 also described  
31 witnessing the suspect vehicle ramming into the Victim's vehicle.

32 Velasquez continued to follow Victim vehicle to the area of Monterey Road and Bailey Avenue  
33 where two shots were fired. Victim Paul Bender was shot in arm and also sustained injuries to  
34 his flank. Four shell casings were found near the intersection of Monterey Road and Bailey  
35 Avenue. A shell casing was also lodged into the exterior part of the rear passenger victim door.

36 Officer Mendes #4937 obtained a photograph of suspect Velasquez using the CA DMV database  
37 and Victim Patricia Goularte positively identified Suspect Velasquez. Cain Velasquez was  
38 identified by Victim Patrica Goularte as the shooter. Victim Patricia Goularte stated Suspect  
39 Velasquez employed her Daycare Facility for the last two years.

1 Morgan Hill Police Officers located the suspect vehicle and initiated a vehicle stop on the black  
2 Ford truck. The black Ford truck pulled over and Suspect Velasquez exited the vehicle and was  
3 taken into custody without incident.

4 Morgan Hill Police located and recovered a 40-caliber semi-automatic handgun in the suspect's  
5 vehicle and turned over custody of the firearm to the San Jose Police Department. The firearm  
6 was loaded with 9 bullets in a 10-round magazine. Another magazine was located in the console  
7 which contained 3 bullets in a 10-round magazine. Two spent casings 40-caliber casings were  
8 found on the front passenger seat.

9 The firearm was found to be legally registered to Suspect Cain Velasquez. During the  
10 investigation, patrol officers located multiple spent casings at the scene.

11 A Gun Violence Restraining Order was served to the suspect before being booked into Santa  
12 Clara County Jail.

13 I am informed and believe the aforementioned facts to be true and believe that there is  
14 probable cause to believe that the Suspect Cain Velasquez is guilty of the attempted murder of  
15 Victim Paul Bender.

16 Signed in San Jose, California on the \_\_\_\_ of March 2022 under penalty of perjury.

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22 Detective Joel Martinez #4117

23 San Jose Police Department/Assaults Unit

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