

State of Texas
County of Bexar

In the Magistrate Court
Number: 022753

Affidavit for Arrest Warrant

The undersigned Affiant, M. Morales #2192, being a Peace Officer under the laws of the State of Texas and being duly sworn, on oath, makes the following statements and accusations:

- A victim in this case has been identified as Jane Doe, date of birth April 4, 1984, hereinafter referred to as the Victim.
- An actor in this case has been identified as Mark H. Benavides, date of birth October 1, 1969, hereinafter referred to as the Defendant. Said Defendant is further identified in SAPD computer files under SID # 0495595

- It is the belief of your Affiant that the offense of
Compelling Prostitution

was committed on or about the 10th day of May, 2009, in Bexar County, Texas.

- Your Affiant has probable cause for said belief by reason of the following facts:

I your Affiant am a detective for the San Antonio Police Department Special Victims - (SVU). My duties as a detective include, but are not limited to investigating crimes of a sexual nature, crimes against children and crimes of family violence. Due to the nature of the offense the identity of the Victims and Witness will not be revealed. However, if so requested their identity shall be revealed to the presiding Magistrate Judge in closed chambers.

The allegations were investigated by both the San Antonio Police Department and the Bexar County District Attorney's Office. There are three known Victims and two Witnesses who have come forward to provide information and some have provided sworn statements. The Defendant's alleged criminal activity approximately began in 2009 and continued. The criminal investigation initially began after one of the Defendant's clients reported to the police that on numerous occasions she had been compelled to engage in sexual intercourse and sexual contact with the Defendant. The incident was documented under SAPD case no. 12077404 as official oppression. The investigation stalled after we were unable to corroborate these allegations. The Bexar County District Attorney's Office was notified of the investigation and they agreed to assist with the investigation and identify any possible victims.

As time progressed, the investigation gained traction after Victim1, Victim2, and Witness 1 all came forward and provided sworn statements to the Bexar County District Attorney's Office. Additionally, Victim3 and Witness2 have been interviewed by the District Attorney's Office and provided corroborating information. The Victims do not have any knowledge of each other nor are they to be considered acquaintances. In particular each of the Victims statements identified the Defendant as being their legal counsel for their criminal cases. The statements each Victim and Witness provided are similar in describing how the Defendant would compel them to engage in sexual acts and sexual intercourse while video recording several of these encounters. The Defendant would transport the Victims to a local motel for the purposes of a sexual encounter and would either pay them monetarily or expect the sex acts to be performed in exchanged for legal services. The Defendant would also use his position of legal counsel over the Victims criminal cases to press them into the sexual encounters.

Victim1 said she met the Defendant when she was about 21 years of age (2005) while she was prostituting in the area of Hamilton and Guadalupe St. Victim1 said the Defendant drove up in a white Expedition and asked her if she wanted a date. Victim1 said she agreed to go with the Defendant and he drove her to a hotel located at Frio St and Guadalupe St, which is identified as the River Inn Motel. Victim1 said the Defendant paid for the room and upon both entering the room they engaged in oral and vagina sex. During this encounter the Defendant told Victim1 he would pay her more money if she would agree to him videotaping the sexual encounter. The Defendant told Victim1 he would only use the videos for personal viewing and will keep the video recorded footage locked up in his place of residence. After they had completed their sexual arrangement the Defendant drove Victim1 home and told her if she ever needed help getting out of jail he could help her because he was a lawyer. The Defendant gave Victim1 his business card and told her to call him, which lead her to have numerous sexual encounters with the Defendant at his law office, in his vehicle, at his father's office on the Southside of town and in the Bexar County Court house. Victim1 said beginning in 2009 the Defendant began to represent her as her attorney for all off her prostitution cases. Victim1 said she never paid the Defendant with currency and instead all she had to do was agree to have sexual encounters with him for the services he provided. Victim1 said there were times she did not want to have sex with the Defendant, but whenever she was in jail he would agree to bail her out as long as she had sexual intercourse with him. When the Defendant and Victim1 would appear in court for her case he would tell her she needed to have sex with him prior to taking care of her case and filling out the court documents for her criminal case. Victim1 also recalls on one occasion while at court her mother almost caught them having sex in one of the rooms just outside of the courtroom. Victim1 said she was afraid of getting caught by someone, but the Defendant would lock the door and her mother was trying to open the door and kept turning the door knob. On this particular occasion the Defendant opened the door and told Victim1's mother she could not be in the room due to attorney client privilege. On a separate incident while at the court house for one of her criminal cases the Defendant took Victim1 to another room and pressed her to have sex with him by telling her "I'll get it dropped if we have sex." Victim1 had sex with the Defendant on this occasion, because she felt she had no other choice and was afraid of what negative implications would occur if she refused. Victim1 also recalls having sex with the Defendant near a room by the 186th District Court as well as having sex with him in his vehicle after leaving the courthouse. Victim1 described the defendant having a tattoo on his back of the "scales" like on the defendant's business card. Victim1 also recalls in 2012, she saw several signs of the Defendant stating he was running for Judge so she decided to call him. The Defendant told Victim1 he missed her and wanted to see her, but she told him no and he reminded her he had the videotapes of them having sex. Victim1 said the Defendant used a Black hand held camcorder with a view screen that popped out to its side to record their sexual encounters. Just recently in 2015, Victim1 was in court being represented by her new attorney and the Defendant motioned to her, but she ignored him. Victim1 said she only agreed to the sexual encounters with the Defendant because he was her attorney and she was afraid he would not properly represent her in court or leave her in jail.

Victim2 is also one of the Defendant's former clients he represented during a criminal case. Victim2 knew who the Defendant was from a previous relationship she had with him. Victim2 said during one of her court appearances the Defendant approached her and told her he knew the presiding Judge; he could get her an attorney's bond and a fair deal. Victim2 said she went ahead and hired the Defendant as her defense counsel. Victim2 said after she was bonded out the Defendant asked her to meet him at his friend's office located on Buena Vista. Victim2 said whenever she met the Defendant at the listed office they would engage in sexual intercourse. Victim2 said during one of her court appearances in 2012 and while in the 399th District Court the Defendant took Victim2 into the jury room and had sexual intercourse with her. Victim2 said due to the Defendant's relationship with the Judge in the 399th District Court she was pressed and believed if she did not agree to the sexual encounter the Defendant would somehow negatively alter the outcome of her case. Victim2 said she would and the Defendant would have their sexual encounters at his friend's office after he told her, "I [she] had to keep my attorney happy." Victim2 said she felt compelled to consent to the sexual encounters, because she was scared and because he had all of their money and because of his relationship with the Judge in the 399th District Court, which the Defendant made known to Victim2. Victim2 said "I was scared that he was going to get my bond revoked. I was scared that he was going to tell the Judge something that was going to get me a worse sentence. Because he always told me that he would get me a good deal at the end and that I always had to keep my attorney happy. And I was scared that if I didn't do it he was not going to

comply with the promises that he promised me." Victim2's statement was corroborated by Witness2 who came forward to say that she would drive Victim2 to meet the defendant for sex and that she also filmed the defendant having sex with Victim2 for the defendant. Witness2 had the understanding that Victim2 had to meet her attorney to make these "payments" (sex acts) regularly or he would go off of her bond. Witness2 mentioned that the defendant has a tattoo of the "scales of justice" on his back.

Victim 3 communicated to the District Attorney's office that the defendant had been her lawyer on at least two cases. The first time she met him was in the jail court- where he told her he would take care of her case and get her out of jail if she would take care of him later. He then picked her up from the jail and took her to the Tiver Inn Motel where they had sex. Later, she hired him on another case and he told her to meet him at the courthouse on Tuesdays and to tell her boyfriend she had to come alone to fill out paperwork. When she went to the courthouse he then had her leave with him in his white SUV and took her to the River Inn Motel. On the way there he told her that because she could not come up with the full amount he wanted to be paid that she would have to meet him every Tuesday to "make payments" like this at the motel. She understood that to mean sex. He told her if she did not meet him he would get off of her bond. They had sex at the hotel and then he took her back to the courthouse. She described the defendant digging around in what she thought was a locked box in the back of his SUV before they went into the motel. She believed that is where he retrieved his video camera that he filmed the sex with. She did not meet with him the next week and he went off her bond and she was subsequently arrested.

Witness1 said she met the Defendant sometime in 2012 after being introduced to him by her then Pimp, who went by the name of "Ram". The Pimp asked Witness1 if she wanted to make some money and she told him yes so he arranged a date with an individual at a motel that was blue in color and near the Guadalupe St bridge. The Pimp called the individual and physically described Witness1 to him. The Pimp transported Witness1 to the motel in his vehicle and upon arriving he reminded her she was there to have sex with the individual and also told her what room he was in. Witness1 said she went into the room and noticed the individual had a camera set up by the bed and told her he was going to video record their sexual encounter. Witness1 agreed to the video recording as long as her face was not shown and if the Defendant didn't show it to anyone else. The individual told Witness1 the video recording would be for his personal use and he will keep them safe and locked up in his house. Witness1 said she had oral and vaginal sex with this individual and he gave her 200.00 dollars for the sexual encounter. Witness1 was eventually arrested during the early summer months of 2012 for prostitution. During her court appearance she saw and recognized the same individual and realized he was an attorney and the Defendant. After she got out of jail and while at the "Picnic Food Mart" near the Guadalupe St. bridge she saw the Defendant and he signaled for her to come to his vehicle. Witness1 said the Defendant was driving a white SUV and provided her with his business card that had a picture of judicial scales with his contact information. Witness1 said the Defendant also has the judicial scales tattooed on his back and she saw the tattoo during their sexual encounter. Witness1 said she had another sexual encounter with the Defendant at the exact same motel she first met him. This time the Defendant picked up Witness1 from a convenience store called "Mario's" near Guadalupe St and Hamilton Ave. The Defendant was driving his white SUV and drove her to the motel to have a sexual encounter and paid Witness1 100.00 dollars. The Defendant also told Witness1 she no longer had to go through her Pimp and instead could call him directly so she could make more money this way. Witness1 said she tried calling the Defendant to set up a date with him, but he told her to stop calling her because he had a wife and kids. Witness1 said she often saw the Defendant at the Courthouse, but he never represented her for any of her criminal cases.

Investigators with the Bexar County District Attorney's Office have collected surveillance video which show the Defendant paying for a motel room at the "River Inn Motel", located at 909 S. Frio St. next to the intersection of the Guadalupe St. Bridge and S. Frio. The Victims all stated they were financially and emotionally attached to the Defendant because he was their legal counsel for their criminal cases. The Defendant used his power and dominance to exploit their emotions and compel the Victims into the sexual encounters and the video recordings.

• Your Affiant has reason to believe, and does believe, the said Defendant, Mark H. Benavides, on or about the 10th day of May, 2009, in Bexar County, Texas,

Did knowingly compel the Victims to engage in prostitution by causing them by force, threat, or fraud to commit prostitution.