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8 *Attorney for Plaintiff*

9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF ARIZONA**

12 Javier Lorenzано-Nunez,
13
14 Plaintiff,
15
16 v.
17 Detective Dominick Roestenberg (Badge No. 6773) individually and in his official capacity as an officer with the Phoenix Police Department; City of Phoenix, a government entity; Michael Baker, individually and in his official capacity as Deputy Maricopa County Attorney; Elizabeth Reamer, individually and in her official capacity as Deputy Maricopa County Attorney,
18
19 Defendants.

No.:

COMPLAINT

(Civil Rights/Tort-Personal Injury)

(Demand for Jury Trial)

20 Plaintiff, for his complaint against Defendants, alleges as follows:

21 INTRODUCTION

22 1. This is an action for money damages brought pursuant to 42 U.S.C. §§
23 1983 and 1988, the Fourth and Fourteen Amendments to the United States Constitution;
24 Article 2, §§ 4, 8 and 13 to the Arizona Constitution; and under the law of the State of
25 Arizona, against defendants Detective Dominick Roestenberg (Badge No. 6773) officer
26 with the Phoenix Police Department, City of Phoenix, Michael Baker, Deputy County
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1 Attorney with the Maricopa County Attorney’s Office; and Elizabeth Reamer, Deputy
2 County Attorney with the Maricopa County Attorney’s Office;

3 2. It is alleged that the Defendants caused Plaintiff to be arrested without
4 probable cause, violating his rights under the Fourth and Fourteen Amendments to the
5 United States Constitution, in that these defendants committed gross negligence, false
6 arrest, false imprisonment, negligent infliction of emotional distress, and defamation.

7 JURISDICTION AND VENUE

8 3. This action arises under the Constitution of the United States, particularly
9 the Fourth and Fourteen Amendments, and under the laws of the United States,
10 particularly the Civil Rights Act, 42 U.S.C. § 1983 and 1988, and under Arizona state
11 law.

12 4. This court has jurisdiction over plaintiff’s federal civil rights claim
13 pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1343, and 28 U.S.C. § 144.

14 5. This court has supplemental jurisdiction of plaintiff’s state law causes of
15 action pursuant to 28 U.S.C. § 1367(c).

16 6. The acts complained of occurred within Maricopa County, State of
17 Arizona. All defendants reside in Arizona. Thus, venue is proper in the District Court
18 of Arizona pursuant to 28 U.S.C. § 1391(b).

19 7. As to plaintiff’s claim under state law, plaintiff served defendants with a
20 Notice of Claim pursuant to A.R.S. § 12-821.01 which complied in all ways with the
21 statute, which was timely served on January 29, 2026, and which is deemed denied by
22 operation of statute.

23 PARTIES

24 8. Plaintiff Javier Lorenzано-Nunez is and was at all times relevant herein a
25 citizen and a resident of Mexico.

26 9. Defendant City of Phoenix is a political subdivision of the State of
27 Arizona. Phoenix Police Department (“PPD”) is a law enforcement agency in Maricopa

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1 County. Defendant City of Phoenix is responsible for the actions of officers, including,
2 but not limited to, defendant Roestenberg.

3 10. Defendant Detective Dominick Roestenberg (“Roestenberg”) was at all
4 times relevant to this complaint acting as an employee of the Phoenix Police Department.
5 He is a state actor as the term is used in the jurisprudence of 42 U.S.C. § 1983.

6 11. Defendants Baker and Reamer were at all times relevant to this complaint
7 acting as employees of the Maricopa County Attorney’s Office (“MCAO”). They are
8 state actors as the term is used in the jurisprudence of 42 U.S.C. § 1983.

9 12. The actions of Defendants herein alleged were committed under color of
10 State law, to-wit, under the color of the statutes, ordinances, regulations, policies,
11 customs and usages of the State of Arizona, County of Maricopa.

12 13. Defendants Roestenberg, Baker, and Reamer are being sued in both their
13 individual and official capacities. Defendants Roestenberg, Baker, and Reamer’s actions
14 at all times herein mentioned were done within the course and scope of their agency and
15 employment with MCAO, and the City of Phoenix.

16 14. Defendant City of Phoenix is responsible for the actions of their individual
17 deputies and employees under the doctrine of respondeat superior for the state law claim.

18 FACTS COMMON TO ALL COUNTS

19 **A. Phoenix Police Department.**

20 15. Plaintiff is a Mexican national residing in Mexico. He was accused of the
21 murder of Sarah Carr in Phoenix, Arizona (“Victim”) in July 1998.

22 16. Shannon Fisher, an eyewitness, was presented a photographic line-up by
23 Phoenix Police Department (“PPD”), identified a MVD photograph of Gilbert Noel
24 Sanchez Rosado as the person (“Suspect”) who shot and killed the Victim, known to the
25 eyewitness as “G.”

26 17. PPD also spoke with Bernard Gard, the owner of the Phoenix home where
27 the murder took place, who rented to the Suspect, and identified the Suspect from the

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1 MVD photo. Notably, Mr. Gard stated that the Suspect was a current tenant and had
2 rented other properties from him in the past. PPD issued an arrest warrant with the date
3 of birth and social security number for Mr. Sanchez Rosado, but they were unable to
4 locate him, however the investigation continued.

5 18. On April 27, 1999, PPD Officer Ira Williams (#2678) authored a report
6 that detailed the results of a subpoena for the employment records of the Suspect. The
7 report confirmed the date of birth and social security number for the Suspect, as well as
8 confirming the known employer, Samuel Lawrence Furniture, aka Wood Stuff
9 Manufacturing, for the second quarter of 1998. The employer was located in Phoenix.

10 19. On September 7, 2007, Officer John Cleary of PPD authored a
11 departmental report noting that PPD had been contacted by the Puerto Rico Police
12 Department informing them that they had a person named Gilbert Noel Sanchez Rosado
13 in custody, with the same date of birth and social security number as listed in the PPD
14 warrant (the “Puerto Rico Suspect”).

15 20. Officer Cleary sent a photograph of the Suspect to the Puerto Rico police
16 and received a set of fingerprints for the Puerto Rico Suspect. While it has not been
17 established whether the identity of the Suspect and the Puerto Rico Suspect were
18 confirmed, there has never been any indication of any connection between the Suspect
19 and Plaintiff, nor a connection between the Puerto Rico Suspect and Plaintiff.

20 21. On November 2, 2007, PPD Officer Ira Williams (#2768) authored a
21 departmental report indicating that he had submitted the Suspect’s photograph to the
22 MCSO Arizona Counter Terrorism Information Center’s (“ACTIC”) facial recognition
23 unit to compare with the millions of images in their system.

24 22. He recounted that ACTIC was not able to find any matches in the millions
25 of images in their system but were attempting to locate and identify the suspect in
26 Mexico, and that the investigation was continuing. As there were no follow-up reports
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1 regarding a search in Mexico until Defendant Roestenberg’s report in 2016, it is
2 presumable that no match was ever made.

3 **Detective Roestenberg Targets Plaintiff Without Any Evidence**

4 23. In November 2016, PPD Detective Roestenberg, requested the Arizona
5 Department of Public Safety (“DPS”) to run the MVD photograph of Gilbert Noel
6 Sanchez Rosado through their Facial Recognition Software and to compare the image
7 with known subjects in the DPS and FBI Next Generation Identification (“NGI”)
8 databases. The facial recognition software returned with 200 possible matches from the
9 DPS database and 50 possible matches from the NGI database. Sergeant Heltemes from
10 DPS narrowed Plaintiff as a possible lead and noted 7 similarities between the images.

11 24. Despite Sergeant Heltemes’ comparison of the similarities in their
12 appearance, the DPS Report ignores several issues that cast doubt on any connection
13 between the Suspect and Plaintiff. First, the report acknowledges that DPS Specialist
14 Steffani Skelton conducted follow-up research on Plaintiff but found no known ties to
15 Arizona. There is also a difference between the date of birth between the men, 3/17/1969
16 for Suspect vs. 3/18/1965 for Plaintiff.

17 25. Initially following the shooting of the Victim, Oscar Ortiz, the Suspect’s
18 roommate provided personal details about his origin. Mr. Ortiz explained that Suspect
19 was born in Durango, Mexico and grew up with him near Mazatlán, Sinaloa, Mexico
20 since they were both kids. Plaintiff was born in Guerrero, Mexico more than 772 miles
21 away from Durango, Mexico.

22 26. Plaintiff’s lack of any known ties to Arizona and the consistent statements
23 in Mr. Gard’s testimony confirming that the Suspect was at the time a tenant and had
24 rented properties in the past should have raised significant doubts. Furthermore,
25 Suspect’s roommates had confirmed that the Suspect had lived in Arizona for an
26 extended amount of time.

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1 27. To add insult to injury, PPD was already in possession of information
2 regarding the Suspect’s employer during the period in question and could have verified
3 whether the Suspect had been at work at time that Plaintiff was living in California with
4 his family. On top of that, PPD had received the fingerprints of the suspect that was in
5 custody in Puerto Rico that matched the name, date of birth, and social security number
6 of Suspect. There is no indication that PPD attempted to match these fingerprints with
7 Plaintiff’s.

8 28. Finally, as previously stated, the DPS report indicates that Plaintiff had
9 been served with a removal order. This should have been a significant concern, as the
10 Puerto Rico Police Department had provided PPD with the Puerto Rico Suspect’s
11 fingerprints. Had the Puerto Rico Suspect’s fingerprints been a match to Plaintiff’s, it
12 seems likely that Plaintiff would have been immediately identified and not removed from
13 the United States. While any one of these issues should have raised concerns and could
14 have easily been resolved, Det. Roestenberg apparently ignored all of them.

15 29. Rather than investigating the several pieces of evidence controverting any
16 connection between the two, PPD instead requested a search warrant to Google seeking
17 all personal information associated with an email address that belonged to Plaintiff. PPD
18 deliberately listed the name of Gilbert Noel Sanchez Rosado as an alias for Plaintiff.

19 30. Furthermore, on December 20, 2020, Det. Roestenberg submitted
20 Plaintiff’s fingerprints received from San Diego Sheriff’s Department from a 2011 arrest.

21 31. Later, at the grand jury presentation, a grand juror asked about DNA
22 evidence. Despite having Plaintiff’s fingerprints, Det. Roestenberg responded, “So the
23 scene was processed for evidence, which included DNA evidence and fingerprint
24 evidence. Due to the fact that Javier lived in the home, we haven’t done direct
25 comparisons yet.”

26 32. While the trial court did not cite this discrepancy, Det. Roestenberg’s
27 testimony was deliberately misleading, as he had personally submitted Claimant’s

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1 fingerprints for testing nearly four years earlier. In fact, those results came back without
2 any identification, were excluded from two latent prints and inconclusive on two prints.
3 This is evidence of intentional conduct.

4 **B. Maricopa County Attorney’s Office.**

5 33. In late December 2020, Det. Roestenberg, and Deputy Maricopa County
6 Attorneys (“DCAs”) Michael Baker and Elizabeth Reamer secured an indictment from
7 grand jury by misrepresenting that the Suspect and Plaintiff were the same person, in
8 violation of Plaintiff’s due process rights.

9 34. MCAO originally recognized the discrepancy between the name of the
10 Suspect on the criminal complaint, which was Gilbert Noel Sanchez Rosado, and
11 Plaintiff’s, Javier Lorenzано-Nunez.

12 35. On September 24, 2020, months prior to the grand jury presentation,
13 Janelle De Lano of MCAO, acknowledged in an email to Adena Astrowsky and Amanda
14 Parker, that, “Actually, Javier is an alias in Karpel. His name in Karpel is Gilbert
15 Rosado.”

16 36. Upon information and belief, the September 24, 2020 email between Ms.
17 De Lano, Ms. Astrowsky, and Ms. Parker, was included in the investigative file.

18 37. DCAs Baker and Reamer either were aware of the identification issues, or
19 should have been, as it would have been apparent upon a basic review of Plaintiff’s
20 investigative file, given Ms. De Lano’s comments. That indictment was invalidated by
21 the trial court on February 26, 2025.

22 **C. Arrest and Court.**

23 38. Plaintiff was arrested in Tijuana, Mexico, by the U.S Marshalls and
24 extradited to the United States for 1st Degree Murder. On October 24, 2024, the Phoenix
25 Police Department, on behalf of the City of Phoenix, posted a video to YouTube
26 trumpeting the arrest of Plaintiff and accusing him of the murder of the Victim.
27 (<https://www.youtube.com/watch?v=6jduy3iPvA0>).

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1 39. Plaintiff made his initial appearance later that day, after having been in
2 custody in Mexico for approximately 90 days. He was in custody of Maricopa County in
3 the 4th Avenue Jail for 286 days. His case was *State v. Javier Lorenzано-Nunez*, Case
4 number CR2020-002309-001 DT, in Superior Court of Arizona, in Maricopa County.

5 40. In a February 26, 2025 Minute Entry (“the February 2025 Minute Entry”),
6 the Honorable Aryeh D. Schwartz, granted a defense Motion to Remand the case to the
7 grand jury, finding that the defense had “sufficiently demonstrated a due process
8 violation that was material to the indictment. The presentation was not fair and
9 impartial.”

10 41. In it, Judge Schwartz explained how Defendant Det. Roestenberg misled
11 the grand jury:

12 “When Detective Roestenberg presented his testimony to the grand jury and
13 discussed the identifications involving Gilbert, he essentially substituted
14 Defendant’s name or identity for Gilbert’s, without addressing that
15 Defendant and Gilbert are believed to be the same person. For example,
16 without limitation, when asked whom Ms. Fisher recognized in the photo
17 lineup, the detective testified, ‘She selected Javier Lorenzано-Nunez.’ But
18 that was a misstatement, misleading, inaccurate, or otherwise not fair because
19 she identified Gilbert, who may or may not be Defendant. **The issue of
20 whether Defendant is Gilbert was not addressed, yet the detective
21 presented his testimony to the grand jury as if it were an objectively
22 established fact.**”

23 (emphasis added)

24 42. Judge Schwartz held that “[T]he misrepresentation must have been
25 material to the grand jury’s indictment, because the grand jury’s role, as discussed above,
26 includes determining whether probable cause exists to believe that the person being
27 investigated of a crime is the person who committed it.” Judge Schwartz granted the
28 defense motion remanding the case back to the grand jury.

29 43. The case was eventually resubmitted to the grand jury, a supervening
30 indictment issued, and a Notice of Supervening Indictment recognized by the trial court
31 on March 10, 2025. The defense challenged the Supervening Indictment by Motion on

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1 April 30, 2025. While the trial court eventually denied the defense motion on August 1,
2 2025, the State filed a Motion to Dismiss on August 4, 2025. Judge Schwartz granted the
3 State’s Motion to Dismiss on August 5, 2025.

4 44. Plaintiff was released from custody on August 6, 2025.

5 45. Plaintiff was held in custody of Maricopa County for 286 days and an
6 additional 90 days in Mexico without a valid warrant for his arrest.

7 46. During his incarceration in Mexico, Plaintiff was beaten, subject to gang
8 violence, and blackmail.

9 47. Despite the charges against Plaintiff having been dismissed, the video
10 published by Defendants City of Phoenix and Roestenberg remains available on
11 YouTube as of the date of filing this Complaint.

12 COUNT ONE

13 **(Violation of 42 U.S.C. § 1983 and the Deprivation of Rights under the Fourth and**
14 **Fourteenth Amendments to the United States Constitution against the**
15 **Defendants)**

16 **(Defendants Roestenberg, Baker, and Reamer)**

17 48. Plaintiff hereby incorporates all preceding paragraphs by reference.

18 49. This count is brought pursuant to 42 U.S.C. § 1983 and the Fourth and
19 Fourteenth Amendments to the United States Constitution.

20 50. The Maricopa County Sheriff’s Office was aware of the identification
21 issues in September 2020, months before Defendants Baker and Reamer presented the
22 case to the grand jury.

23 51. As probable cause had not been established by the grand jury, Defendants
24 Baker and Reamer were not acting as advocates of the State and are not entitled to
25 absolute immunity.

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- 2. For an award of compensatory damages in an amount to be proven at trial for the injury to reputation, pain, suffering and emotional distress sustained by plaintiff;
- 3. For attorney's fees and costs, as allowed by law, incurred and expended herein; and
- 4. For such other relief as the court deems just and proper.

JURY DEMAND

Plaintiff respectfully requests a trial by jury on all issues in this matter triable to a jury.

DATED this 11th day of June, 2026.

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By: /s/Daniel R. Ortega Jr.
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Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

The completed cover sheet must be printed directly to PDF and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s): Javier Lorenzано-Nunez , ; **Defendant(s):** Dominick Roestenberg , Detective; City of Phoenix , ; Michael Baker , Deputy Maricopa County Attorney; Elizabeth Reamer , Deputy Maricopa County Attorney;

County of Residence: Outside the State of Arizona

County of Residence: Maricopa

County Where Claim For Relief Arose: Maricopa

Plaintiff's Atty(s):

Defendant's Atty(s):

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6023864455

IFP REQUESTED**REMOVAL FROM COUNTY, CASE #**

II. Basis of Jurisdiction:

3. Federal Question (U.S. not a party)

III. Citizenship of Principal Parties(Diversity Cases Only)

Plaintiff:-

N/A

Defendant:-

N/A

IV. Origin :

1. Original Proceeding

V. Nature of Suit:

440 Other Civil Rights

VI.Cause of Action:

42 U.S.C. §§ 1983 and 1988, violation of the Fourth and Fourteenth Amendments to the U.S. Constitution

VII. Requested in Complaint

Class Action:

No

Dollar Demand:

Jury Demand:

Yes

VIII. This case is not related to another case.

Signature: Daniel R. Ortega Jr.

Date: 06/11/2026

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.