

IN THE METROPOLITAN COURT

STATE OF NEW MEXICO

- VS -

NAM: Solomon Peña

ADD: [REDACTED]

DOB: [REDACTED] /1983

SSN: [REDACTED]

DES: 5'6", 169lbs, Brown hair, brown eyes

WARRANT FOR ARREST

THE STATE OF NEW MEXICO TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT
You are hereby commanded to arrest the above-named defendant and bring the defendant without unnecessary delay before me to answer the charge of:

Felon in Possession of a Firearm; Shooting at an Occupied Dwelling -4 counts; Shooting at or from A Motor Vehicle -4 counts; Attempted Aggravated Battery with a Deadly Weapon (Firearm Enhancement); Conspiracy -4 counts; Criminal Solicitation

BOND: NO BOND HOLD

Contrary to Section (s): 30-7-16, 30-3-8, 30-3-8, 30-3-2, 30-28-2, 30-28-5
NMSA 1978

Dated this 16th Day of JAN, 2023 @2157



JUDGE

RETURN WHERE DEFENDANT IS FOUND

I arrested the above-named defendant on the _____ Day of _____, 20__

And served a copy of this warrant on the _____ Day of _____, 20__

EXTRADITION APPROVAL

SIGNATURE

TITLE

An Arrest Warrant may be directed to a full-time salaried state or county law enforcement officer, a municipal police officer, a campus security officer, or an Indian tribal or pueblo law enforcement officer.

If the judge is unavailable, defendant must be brought forthwith before designee for setting of conditions of release. A defendant accused of a bailable offense may not be held without the setting of conditions of release (Magistrate Court Rule 18)

STATE OF NEW MEXICO
-VS-

ARTICLE 2
INITIATION OF
PROCEEDINGS
STATE OF NEW MEXICO
COUNTY OF BERNALILLO
IN THE METROPOLITAN
COURT

Name: Solomon Peña
Address: [REDACTED]
D.O.B. /1983
S.S.N. [REDACTED]
Charge: Felon in Possession of a Firearm; Shooting at an Occupied Dwelling -4 counts; Shooting at or from A Motor Vehicle -4 counts; Attempted Aggravated Battery with a Deadly Weapon (firearm enhancement); Conspiracy -4 counts; Criminal Solicitation

Arrest Date: _____
Driver Lic. #: [REDACTED] 5 376
Citation #: _____
Arrest #: _____
Docket #: _____
Date Filed: _____

Complainant or Officer: C Griego Man #: 3142

CRIMINAL COMPLAINT- ARREST WARRANT AFFIDAVIT

The undersigned, under penalty of perjury, complains and says that on or about the 16 day of January 20 23, in the County of Bernalillo, State of New Mexico, the above-named defendant(s) did (here state the essential facts):

OVERVIEW

On 12/4/22 at about 1640 hours, Bernalillo County Commissioner Adriann Barboa, called police after her Albuquerque residence was stuck with gunfire. The address is not disclosed here for the safety of the occupants. The time of the shooting was approximately 1536 hours. A ShotSpotter event indicated that detected about eight discharges originating near the residence. Damage to the house and a parked vehicle was documented. Three spent casings were collected from the scene for evidence and forensic testing. Neighbors noted a truck was possibly involved. That same day, an identified woman reported her SUV stolen between the hours of 1PM and 6PM. On her way home, she and her boyfriend discovered her vehicle parked near 1200 Dickerson SE. They drove it home and discovered at least one firearm casing inside. They called police, who collected the casing and had it tested. The casing in this stolen vehicle matched the casing found at Adriann Barboa's residence.

On 12/8/22, at about 0652 hours, Javier Martinez' home in Albuquerque was struck with gunfire. Javier Martinez is an elected official and his wife called police after the incident. The address is not disclosed here for the safety of the occupants. The officials' wife was inside the home when she heard gunfire erupt. Her neighbor also heard the gunfire and contacted her. A neighbor witnessed a light colored pick-up truck speeding away from the area. The elected official's garage was struck and damaged by the gunfire. The projectiles were collected and tagged for evidence and forensic testing. On 1/6/23, a neighbor contact police after a casing was located. On 12/12/2022, BCSO (#22120016683) reported a recovered a stolen grey pick-up truck in the San José neighborhood. Inside of the vehicle, at least one casing was recovered. This casing matched the casing found at the scene of Speaker Martinez' residence; both were fired from the same firearm. On 12/11/22 at about 0143 hours, ShotSpotter event indicated there was gunfire at the Albuquerque home of Debbie O'Malley, a Bernalillo County Commissioner. Twelve rounds were detected by the service at Debbie O'Malley's exact address. The address is not disclosed here for the safety of the occupants. On 12/11/22, at about 0143 hours, a neighbor called police after hearing about ten gunfire shots in rapid succession around the area of 1100 block of Mildred Av NW. This address is close to the above-mentioned ShotSpotter event location. The witness also observed a black sporty vehicle speeding away from the area. On 12/16/22, O'Malley, called to report her home had been struck with gunfire days earlier. Debbie recalled hearing loud bang noises outside her residence. She discovered that her exterior adobe fence was damaged by apparent gunfire and reported it to police. Debbie shared information with police that Solomon Peña, who ran for public office, had arrived at her residence about a day or two prior to the loud banging incident. Debbie recalled that he was upset that he had not won the election for public office, even though it Debbie O'Malley was not a contender. Video surveillance from her residence showed that Solomon had arrived at her house in a sporty Black Audi vehicle. State databases indicated that he is a registered owner of a black 2022 Audi Premium Plus 40, Model A5, which is a sporty sedan. Solomon Peña's Black Audi matches the description by the above-mentioned witness at the time of the gunfire.

On 1/3/23 at 0048 hours, a Shot Spotter dispatch was generated in the area of the Albuquerque residence of Linda Lopez, a public official. This address is not disclosed for the safety of the occupants. Officer C Jewel arrived and collected eight 9mm firearm casings and one unspent 9mm cartridge near the ShotSpotter-identified location. Officer Jewel did not observe any impacts on nearby houses. Linda Lopez heard loud bangs, but dismissed them as fireworks at the time; she did not observe any immediate damage to her house. During this time,

Linda's ten year old daughter told her mother that she believed a spider woke her up by crawling on her face. Linda went to sleep with her daughter in her bed. While in bed, Linda's daughter asked why it felt like there was sand in the bed.

A few hours later (at daylight), Linda Lopez noticed that there were holes in her house, apparently from gunfire. She called police at 0742 hours. Officers arrived and learned that Linda and her daughter woke up at the time of the gunfire. They heard a number of loud bangs. As it turned out, sheetrock dust was blown onto Linda's daughter's face and bed resulting from firearm projectile(s) passing inside her bedroom overhead. Now that it was day, officers observed 12 impacts to Linda's residence and located one projectile, which was inside of a parked vehicle in the driveway.

Assisting Det. J O'Guin shared with me a video which he had received from a neighboring residence. The audio in the video captured the very rapid discharging of numerous rounds. Through my training and experience, this sounded like a modified fully automatic weapon. Det. O'Guin also submitted NIBIN requests on the shell casings found near Linda's residence.

DETAILED INVESTIGATION

On 1/5/23, Detective J O'Guin shared with me an email of a Bernalillo County Sheriff's Office report. The report detailed a traffic stop initiated at 0128 hours on 1/3/23. Deputy J Skroch was on-duty and observed an improperly displayed license plate sticker on a silver Nissan Maxima, bearing NM license plate of AAWL84. He believed the registration was expired since the top digit, which is the tens digit of the year of the sticker, displayed a number 'one,' rather than a 'two.'

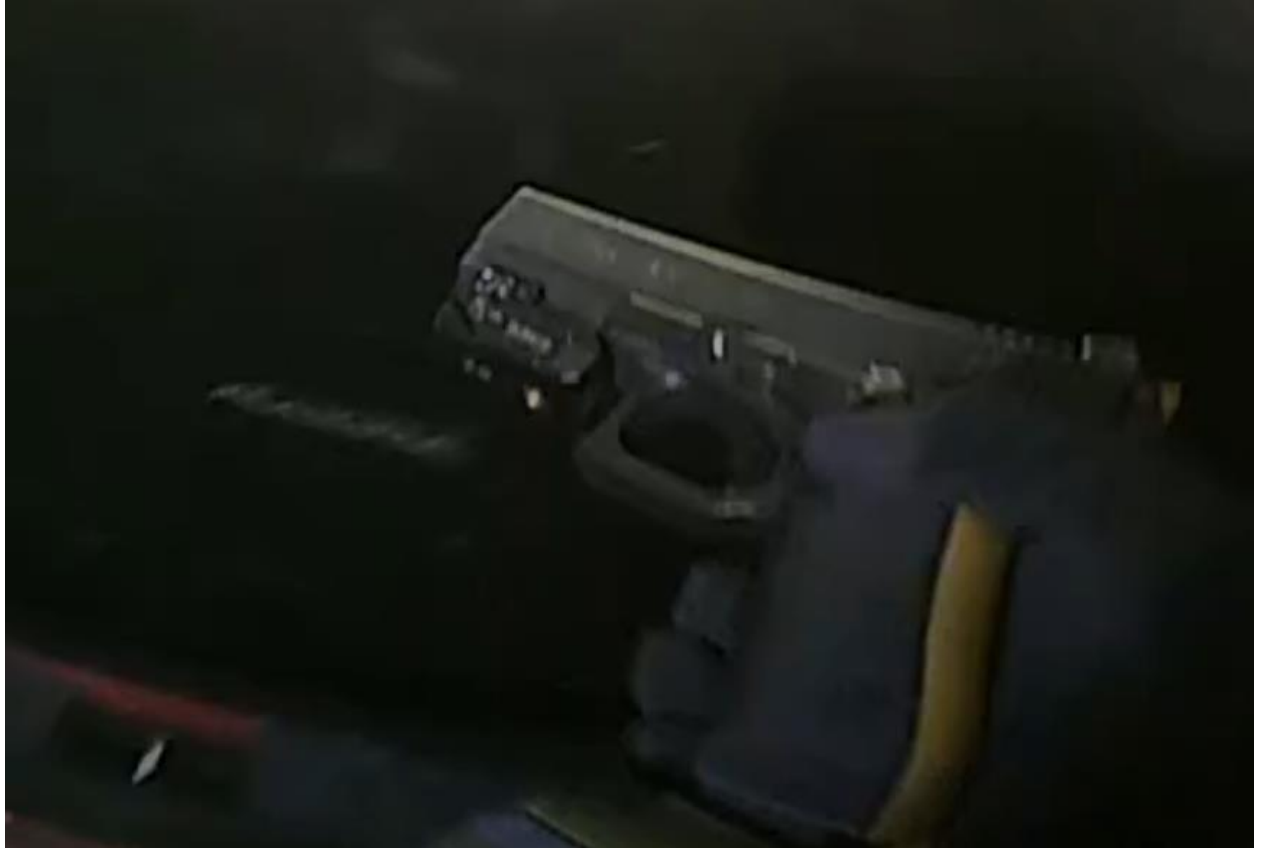
Deputy Skroch stopped the vehicle, which was driven by the sole occupant, José Trujillo, who, when ran through NCIC, had a felony warrant for his arrest. Deputy Skroch arrested José, who was the sole occupant. Deputy Skroch inventoried the vehicle's contents upon the driver's arrest and found more than 800 pills. Through his training and experience, he believed the pills to be counterfeit oxycodone pills made of fentanyl. Also in the front cup holder, a large amount of cash was observed. In the trunk, a Glock 17 Generation 4 and an AR were found in the trunk. The Glock had a drum magazine inserted into it. These items were collected as evidence.

Deputy Skroch had the vehicle towed. The vehicle is registered to Solomon Peña, who is the same person who ran for public office as mentioned by Debbie O'Malley in her incident.

Deputy Skroch booked José into MDC on the warrant and a Possession with Intent to Distribute Synthetic Narcotics. This number was included in Deputy Skroch's report. BCSO submitted a NIBIN request for the Glock 9mm firearm.

The following photographs are screenshots from the BCSO lapel video showing the guns removed from the car.





I found there was reason to believe that Solomon Peña may have been involved in the shooting at Linda Lopez' residence since the traffic stop on his registered vehicle was initiated less than an hour after the shooting. Further, the distance between Linda's residence and the traffic stop is a ten minute drive and 4.7 miles, according to digital map services. The presence of a drum magazine can often indicate that a switch, which converts a semi-automatic weapon into an automatic weapon, is installed. The above-inventoried drum magazine and

possible fully-automatic weapon is consistent with my earlier belief that Linda Lopez' residence was shot using a fully-automatic weapon system. I later received the results from the NIBIN testing of the firearms collected in Deputy Skroch's traffic stop. It indicated that the casings found near Linda's residence were fired from the same Glock weapon.

On 1/13/23, Detective S Padilla obtained a search warrant for Demetrio Trujillo's cellular phone. That warrant was executed and Sgt. Clingenpeel seized the phone. Det. S Padilla obtained a search warrant to extract the content/data from the phone. APD Information Technology staff extracted the data from the phone. Acting Commander K Hartsock learned the following through the viewing of the extracted data:

- Solomon Peña sent the exact address of Commissioner Barboa's residence on 11/12/22
- The address of the same commissioner was searched in Apple Maps on 11/13/22
- Demetrio texted José phone the exact address of Commissioner Barboa on 11/19/22
- Solomon sent a text to this phone on November 20 and 21 with a highlighted passage from an unknown book. It reads "Yet, we argue, it was only the additional incentive of a threat of civil war that empowered a president to complete the reformist project." Solomon says "They just certified it. They sold us out to the highest bidder." "...They were literally laughing at us, while they were doing it."
- In a text message, Solomon Peña texted Demetrio the complete and exact address of Adriann Barboa. Her residence was struck with gunfire on 12/4/22.
- The same text message found on a separate warrant for records appears on Demetrio's phone, showing that on 12/8/22, Solomon's number sends the exact address of Speaker Martinez's home address, which was struck on the same day.
- The same text message found on a separate warrant appears on this phone, showing on 12/8/22 Solomon's number sent the exact address of Commissioner O'Malley's home address, which was struck with gunfire on 12/11/22
- On 12/31/22, Solomon Peña texts: Hey. Great news. I went out collecting intel last night. These message are full of coded words, indicating a sophisticated level of communication. There are also messages indicating various meeting locations around Albuquerque, including parking lots, big box retailers and fast food restaurants. There are also text messages received and sent with the other two shooters, who are known to police indicating they are sharing their real-time locatioin on Apple Maps. Their involvement is detailed below.
- In another text message, Solomon Peña texted the complete and exact address of Linda Lopez' residence. Linda Lopez' home was hit with gunfire in a drive-by shooting on 1/3/23.
- This image of a tan and black Glock with a drum magazine was taken just a few days before Senator Lopez shooting. It should be noted that it matches the one from the BCSO traffic stop.



- The exact home address of Senator Lopez appears on the Apple Map history in a search that only indicates the search occurred in January, 2023.
- Solomon Peña sent a photo displaying José eating at a table with a number of handguns. Another photo showed Solomon Peña and José in a vehicle together.



Confidential Witness 1

Detectives have interviewed a person multiple times whose identity is known to police and who is expected to cooperate in this investigation at legal risk to themselves. This person will be called Confidential Witness 1 (CW1) in this document. CW1 is facing criminal charges and did ask for consideration on those charges to help the investigation, but no promises or deals are in place as of writing. CW1 has personal and intimate knowledge of the crimes listed above as they were there or in direct communication with persons who were there, and has provided information to detectives that only someone on the very inner operations of the alleged crimes would have. CW1 stated the following:

We learned from CW1 that Solomon Peña paid Demetrio Trujillo for a 'job'. Detectives asked CW1 what was meant by 'job' and verified that the job was to shoot multiple residences. Solomon Peña would provide the target addresses. CW1 stated that an agreement was made

for a particular amount of money, \$500, between Demetrio and Solomon. CW1 understood that two adult brothers, and Demetrio were employed in the first shooting near Yale and Kathryn. CW1 indicated that this money was divided among all three. CW1 stated to affiant that the plan was to steal a car, commit the shooting, and get rid of the car. CW1 stated he would provide guns. Affiant confirmed through forensic casing results found in the recovered stolen vehicle and witness descriptions of the shootings that this was, in fact, how the crime was actually committed. CW1 stated that Demetrio instructed the two shooters to aim above the windows to avoid striking anyone inside. CW1 stated Demetrio knew the addresses to target because Solomon would text them. CW1 was present for both Barboa's and Martinez' shootings. CW1 stated he was present for the Lopez's shooting. CW1 added that Solomon participated in this shooting. CW1 stated that Solomon was unhappy that the past impacts were so high up on the walls [of the dwellings]. CW1 stated that Solomon further expressed discontent that the shootings were late at night. CW1 stated that Solomon wanted the shootings to be more aggressive. CW1 stated that Solomon wanted them to aim lower and shoot around 8PM because occupants would more likely not be laying down. I understood that taking these measures, would increase the chance of obtaining the desired effect of the shootings. CW1 indicated that this instruction to be more aggressive made the other participants uneasy since they knew that doing so would more likely end in death or injury. I understood from these statements that Solomon participated in the Lopez shooting to ensure better target acquisition. CW1 stated that during this shooting, Solomon, Demetrio and José met, got into a newly-stolen red truck, and drove to the [Lopez] residence. CW1 stated Solomon was armed with an AR, and José was armed with the Glock handgun. During the drive by shooting Solomon Peña's AR jammed and did not fire correctly, but the Glock did. The ShotSpotter audio appears to indicate automatic gunfire (from a switch-installed Glock, as was recovered by BCSO deputies) and a single shot a moment later. These factual details appear to closely match CW1's statement about the shooting.

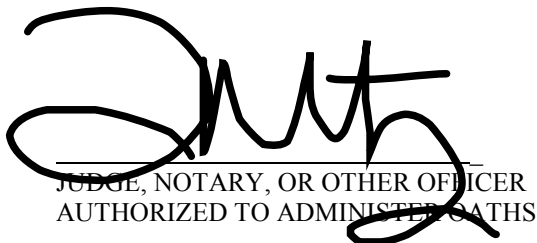
Conclusion

In sum, Solomon Peña unsuccessfully ran for the NM House of Representatives in November 2022. There is probable cause to believe that soon after this unsuccessful campaign, he conspired with Demetrio, José, and two brothers, to commit these four shootings at elected local and state government officials' homes. Solomon provided firearms and cash payments and personally participated in at least one shooting. Solomon intended to serious injury or cause death to occupants inside their homes.

contrary to Section(s) 30-7-16, 30-3-8, 30-3-8, 30-3-2, 30-28-2, 30-28-3 NMSA 1978.

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

SUBSCRIBED AND SWORN TO ME IN THE ABOVE NAMED COUNTY OF THE STATE OF NEW MEXICO THIS 16th DAY OF JAN, 2023 AT 2157.



JUDGE, NOTARY, OR OTHER OFFICER
AUTHORIZED TO ADMINISTER OATHS



AFFIANT

01/16/2023 @ 2157
Date

1/16/2023 3142
Date Man #

Assistant District Attorney Date 1/16/23

APD CAD / Case # 23-00 00513

