

Introduction

1. **SOLOMON PEÑA** ran for the New Mexico House of Representatives and lost by nearly 50 percentage points in November 2022. Refusing to accept his electoral defeat, **PEÑA** organized a shooting spree that targeted the homes of four elected officials and their families. The shootings occurred between December 4, 2022, and January 3, 2023. **PEÑA** carried out the shootings with the knowing and willful assistance of **DEMETRIO TRUJILLO**, **JOSE LOUISE TRUJILLO**, and others, who assisted **PEÑA** in securing vehicles and firearms, including one machine gun, for the purpose of firing upon the homes of the elected officials, and, for some of the shootings, pulled the trigger themselves to fire bullets into the homes of the victims.

General Allegations

2. On or about November 8, 2022, the states and commonwealths of the United States, including the State of New Mexico, held elections to democratically elect federal, state, and local public officials (“Mid Term Elections”).

3. In the State of New Mexico, the Mid Term Elections were administered by the 33 counties that comprise it. The highest authority in each county was the Board of County Commissioners. Pursuant to the laws of the State of New Mexico, the Boards of County Commissioners in each county also served as that county’s County Canvassing Board which, among other duties and responsibilities, were tasked with certifying the results of the Mid Term Elections held within their respective jurisdictions to, among other entities, the New Mexico Secretary of State and the state canvassing board.

4. The Bernalillo County Board of Commissioners was comprised of five democratically elected commissioners.

5. In the proper discharge of its statutorily imposed duty to certify the results of the Mid Term Elections held within Bernalillo County, New Mexico, the Bernalillo County Board of Commissioners certified the results of the Mid Term Elections on or about November 21, 2022. Among several other electoral results, the Bernalillo County Board of Commissioners certified on this date the results of the elections for representatives to the New Mexico House of Representatives in District 11 and District 14, both of which were located in Bernalillo County, New Mexico.

6. VICTIM 1 was a member of the Bernalillo County Board of Commissioners.

7. The defendant, **SOLOMON PEÑA**, was an official candidate in the Mid Term Elections to the New Mexico House of Representatives, representing District 14. On November 21, 2022, the Bernalillo County Board of Commissioners certified the results of this election, reflecting **PEÑA**'s electoral loss by nearly 50 percentage points.

8. CANDIDATE 1, a close political ally of **PEÑA**, was an official candidate in the Mid Term Elections to the New Mexico House of Representatives, representing District 11, and ran against VICTIM 2, the incumbent. On November 21, 2022, the Bernalillo County Board of Commissioners certified the results of this election, reflecting CANDIDATE 1's electoral loss by nearly 58 percentage points.

9. VICTIM 3 was a member of the Bernalillo County Board of Commissioners.

10. VICTIM 4 was a member of the New Mexico State Senate, representing a district that is located within Bernalillo County, New Mexico. VICTIM 4 has served in this capacity since in and around 1997 and most recently won re-election in November 2020. VICTIM 4's term expires in and around January 2025.

Count 1

11. The allegations set forth in paragraphs 1 through 10 of this Indictment are realleged and incorporated herein by reference.

12. On or about November 12, 2022, and continuing until on or about January 3, 2023, in Bernalillo County, in the District of New Mexico, the defendants, **SOLOMON PEÑA, DEMETRIO TRUJILLO, and JOSE LOUISE TRUJILLO**, knowingly, unlawfully, and willfully combined, conspired, confederated, agreed, and acted interdependently with one another and with others known and unknown to the Grand Jury to commit the following offenses:

- a. Interference With Federally Protected Activities, contrary to 18 U.S.C. § 245, and
- b. Using and Carrying a Firearm During and in Relation to a Crime of Violence, and Possessing a Firearm in Furtherance of Such Crime, Discharging Said Firearm, contrary to 18 U.S.C. § 924(c)(1)(A)(iii) and (c)(1)(B)(ii), as described below.

Manner and Means

13. The manner and means by which **SOLOMON PEÑA, DEMETRIO TRUJILLO, and JOSE LOUISE TRUJILLO** sought to accomplish the objectives of the conspiracy included the following:

- a. Acquiring vehicles by theft or otherwise;
- b. Negotiating membership and payment to members in the conspiracy;
- c. Coordinating the activities of the conspiracy, including locations for shootings or meetings, by text messages, phone calls, and face-to-face meetings;

- d. Obtaining, transporting, and concealing firearms, including a machine gun;
- and
- e. Shooting at the residences and vehicles of the victims.

Overt Acts

14. In furtherance of the conspiracy, and to effect the objects thereof, the defendants, and co-conspirators not indicted herein who are both known and unknown to the Grand Jury, in various combinations, directly and indirectly, within the District of New Mexico and elsewhere, committed overt acts, including the following:

- a. On or about November 12, 2022, **PEÑA** sent a text message to **JOSE LOUISE TRUJILLO** listing the physical address of the private residence of VICTIM 1.
- b. On or about November 12, 2022, **PEÑA** bookmarked as “favorite” locations the physical addresses of the private residences of VICTIM 1 and VICTIM 3 in the Apple Maps application on his personal cellular phone.
- c. On or about November 13, 2022, **JOSE LOUISE TRUJILLO** typed the physical address of the private residence of VICTIM 1, which he had received from **PEÑA** on or about the day before, in the Google Maps application on his personal cellular phone.
- d. On or about November 13, 2022, **PEÑA** sent a text message to CANDIDATE 1, an official candidate in the Mid Term Elections to the New Mexico House of Representatives, representing District 11, with the following text: “We have to press the attack. They want us to become hopeless and give up.”
- e. On or about November 19, 2022, **JOSE LOUISE TRUJILLO** sent via text message the physical address of the private residence of VICTIM 1, which he had received from **PEÑA** on or about November 12, 2022, and had entered in a search using the Google Maps

application on his personal cellular phone on or about November 13, 2022, to CO-CONSPIRATOR 3, whose identity is known to the Grand Jury.

f. On or about November 20, 2022, **PEÑA** sent a screenshot via text message to **JOSE LOUISE TRUJILLO** of a book excerpt that chronicled the history of electoral reform in a Central American country and the manner in which the threat of civil war in that country served as an effective catalyst to prompt electoral reform therein.

g. On or about November 21, 2022, within minutes of the Bernalillo County Board of Commissioners' vote certifying **PEÑA**'s and CANDIDATE 1's electoral defeats, **PEÑA** had an exchange via text message with **JOSE LOUISE TRUJILLO**. **PEÑA** sent the following text message to **JOSE LOUISE TRUJILLO**: "They just certified it. They sold us out to the highest bidder." **JOSE LOUISE TRUJILLO** replied: "Really[.]" **PEÑA** replied: "Si. Just now. They were literally laughing at us, while they were doing it." **JOSE LOUISE TRUJILLO** replied: "Well I need to meet up and talk to you as soon as you can."

h. On or about November 28, 2022, **PEÑA** had an exchange via text message with CO-CONSPIRATOR 3. In the course of the text message exchange, **PEÑA** sent to CO-CONSPIRATOR 3 the physical address of the private residence of VICTIM 1.

i. On or about December 2, 2022, **PEÑA** had an exchange via text message with CO-CONSPIRATOR 4, whose identity is known to the Grand Jury. In the text message exchange, CO-CONSPIRATOR 4 told **PEÑA**: "Meeting at my place[.] this is [CO-CONSPIRATOR 4.] asap got my guy here."

j. On or about December 4, 2022, at approximately 1:28 a.m., **PEÑA** sent the following text message to CANDIDATE 1: "We can't just sit around being angry. We have to

act. I'm continuing my study of election rigging. The enemy will eventually break, because they are committing intentional wrongs, and all humans eventually make mistakes.”

k. On or about December 4, 2022, at approximately 4:41 p.m., **DEMETRIO TRUJILLO**, along with CO-CONSPIRATOR 1 and CO-CONSPIRATOR 2, conducted a shooting on the private residence of VICTIM 1.

l. On or about December 4, 2022, at approximately 4:58 p.m., CO-CONSPIRATOR 3 sent a text message to **PEÑA** and summoned him to a previously agreed upon rendezvous point, which members of the conspiracy commonly and jointly referred to as “Root Beer.”

m. On or about December 6, 2022, **PEÑA** bookmarked as a “favorite” location the physical address of the private residence of VICTIM 2 in the Apple Maps application on his personal cellular phone.

n. On or about December 7, 2022, between approximately 1:42 a.m. and 3:00 a.m., **PEÑA** sent via text message four screenshots of book passages to CO-CONSPIRATOR 3. In one of the screenshots, **PEÑA** included a handwritten note that read: “County Commissioner [. . .] 15th @ 5 pm[.]”

o. On or about December 7, 2022, at approximately 3:06 a.m., **PEÑA** sent two text messages in which he commented on two of the screenshots that he had previously sent to CO-CONSPIRATOR 3. At the end of the second text message, **PEÑA** added: “It is our duty as Statesmen and Patriots, to stop the oligarchs from taking over our country.”

p. On or about December 7, 2022, at approximately 4:24 p.m., **PEÑA** sent a screenshot of a ski mask to CO-CONSPIRATOR 3.

q. On or about December 8, 2022, at approximately 1:03 a.m., **PEÑA** sent a text message to **DEMETRIO TRUJILLO** with the physical address of the private residence of VICTIM 2.

r. On or about December 8, 2022, at approximately 6:52 a.m., **DEMETRIO TRUJILLO**, along with CO-CONSPIRATOR 1 and CO-CONSPIRATOR 2, conducted a shooting on the private residence of VICTIM 2.

s. On or about December 8, 2022, at approximately 6:54 a.m., **DEMETRIO TRUJILLO** sent the following text message to **PEÑA**: “Root beer[.]”

t. On or about December 8, 2022, at approximately 7:23 a.m., **DEMETRIO TRUJILLO** sent the following text message to **PEÑA**: “Root beer[.]”

u. On or about December 8, 2022, at approximately 9:26 a.m., **PEÑA** replied to **DEMETRIO TRUJILLO**’s text messages: “I’m at the spot[.]”

v. On or about December 8, 2022, at approximately 10:04 p.m., **PEÑA** sent a text message to **DEMETRIO TRUJILLO** with the physical address of the private residence of VICTIM 3.

w. On or about December 11, 2022, at approximately 1:41 a.m., the conspirators, including **PEÑA**, conducted a shooting on the private residence of VICTIM 3.

x. On or about December 31, 2022, **PEÑA** sent the following text message to **JOSE LOUISE TRUJILLO**: “Hey. Great news. I went out collecting intell last night.”

y. On or about January 2, 2023, at approximately 12:02 p.m., **PEÑA** sent via text message a screenshot of a passage of the text of the Declaration of Independence to **JOSE LOUISE TRUJILLO** with the following text highlighted: “we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.”

z. On or about January 2, 2023, at approximately 10:47 p.m., **PEÑA** used his cellular phone to conduct an internet search relating to New Mexico State Senator VICTIM 4.

aa. On or about January 2, 2023, at approximately 11:23 p.m., **PEÑA** sent the following text message to **JOSE LOUISE TRUJILLO**: “I am at root beer.”

bb. On or about January 3, 2023, at approximately 12:37 a.m., **PEÑA**, **DEMETRIO TRUJILLO**, and **JOSE LOUISE TRUJILLO** conducted a shooting on the private residence of VICTIM 4.

In violation of 18 U.S.C. § 371.

Count 2

15. The allegations set forth in paragraphs 1 through 14 of this Indictment are realleged and incorporated herein by reference.

16. On or about December 4, 2022, in the District of New Mexico, the defendants, **SOLOMON PEÑA**, **DEMETRIO TRUJILLO**, and **JOSE LOUISE TRUJILLO**, and others, by force and threat of force, did willfully intimidate and interfere with, and attempt to injure, intimidate, and interfere with VICTIM 1, by shooting at VICTIM 1’s residence with a firearm, and such acts included the use of a dangerous weapon, because VICTIM 1 was and had been a legally authorized election official.

In violation of 18 U.S.C. §§ 245(b)(1)(A) and 2.

Count 3

17. The allegations set forth in paragraphs 1 through 14 of this Indictment are realleged and incorporated herein by reference.

18. On or about December 8, 2022, in the District of New Mexico, the defendants, **SOLOMON PEÑA**, **DEMETRIO TRUJILLO**, and **JOSE LOUISE TRUJILLO**, and others,

by force and threat of force, did willfully intimidate and interfere with, and attempt to injure, intimidate, and interfere with VICTIM 2, by shooting at VICTIM 2's residence with a firearm, and such acts included the use of a dangerous weapon, because VICTIM 2 had qualified and campaigned as a candidate for elective office.

In violation of 18 U.S.C. §§ 245(b)(1)(A) and 2.

Count 4

19. The allegations set forth in paragraphs 1 through 14 of this Indictment are realleged and incorporated herein by reference.

20. On or about December 11, 2022, in the District of New Mexico, the defendants, **SOLOMON PEÑA, DEMETRIO TRUJILLO, and JOSE LOUISE TRUJILLO**, and others, by force and threat of force, did willfully intimidate and interfere with, and attempt to injure, intimidate, and interfere with VICTIM 3, by shooting at VICTIM 3's residence with a firearm, and such acts included the use of a dangerous weapon, because VICTIM 3 was and had been a legally authorized election official.

In violation of 18 U.S.C. §§ 245(b)(1)(A) and 2.

Count 5

21. The allegations set forth in paragraphs 1 through 14 of this Indictment are realleged and incorporated herein by reference.

22. On or about January 3, 2023, in the District of New Mexico, the defendants, **SOLOMON PEÑA, DEMETRIO TRUJILLO, and JOSE LOUISE TRUJILLO**, and others, by force and threat of force, did willfully intimidate and interfere with, and attempt to injure, intimidate, and interfere with VICTIM 4, by shooting at VICTIM 4's residence with a firearm, and such acts included the use of a dangerous weapon, because VICTIM 4 had qualified and

campaigned as a candidate for elective office and in order to intimidate VICTIM 4 from campaigning as a candidate for elective office.

In violation of 18 U.S.C. §§ 245(b)(1)(A) and 2.

Counts 6 – 8

23. The allegations set forth in paragraphs 1 through 14 of this Indictment are realleged and incorporated herein by reference.

24. On or about the dates specified below, in the District of New Mexico, the defendants, **SOLOMON PEÑA, DEMETRIO TRUJILLO, and JOSE LOUISE TRUJILLO**, and others, knowingly used and carried a firearm, during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, specifically, interference with federally protected activities with use of a dangerous weapon contrary to 18 U.S.C. § 245, and possessed said firearm in furtherance of such crime, and the firearm was discharged, as described below:

<u>Count</u>	<u>Date</u>	<u>As Charged in Count</u>
6	12/4/2022	2
7	12/8/2022	3
8	12/11/2022	4

In violation of 18 U.S.C. §§ 924(c)(1)(A)(iii) and 2.

Count 9

25. The allegations set forth in paragraphs 1 through 14 of this Indictment are realleged and incorporated herein by reference.

26. On or about January 3, 2023, in the District of New Mexico, the defendants, **SOLOMON PEÑA, DEMETRIO TRUJILLO, and JOSE LOUISE TRUJILLO**, and others,

knowingly used and carried a firearm, to wit: a machinegun as defined in 26 U.S.C. § 5845(b), during and in relation to a crime of violence for which the defendants may be prosecuted in a court of the United States, specifically, interference with federally protected activities with use of a dangerous weapon contrary to 18 U.S.C. § 245 as charged in Count 5 of this indictment, and possessed said firearm in furtherance of such crime, and the firearm was discharged.

In violation of 18 U.S.C. §§ 924(c)(1)(A)(iii), 924(c)(1)(B)(ii), and 2.

Count 10

27. On or about January 3, 2023, in the District of New Mexico, the defendant, **JOSE LOUISE TRUJILLO**, unlawfully, knowingly, and intentionally possessed with intent to distribute a controlled substance, and the offense involved 40 grams and more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).

Count 11

28. On or about January 3, 2023, in the District of New Mexico, the defendant, **JOSE LOUISE TRUJILLO**, during and in relation to a drug trafficking crime for which the defendant may be prosecuted in a court of the United States, specifically, possession with intent to distribute fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) as charged in Count 10 of this indictment, knowingly used and carried a firearm, to wit: a machinegun as defined in 26 U.S.C. § 5845(b), and in furtherance of such crime, possessed said firearm.

In violation of 18 U.S.C. § 924(c)(1)(A) and (c)(1)(B)(ii).

