

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p>	<p>DATE FILED: October 25, 2021 1:09 PM FILING ID: 8BD4FD6A7ED51 CASE NUMBER: 2021CR1808</p>
<p>THE PEOPLE OF THE STATE OF COLORADO</p> <p>PLANTIFF,</p> <p>VS.</p> <p>AUSTIN BUTLER</p>	<p style="text-align: center;">COURT USE ONLY</p>
<p>PHILIP J. WEISER, Attorney General SARAH E. McCUTCHEON, Reg. # 33242 Senior Assistant Attorney General* FRED JOHNSON, Reg. # 42479 M. BRECK ROESCH, Reg. # 48037 NICHOLAS TREVINO, Reg. # 51127 Special Assistant Attorneys General* 1300 Broadway, 9th Floor Denver, CO, 80203 (720) 508-6700 sarah.mccutcheon@coag.gov fjohnson@bouldercounty.org broesch@bouldercounty.org ntrevino@bouldercounty.org *Counsel of Record</p>	<p>Grand Jury Case No: 20CR0001</p> <p>Div: Courtroom: 259</p>
<p style="text-align: center;">COLORADO STATE GRAND JURY INDICTMENT: 2020-2021 SESSION</p>	

Of the 2020-2021 term of the Denver District Court in the year 2021, the 2020-2021 Colorado State Grand Jurors, chosen, selected, and sworn in the name and by the authority of the People of the State of Colorado, upon their oaths, present the following:

COUNT 1 VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT—
PARTICIPATION IN AN ENTERPRISE—PATTERN OF RACKETEERING,
C.R.S. § 18-17-104(3) [F2].**37284**

- COUNT 2 VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT—
PARTICIPATION IN AN ENTERPRISE—CONSPIRACY, C.R.S. § 18-17-
104(4) [F2] **37285**
- COUNT 3 SECOND DEGREE CRIMINAL TRESPASS – ENCLOSED/FENCED AREA,
C.R.S. 18-4-503(1) (A) [M3] **09036**
- COUNT 4 ATTEMPTED AGGRAVATED MOTOR VEHICLE THEFT IN THE SECOND
DEGREE - \$1,000-\$20,000, C.R.S. 18-4-409(4)(B); 18-2-101 [M1] **0804EA**
- COUNT 5 ATTEMPTED AGGRAVATED MOTOR VEHICLE THEFT IN THE SECOND
DEGREE - \$1,000-\$20,000, C.R.S. 18-4-409(4)(B); 18-2-101 [M1] **0804EA**
- COUNT 6 AGGRAVATED MOTOR VEHICLE THEFT IN THE FIRST DEGREE, C.R.S.
18-4-409(2),(3)(A) [F4] **0804G**
- COUNT 7 ATTEMPTED SECOND DEGREE BURGLARY - BUILDING,
C.R.S. 18-4-203(1) [F5] **06031A**
- COUNT 8 SECOND DEGREE BURGLARY - BUILDING, C.R.S. 18-4-203(1) [F4] **06031**
- COUNT 9 THEFT - \$20,000 - \$100,000, C.R.S. 18-4-401(1),(2)(H) [F4] **08A15**
- COUNT 10 CRIMINAL MISCHIEF - \$5,000 - \$20,000, C.R.S. 18-4-501(1),(4)(E) [F5]
0901K
- COUNT 11 AGGRAVATED MOTOR VEHICLE THEFT IN THE FIRST DEGREE, C.R.S.
18-4-409(2),(3)(A) [F4] **0804G**
- COUNT 12 AGGRAVATED MOTOR VEHICLE THEFT IN THE FIRST DEGREE, C.R.S.
18-4-409(2),(3)(A) [F4] **0804G**
- COUNT 13 SECOND DEGREE BURGLARY - BUILDING, C.R.S. 18-4-203(1) [F4] **06031**
- COUNT 14 THEFT - \$20,000 - \$100,000, C.R.S. 18-4-401(1),(2)(H) [F4] **08A15**
- COUNT 15 CRIMINAL MISCHIEF - \$5,000 - \$20,000, C.R.S. 18-4-501(1),(4)(E) [F5]
0901K
- COUNT 16 SECOND DEGREE BURGLARY - BUILDING, C.R.S. 18-4-203(1) [F4] **06031**
- COUNT 17 THEFT - \$20,000 - \$100,000, C.R.S. 18-4-401(1),(2)(H) [F4] **08A15**
- COUNT 18 AGGRAVATED MOTOR VEHICLE THEFT IN THE FIRST DEGREE, C.R.S.
18-4-409(2),(3)(A) [F4] **0804G**

- COUNT 19 SECOND DEGREE BURGLARY - BUILDING, C.R.S. 18-4-203(1) [F4] **06031**
- COUNT 20 CRIMINAL MISCHIEF - \$1,000 - \$5,000, C.R.S. 18-4-501(1),(4)(D) [F6] **0901J**
- COUNT 21 ATTEMPTED SECOND DEGREE BURGLARY - BUILDING, C.R.S. 18-4-203(1) [F5] **06031A**
- COUNT 22 CRIMINAL MISCHIEF - \$1,000 - \$5,000, C.R.S. 18-4-501(1),(4)(D) [F6] **0901J**
- COUNT 23 SECOND DEGREE BURGLARY - BUILDING, C.R.S. 18-4-203(1) [F4] **06031**
- COUNT 24 CRIMINAL MISCHIEF - \$1,000 - \$5,000, C.R.S. 18-4-501(1),(4)(D) [F6] **0901J**
- COUNT 25 THEFT - \$20,000 - \$100,000, C.R.S. 18-4-401(1),(2)(H) [F4] **08A15**

COUNT ONE
VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT—
PARTICIPATION IN AN ENTERPRISE—PATTERN OF RACKETEERING, C.R.S. § 18-17-
104(3) [F2] 37284

Between and including November 17, 2019 and June 10, 2020, in the State of Colorado, **Austin Butler**, while employed by or associated with an enterprise as defined by § 18-17-103(2), C.R.S., as amended, namely: a group of individuals associated in fact, although not a legal entity, unlawfully, feloniously, and knowingly conducted or participated, directly or indirectly, in the enterprise through a pattern of racketeering activity; in violation of sections 18-17-104(3) and 18-17-105, C.R.S.

COUNT TWO
VIOLATION OF THE COLORADO ORGANIZED CRIME CONTROL ACT—
PARTICIPATION IN AN ENTERPRISE—CONSPIRACY, C.R.S. § 18-17-104(4) [F2] 37285

Between and including November 17, 2019 and June 10, 2020, in the State of Colorado, **Austin Butler**, did unlawfully, feloniously, and knowingly conspire or endeavor to conduct and participate, directly or indirectly, in an enterprise, through a pattern of racketeering activity; in violation of section 18-17-104(4) and 18-17-104(3), C.R.S.

The offenses alleged in Count One and Count One Two were committed in the following manner:

THE ENTERPRISE

The Enterprise alleged in Counts One and Two was a group of individuals, associated in fact although not a legal entity. The individuals in this group include, but are not limited to the following: Maurice Leday, Austin Butler, Jason Quijada, Pedro Camarena Ontiveros, and other persons known, including but not limited to those indicted, or as yet unknown.

The above-named individuals were involved from time to time in racketeering activity described herein that was related to the conduct of the Enterprise. The conduct of the Enterprise was to illegally burglarize bicycle stores across the Front Range in order to steal high-end mountain bikes. These burglaries were typically accomplished between the hours of midnight and 6:00 a.m. After organizing a particular burglary via Facebook messenger, approximately two to four suspects in gloves and masks gained access to a particular business by using a rock to break a window or by breaching the business with a vehicle. The box truck or vans used in the commission of these burglaries were typically stolen a few hours prior. Upon entry, the suspects targeted high-end mountain bicycles, included carbon fiber bicycles. They did not steal more valuable road bicycles, cash, safes or other merchandise from the stores. The bicycles were then taken to a specific location, and given to a fence who then arranged for the bicycles to be transported for sale out of state, and possibly out of the country. The proceeds were then distributed amongst those involved, who then used the proceeds to rent hotel rooms and purchase alcohol. On occasion, bicycles were not moved to the fence and were instead offered for sale by the thieves themselves.

Members of the Enterprise had specified roles and responsibilities. Butler recruited burglary participants in the days leading up to each burglary. Often, these participants were friends and acquaintances of his. This was usually done by using Facebook messenger. Once a burglary crew was assembled, one or more of the participants would steal a vehicle, which was then used to surveil the chosen bike shop and commit the burglary.

The distribution chain amongst these individuals has operated repeatedly and supplied lower level thieves within the Enterprise. The Enterprise served as a source of income for the participants. The Enterprise operated between September and December, 2019.

PATTERN OF RACKETEERING ACTIVITY

Maurice Leday, Kevin Acosta-Larkin, Austin Butler, Adrian Rocha-Chairez, Salvador Mena-Barreno, and others known and unknown to the Grand Jury, directly and in concert, engaged in, attempted to engage in, conspired to engage in, or solicited another to engage in at least two predicate acts, including any lesser offenses, related to the conduct of the enterprise, with at least one of which took place in the State of Colorado after July 1, 1981 and the last of the acts of racketeering activity occurring within ten years after a prior act of racketeering activity and include:

Aggravated Motor Vehicle Theft, § 18-4-409
Second Degree Burglary, § 18-4-203
Theft, § 18-4-401
Criminal Mischief, § 18-4-501

RACKETEERING ACTIVITY

The acts of racketeering activity that the above-named persons committed, attempted to commit, conspired to commit, or solicited, coerced, or intimidated another person to commit, consist of the following predicate acts, all identified as counts listed below, including any lesser included offenses: Count Four through Count Twenty Five are alleged as predicate acts for Counts One and Two. In addition, the offenses alleged in Counts One and Two were committed in the manner described immediately below and described in the factual summaries in support of the following counts, incorporated by reference.

COUNT THREE

(Series 1, Mojo Wheels)

SECOND DEGREE CRIMINAL TRESPASS –

ENCLOSED/FENCED AREA, C.R.S. 18-4-503(1) (A) [M3] 09036

On or about September 7, 2019, in the State of Colorado, **Austin Butler** unlawfully entered or remained in or upon the premises of Denver Public Schools, located at 2320 W. 4th Ave., City and County of Denver, which were enclosed in a manner designed to exclude intruders or were fenced; in violation of section 18-4-503(1)(a), C.R.S.

COUNT FOUR

(Series 1, Mojo Wheels)

**ATTEMPTED AGGRAVATED MOTOR VEHICLE THEFT IN THE SECOND DEGREE -
\$1,000-\$20,000, C.R.S. 18-4-409(4)(B); 18-2-101 [M1] 0804EA**

On or about September 7, 2019, in the State of Colorado, **Austin Butler**, by engaging in conduct constituting a substantial step toward the commission of Aggravated Motor Vehicle Theft in the Second Degree, **Austin Butler** unlawfully, feloniously, and knowingly attempted to obtain or exercise control over the motor vehicle of Denver Public Schools, without authorization or by threat or deception, and the value of the motor vehicle[s] was one thousand dollars or more but less than twenty thousand dollars; in violation of section 18-4-409(4)(b), C.R.S. and 18-2-101, C.R.S.

COUNT FIVE

(Series 1, Mojo Wheels)

**ATTEMPTED AGGRAVATED MOTOR VEHICLE THEFT IN THE SECOND DEGREE -
\$1,000-\$20,000, C.R.S. 18-4-409(4)(B); 18-2-101 [M1] 0804EA**

On or about September 7, 2019, in the State of Colorado, **Austin Butler**, by engaging in conduct constituting a substantial step toward the commission of Aggravated Motor Vehicle Theft in the Second Degree, **Austin Butler** unlawfully, feloniously, and knowingly attempted to obtain or exercise control over the motor vehicle of Denver Public Schools, without authorization or by threat or deception, and the value of the motor vehicle[s] was one thousand dollars or more but less than twenty thousand dollars; in violation of sections 18-4-409(4)(b), C.R.S. and 18-2-101, C.R.S.

COUNT SIX

(Series 1, Mojo Wheels)

**AGGRAVATED MOTOR VEHICLE THEFT IN THE FIRST DEGREE, C.R.S. 18-4-
409(2),(3)(A) [F4] 0804G**

On or about September 7, 2019, in the State of Colorado, **Austin Butler** unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of Denver Public Schools, without authorization, or by threat or deception, and used the motor vehicle in the commission of the crimes of Burglary and Theft as set forth in sections 18-4-203 and 18-4-401, C.R.S., and/or caused five hundred dollars or more property damage, including but not limited to property damage to the motor vehicle involved, in the course of obtaining control over or in the exercise of control of the motor vehicle, and the value of the motor vehicle was less than twenty thousand dollars; in violation of section 18-4-409(2),(3)(a), C.R.S.

COUNT SEVEN
(Series 1, Mojo Wheels)
ATTEMPTED SECOND DEGREE BURGLARY - BUILDING,
C.R.S. 18-4-203(1) [F5] 06031A

On or about September 7, 2019, in the State of Colorado, **Austin Butler**, by engaging in conduct constituting a substantial step toward the commission of Second Degree Burglary, Austin Butler unlawfully, feloniously, and knowingly attempted to break an entrance into, enter, or remain unlawfully after a lawful or unlawful entry in the building or occupied structure of Denver Public Schools, located at 2320 W. 4th Ave., City and County of Denver with the intent to commit therein the crime of Theft and/or Motor Vehicle Theft; in violation of section 18-4-203(1), C.R.S. and 18-2-101, C.R.S.

COUNT EIGHT
(Series 1, Mojo Wheels)
SECOND DEGREE BURGLARY - BUILDING, C.R.S. 18-4-203(1) [F4] 06031

On or about September 7, 2019, in the State of Colorado Austin Butler unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the building or occupied structure of Mojo Wheels, located at 5790 Dartmouth Ave., City and County of Denver, with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1), C.R.S.

COUNT NINE
(Series 1, Mojo Wheels)
THEFT - \$20,000 - \$100,000, C.R.S. 18-4-401(1),(2)(H) [F4] 08A15

On or about September 7, 2019, in the State of Colorado **Austin Butler** unlawfully, feloniously, and knowingly, without authorization or by threat or deception, obtained, retained, or exercised control over; or knowing or believing it to have been stolen, received, loaned money by pawn or pledge on, or disposed of, a thing of value, namely: bicycles of Mojo Wheels with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and intended to deprive Mojo Wheels permanently of their use or benefit; in violation of section 18-4-401(1)(a), (2)(h), C.R.S.

COUNT TEN
(Series 1, Mojo Wheels)
CRIMINAL MISCHIEF - \$5,000 - \$20,000, C.R.S. 18-4-501(1),(4)(E) [F5] 0901K

On or about September 7, 2019, in the State of Colorado **Austin Butler**, in the course of a single criminal episode, unlawfully, feloniously, and knowingly damaged the real or personal property of Mojo Wheels, the aggregate damage being five thousand dollars or more but less than twenty thousand dollars; in violation of section 18-4-501(1),(4)(e), C.R.S.

The offenses committed in Count Three through Count Ten were committed in the following manner.

On or about September 7, 2019, multiple suspects entered the fenced or enclosed area and parking lot of Denver Public Schools located at 2320 W. 4th Avenue, City and County of Denver. While at that location, the suspects attempted to steal a white 1997 Ford E350 van, Colorado license plate 652 DHS, VIN 1FTJE34L1VHA2692, valued at \$2,667, causing \$321 worth of damage to the vehicle in the process. The suspects also attempted to steal a second white 1998 Ford E250 van, Colorado license plate 967 DHS, VIN 1FTNE24L7WHB99646, valued at \$2,500, causing \$123 worth of damage to the vehicle in the process. The suspects were successful in stealing a white 1998 Ford E250 van, Colorado license plate 254 FOB, VIN 1FTNE24L5WHA73690, valued at \$2,500. All three vehicles belonged to Denver Public Schools. Also while at that location, suspects attempted to gain access the physical building by drilling a door lock, but were ultimately unsuccessful.

Later on that same date, suspects used the stolen Denver Public Schools van with license plate 254 FOB to gain access to the Mojo Wheels bicycle shop located at 5790 Darmouth Avenue, City and County of Denver, causing approximately \$4,500 damage to the van. The suspects crashed the van through the front door of that business, and thereafter entered the business. The suspects removed six bicycles from the business valued at \$30,000. The suspects caused extensive damage to the front door, windows and walls of the business, with repairs valued at \$20,000. Thereafter, the Denver Public Schools was recovered in the parking lot of 424 North Lipan, City and County of Denver; however, no suspects or stolen property was located inside the van at that time. During an interview with investigators in December, 2019, Austin Butler admitted to being involved in the burglary of Mojo Wheels. (*See* Exhibit 1, Slides 9-10; Exhibit 2, Slides 1-7; Grand Jury Testimony December 10, 2020, pages 47-53.)

COUNT ELEVEN

(Series 2, The Sports Garage)

AGGRAVATED MOTOR VEHICLE THEFT IN THE FIRST DEGREE, C.R.S. 18-4-409(2),(3)(A) [F4] 0804G

Between and including October 1 and 2, 2019, in the State of Colorado, **Austin Butler** unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of Hector Flores Aguilera, without authorization, or by threat or deception, and caused five hundred dollars or more property damage, including but not limited to property damage to the motor vehicle involved, in the course of obtaining control over or in the exercise of control of the motor vehicle, and the value of the motor vehicle was less than twenty thousand dollars; in violation of section 18-4-409(2),(3)(a), C.R.S.

COUNT TWELVE

(Series 2, The Sports Garage)

AGGRAVATED MOTOR VEHICLE THEFT IN THE FIRST DEGREE, C.R.S. 18-4-409(2),(3)(A) [F4] 0804G

Between and including October 1 and 21, 2019, in the State of Colorado, **Austin Butler** unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of Storage ETC, without authorization, or by threat or deception, and used the motor vehicle in the

commission of the crimes of Burglary and Theft as set forth in sections 18-4-203 and 18-4-401, C.R.S., and/or caused five hundred dollars or more property damage, including but not limited to property damage to the motor vehicle involved, in the course of obtaining control over or in the exercise of control of the motor vehicle, and the value of the motor vehicle was less than twenty thousand dollars; in violation of section 18-4-409(2),(3)(a), C.R.S.

COUNT THIRTEEN

(Series 2, The Sports Garage)

SECOND DEGREE BURGLARY - BUILDING, C.R.S. 18-4-203(1) [F4] 06031

On or about October 3, 2019, in the State of Colorado Austin Butler unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the building or occupied structure of The Sports Garage, located at 2705 Spruce Street, City and County of Boulder, with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1), C.R.S.

COUNT FOURTEEN

(Series 2, The Sports Garage)

THEFT - \$20,000 - \$100,000, C.R.S. 18-4-401(1),(2)(H) [F4] 08A15

On or about October 3, 2019, in the State of Colorado Austin Butler unlawfully, feloniously, and knowingly, without authorization or by threat or deception, obtained, retained, or exercised control over; or knowing or believing it to have been stolen, received, loaned money by pawn or pledge on, or disposed of, a thing of value, namely: bicycles of The Sports Garage with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and intended to deprive The Sports Garage permanently of their use or benefit; in violation of section 18-4-401(1)(a), (2)(h), C.R.S.

COUNT FIFTEEN

(Series 2, The Sports Garage)

CRIMINAL MISCHIEF - \$5,000 - \$20,000, C.R.S. 18-4-501(1),(4)(E) [F5] 0901K

On or about October 3, 2019, **Austin Butler**, in the course of a single criminal episode, unlawfully, feloniously, and knowingly damaged the real or personal property of The Sports Garage, the aggregate damage being five thousand dollars or more but less than twenty thousand dollars; in violation of section 18-4-501(1),(4)(e), C.R.S.

The offenses committed in Count Eleven through Count Fifteen were committed in the following manner.

On October 2, 2019, law enforcement officers recovered a white 2006 Ford box truck, Colorado license plate 709 RQH, VIN 1FDWE35L06DA17488, at 2425 Forest Avenue, City and County of Boulder. The truck was left running and unattended. Subsequent investigation determined that the truck belonged to Hector Flores Aguilera, was valued at \$15,000, and had been stolen earlier from 315 North Stuart Street, City and County of Denver, sometime between October

1 and October 2, 2019. The investigation also determined \$760 worth of damage had been caused to the Aguilera truck. On October 2, 2019, a City of Boulder traffic signal camera captured the Aguilera truck traveling through a red light. Thereafter, officers identified the driver of Aguilera's truck depicted in the photo at the time of the violation as Austin Butler. During an interview with investigators in December, 2019, Austin Butler admitted to being involved in the theft of this vehicle.

On October 3, 2019, a 2003 Ford truck, Colorado license plate 548 TRI, VIN 1FDWE35L53HA44495, valued at \$5,713, and belonging to Storage ETC, was stolen from 8390 Church Ranch Boulevard, City of Westminster, Jefferson County. Thereafter, this truck was used to force entry into The Sports Garage bicycle shop located 2705 Sprue Street, City and County of Boulder. Suspects crashed the truck through a ground level garage door, causing over \$5,000 worth of damage to the truck. Suspects then entered the business and removed thirteen bicycles belonging to the business, valued at \$60,743. The suspects caused an estimated \$58,000 in damage to the physical building of the The Sports Garage and merchandise located inside. On that date, a City of Boulder traffic signal camera captured the Storage ETC truck traveling through a red light. Officers subsequently reviewed Facebook Messenger messages of Austin Butler and Jason Quijada that indicated Jason Quijada was involved in this incident. The Storage ETC truck was recovered on October 21, 2019 at 679 Galapago, City and County of Denver. During an interview with investigators in December, 2019, Austin Butler admitted to being involved in the burglary of The Sports Garage and the theft of the truck from Westminster. (See Exhibit 1, Slide 3, 11-12; Exhibit 2, Slides 1-7; Grand Jury Testimony December 10, 2020, pages 53-60.)

COUNT SIXTEEN

(Series 3, Giant Cycling World)

SECOND DEGREE BURGLARY - BUILDING, C.R.S. 18-4-203(1) [F4] 06031

On or about November 17, 2019, in the State of Colorado **Austin Butler** unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the building or occupied structure of The Giant Cycling World, located at 12201 E. Arapahoe Road, City of Centennial, Arapahoe County, with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1), C.R.S.

COUNT SEVENTEEN

(Series 3, Giant Cycling World)

THEFT - \$20,000 - \$100,000, C.R.S. 18-4-401(1),(2)(H) [F4] 08A15

On or about November 17, 2019, in the State of Colorado **Austin Butler** unlawfully, feloniously, and knowingly, without authorization or by threat or deception, obtained, retained, or exercised control over; or knowing or believing it to have been stolen, received, loaned money by pawn or pledge on, or disposed of, a thing of value, namely: bicycles and apparel of The Giant

Cycling World with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and intended to deprive The Giant Cycling World permanently of their use or benefit; in violation of section 18-4-401(1)(a), (2)(h), C.R.S.

The offenses committed in Count Sixteen through Count Seventeen were committed in the following manner.

On November 17, 2019, the Giant Cycling World located at 12201 E. Arapahoe Road, City of Centennial, Arapahoe County, was burglarized. Suspects forced entry to the business by breaking windows with landscaping rocks. Thereafter, suspects removed twelve bicycles from the business, valued at \$41,279, and apparel, valued at \$158. The forcible entry caused approximately \$775 damage to the physical building and other merchandise of the business.

Prior to and after the burglary, Austin Butler and Maurice Leday communicated via Facebook Messenger for the purpose of planning and committing the burglary, as well as receiving proceeds from the burglary. During an interview with investigators in December, 2019, Austin Butler admitted to being involved in this burglary of The Giant Cycling World. (See Exhibit 1, Slides 14-15; Exhibit 2, Slides 1-7; Exhibit 4, Slides 1-9; Grand Jury Testimony July 15, 2021, pages 32-43.)

COUNT EIGHTEEN

(Series 5, Bicycle Village, Base Camp Cycles, Bike Source)

AGGRAVATED MOTOR VEHICLE THEFT IN THE FIRST DEGREE, C.R.S. 18-4-409(2),(3)(A) [F4] 0804G

Between and including November 18 and November 19, 2019, in the State of Colorado, **Austin Butler** unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of Denver Small Moves, without authorization, or by threat or deception, and used the motor vehicle in the commission of the crimes of Burglary and Theft as set forth in sections 18-4-203 and 18-4-401, C.R.S., and/or caused five hundred dollars or more property damage, including but not limited to property damage to the motor vehicle involved, in the course of obtaining control over or in the exercise of control of the motor vehicle, and the value of the motor vehicle was less than twenty thousand dollars; in violation of section 18-4-409(2),(3)(a), C.R.S.

COUNT NINETEEN

(Series 5, Bicycle Village, Base Camp Cycles, Bike Source)

SECOND DEGREE BURGLARY - BUILDING, C.R.S. 18-4-203(1) [F4] 06031

On or about November 19, 2019, in the State of Colorado **Austin Butler** unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the building or occupied structure of Bicycle Village, located at 2820 S. Havana Street, City of Aurora, Arapahoe County, with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1), C.R.S.

COUNT TWENTY

(Series 5, Bicycle Village, Base Camp Cycles, Bike Source)

CRIMINAL MISCHIEF - \$1,000 - \$5,000, C.R.S. 18-4-501(1),(4)(D) [F6] 0901J

On or about November 19, 2019, in the State of Colorado, **Austin Butler**, in the course of a single criminal episode, unlawfully, feloniously, and knowingly damaged the real or personal property of Bicycle Village, the aggregate damage being one thousand dollars or more but less than five thousand dollars; in violation of section 18-4-501(1),(4)(d), C.R.S.

COUNT TWENTY ONE

(Series 5, Bicycle Village, Base Camp Cycles, Bike Source)

ATTEMPTED SECOND DEGREE BURGLARY - BUILDING,

C.R.S. 18-4-203(1) [F5] 06031A

On or about November 19, 2019, in the State of Colorado, **Austin Butler**, by engaging in conduct constituting a substantial step toward the commission of Second Degree Burglary, **Austin Butler** unlawfully, feloniously, and knowingly attempted to break an entrance into, enter, or remain unlawfully after a lawful or unlawful entry in the building or occupied structure of Base Camp Cycles, located at 1869 S. Pearl Street, City and County of Denver, with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1), C.R.S. and 18-2-101, C.R.S.

COUNT TWENTY TWO

(Series 5, Bicycle Village, Base Camp Cycles, Bike Source)

CRIMINAL MISCHIEF - \$1,000 - \$5,000, C.R.S. 18-4-501(1),(4)(D) [F6] 0901J

On or about November 19, 2019, in the State of Colorado, **Austin Butler**, in the course of a single criminal episode, unlawfully, feloniously, and knowingly damaged the real or personal property of Base Camp Cycles, the aggregate damage being one thousand dollars or more but less than five thousand dollars; in violation of section 18-4-501(1),(4)(d), C.R.S.

COUNT TWENTY THREE

(Series 5, Bicycle Village, Base Camp Cycles, Bike Source)

SECOND DEGREE BURGLARY - BUILDING, C.R.S. 18-4-203(1) [F4] 06031

On or about November 19, 2019, in the State of Colorado **Austin Butler** unlawfully, feloniously, and knowingly broke an entrance into, entered, or remained unlawfully after a lawful or unlawful entry in the building or occupied structure of The Bike Source, located at 2690 E. County Line Road, City of Highlands Ranch, Douglas County, with the intent to commit therein the crime of Theft; in violation of section 18-4-203(1), C.R.S.

COUNT TWENTY FOUR

(Series 5, Bicycle Village, Base Camp Cycles, Bike Source)

CRIMINAL MISCHIEF - \$1,000 - \$5,000, C.R.S. 18-4-501(1),(4)(D) [F6] 0901J

On or about November 19, 2019, in the State of Colorado, **Austin Butler**, in the course of a single criminal episode, unlawfully, feloniously, and knowingly damaged the real or personal property of The Bike Source, the aggregate damage being one thousand dollars or more but less than five thousand dollars; in violation of section 18-4-501(1),(4)(d), C.R.S.

COUNT TWENTY FIVE

(Series 5, Bicycle Village, Base Camp Cycles, Bike Source)

THEFT - \$20,000 - \$100,000, C.R.S. 18-4-401(1),(2)(H) [F4] 08A15

On or about November 19, 2019, in the State of Colorado **Austin Butler** unlawfully, feloniously, and knowingly, without authorization or by threat or deception, obtained, retained, or exercised control over; or knowing or believing it to have been stolen, received, loaned money by pawn or pledge on, or disposed of, a thing of value, namely: bicycles of Bicycle Village and The Bike Source with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and intended to deprive The Giant Cycling World permanently of their use or benefit; in violation of section 18-4-401(1)(a), (2)(h), C.R.S.

The offenses committed in Count Eighteen through Count Twenty Five were committed in the following manner.

Between and including November 18 and November 19, 2019, suspects stole a yellow 2000 Ford box truck, Colorado license plate 681 VVD, VIN 1FDWE35LOYHA57629, valued at \$1,774, belonging to Denver Small Moves. At the time of the theft, the yellow box truck was located at 5341 Federal Boulevard in Adams County.

Following the motor vehicle theft, on November 19, 2019, surveillance video captured the Denver Small Moves yellow box truck involved in a burglary of Bicycle Village, located at 2820 Havana Street, City of Aurora, Arapahoe County. On that date, suspects forced entry into Bicycle Village by breaking a window of that business with a rock, causing approximately \$2,000 worth of damage to the business. Thereafter, suspects removed three bicycles from the business, valued at \$1,678.98.

On that same date, surveillance video captured the Denver Small Moves yellow truck involved in an attempted burglary of Base Camp Cycles located at 1869 Pearl Street, City and County of Denver. Suspects used the Denver Small Moves yellow truck to attempt to gain entry into that business by ramming the truck into the front gate/door/window and roof of that business, causing between \$3,000 and \$5,000 worth damage to the structure of that business. Ultimately, the suspects were unable to gain entry into Base Camp Cycles.

On that same date, surveillance video captured the Denver Small Moves yellow truck involved in a burglary of Bike Source, located at 2690 E. County Line Road, City of Highlands Ranch, Douglas County. Suspects again forced entry into Bike Source by breaking a window with rocks, causing approximately \$5,019 worth of damage to the physical structure and merchandise inside of that business. Suspects removed seven bicycles from Bike Source, valued at \$29,878.

Later on November 19, 2019, a City of Greenwood Village Police officer observed the Denver Small Moves yellow truck loaded with bicycles in the City of Greenwood Village, Douglas County. The officer, operating a marked patrol vehicle, attempted to contact the truck by activating its overhead emergency lights and sirens. The truck failed to yield to the attempt to contact, and instead began driving erratically, including running a stop sign at the intersection of Dahlia and Eastman streets. Ultimately, the officer terminated the pursuit.

On November 20, 2019, officers recovered the Denver Small Moves yellow truck near 3320 Decatur Street, City and County of Denver. Located inside the truck at the time of recovery were two bicycles stolen from Bicycle Village and two bicycles stolen from Bike Source. At the time of recovery, the investigation also determined \$4,000 worth of damage to the Denver Small Moves yellow truck.

Investigators reviewed Facebook Messenger Messages and other communications both prior to and after the November 19, 2019 burglaries. Statements of Austin Butler, Maurice Leday, and Pedro Camarena-Ontiveros all indicate their involvement in the events of November 19, 2019. Further, during an interview with investigators in December, 2019, Austin Butler admitted to being involved in the theft of the Denver Small Moves yellow truck, as well as burglaries of the Bicycle Village and Bike Source. (*See Exhibit 1, Slides 21-23; Exhibit 2, Slides 1-7; Exhibit 6, Slides 1-23; Grand Jury Testimony July 15, 2021, pages 62-84.*)

PHILIP J. WEISER

Attorney General

Sarah E McCutcheon

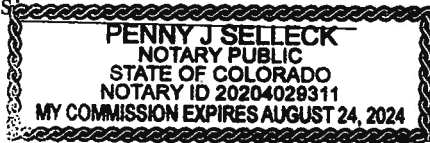
SARAH E. MCCUTCHEON, #33242

Senior Assistant Attorney General

Subscribed to before me in the City and County of Denver, State of Colorado, this
21st day of October, 2021.

Penny J Selleck
Notary Public

My commission expires:



The 2020-2021 Colorado Statewide Grand Jury presents the Indictment contained within, with the Foreperson's signature affixed to each True Bill, and the same is hereby ORDERED FILED this ____ day of October, 2021.

Pursuant to § 13-73-107, C.R.S., the Court designates Boulder County, Colorado as the county of venue for the purposes of trial.

Warrants to issue:

AUSTIN BUTLER, BOND SET AT \$250,000 W/CISX
*probation w/ GPS; no contact w/ CO-#s; surrender all property
no gun or weapons, may not leave state w/ out permit*

W. A. K.

District Court Judge and Presiding Judge for the Statewide Grand Jury

Second Judicial District,

State of Colorado

10/21/2021