

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p>	<p>DATE FILED: October 25, 2021 1:12 PM FILING ID: 4D576BBE44E7E CASE NUMBER: 2021CR1801</p>
<p>THE PEOPLE OF THE STATE OF COLORADO</p> <p>PLANTIFF,</p> <p>VS.</p> <p>GERALD GARCIA</p>	<p>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>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 BURGLARY - BUILDING, C.R.S. 18-4-203(1) [F4] **06031**
- COUNT 4 THEFT - \$20,000 - \$100,000, C.R.S. 18-4-401(1),(2)(H) [F4] **08A15**
- COUNT 5 CRIMINAL MISCHIEF - \$1,000 - \$5,000, C.R.S. 18-4-501(1),(4)(D) [F6]
0901J
- COUNT 6 SECOND DEGREE BURGLARY - BUILDING, C.R.S. 18-4-203(1) [F4] **06031**
- COUNT 7 THEFT - \$20,000 - \$100,000, C.R.S. 18-4-401(1),(2)(H) [F4] **08A15**
- COUNT 8 CRIMINAL MISCHIEF - \$750 - \$1,000, C.R.S. 18-4-501(1),(4)(C) [M1] **0901H**
- COUNT 9 AGGRAVATED MOTOR VEHICLE THEFT IN THE FIRST DEGREE, C.R.S.
18-4-409(2),(3)(A) [F4] **0804G**

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, **Gerald Garcia**, 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, **Gerald Garcia** 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, Kevin Acosta-Larkin, Jason Quijada, Warren Nehring, Gregory Melina, Danny Montelongo, Gerald Garcia, Nehemiah Garcia, Kane Valdez, Chemaine Armijo, Jared Brooks, Gabriel Flood, Adrian Rocha-Chairez, Salvador Mena-Barreno, 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. Maurice Leday coordinated over the phone with the fence, Rocha-Chairez, prior to committing a particular burglary. At times, Rocha-Chairez also dictated the number of bicycles needed for ultimate sale. Leday then 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. Leday accepted or denied participants in the burglaries, and also coordinated the collection of equipment needed, *e.g.* bolt cutters, screwdrivers, hammers, crowbars, gloves, or masks. 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. Once the burglary occurred, Maurice Leday met with the fence Rocha-Chairez to deliver the stolen bicycles—sometimes immediately following the burglary. Rocha-Chairez then would coordinate with Mena-Barreno for further sale of the stolen goods. Rocha-Chairez and Leday would again meet to exchange payment for the stolen bicycles. This money is then distributed amongst those who participated or provided assistance, *e.g.* a vehicle for transportation or temporary storage of stolen bicycles. The stolen vehicles used during the commission of the burglary were abandoned. The fences transported the stolen bicycles out of state and possibly to Mexico in a box truck that he owns in order to sell them.

The distribution chain amongst these individuals has operated repeatedly and supplied several other lower level thieves within the Enterprise. The Enterprise served as a source of income for the participants. The Enterprise has been operating since September, 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 Three through Count Nine 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 12, Specialized Bicycle Experience)

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

Between and including December 23 and December 24, 2019, in the State of Colorado **Gerald Garcia** 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 Specialized Bicycle Experience, located at 5600 Airport Road, 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 FOUR

(Series 12, Specialized Bicycle Experience)

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

Between and including December 23 and December 24, 2019, in the State of Colorado **Gerald Garcia** 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 Specialized Bicycle Experience with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and intended to deprive Specialized Bicycle Experience permanently of their use or benefit; in violation of section 18-4-401(1)(a), (2)(h), C.R.S.

COUNT FIVE

(Series 12, Specialized Bicycle Experience)

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

Between and including December 23 and December 24, 2019, in the State of Colorado, **Gerald Garcia**, in the course of a single criminal episode, unlawfully, feloniously, and knowingly damaged the real or personal property of Specialized Bicycle Experience, 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.

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

Between and including December 23 and 24, 2019, suspects forced entry into Specialized Bicycle Experience, located at 5600 Airport Boulevard, City and County of Boulder, by breaking a window with rocks, causing \$2,000 worth of damage. Thereafter, the suspects removed nine

bicycles from the business valued at \$73,000. Surveillance video revealed a U-Haul box truck with an unknown license plate in the area of the business at the suspected time of the burglary.

Phone records revealed that Leday and Rocha-Chairez, exchanged several phone calls prior to and following the burglary. Investigators also reviewed Facebook Messenger messages and other communications both prior to and following these burglaries. Statements by Maurice Leday, Gerald Garica and other associates indicate that Maurice Leday and Gerald Garcia were responsible for the burglary at Specialized Bicycle Experience. Video and photographs received from Facebook depict Leday and Garcia with large amounts of cash between and including December 24 through December 30, 2019. Facebook communications also indicate that Leday and Garcia rented a hotel room on or about December 24, 2019, where they are depicted in photos with large amounts of cash and expensive bottles of alcohol. (See Exhibit 12, Slides 1-16; Grand Jury Testimony July 15, 2021, pages 147-161.)

COUNT SIX

(Series 13, Boulder Cycle Sport)

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

On or about January 19, 2020, in the State of Colorado **Gerald Garcia** 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 Boulder Cycle Sport, located at 4850 Broadway, 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 SEVEN

(Series 13, Boulder Cycle Sport)

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

On or about January 19, 2020, in the State of Colorado **Gerald Garcia** 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 Boulder Cycle Sport with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and intended to deprive Boulder Cycle Sport permanently of their use or benefit; in violation of section 18-4-401(1)(a), (2)(h), C.R.S.

COUNT EIGHT

(Series 13, Boulder Cycle Sport)

CRIMINAL MISCHIEF - \$750 - \$1,000, C.R.S. 18-4-501(1),(4)(C) [M1] 0901H

On or about January 19, 2020, in the State of Colorado **Gerald Garcia** in the course of a single criminal episode, unlawfully and knowingly damaged the real or personal property of Boulder Cycle Sport, the aggregate damage being seven hundred fifty dollars or more but less than one thousand dollars; in violation of section 18-4-501(1),(4)(c), C.R.S.

The offenses committed in Count Six through Count Eight were committed in the following manner.

On or about January 19, 2020, suspects forced entry into Boulder Cycle Sport, located at 4850 Broadway, City and County of Boulder, by breaking a window with a rock, causing \$900 worth of property damage to that business. Thereafter suspects removed eight bicycles valued at \$50,000. A witness observed a U-Haul without an unidentified license plate truck in the area of the business at the time of the burglary. Officers also observed a U-Haul truck leaving the City of Boulder shortly after the burglary and committing traffic violations; however, no pursuit of the suspect vehicle was initiated at that time. This same business was burglarized in a similar manner on or about December 18, 2019 (described above).

Phone records revealed that Leday and Rocha-Chairez, and Rocha-Chairez and Mena-Barreno, exchanged several phone calls and/or text messages prior to and following the burglary. Investigators also reviewed Facebook Messenger messages and other communications both prior to and following these burglaries. Statements by Maurice Leday, Gerald Garcia, Derrick Aranda and other associates indicate that Maurice Leday and Gerald Garcia were responsible for this burglary at Boulder Cycle Sport. Call detail records indicate that following the burglary Leday communicated with Rocha-Chairez, and thereafter Rocha-Chairez's location moved to the vicinity of 8790 Brighton Road, Adams County, for the purpose of retrieving stolen bicycles for subsequent sale and transport by Mena-Barreno. In addition, following his communications with Leday after the burglary, Rocha-Chairez also communicated with Mena-Barreno.

Video and photographs received from Facebook depict Leday and Garcia with large amounts of cash on January 19, 2020. Facebook communications also indicate that Leday and Garcia rented a hotel room after the burglary. (See Exhibit 14, Slides 14-23; Grand Jury Testimony, September 23, 2021, pages 21-35.)

COUNT NINE

**(Series 18, REI, Cars Remember When, Fay Myers, Havana Auto Parts, Sun Enterprises)
AGGRAVATED MOTOR VEHICLE THEFT IN THE FIRST DEGREE, C.R.S. 18-4-
409(2),(3)(A) [F4] 0804G**

On or about April 22, 2020, in the State of Colorado, **Gerald Garcia** unlawfully, feloniously, and knowingly obtained or exercised control over the motor vehicle of Mile High Youth Corp., without authorization, or by threat or deception, and retained possession or control over the motor vehicle for more than twenty-four hours, 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.

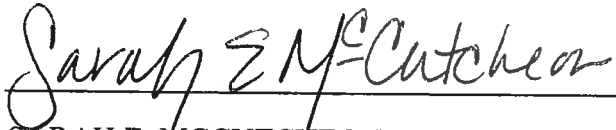
The offense committed in Count Nine was committed in the following manner.

Between and including April 21 and April 22, 2020, a white 2011 Ford Econoline E250 van, Colorado license plate CVR 271, VIN 1FTNE2EW8DA69823, valued at \$10,000, was stolen from a parking lot at 1801 N. Federal Boulevard, City and County of Denver. This passenger van also belonged to Mile High Youth Corp. Facebook Messenger messages and other communications between Leday, Acosta-Larkin, Gerald Garcia, and Kane Valdez, indicate that Leday, Gerald Garcia, and Kane Valdez were responsible for the theft of this second van from Mile High Youth Corp. (See Exhibit 14, Slides 79-105; Grand Jury Testimony, September 23, 2021, pages 100-28.)

On or about May 1, 2020, officers recovered the Mile High Youth Corp. passenger van (Colorado license plate CVR 271) near Bylers Place and Jay Street, City of Lakewood, Jefferson County. At the time of recovery, officers noted two bicycles in the rear of the van. (See Exhibit 14, Slide 130; Grand Jury Testimony, September 23, 2021, pages 162-163.)

PHILIP J. WEISER

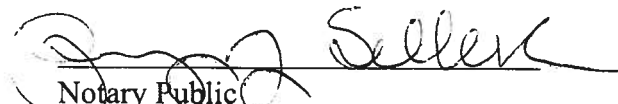
Attorney General


SARAH E. MCCUTCHEON, #33242

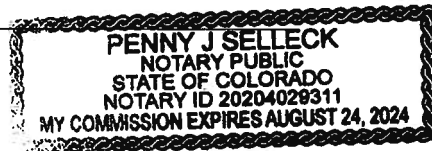
Senior Assistant Attorney General

Subscribed to before me in the City and County of Denver, State of Colorado, this

21st day of October, 2021.


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:

GERALD GARCIA, BOND SET AT 150,000.00 ~~C/S~~
*pre trial of GRS; no cabinet of CO-As, no weapons, search
and reports, may not have state of court approval*

Willard

District Court Judge and Presiding Judge for the Statewide Grand Jury

Second Judicial District,

State of Colorado

10/21/2021