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| <p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p> | |
| <p>THE PEOPLE OF THE STATE OF COLORADO,</p> <p>v.</p> <p>MARIO TIMOTHY HEHR, DOB 07/29/1992;</p> <p>and</p> <p>ALEXANDRA GAISWINKLER, DOB 05/25/1995,</p> <p>Defendants.</p> | <p>▲ COURT USE ONLY ▲</p> |
| <p>PHILIP J. WEISER, Attorney General CRYSTAL LITTRELL, Senior Assistant Attorney General (36814) 1300 Broadway, 9th Floor Denver, CO 80203 720-508-6702</p> | <p>Case No.: GJ Case No.: 22CR0001 Ctrm: 259</p> |
| <p>COLORADO STATE GRAND JURY INDICTMENT</p> | |

CHARGES:

**COUNT ONE
(Mario Hehr)**

COCCA – Pattern of Racketeering – Participation in an Enterprise; §§ 18-17-104(3) and 18-7-105, C.R.S. (F2) {**37284**}

**COUNT TWO
(Both Defendants)**

COCCA – Conspiracy; §§ 18-17-104(3) and 18-17-104(4), C.R.S. (F2) {**37285**}

**COUNT THREE
(Both Defendants)**

THEFT - \$20,000 - \$100,000, § 18-4-401(1)(B),(2)(H),(4)(B), C.R.S. (F4) {**08A1G**}

COUNT FOUR
(Both Defendants)

CONSPIRACY TO COMMIT THEFT - \$20,000 -
\$100,000, §§ 18-4-401(1)(B),(2)(H),(4)(B), 18-2-201,
C.R.S. (F5) {**O8AIGC**}

COUNT FIVE
(Mario Hehr)

ATTEMPT TO COMMIT THEFT \$1,000-\$2,000,
§§ 18-4-401(1)(B),(2)(E), 18-2-101, C.R.S. (M2)
{**O8A1AA**}
(As to Home Depot Store 1549 - May 13, 2022)

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| <p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p> | |
| <p>THE PEOPLE OF THE STATE OF COLORADO,</p> <p>v.</p> <p>MARIO TIMOTHY HEHR, DOB 07/29/1992;</p> <p>and</p> <p>ALEXANDRA GAISWINKLER, DOB 05/25/1995,</p> <p>Defendants.</p> | <p>▲ COURT USE ONLY ▲</p> |
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| <p align="center">COLORADO STATE GRAND JURY INDICTMENT</p> | |

Of the 2022-2023 term of the Denver District Court in the year 2023; the 2022-2023 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:

INDEX OF COUNTS

| Defendant | Counts Applicable |
|-----------------------|--------------------------|
| Mario Hehr | All Counts |
| Alexandra Gaiswinkler | 2, 3, 4 |

ESSENTIAL FACTS

1. Mario Timothy Hehr, DOB 07/29/1992 (“HEHR”) is a Colorado resident who resides in Adams County, Colorado.

2. Alexandra Gaiswinkler, DOB 05/25/1995 (“GAISWINKLER”) is a Colorado resident who also resides in Adams County, Colorado, and was HEHR’s girlfriend at all relevant times herein.

3. Home Depot, Inc. (“Home Depot”) is a national home improvement retail corporation that sells tools, construction products, appliances, and services, among other products. It is headquartered in Atlanta, Georgia, but does business in the State of Colorado.

4. Home Depot operations include the following Colorado retail stores:
- a. Home Depot Store 1502 is located at 5212 Wadsworth Blvd., Arvada, CO 80002, in Jefferson County, Colorado.
 - b. Home Depot Store 1517 is located at 7125 W. 88th Ave., Westminster, CO 80021, in Jefferson County, Colorado.
 - c. Home Depot Store No. 1522 is located at 16900 W. Colfax Ave., Golden, CO 80401, in Jefferson County, Colorado.
 - d. Home Depot Store No. 1549 is located at 4277 S. Eldridge St., Morrison, CO 80465, in Jefferson County, Colorado.
 - e. Home Depot Store 1524 is located at 12171 Sheridan Blvd., Broomfield, CO 80020, in Broomfield County, Colorado.
 - f. Home Depot Store 1548 is located at 16420 Washington St., Thornton, CO 80023, in Adams County, Colorado.
 - g. Home Depot Store 1506 is located at 1200 Dillon Rd., Louisville, CO 80027 in Boulder County, Colorado.
 - h. Home Depot Store 1546 is located at 1600 29th St., Boulder, CO 80301 in Boulder County, Colorado.
 - i. Home Depot Store 1552 is located at 10858 Jake Jabs Blvd., Longmont, CO 80504 in Weld County, Colorado.

5. Between December 2021 and September 2022, HEHR and GAISWINKLER engaged in an ongoing criminal scheme of organized retail theft, which involved taking approximately 199 items of unpaid merchandise valued at approximately \$39,682.84 from Home Depot stores in Adams, Jefferson, Boulder, Broomfield, and Weld Counties, without authorization, and pawning, selling or trading the items for their own personal benefit.

6. Investigation has revealed evidence of tools being pawned by HEHR and GAISWINKLER that matches merchandise stolen from Home Depot by HEHR. In addition, during surveillance in a drug investigation, HEHR was observed delivering boxes of tools and merchandise to the property using a blue/white Ford van. Following the execution of a search warrant in that case, the merchandise was recovered and eventually identified by Home Depot as stolen merchandise.

7. HEHR's and GAISWINKLER's criminal scheme followed a distinctive *modus operandi*. HEHR would arrive at Home Depot stores in a blue/white Ford van, which would wait in the parking lot. HEHR would typically enter the store without merchandise and then select a tote or garbage bin while inside the store. He would then use cutters, often taken from his pocket, to cut security cables securing high-end tools and conceal the tools in the tote or bin. HEHR would exit the store with the tote or bin, including the concealed merchandise, without paying. This was typically captured on Home Depot surveillance cameras.

8. Store employees and investigators identified HEHR both from security cameras and from in-person encounters, describing him as a white man with a brown ponytail, typically wearing a mask, and with a distinctive gait. HEHR would often wear the same shoes and clothes from one theft to the next. A blue and white Ford van without license plates, or with a temp tag, was also identified from one theft to the next as transporting HEHR and was also often caught on surveillance cameras. HEHR would depart from the Home Depot stores in the blue and white van, often getting into the back or passenger seat. During the time when the van had a temporary license tag, before the tag expired, the van was registered to GAISWINKLER.

9. After a theft from a Home Depot store, HEHR or GAISWINKLER would often travel directly to a pawnshop, such as Jumping Jack Cash #4, where they would sell or pawn items matching the descriptions of the recently stolen tools. Jumping Jack Cash #4 is located at 8851 Washington St., Thornton, CO 80229.

10. On at least three occasions when HEHR entered and acquired merchandise from Home Depot retail stores without paying, surveillance camera footage shows he did so in the company of, and with the assistance of, the same unidentified male individual.

COUNT ONE

Violation of the Colorado Organized Crime Control Act – Pattern of Racketeering – Participation in an Enterprise (F2)

C.R.S. §§ 18-17-104(3) and 18-7-105

On or about and between December 11, 2021 and September 19, 2022, triable in the State of Colorado, **MARIO TIMOTHY HEHR**, while employed by or associated with an enterprise, unlawfully, feloniously, and knowingly conducted or participated, directly or indirectly, in an enterprise through a pattern of racketeering activity; in violation of §§ 18-17-104(3) and 18-7-105, C.R.S.

COUNT TWO

Violation of the Colorado Organized Crime Control Act – Conspiracy (F3)

C.R.S §§ 18-17-104(3) and 18-17-104(4)

On or about and between December 11, 2021 and September 19, 2022, triable in the State of Colorado, **MARIO TIMOTHY HEHR** and **ALEXANDRA GAISWINKLER**, and others both known and unknown to the Grand Jury, did unlawfully, knowingly, and feloniously conspire or endeavor to conduct and participate, directly or indirectly, in an enterprise, through a pattern of racketeering activity; in violation of §§ 18-17-104(3) and 18-17-104(4), C.R.S.

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

The Enterprise

The Enterprise alleged in Counts One and Two is primarily a group of individuals, associated in fact, although not a legal entity. More specifically the enterprise includes, but is not limited to, the following associated in fact individuals and/or legal entities:

MARIO TIMOTHY HEHR
ALEXANDRA GAISWINKLER
JUMPING JACK CASH #4

and other persons or entities known or unknown to the Grand Jury and the Attorney General.

The above cited members of the Enterprise collaborated with one or more of the others as principals and/or complicitors to take high-end tools and merchandise from Home Depot retail stores without payment or authorization, using their connections through pawn shops and other affiliations to execute an organized retail crime scheme. The funds from these fraudulent activities were used as income by the various members of the Enterprise. Throughout the course of this investigation, the Grand Jury has developed evidence to show that the Enterprise and its members profited from these criminal acts.

The associations between members of the Enterprise are demonstrated through a variety of records, including but not limited to pawn records and surveillance videos. The Enterprise has operated since at least December 11, 2021. The alleged behavior occurred in various jurisdictions, including in Adams County, Boulder County, City and County of Broomfield, Weld County, and Jefferson County, all in the State of Colorado.

Pattern of Racketeering Activity

MARIO HEHR, ALEXANDRA GAISWINKLER, 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, 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:

Predicate Act A: THEFT - \$5,000 - \$20,000, C.R.S. § 18-4-401(1)(b),(2)(G),(4)(B) (F5) {08A1F} (Pertaining to Home Depot Stores 1502, 1517, 1522, and 1549 in Jefferson County)

Predicate Act B: CONSPIRACY TO COMMIT THEFT - \$5,000 - \$20,000, C.R.S. §§ 18-4-401(1)(b),(2)(G),(4)(B); 18-2-201 (F6) {08A1FC} (Pertaining to Home Depot Stores 1502, 1517, 1522, and 1549 in Jefferson County)

Predicate Act C: THEFT - \$5,000 - \$20,000, C.R.S. § 18-4-401(1)(b),(2)(G),(4)(B) (F5) {08A1F} (Pertaining to Home Depot Stores 1524 and 1548 in Broomfield and Adams County)

Predicate Act D: CONSPIRACY TO COMMIT THEFT - \$5,000 - \$20,000, C.R.S. §§ 18-4-401(1)(b),(2)(G),(4)(B); 18-2-201 (F6) {08A1FC} (Pertaining to Home Depot Stores 1524 and 1548 in Broomfield and Adams County)

Predicate Act E: THEFT - \$5,000 - \$20,000, C.R.S. § 18-4-401(1)(b),(2)(G),(4)(B) (F5) {08A1F} (Pertaining to Home Depot Stores 1506 and 1546 in Boulder County)

Predicate Act F: CONSPIRACY TO COMMIT THEFT - \$5,000 - \$20,000, C.R.S. §§ 18-4-401(1)(b),(2)(G),(4)(B); 18-2-201 (F6) {08A1FC} (Pertaining to Home Depot Stores 1506 and 1546 in Boulder County)

Predicate Act G: THEFT - \$2,000 - \$5,000, C.R.S. § 18-4-401(1)(b),(2)(F) (F6) {08A1E} (Pertaining to Home Depot Store 1552 in Weld County)

Predicate Act H: CONSPIRACY TO COMMIT THEFT - \$2,000 - \$5,000, C.R.S. §§ 18-4-401(1)(b),(2)(F); 18-2-201 (F6) {08A1EC} (Pertaining to Home Depot Store 1552 in Weld County)

Predicate Act I: THEFT \$300 - \$1,000, C.R.S. § 18-4-401(1)(B),(2)(C) (March 1, 2022) (M2) {08A1C} (Pertaining to May 21, 2022 – Store 1524, Broomfield County)

Predicate Act J: CONSPIRACY TO COMMIT THEFT \$300 - \$1,000, C.R.S. §§ 18-4-401(1)(B),(2)(C) (March 1, 2022), 18-2-201 (PO) {08A1CC} (Pertaining to May 21, 2022 – Store 1524, Broomfield County)

Predicate Act K: ATTEMPT TO COMMIT THEFT \$1,000-\$2,000, C.R.S. §§ 18-4-401(1)(b),(2)(E), 18-2-101 {08A1AA} (Pertaining to May 13, 2022 – Store 1549, Jefferson County)

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, including any lesser included offenses:

Predicate Act A
**(Pertaining to Home Depot Stores 1502, 1517, 1522, and 1549 in
Jefferson County)**

THEFT - \$5,000 - \$20,000, C.R.S. § 18-4-401(1)(b),(2)(G),(4)(B) (F5) {08A1F}

On or about and between December 11, 2021 and September 19, 2022, triable in the State of Colorado, **MARIO HEHR** and **ALEXANDRA GAISWINKLER** 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, a thing of value, namely: merchandise and property, of Home Depot, Inc., with the value of five thousand dollars or more but less than twenty thousand dollars and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Home Depot of its use or benefit; in violation of section 18-4-401(1)(b),(2)(G),(4)(B),(4)(B), C.R.S.

Predicate Act B
**(Pertaining to Home Depot Stores 1502, 1517, 1522, and 1549 in
Jefferson County)**

CONSPIRACY TO COMMIT THEFT - \$5,000 - \$20,000, C.R.S. §§ 18-4-401(1)(b),(2)(G),(4)(B); 18-2-201 (F6) {08A1FC}

On or about and between December 11, 2021 and September 19, 2022, triable in the State of Colorado, **MARIO HEHR** and **ALEXANDRA GAISWINKLER**, with the intent to promote or facilitate the commission of the crime of Theft \$5,000 - \$20,000, unlawfully and feloniously agreed with one another and a person or persons known or unknown that one or more of them would engage in conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; in violation of sections 18-4-401(1)(b),(2)(g),(4)(b) and 18-2-201, C.R.S.

Predicate Act C

(Pertaining to Home Depot Stores 1524 and 1548 in Broomfield and Adams County)

THEFT - \$5,000 - \$20,000, C.R.S. § 18-4-401(1)(b),(2)(G),(4)(B) (F5) {08A1F}

On or about and between December 14, 2021 and August 9, 2022, triable in the State of Colorado, **MARIO HEHR** and **ALEXANDRA GAISWINKLER**, 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, a thing of value, namely: merchandise and property, of Home Depot, Inc., with the value of five thousand dollars or more but less than twenty thousand dollars and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Home Depot of its use or benefit; in violation of section 18-4-401(1)(b),(2)(g),(4)(b), C.R.S.

Predicate Act D

(Pertaining to Home Depot Stores 1524 and 1548 in Broomfield and Adams County)

CONSPIRACY TO COMMIT THEFT - \$5,000 - \$20,000, C.R.S. §§ 18-4-401(1)(b),(2)(G),(4)(B); 18-2-201 (F6) {08A1FC}

On or about and between December 14, 2021 and August 9, 2022, triable in the State of Colorado, **MARIO HEHR** and **ALEXANDRA GAISWINKLER**, with the intent to promote or facilitate the commission of the crime of Theft \$5,000 - \$20,000, unlawfully and feloniously agreed with one another and a person or persons known or unknown that one or more of them would engage in conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; in violation of sections 18-4-401(1)(b),(2)(g),(4)(b) and 18-2-201, C.R.S.

Predicate Act E

(Pertaining to Home Depot Stores 1506 and 1546 in Boulder County)

THEFT - \$5,000 - \$20,000, C.R.S. § 18-4-401(1)(b),(2)(G),(4)(B) (F5) {08A1F}

On or about and between February 23, 2022 and May 30, 2022, triable in the State of Colorado, **MARIO HEHR** and **ALEXANDRA GAISWINKLER**, 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, a thing of value, namely: merchandise and property, of Home Depot, Inc., with the value of five thousand dollars or more but less than twenty thousand dollars and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Home Depot of its use or benefit; in violation of section 18-4-401(1)(b),(2)(g),(4)(b), C.R.S.

Predicate Act F

(Pertaining to Home Depot Store Numbers 1506 and 1546 in Boulder County)

CONSPIRACY TO COMMIT THEFT - \$5,000 - \$20,000, C.R.S. §§ 18-4-401(1)(b),(2)(G),(4)(B); 18-2-201 (F6) {08A1FC}

On or about and between February 23, 2022 and May 30, 2022, triable in the State of Colorado, **MARIO HEHR** and **ALEXANDRA GAISWINKLER**, with the intent to promote or facilitate the commission of the crime of Theft \$5,000 - \$20,000, unlawfully and feloniously agreed with one another and a person or persons known or unknown that one or more of them would engage in conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; in violation of sections 18-4-401(1)(b),(2)(g),(4)(b) and 18-2-201, C.R.S.

Predicate Act G

(Pertaining to Home Depot Store Number 1552 in Weld County)

THEFT - \$2,000 - \$5,000, C.R.S. § 18-4-01(1)(b),(2)(F) (F6) {08A1E}

On or about and between February 14, 2022 and August 12, 2022, triable in the State of Colorado, **MARIO HEHR** and **ALEXANDRA GAISWINKLER**, 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, a thing of value, namely: merchandise and property, of Home Depot, Inc., with the value of two thousand dollars or more but less than five thousand dollars and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Home Depot of its use or benefit; in violation of section 18-4-401(1)(b),(2)(f), C.R.S.

Predicate Act H

(Pertaining to Home Depot Store Number 1552 in Weld County)

CONSPIRACY TO COMMIT THEFT - \$2,000 - \$5,000, C.R.S. §§ 18-4-401(1)(b),(2)(F); 18-2-201 (F6) {08A1EC}

On or about and between February 14, 2022 and August 12, 2022, triable in the State of Colorado, **MARIO HEHR** and **ALEXANDRA GAISWINKLER**, with the intent to promote or facilitate the commission of the crime of Theft \$2,000 - \$5,000, unlawfully and feloniously agreed with one another and a person or persons known or unknown that one or more of them would engage in conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; in violation of sections 18-4-401(1)(b),(2)(f), and 18-2-201, C.R.S.

The offenses alleged in Predicate Acts A through H were committed in the manner described in Counts 3 and 4.

Predicate Act I

(Pertaining to May 21, 2022 – Store 1524, Broomfield County)

**THEFT \$300 - \$1,000, C.R.S. § 18-4-401(1)(B),(2)(C) (March 1, 2022) (M2)
{08A1C}**

On or about May 21, 2022, triable in the State of Colorado, **MARIO HEHR** and **ALEXANDRA GAISWINKLER** 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, a thing of value, namely: merchandise and property, of Home Depot, Inc., with the value of three hundred dollars or more but less than one thousand dollars and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Home Depot of its use or benefit; in violation of section 18-4-401(1)(b),(2)(c), C.R.S.

Predicate Act J

(Pertaining to May 21, 2022 – Store 1524, Broomfield County)

CONSPIRACY TO COMMIT THEFT - \$300 - \$1,000, C.R.S. §§ 18-4-401(1)(b),(2)(C) (March 1, 2022); 18-2-201 (PO) {08A1CC}

On or about May 21, 2022, triable in the State of Colorado, **MARIO HEHR** and **ALEXANDRA GAISWINKLER**, with the intent to promote or facilitate the commission of the crime of Theft \$300 - \$1,000, unlawfully and feloniously agreed with one another and a person or persons known or unknown that one or more of them would engage in conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; in violation of sections 18-4-401(1)(b),(2)(c) and 18-2-201, C.R.S.

The offenses alleged in Predicate Acts I and J were committed in the following manner:

On May 21, 2022, a man later identified to be HEHR entered Home Depot Store 1524 in the City and County of Broomfield. Home Depot Corporate Investigator Terry Pruse followed HEHR inside the store and observed him load a trash can with Makita tools, after cutting security cables on the tool display shelf. Inv. Pruse called the Broomfield Police Department. Approximately five

minutes after entering the store, HEHR exited without paying for the trash can or tools, which were valued at \$438.97. HEHR fled when Inv. Pruse approached him, leaving in a blue and white van. During this encounter, Inv. Pruse personally observed both HEHR and GAISWINKLER. The Broomfield Police Department performed a traffic stop of the van at 120th and Sheridan Blvd., and HEHR was positively identified. The driver of the van was identified by law enforcement officers as GAISWINKLER. Home Depot merchandise valued at \$438.97 was recovered from the vehicle and returned to the store. HEHR was charged with theft pursuant to C.R.S. § 18-4-401.

Predicate Act K

(Pertaining to May 13, 2022 – Store 1549, Jefferson County)

ATTEMPT TO COMMIT THEFT - \$1,000 - \$2,000, C.R.S. §§ 18-4-401(1)(b),(2)(E); 18-2-201 (M2) {08A1AA}

On or about May 13, 2022, triable in the State of Colorado, **MARIO HEHR**, by engaging in conduct constituting a substantial step toward the commission of Theft \$1,000 - \$2,000, unlawfully, feloniously, and knowingly, without authorization or by threat or deception, attempted to obtain, retain, or exercise control over a thing of value, namely: merchandise and property, of Home Depot, Inc., with the value of one thousand dollars or more but less than two thousand dollars and attempted to knowingly use, conceal, or abandon the thing of value in such manner as to permanently deprive Home Depot of its use or benefit; in violation of sections 18-4-401(1)(b),(2)(e), 18-2-101, C.R.S.

The offenses alleged in Predicate Act K were committed in the manner described in Count 5.

COUNT THREE

**THEFT - \$20,000 - \$100,000, C.R.S. § 18-4-401(1)(B),(2)(H),(4)(B) (F4)
{08A1G}**

On or about and between December 11, 2021 and September 19, 2022, triable in the State of Colorado, **MARIO HEHR** and **ALEXANDRA GAISWINKLER**, 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, a thing of value, namely: merchandise and property, of Home Depot, Inc., with the aggregate value of twenty thousand dollars or more but less than one hundred thousand dollars, and knowingly used, concealed, or abandoned the thing of value in such manner as to permanently deprive Home Depot of its use or benefit; in violation of section 18-4-401(1)(b),(2)(h),(4)(b), C.R.S.

COUNT FOUR

CONSPIRACY TO COMMIT THEFT - \$20,000 - \$100,000, C.R.S. §§ 18-4-401(1)(B),(2)(H),(4)(B); 18-2-201 (F5) {08A1GC}

On or about and between December 11, 2021 and September 19, 2022, triable in the State of Colorado, **MARIO HEHR** and **ALEXANDRA GAISWINKLER**, with the intent to promote or facilitate the commission of the crime of Theft \$20,000-\$100,000, unlawfully, feloniously, and knowingly agreed with one another and a person or persons known or unknown that one or more of them would engage in conduct which constituted that crime or an attempt to commit that crime, or agreed to aid the other person or persons in the planning or commission or attempted commission of that crime, and an overt act in pursuance of the conspiracy was committed by one or more of the conspirators; in violation of sections 18-4-401(1)(b),(2)(h),(4)(b) and 18-2-201, C.R.S.

COUNT FIVE

**ATTEMPT TO COMMIT THEFT - \$1,000 - \$2,000, C.R.S. §§ 18-4-01(1)(B),(2)(E); 18-2-201 (M2) {08A1AA}
(Home Depot Store Number 1549 – May 13, 2022)**

On or about May 13, 2022, **MARIO HEHR**, by engaging in conduct constituting a substantial step toward the commission of Theft \$1,000 - \$2,000, unlawfully, feloniously, and knowingly, without authorization or by threat or deception, attempted to obtain, retain, or exercise control over a thing of value, namely: merchandise and property, of Home Depot, Inc., with the value of one thousand dollars or more but less than two thousand dollars and attempted to knowingly use, conceal, or abandon the thing of value in such manner as to permanently deprive Home Depot of its use or benefit; in violation of sections 18-4-401(1)(b),(2)(e), 18-2-101, C.R.S.

Facts that support the offenses set forth in Counts Three through Five above include, but are not limited to, the following:

1. All of the facts supporting all other counts in this Indictment and the Essential Facts are incorporated in Counts Three through Five by this reference.

2. Between December 11, 2021 and September 19, 2022, HEHR entered multiple Home Depot stores as part of an ongoing criminal scheme, acquired tools and other merchandise without authorization and without payment, and fled in a blue and white van. The thefts were caught on Home Depot surveillance cameras. A summary of the thefts includes the following:

| STORE # | STORE NAME | DATE | TIME | STOLEN ITEMS | TOTAL AMOUNT LOSS |
|---------|-------------|------------|---------|---|-------------------|
| 1502 | Arvada | 12/11/2021 | 5:58 PM | MKE M12 5/8" ROT Hammer Kit, Model #2416-21XC; MAK 18V LXT BL Combo Kit 5.0AH, Model #XT288T | \$ 648.00 |
| 1548 | N. Thornton | 12/14/2021 | 1:09 PM | M18 18 Volt Lithium-Ion Cordless Com, Model #2696-26 | \$ 449.00 |
| 1548 | N. Thornton | 12/26/2021 | 1:42 PM | M18 18 Volt Lithium-Ion Cordless Com, Model #2696-26; 3 MKE M18 Fuel Multi Tools, Model # 2836-20 | \$ 1,106.00 |

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| 1548 | N. Thornton | 12/30/2021 | 5:52 PM | 2 Dewalt 20v Handheld LED Area Lights, Model #DCL050; 2 MKE M18 Trouble Lights, Model #2363-20; 1 MKE M12 Fuel Multihead Drill Kit, Model #2505-22. | \$ 535.00 |
| 1548 | N. Thornton | 1/26/2022 | 6:13 PM | 2 MKE M18 Fuel Sawzall - Gen II, Model #2821-20; MKE 1/2" HD Right Angle Dr, Model #3107-6. | \$ 727.00 |
| 1524 | Broomfield | 1/29/2022 | 6:34 PM | M18 Fuel 2pc 5.0AH IMP Drv Kit, Model #2996-22; MKE M18 Fuel Sawzall - Gen II, Model #2821-20. | \$ 538.00 |
| 1522 | Golden | 2/8/2022 | 5:47 PM | 2 HDX 27 Gallon Tough Totes, Model #207586; 3 M18 Fuel 2pc 5.0AH Hamd/Imp Drv Kits, Model #2996-22; 3 MKE M18 1/2" Imp Wrench w/ring kits, Model #2767-21B; 1 M18 Fuel 18-volt Lithium-Ion Brushless, Model #2767-20. | \$ 2,424.96 |
| 1517 | Westminster | 2/12/2022 | 5:42 PM | 2 HDX 27 Gallon Tough Totes, Model #207585 | \$ 31.96 |
| 1552 | Firestone | 2/14/2022 | 5:56 PM | 5 M12 4-Tool Combo Kits, Model #2498-24; 5 M12 Fuel 4.0 Hamd/Imp Drill Kits, Model #2494-22; 2 HDX 27 Gallon Tough Totes, Model #207585. | \$ 2,167.97 |
| 1502 | Arvada | 2/21/2022 | 5:48 PM | MKE M18 Fuel 7-1/4" RH Circ BT, Model #2830-20; M18 Fuel Jig Saw Tool Only, Model #2737-20; MKE M18 Fuel 7-1/4" Circ Saw, Model #2732-20; 2 M18 Fuel Hackzalls Tool Only, Model #2719-20 | \$ 965.00 |
| 1524 | Broomfield | 2/22/2022 | 4:49 PM | MKE M18 Trimmer/Blower Combo, Model #3000-21; Milwaukee M18 Fuel Blower Tool Only, Model #2724-20 | \$ 608.00 |
| 1546 | Boulder | 2/23/2022 | 4:47 PM | HDX 27 Gallon Tough Tote, Model #207585; 2 M18 Fuel 2pc 5.0AH HAMD/IMP Drv Kits, Model #2996-22 | \$ 711.98 |
| 1548 | N. Thornton | 2/28/2022 | 5:53 PM | 3 M18 Fuel 18 Volt Lithium Brushless, Model #3697-22; 4 M18 Fuel 18 Volt Lithium-Ion Brushless, Model #2767-20; Brute 32 Gal Trash Can | \$ 2,280.97 |

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| 1506 | Louisville | 3/3/2022 | 5:35 PM | 5 MKE M12 Fuel 1/4" Rtriangle Diegrinders, Model #2485-20; 3 MKE M12 Fuel 5-3/8" Circ Saws, Model #2530-20; 5 MKE M12 Fuel 3" cutoff Saws tool only, Model #2522-20; 3 MKE M12 3/8" 1.5AH Drill Driv Kits, Model #2407-22; 4 MKE M12 Hackzall Kits, Model #2420-21; 4 MKE M12 Band Saws tool only, Model #2429-20; Brute 32 gal Trash Can | \$ 3,786.97 |
| 1549 | Jefferson County | 3/5/2022 | 5:37 PM | MKE M12 5 tool combo kit, model # 2499-25; M18 Fuel 2pc 5.0AH HAMD/IMP Drv Kit, Model #2996-22; MKE M18 Compact 1/2" Drill/Dvr Kit, Model #2892-22ct; MKE M18 High Output battery 2pk 6.0AH, Model #48-11-1862; Brute 32 gal Trash Can | \$ 983.47 |
| 1517 | Westminster | 3/5/2022 | 11:15 AM | 4 M12 FUEL 4.0/2.0AH HAMD/IMP KIT, Model #2504-20 | \$ 716.00 |
| 1517 | Westminster | 3/9/2022 | 3:36 PM | MKE M18 Trimmer/Blower Combo, Model #3000-21 | \$ 439.00 |
| 1549 | Jefferson County | 3/10/2022 | 4:35 PM | MKE M18 XC6.0 2PK STARTER KIT, Model #DCF891B; MKE MILW 11A DEEP CUT BAND SAW W CAS, Model #6232-21; HDX 27 gallon tough tote, Model#207585 | \$ 643.98 |
| 1506 | Louisville | 3/10/2022 | 6:08 PM | 2 20-VOLT MAX CORDLESS 1/2 IN. IMPACT, Model #DCF891B; DW 20V XR BL RECIPROCATING SAW, Model #DCS382B; 20-VOLT MAX 16-GAUGE CORDLESS ANGLED, Model #DCN660B; Brute 32 gal trash can. | \$ 1,066.97 |
| 1502 | Arvada | 3/15/2022 | 1:44 PM | 20-VOLT MAX LITHIUM-ION BRUSHLESS CO, Model #DCK254E2; 2 20-VOLT MAX 16-GAUGE CORDLESS ANGLED, DCN660B; DW 20V XR 1" ROTARY HAMMER TO, Model #DCH133B; HDX 27 GALLON TOUGH TOTE, Model #207585 | \$ 1,061.98 |
| 1552 | Firestone | 3/16/2022 | 4:30 PM | MKE M18 FUEL STRING TRIM KIT W/Q-LOK, Model #2724-21HD; MKE M18 FUEL 16IN CHAINSAW TOOL-ONLY, Model #2727-20 | \$ 788.00 |

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| 1506 | Louisville | 3/22/2022 | 2:40 PM | 2 M18 FUEL 18-VOLT LITHIUM-ION BRUSHLE, Model #2912-20; 2 MKE M18 FUEL MULTI TOOL, Model #2836-20; HUSKY 25G LATCH & STACK TOTE BLK/RED, Model #206199 | \$ 1,137.98 |
| 1506 | Louisville | 4/14/2022 | 6:57 PM | M18 FUEL 2 PC 5.0AH HAMD/IMP DRV KIT, Model #2996-22; 3 M18 FUEL 5.0AH 1/2" HAMMER DRILL KITS, Model #2904-20; 4 MKE M18 FUEL1/2"HAMDRILL/DVRTOOLONLY , Model #2804-20; 2 MKE M18 8.0 XC HIGH OUTPUTKIT, Model #48-59-1880; 4 MKE M18 BATTERYCHARGER 5.0AH STARTER, Model #48-59-1850; HUSKY 50G 37IN ROLLING TOOLBOX | \$ 3,285.00 |
| 1506 | Louisville | 4/24/2022 | 7:02 PM | MILWAUKEE PACKOUT CART ONLY, Model #48-22-8426; MILWAUKEE 22" PACKOUT LARGE TOOL BOX, Model #48-22-8425; Packout deep organizer, Model #48-22-8432; MILWAUKEE PACKOUT LARGE ORG 11 COMP, Model #48-22-8430; MKE M18 TRIMMER/BLOWER COMBO, Model #3000-21; MILWAUKEE 15 IN. PACKOUT TOOL BAG, Model #48-22-8321; MILWAUKEE 10 BIN DEEP PRO ORG, Model #223875; MILWAUKEE 22" PACKOUT SMALL TOOL BOX, Model #48-22-8424; MILWAUKEE PACKOUT 5-COMP SMALL ORG, Model #48-22-8435 | \$ 980.77 |
| 1549 | Jefferson County | 4/28/2022 | 5:33 PM | MKE M18 TRIMMER/BLOWER COMBO, Model #3000-21; HUSKY 45G LATCH & STACK TOTE BLK/RED, Model #206201 | \$ 478.98 |
| 1506 | Louisville | 5/8/2022 | 1:22 PM | 3 MILWAUKEE M18 HEDGE TRIM TOOL-ONLY, Model #2726-20 | \$ 537.00 |
| 1549 | Jefferson County | 5/12/2022 | 6:52 PM | MKE M18 FUEL STRING TRIM KIT W/Q-LOK, Model #2825-21ST; MKE M18 TRIMMER/BLOWER COMBO, Model #3000-21; M18 FUEL 120 MPH 450 CFM 18-VOLT LIT, Model | \$ 1,124.97 |

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| | | | | #2724-21HD; BRUTE 44GAL TRASH CAN GRAY | |
| 1522 | Golden | 5/13/2022 | 5:54 PM | 2 M18 18-VOLT LITHIUM-ION CORDLESS COM, Model #2695-24 | \$ 898.00 |
| 1549 | Jefferson County | 5/13/2022 | 5:37 PM | Milwaukee tools; HDX 27 GALLON TOUGH TOTE, Model #207585; M18 FUEL 18-VOLT LITHIUM-ION BRUSHLE, Model #3697-22; M18 FUEL 18-VOLT LITHIUM-ION BRUSHLE, Model #2749-20; PACKOUT 30OZ TUMBLER – RED, Model #48-22-8393R; work tee, Model #603B-L | \$ 1,334.79 |
| 1506 | Louisville | 5/30/2022 | 4:24 PM | 2 M18 18-VOLT LITHIUM-ION CORDLESS COM, Model #2695-24 | \$ 898.00 |
| 1517 | Westminster | 6/13/2022 | 9:20 AM | 3 M12 FUEL 3/8IN RA IMP WRENCH (BT), Model #2564-20 | \$ 537.30 |
| 1517 | Westminster | 6/21/2022 | 10:43 AM | 3 MKE M18 ROVER LED AC/DC FLOOD LIGHT, Model #2366-20; 2 M18 ROVER MOUNTING FLOOD LIGHT, Model #2365-20; 2 M18 PACKOUT LIGHT/CHARGER, Model #2357-20 | \$ 1,119.20 |
| 1517 | Westminster | 6/22/2022 | 10:35 AM | 2 M18 18-VOLT LITHIUM-ION CORDLESS COM, Model #2695-24 | \$ 898.00 |
| 1517 | Westminster | 6/23/2022 | 1:54 PM | 2 M18 FUEL 2 PC 5.0AH HAMD/IMP DRV KIT, Model #2996-22 | \$ 798.00 |
| 1548 | N. Thornton | 8/9/2022 | 1:39 PM | PACKOUT XL TOOL BOX, Model #48-22-8429; 3 MKE 12A SAWZALL RECIP SAWS, Model #6519-31; 3 MAK 8A 1" SDSPLUS AVT ROT HAM WGRNDR, Model #HR2541X1 | \$ 1,083.00 |
| 1552 | Firestone | 8/12/2022 | 11:23 AM | PACKOUT 3-DRAWER TOOL BOX, Model #48-22-8443; M18 BRUSHLESS COMPACT DRILL/IMP 2PC, Model #2892-22CT; 2 M18 FUEL HACKZALL (TOOL ONLY), Model #2719-20; 2 MKE M18FUEL SURGE IMPACT DRIVER TOOL, Model #2760-20 | \$ 1,069.00 |
| 1517 | Westminster | 8/14/2022 | 4:06 PM | HUSKY 20 GAL PRO DUTY TOTE – BLACK, Model #246841; 3 RGD 18V BL SUBC 3/8 IN RIGHT ANGLE D, Model #R87701B; RGD 18V SUBC BL ONE-HANDED RECIP SAW, Model | \$ 1,137.98 |

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| | | | | #R8648B; RDG 18V SUBCOMP. DRILL & DRIVER KIT, Model #R9209; 2 RIDGID 18V OCTANE COMPACT ROUTER, Model #R860443B; 18V BRUSHLESS CORDLESS SUBCOMPACT 6, Model #R8656B | |
| 1502 | Arvada | 8/18/2022 | 12:09 PM | DW 15 DEG SIDING NAILER, Model #DW66C-1; MKE M18 FUEL 16 GA FINISH NAILER GEN, Model #2841-20; RIDGID MOBILE JOB BOX, Model #249646 | \$ 752.98 |
| 1502 | Arvada | 9/19/2022 | 10:16 PM | HUSKY 15G LATCH & STACK TOTE BLK/RED, Model #206198; MKE M12 FUEL SUB-COMPACT BAND SAW, Model #2529-20 | \$ 266.98 |

3. For these thefts from Home Depot, law enforcement officers and store security investigators reviewed surveillance videos and identified the man on the video taking the merchandise to be HEHR, and the blue and white van as the same vehicle that had transported HEHR and GAISWINKLER to and from Home Depot stores on multiple occasions related to prior thefts.

4. Directly following many of these thefts, HEHR and GAISWINKLER would travel to one or more pawnshops, including Jumping Jack Cash #4, and pawn tools. Investigation has revealed that many of the tools pawned are consistent with tools recently stolen by HEHR from Home Depot.

5. From December 1, 2021 through March 22, 2022, HEHR pawned 123 items to Jumping Jack Cash #4, and received a total of \$15,635.00 for the items. GAISWINKLER sold or pawned 144 items to Jumping Jack Cash #4 and to one other pawnshop, and received \$17,810.00 during the same time period.

6. Some representative examples of thefts of tools or other merchandise by HEHR from Home Depot, and of incidents where HEHR or GAISWINKLER pawned tools immediately after the thefts, include, but are not limited to, the following:

- i. December 14, 2021 – 1:09 p.m.: Home Depot surveillance footage witnessed HEHR enter Store 1548, go to the tool area, cut spider wrap off a Milwaukee 18 volt combo kit valued at \$449.00, and then exit the store without paying for the item. HEHR got into a blue and white Ford van and left the scene.

- a. On December 14, 2022, at about 1:28 p.m., GAISWINKLER went to Jumping Jack Cash #4 and pawned Milwaukee tools that are consistent with descriptions of the items stolen, including a Multi-Voltage charger. She received \$160.00.
- ii. December 26, 2021 – 1:42 p.m.: Home Depot surveillance footage shows HEHR enter Store 1548 wearing a gray Milwaukee hoodie and Colorado hat, select three Milwaukee multi-tools and a Milwaukee combo kit that includes a drill, and exit the store without paying for the items, which were still covered by spider wrap. The unpaid merchandise was valued at \$1,106.00. HEHR left in the blue and white van.
 - a. On December 26, 2022 at about 2:00 p.m., HEHR went to Jumping Jack Cash #4 and pawned Milwaukee multi-tools for \$180.00. The pawned items include a multi-voltage charger that is the same model number, 48-59-1812, as one taken from Home Depot that day.
- iii. January 26, 2022 – 6:07 p.m.: Home Depot surveillance footage shows HEHR enter Store 1548, go directly to the tool area, remove cable cutters from his pocket, and cut the cables connecting a Milwaukee RAD kit and two Milwaukee sawzalls. The items were valued at \$727.00. HEHR left the store, making no attempt to pay, and fled in a blue and white van.
 - a. On January 26, 2022, at about 6:48 p.m., HEHR went to Jumping Jack Cash #4 and pawned two Milwaukee sawzalls for \$150.00. The physical description of the items pawned matches the sawzalls that were taken by HEHR that day.
- iv. January 29, 2022 - 6:34 p.m.: Home Depot surveillance footage shows HEHR enter Store 1524, go to the tool area, remove cutters from his pocket, and cut two security cables from a tool display. HEHR removed a Milwaukee cordless sawzall and drill combo kit (model #2996-22) valued at \$538.00 and exited the store without paying. HEHR got into a blue and white van with no plates and left.
 - a. On February 7, 2022, at about 6:27 p.m., HEHR went to pawnshop Jumping Jack Cash #4 and pawned a Milwaukee cordless drill

combo kit for \$130.00 (with the model number noted as 2997-22). Investigation revealed that the pawn shop always listed this type of combo kit as model number 2997, as a regular business practice. The physical description of the item pawned matches the combo kit that was taken by HEHR.

- v. February 21, 2022 – 5:48 p.m.: Surveillance footage shows that HEHR entered Store 1502, picked up a black tote, and went to a tool display. Using cutters that he brought with him into the store, HEHR cut a cable securing a Milwaukee tool display, and loaded tools (including a Milwaukee 7-1/4” circular saw, and two 18 volt hackzalls) into the tote, with a total value of approximately \$996.96 (including \$15.98 for the tote). HEHR exited the store with the tote containing the Milwaukee tools, without paying, and fled towards the blue/white Ford van.
 - a. On February 21, 2022 at about 6:26 p.m., GAISWINKLER went to pawnshop Jumping Jack Cash #4 and sold a Milwaukee circular saw, model #2732-20, a Milwaukee jigsaw, model #2737-20, and a Milwaukee circular saw, model #2830-20, and received a total of \$370.00 for the items. The circular saws and jig saw are a match for the items taken by HEHR.
 - b. On February 26, 2022, HEHR also went to Jumping Jack Cash #4 and sold a Milwaukee hackzall for \$100.00.
- vi. February 22, 2022 - 4:49 p.m.: Home Depot surveillance footage shows HEHR enter Store 1524, go to the tool area, select a pair of Dewalt cable cutters, and then go to the garden department. HEHR used the cutters to cut a security cable that secured a Milwaukee trimmer/ blower combo and a Milwaukee blower, and then removed the items from the store without paying. The items were valued at \$608.00. As he was exiting the store, HEHR was asked by a Home Depot employee to show a receipt for the items. He responded “yes” and continued to exit the store without paying.
 - a. On February 22, 2022 at 5:24 p.m., HEHR sold a Milwaukee chainsaw and a Milwaukee leaf blower to Jumping Jack Cash #4 and received \$200.00. The leaf blower pawned is consistent with the description of the leaf blower taken by HEHR that day.

- vii. March 3, 2022 – 5:35 p.m.: A Home Depot employee observed HEHR enter Store 1506 on March 3, 2022 at about 5:35 p.m. The employee recognized HEHR and witnessed him cut a security cable and remove Milwaukee tools, including five right angle disc grinders, three 12 volt circular saws, three 12 volt drills, four hackzalls, and four 12 volt band saws. The tools were placed into a 32 gallon trash can selected from inside the store. HEHR left the store without paying for the merchandise, which was valued at \$3,786.97. HEHR got into the passenger seat of the same blue and white van and was driven away.
- a. On March 3, 2022, at about 6:09 p.m., HEHR went to Jumping Jack Cash #4 and sold two Milwaukee disc grinders, a Milwaukee circular saw, two 3” cutoff saws, and one Milwaukee band saw, receiving \$360.00. The die grinders, compact cut off tools, band saw, and reciprocating saws that HEHR pawned are a match for items that he took from Home Depot that same day.
- viii. March 9, 2022, at about 3:36 p.m.: Home Depot store employees and surveillance video witnessed HEHR enter Store 1517, go to the garden section, and select a Milwaukee two-tool trimmer/blower combo kit with spider wrap and exit the store without paying. The total loss to Home Depot was \$439.00. An employee challenged HEHR as he exited with the tools, but he ignored her.
- a. On March 9, 2022, at 4:03 p.m., HEHR sold a Milwaukee trimmer to pawnshop Jumping Jack Cash #4 for \$200.00. The lawn trimmer that was pawned by HEHR is a match for the combo kit that he took from Home Depot that day.
- ix. March 10, 2022 - 4:35 p.m.: Home Depot surveillance video witnessed HEHR enter Store 1549, approach the tool area, and pick up a black tote. HEHR placed a Milwaukee battery starter kit and a Milwaukee deep bandsaw into the kit, and exit the store without paying. The value of the items was \$643.98. HEHR was seen getting into the back of a blue and white van as it pulled away.
- a. On March 17, 2022, at about 1:33 p.m., GAISWINKLER went to Jumping Jack Cash #4 and sold a Milwaukee deep bandsaw for

\$150.00. The bandsaw that she pawned is a match for the saw that HEHR took from Home Depot on March 10.

- x. March 15, 2022 – 1:44 p.m.: Surveillance video shows that HEHR entered Home Depot Store 1502 and selected a black tote with a yellow lid. HEHR then went to the tool area, used cutters that he brought into the store to cut a security cable securing tools, and loaded the following merchandise into the tote: 1-20v drill, 2-20v 16-gauge nail guns, and a 1-20v rotary hammer drill. The value of the items taken was \$1,061.98. HEHR exited the store and left in the blue/white van without paying for the items.
 - a. On March 15, 2022 at about 2:06 p.m., HEHR went to Jumping Jack Cash #4 and sold two Dewalt drill kits and one Dewalt rotary hammer for \$250.00. The Dewalt hammer drill and cordless drill pawned by HEHR match the Dewalt combo kit and rotary hammer that were taken by him that same day.

- xi. March 22, 2022 – 2:36 p.m.: Surveillance video witnessed HEHR enter Home Depot Store No. 1506, select a black tote with a red lid, and proceed to the tool area. HEHR then cut the lock to the Milwaukee tools cabinet and removed items from the top shelf, putting them into the tote. The items included two 18 volt multi tools and two 18 volt rotary hammers. HEHR placed the tools in the tote and exited the store without paying, fleeing in the blue and white van. The value of the items was \$1,137.98.
 - a. On March 22, 2022, at about 3:18 p.m., GAISWINKLER sold three Milwaukee hammer drills and one Milwaukee drywall screw drill and received \$400.00. The hammer drills pawned by GAISWINKLER are a match for the rotary hammers taken by HEHR from Home Depot that same day.

- 7. On three occasions, HEHR committed thefts from Home Depot retail stores in conjunction with a second, unidentified male individual:
 - a. February 8, 2022, at about 5:47 p.m.: Surveillance video witnessed HEHR and another unidentified male enter Home Depot Store 1522 and walk to the tool area, each carrying a black tote. The two men selected three Milwaukee 18-volt cordless drill combo kits, three 18-

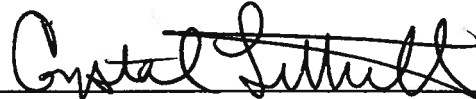
volt two piece impact wrench kits, and one 18-volt impact driver, placed them in the totes, and exited the store without paying for the items. The value of the items, including the totes, was \$2,424.96. HEHR and the other man fled in the same blue and white van.

- b. February 12, 2022, at about 5:42 p.m.: Surveillance video and store employees witnessed HEHR and the same unidentified man enter Home Depot Store 1517, select totes near the entrance of the store, and walk to a Milwaukee tool display. The men filled both totes with Milwaukee tools, but Home Depot was not able to identify the items taken. The value of the stolen totes was \$31.96. HEHR and the other man exited the store with the merchandise, without paying, and fled in the blue and white van.
 - c. February 14, 2022, at about 5:56 p.m.: Surveillance cameras witnessed HEHR and the same unidentified man enter Store 1552, each select a tote, and then go to the tool area. A store employee reviewed the security camera footage and recognized HEHR as one of the two men from the previous encounters. HEHR pulled cutters from his pocket. HEHR and the second man loaded merchandise into the two totes, including five 12 volt four piece combo kits, and five 12 volt drill combo kits. A store employee approached HEHR and the other man, but they did not stop. HEHR and the other man exited the store without paying for the merchandise and fled in the blue and white van. The total cost of the unpaid merchandise was \$2,167.96.
 - d. After reviewing security footage, investigators were able to determine that the second unidentified man participated in the thefts from Home Depot with HEHR on February 8, 2022, February 12, 2022, and February 14, 2022.
8. On May 13, 2022, HEHR attempted to remove unpaid merchandise from Home Depot Store 1549, but was interrupted by a store employee and fled:
- a. On May 13, 2022, at about 5:54 p.m., a Home Depot store employee observed a two-tone blue van enter the parking lot of the store, driven by a blonde female. HEHR exited the van and entered the store. The store employee witnessed HEHR select multiple Milwaukee tools, cutting the security locks on the Milwaukee tool shelf in order to remove the tools. The man placed the Milwaukee tools in a tote within

a cart, and attempted to walk out with the cart, passing all points of sale with no attempt to pay. The value of the items in the cart was approximately \$1,333.80.

- b. The store employee walked in front of HEHR, identified himself, and asked HEHR to come talk to him. HEHR pushed the cart containing the stolen tools at the employee and ran from the store to the blue and white van, fleeing the scene without the stolen merchandise.
9. The value of the merchandise and tools acquired by HEHR and his associates from Home Depot, without authorization, including on the dates and at the stores summarized in the list above, resulted in a loss of at least \$39,682.84 to Home Depot.


PHILIP J. WEISER
Attorney General



CRYSTAL LITTRELL, #36814
Senior Assistant Attorney General
Special Prosecutions Unit
Criminal Justice Section

The 2022-2023 Colorado Statewide Grand Jury presents the Indictment contained within and the same is hereby ORDERED FILED this 16th day of February, 2023.

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



Christopher Baumann
Chief Judge
Designated Presiding Judge for the Statewide Grand Jury
Second Judicial District,
State of Colorado