

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, CO 80202 THE STATEWIDE GRAND JURY, 2021- 2022 TERM IN RE: PEOPLE OF THE STATE OF COLORADO v. RICHARD PENA, DOB: 5/1/89.	DATE FILED April 22, 2022 10:48 AM FILING ID: 7674A125AF167 CASE NUMBER: 2022CR15069 ▲ COURT USE ONLY ▲
PHILIP J. WEISER, Attorney General ROBERT S. SHAPIRO, First Assistant Attorney General* 1300 Broadway 9 th Floor Denver, CO 80203 Registration Number: 26869 Counsel of Record*	Grand Jury Case: 21CR0001 District Court Case No.:
STATE GRAND JURY INDICTMENT	

- COUNT 1:** THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) 06041
- COUNT 2:** THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) 06041
- COUNT 3:** THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) 06041
- COUNT 4:** THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) 06041
- COUNT 5:** THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) 06041
- COUNT 6:** THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) 06041
- COUNT 7:** THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) 06041
- COUNT 8:** THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) 06041
- COUNT 9:** THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) 06041
- COUNT 10:** THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) 06041
- COUNT 11:** THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) 06041

STATE OF COLORADO)
) ss.
CITY AND COUNTY OF DENVER)

COUNT 1:

On or about November 4, 2021, in Mesa County, State of Colorado, **Richard Pena**, unlawfully entered or broke into a vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, or other apparatus or equipment belonging to **Coinstar**, with the intent to commit the crime of theft; in violation of section 18-204(1), C.R.S.

COUNT 2:

On or about November 4, 2021, in Mesa County, State of Colorado, **Richard Pena**, unlawfully entered or broke into a vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, or other apparatus or equipment belonging to **Coinstar**, with the intent to commit the crime of theft; in violation of section 18-4-204(1), C.R.S.

COUNT 3:

On or about November 4, 2021, in Eagle County, State of Colorado, **Richard Pena**, unlawfully entered or broke into a vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, or other apparatus or equipment belonging to **Coinstar**, with the intent to commit the crime of theft; in violation of section 18-4-204(1), C.R.S.

COUNT 4:

THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) **06041**

On or about November 5, 2021, in the City and County of Denver, State of Colorado, **Richard Pena**, unlawfully entered or broke into a vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, or other apparatus or equipment belonging to **Coinstar**, with the intent to commit the crime of theft; in violation of section 18-4-204(1), C.R.S.

COUNT 5:

THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) **06041**

On or about November 5, 2021, in the City and County of Denver, State of Colorado, **Richard Pena**, unlawfully entered or broke into a vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, or other apparatus or equipment belonging to **Coinstar**, with the intent to commit the crime of theft; in violation of section 18-4-204(1), C.R.S.

COUNT 6:

THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) **06041**

On or about November 5, 2021, in Jefferson County, State of Colorado, **Richard Pena**, unlawfully entered or broke into a vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, or other apparatus or equipment belonging to **Coinstar**, with the intent to commit the crime of theft; in violation of section 18-4-204(1), C.R.S.

COUNT 7:

THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) **06041**

On or about November 6, 2021, in Adams County, State of Colorado, **Richard Pena**, unlawfully entered or broke into a vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, or other apparatus or equipment belonging to **Coinstar**, with the intent to commit the crime of theft; in violation of section 18-4-204(1), C.R.S.

COUNT 8:

THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) 06041

On or about November 6, 2021, in Jefferson County, State of Colorado, **Richard Pena**, unlawfully entered or broke into a vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, or other apparatus or equipment belonging to **Coinstar**, with the intent to commit the crime of theft; in violation of section 18-4-204(1), C.R.S.

COUNT 9:

THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) 06041

On or about November 6, 2021, in Jefferson County, State of Colorado, **Richard Pena**, unlawfully entered or broke into a vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, or other apparatus or equipment belonging to **Coinstar**, with the intent to commit the crime of theft; in violation of section 18-4-204(1), C.R.S.

COUNT 10:

THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) 06041

On or about November 7, 2021, in Jefferson County, State of Colorado, **Richard Pena**, unlawfully entered or broke into a vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, or other apparatus or equipment belonging to **Coinstar**, with the intent to commit the crime of theft; in violation of section 18-4-204(1), C.R.S.

COUNT 11:

THIRD DEGREE BURGLARY, C.R.S. 18-4-204(1) (F5) 06041

On or about November 7, 2021, in Jefferson County, State of Colorado, **Richard Pena**, unlawfully entered or broke into a vault, safe, cash register, coin vending machine, product dispenser, money depository, safety deposit box, coin telephone, coin box, or other apparatus or equipment belonging to **Coinstar**, with the intent to commit the crime of theft; in violation of section 18-4-204(1), C.R.S.

COUNT 12:

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

On or about November 4, 2021-November 7, 2021, in the State of Colorado, **Richard Pena** unlawfully, feloniously, and knowingly took a thing of value, namely: money and bins, of **Coinstar**, without authorization or by threat or deception, obtained, retained, or exercised control over the thing of value with the value of twenty thousand dollars or more but less than one hundred thousand dollars, and intended to deprive **Coinstar** permanently of its use or benefit; in violation of section 18-4-401(1)(a), (2)(h), C.R.S.

The essential, but non-exclusive, facts in support of Counts 1-12 are as follows:

Evidence was developed that between November 4-7, 2021 eleven separate Coinstar kiosks were burglarized at retail locations in the following Colorado counties which are now or are along the I-70 corridor: Mesa, Eagle, Adams, Jefferson and in the City and County of Denver. During this 4-day time period the aggregate losses incurred by Coinstar exceeded \$70,000.00. Richard Pena was ultimately identified by various investigative sources and techniques to be the actor who was responsible for the eleven burglaries and the theft.

Coinstar is a company based in Washington state. Coinstar's primary business is the operation of coin-cashing kiosks. These kiosks are automated machines, designed to accept loose coins in exchange for paper currency or gift cards. For this service, Coinstar collects a fee from the total deposit.

Coinstar kiosks are the size of a large vending machine and are typically installed within retail or grocery stores. The kiosks are normally positioned at the stores' front end, near the registers and store entrance/exit. Coinstar has kiosks located worldwide, with the largest amount located in North America. In the United States, the kiosks accept coin denominations from \$0.01 to \$1.00 (pennies to dollars).

The kiosks automatically tally the value of deposited coins. This automation tracks the total value of coins stored within the kiosks. The coins are routinely removed upon service of the kiosks. The frequency of service varies based on kiosk and is dependent on the transaction volume for the location. Each kiosk contains two metal bins. Depending on the coin denominations, each bin is capable of holding between \$5,000.00 to \$10,000.00 each at any given time (\$10,000.00 to \$20,000.00 per kiosk). Each bin itself, emptied, is valued at just over \$450.00.

Coinstar investigator Clifford "Cliff" Bennett has been investigating a pattern of burglaries to Coinstar kiosks. The pattern began in Southern California. Mr. Bennett ultimately determined a method of operation in the incidents, which involved the kiosks being accessed by use of a key. In some instances, a suspect wore a fraudulent Coinstar shirt. The suspect(s) typically use a van

during the incidents to transport the coin bins. Mr. Bennett indicated the vans' license plates are typically swapped with those from other vehicles of a similar description.

Mr. Bennett continued investigating kiosk burglaries as they spread to other parts of California, Nevada, Arizona, and Utah. The burglaries were discovered upon service to the kiosks, after the incidents occurred. Mr. Bennett typically determines the actual dates of the offense upon reviewing surveillance video. Mr. Bennett found the incidents would typically span a timeframe of one to two weeks within each region. A notable gap in time would occur before a new spree of burglaries were discovered in a new region.

As the burglaries continued into new regions, the incidents were found to involve the same method of operation as in Southern California, specifically the use of a key and no forced entry. The suspect(s) would sometimes wear a Coinstar shirt.

All Coinstar kiosks within the United States were keyed identically upon manufacture. This allows the same key to access every kiosk in the country. Since discovering the pattern of the suspect(s) using a key, Coinstar has been working to upgrade their kiosks to two-factor authentication. The upgrades have begun in southern California. However, Coinstar continues to discover kiosk burglaries in new regions before the kiosk upgrades can be made nationwide.

As of late 2021, Coinstar had identified national losses of more than \$1,000,000.00. These losses have all been associated to this pattern of burglaries.

COLORADO INCIDENT # 1

On November 5, 2021, a Mesa County sheriff's deputy responded to City Market located at 569 32 Road in the Town of Clifton, County of Mesa, State of Colorado on report of a burglary.

Coinstar employee Garrett Anderson reported that an unknown person had broken into the location's kiosk and removed both of its two coin bins. Mr. Anderson stated he remotely checked the coin bin weights several days earlier. At that time, the bins showed to be full. Upon arriving at the location on November 5, 2021 Mr. Anderson discovered the secondary, interior lock had been damaged. Tool marks on the secondary lock were observed.

Mr. Anderson indicated that the kiosk was registered to have contained \$9,998.30.

Surveillance video shows a suspect van in front of the store on November 4, 2021 around 0757 hours. The license plate is not visible. A suspect male is observed entering the store at 0758 hours, carrying a furniture dolly. The male is observed at the Coinstar kiosk. The kiosk is partially obscured from camera view. However, the kiosk can be observed opening, then closing after several minutes. At 0804 hours, the male then pushes a coin bin out of the store using the dolly. The male is wearing a green, black, and blue short-sleeved shirt bearing "Coinstar" on its back. The shirt is worn over a dark-colored long-sleeved shirt. The male appears to be wearing gloves, a dark-colored beanie, and a red neck gaiter pulled up over his face. The male's nose is briefly visible, showing him to have a lighter complexion.

COLORADO INCIDENT # 2

On November 5, 2021, a Grand Junction police officer responded to City Market located at 630 24 Road in the City of Grand Junction, County of Mesa, State of Colorado on report of a burglary.

The officer contacted Garrett Anderson via telephone. Mr. Anderson advised that a coin bin had been removed from the kiosk at the location and was registered to contain \$4,991.50 in coins.

Video shows a lone male approach the kiosk on November 4, 2021 around 1420 hours. The door to the kiosk is observed opening at 1421 hours. It then opens and closes several times. At 1421 hours, the male removes a bin from the kiosk. He shuts the kiosk door and wheels the bin out of the store. The male takes the bin to a white van, then loads it into the side door using a ramp.

The male appears to be 5'8" to 5'10" in height, with a medium build. He is observed wearing a green and black Coinstar shirt, grey sweatpants, black shoes, a black baseball cap, and a red neck gaiter over his face.

COLORADO INCIDENT # 3

On December 7, 2021, a Vail police officer responded to City Market located at 2109 North Frontage Road West in the Town of Vail, County of Eagle, State of Colorado on report of a theft.

The officer contacted Cliff Bennet via telephone. Mr. Bennett advised that a bin had been removed from the kiosk at the location. The bin was registered to contain \$5,816.14 in coins.

Mr. Bennett analyzed the kiosk data, which documented the coin deposits switching over to the second bin on November 5, 2021. Based on this, Mr. Bennett inferred that the burglary occurred prior to November 5, 2021.

The officer contacted City Market Loss Prevention reference surveillance video. Video was reviewed for the date of November 5, 2021. However, due to strong sun glare, the majority of video was not viewable. Video was not reviewed for November 4, 2021.

COLORADO INCIDENT # 4

On November 17, 2021, a Denver police report taker documented a burglary at King Soopers located at 1155 E. 9th Avenue in the City and County of Denver, State of Colorado.

Upon routine service, the location's kiosk was found to have a bin stolen. The bin was registered to contain \$5,745.71 in coins. Evidence was later developed by law enforcement showing that this burglary and theft likely occurred on November 5, 2021.

There is no surveillance video available for this incident.

COLORADO INCIDENT # 5

On November 14, 2021, Cliff Bennet made an online police report with the Denver Police Department reference a burglary at King Soopers located at 2727 W. Evans Avenue in the City and County of Denver, State of Colorado.

Mr. Bennett advised that both coin bins had been stolen from the kiosk. The bins were registered to contain \$4,148.58 in coins.

Video shows a white van arrive in front of the store around 1341 hours on November 5, 2021. A lone male steps out from the driver's door and remains with the vehicle for several minutes. The male then walks to the passenger side of the van, appearing to retrieve items. The male then enters the store at 1346 hours.

The male is observed wearing a light green short-sleeved button-up shirt. The shirt is worn over a black long-sleeved shirt. The male is also wearing blue jeans, black shoes, a black Denver Broncos baseball cap, gloves, and a red neck gaiter worn over his face. The male is carrying a furniture dolly and a black tool bag.

At 1402 hours, the male exits the store, pushing a Coinstar bin on the furniture dolly. He pushes the bin to the van and loads it inside using a ramp. The male enters the driver's seat and then drives away from the scene at 1408 hours.

Based on available camera angles, it appears the male was alone. No passenger can be viewed through the van's windshield. No video is available within the store, beyond the entry/exit vestibule.

COLORADO INCIDENT # 6

On November 22, 2021, a Wheat Ridge officer received a report of a burglary at King Soopers located at 3400 Youngfield Street in the City of Wheat Ridge, County of Jefferson, State of Colorado.

The officer contacted Cliff Bennett via telephone. Mr. Bennett advised that a bin had been stolen from the location's kiosk. The bin was registered to contain \$5,021.02 in coins.

Video shows a white cargo-style van park in front of the store on November 5, 2021 around 2050 hours. The van's license plate is unreadable. At 2054 hours, a male opens the driver's door and appears to rummage around. At 2059 hours, the male enters the store, carrying a furniture dolly and small black tool bag.

The male is wearing a green short-sleeved Coinstar button-up shirt, over a long-sleeved black shirt, blue jeans, black gloves, black shoes, a black baseball cap, and a white neck gaiter pulled over his face.

The male quickly locates the Coinstar kiosk near the front of the store. He proceeds to use a key, easily accessing the kiosk and opening its front. The male removes a single bin from the kiosk, placing it on the dolly. At 2103 hours, the male exits the store and loads the bin into the side doors of the van, using a ramp. At 2106 hours, the male enters the driver's seat and the van leaves the scene.

COLORADO INCIDENT # 7

On November 10, 2021, a Thornton police officer received report of a burglary at Walmart located at 850 E. 88th Avenue in the City of Thornton, County of Adams, State of Colorado.

The officer contacted Cliff Bennett via telephone. Mr. Bennett advised that a bin had been stolen from the location's kiosk on November 6, 2021 around 1315 hours. The bin was registered to contain \$7,480.71 in coins.

Surveillance video was later obtained. Video shows a lone male enter the store on November 6, 2021 around 1313 hours. The male is observed wearing a short-sleeved button-up shirt with a Coinstar logo. The Coinstar shirt is worn over a black long-sleeved shirt. The male is also wearing blue jeans, black shoes, a black Denver Broncos baseball cap, red gloves, and a red neck gaiter worn over his face. The male is carrying a furniture dolly and a black tool bag.

The male briefly walks around the front end of Walmart, appearing to search for the Coinstar kiosk. Upon locating the kiosk, the male quickly accesses the interior using what appears to be a key. The male eventually removes the coin bin from the kiosk, places it on the furniture dolly, and wheels it out of the store.

No surveillance video is available of the parking lot or store exterior.

Detective N. Jekich of the Thornton PD, viewed the surveillance video. Detective Jekich later responded to Walmart and took measurements of the kiosk. Comparison of the measurements to surveillance video shows the male to be around 5'10" in height.

COLORADO INCIDENT # 8

On November 17, 2021, a Wheat Ridge police officer received a report of a burglary at Safeway located at 3900 Wadsworth Boulevard in the City of Wheat Ridge, County of Jefferson, State of Colorado.

The officer contacted Cliff Bennett via telephone. Cliff advised a bin had been stolen from the location's kiosk. The bin was registered to contain \$4,537.24 in coins.

There is no surveillance video available reference this incident.

COLORADO INCIDENT # 9

On November 12, 2021, an Arvada police service technician received a report of a burglary at King Soopers located at 8031 Wadsworth Boulevard in the City of Arvada, County of Jefferson, State of Colorado.

The Arvada PD employee contacted Cliff Bennett via telephone. Cliff advised the location's kiosk had been burglarized, and a bin had been stolen from within. The bin was registered to contain \$7,019.88 in coins.

There is no surveillance video available reference this incident.

COLORADO INCIDENT # 10

On November 14, 2021, Cliff Bennet made an online report with the Lakewood Police Department reference a burglary at King Soopers located at 1927 S. Wadsworth Boulevard in the City of Lakewood, County of Jefferson, State of Colorado.

Mr. Bennett advised coin bins had been stolen from the kiosk. The bins were registered to contain \$7,646.09 in coins.

Video shows a white van arrive in front of the store on November 7, 2021 around 0920 hours. At 0923 hours, a lone male walks from the van to the front entrance of the store. The male is observed wearing a light green short-sleeved button-up shirt with a logo. The shirt is worn over a black long-sleeved shirt. The male is also wearing blue jeans, black shoes, a black baseball cap, black gloves, and a red neck gaiter worn over his face. The male is carrying a furniture dolly.

The male walks directly to the Coinstar kiosk near the front entrance. The male's actions are out of view from the cameras. At 0935 hours, the male pushes a Coinstar bin out of the store. He proceeds to the passenger side of the van and loads it inside using a ramp. The male is out of camera view, but he returns inside the store. At 0935 hours, the male pushes a second Coinstar bin out from the store and loads in into the van. The van drives away from the scene at 0939 hours.

COLORADO INCIDENT # 11

On November 17, 2021, Cliff Bennet made an online report with the Lakewood Police Department reference a burglary at King Soopers located at 7984 W. Alameda Avenue in the City of Lakewood, County of Jefferson, State of Colorado.

Mr. Bennett advised a coin bin had been stolen from the kiosk. The bin was registered to contain \$3,364.65 in coins.

Video shows the alleged male suspect in the store on November 7, 2021 during the latter half of the 1100 hour time period. The male is observed wearing a light green short-sleeved button-up shirt with a logo. The shirt is worn over a black long-sleeved shirt. The male is also wearing blue

jeans, black shoes, a black baseball cap, black gloves, and a red neck gaiter worn over his face. The male is carrying a furniture dolly. According to the date and time stamp on the video image at approximately 1152 hours the male is observed pushing a Coinstar bin out of the store. It should be noted that the Grand Jury took Judicial Notice of the fact that November 7, 2021 was a Sunday and also served as the end of Daylight Savings Time. Meaning that at 0200 hours on November 7, 2021 the clocks fell back one hour. Evidence was developed that the time stamp on the King Soopers store video for November 7, 2021 at this location was off by one hour, meaning that the time that the male was actually observed pushing the Coinstar bin out of this store was at approximately 1052 hours.

TOTAL COLORADO LOSSES

The total verified losses of coins/US Currency within the State of Colorado have been assessed at \$65,769.82 for the 4 days of offenses which occurred in early November 2021. In addition, 16 bins have been stolen from Coinstar kiosks in the State of Colorado. The bins themselves are valued at a total of \$7,274.24

COINSTAR BIN RECOVERIES

On November 13, 2021, around 1048 hours, an Eagle County Sheriff's Sergeant responded to the area of Trail Gulch Road in the Town of Gypsum, County of Eagle, State of Colorado on a report of found property. The Sergeant contacted the reporting party, Troy Blose, via telephone. Mr. Blose was no longer at the scene of Trail Gulch Road. Mr. Blose advised that he had been walking his dog up Trail Gulch Road. Upon reaching the first switchback, around mile marker 0.8, he discovered two metal bins down an embankment. Mr. Blose believed the bins appeared new and expensive. As such, he did not believe the bins would simply be abandoned. Mr. Blose indicated the locks had been cut from the bins, and the bins were now empty.

The located the bins in the location described by Mr. Blose. The Sergeant noted the bins appeared to have been at the location for some time, as they had rust visibly developing. The Sergeant observed a warning statement printed on the bins: "Flap must be pulled forward and stowed before installing Coin Bin into the Coinstar. Failure to do so may result in damage!"

The Sergeant collected the bins as found property.

ADDITIONAL COLORADO INVESTIGATION

On November 15, 2021 Thornton Police Detective N. Jekich, contacted Cliff Bennett via telephone. Mr. Bennett explained in detail the identified pattern of burglaries, and provided Detective Jekich with documentation from Coinstar's investigation. Cliff directed Detective Jekich's attention to two specific surveillance images out of Southern California. These images picture a male who Mr. Bennett reasonably believes is the Colorado suspect.

Mr. Bennett noted, while the California suspect's specific articles of clothing are different than those worn by the Colorado suspect, the physical appearance and clothing style matches. Both the California and Colorado suspects are observed wearing a baseball cap, a neck gaiter pulled up over his face, a short-sleeved t-shirt, over a long-sleeved shirt, pants, and gloves. The California suspect bears a tattoo on the left side of his face, behind his left eye.

Furthermore, Mr. Bennett indicated he believes the same person to be committing all known Colorado kiosk burglaries. He believes this based on the collected surveillance video among all incidents, showing the suspect wearing the same clothing, or clothing of a similar style and worn in the same manner.

Mr. Bennett also informed Detective Jekich that he had been working with Las Vegas Metropolitan Police Department. Information showed that a detective had made progress in identifying a suspect for Las Vegas-area kiosk burglaries.

On November 17, 2021, Detective Jekich contacted the Las Vegas detective via telephone. Las Vegas advised that it had identified a suspect as Richard Pena (D.O.B: 05-01-1989). Richard was identified through the use of a variety of sources, including Court Orders compelling phone data, electronic geographic data, and similar information.

Las Vegas learned that Mr. Pena enjoyed gambling and that gambling is a potential method for Mr. Pena to launder stolen coins. Mr. Pena also has a prominent face tattoo in the same body location, and has a similar body shape, as the California suspect who was pictured in the surveillance images possessed by Mr. Bennett and Coinstar.

Detective Jekich provided Las Vegas with surveillance images from Thornton's incident. Based on the suspect's physical stature, and manner and style of dress, Detective Brown of the Las Vegas Metropolitan Police believes the Colorado suspect is likely Richard Pena.

Richard Pena's Nevada driver's license lists him as 5'10" in height and weighing 165 lbs. This is consistent with the height and build of the Colorado suspect.

Detective Jekich later communicated with additional law enforcement personnel from Mesa, Arizona, Placentia, California, Sacramento, California, Kern County, California, and San Bernadino County, California. In addition to Las Vegas, these jurisdictions have all had Coinstar kiosk burglaries with the same method of operation as was observed in Colorado.

Officer Robinet, of the Sacramento Police Department, advised that the Coinstar incidents in his jurisdiction involved at least two suspects. In Sacramento's incidents, the suspects were associated to a white Dodge Promaster van. Only a single suspect was observed exiting the van, physically committing the burglaries. A second suspect remained within the van during the incidents.

Due to a hit from a license plate reader, Officer Robinet was able to identify the suspect van as being rented from Hertz. Hertz records showed the suspect van was rented under the information of Richard Pena. Hertz provided a phone number for Richard Pena as 702-670-9434.

Officer Robinet then communicated with Las Vegas Detective B. Brown, inquiring about Richard Pena. Detective Brown informed Officer Robinet of his Las Vegas investigation, and that Richard Pena had been identified as a suspect.

Detective Brown provided Las Vegas body camera images to Officer Robinet. These images showed Richard Pena being arrested by Las Vegas officers. The video shows Richard Pena to be wearing a neck gaiter, a button-up collared shirt, over a long-sleeved shirt. Officer Robinet noted Richard Pena's clothing was of the same style as worn by the Sacramento suspect. Detective Jekich later received the Las Vegas images and observed Richard Pena's clothing is also consistent with the manner and style of clothing as the Colorado suspect.

Officer Robinet obtained a Court Order compelling the call detail records of phone number 702-670-9434. The cellular tower locations for 702-670-9434 corresponded to the times, dates, and locations of Sacramento's Coinstar burglaries. Richard Pena was ultimately identified as a suspect in Sacramento's investigation. The second suspect, who remained within the suspect van, has not been identified.

Officer Robinet informed Detective Jekich that Richard's phone number of 702-670-9434 appeared to become inactive after October 30, 2021. MetroPCS/T-Mobile indicated the account was terminated on November 20, 2021. Officer Robinet learned Richard Pena has a history of non-payment for his phone accounts. As such, Richard Pena frequently changes his phone number.

Officer Robinet and Detective Jekich exchanged surveillance images from their respective cases. The Sacramento suspect appears to be wearing the same red neck gaiter, light green Coinstar shirt, and shade of blue jeans as the Thornton, Colorado suspect. The Sacramento suspect covers his body in the same manner as the Thornton suspect (neck gaiter worn up to his eyes, baseball cap worn down low, full arm coverings, gloves). The physical build of the Sacramento suspect appears to match that of the Thornton suspect. Additionally, the Sacramento suspect utilized a furniture dolly to transport the Coinstar bins, just as in the Colorado cases.

Based on his familiarity with Richard Pena, Officer Robinet believes him to be the Colorado suspect.

In searching multiple databases for Richard Pena Detective Jekich located several pawn transactions out of Nevada. On November 3, 2021, Richard completed a pawn transaction in Mesquite, Nevada. At that time, Richard self-reported his phone number as 702-592-3025. Detective Jekich contacted the pawn store, Mr. Pawn # 2, to inquire about the transaction. Mr. Pawn employees provided Detective Jekich with documentation, showing Richard Pena's Nevada driver's license was provided during the transaction. Photographs were also taken by Mr. Pawn, showing Richard Pena as the person completing the transaction.

The first Coinstar incidents in Colorado occurred on November 4, 2021, in the areas of Grand Junction and Mesa County. Google Maps shows travel time from Mesquite to Grand Junction as

6 hours. It was also noted Mesquite is located along I-15. This route from I-15 to I-70 is the top-recommended highway route for travel between Las Vegas, NV and Grand Junction, CO.

With Richard Pena's previous phone number becoming inactive on or around October 30, 2021, Detective Jekich reasonably believed that Richard Pena used phone number 702-592-3025 for a significant portion of November 2021.

On December 22, 2021, a burglary of a Coinstar kiosk was reported at a Winco, located at 11310 NE. 119th Street in Vancouver, Washington. Winco loss prevention reported the incident to the Clark County Sheriff's Office and advised a male suspect had fled the scene in a white Chevrolet van.

A Deputy with the Clark County SO located the van in the area and observed it to bear Oregon license plate # VXK583. Law enforcement conducted a traffic stop with the vehicle and contacted the driver and sole occupant, Richard Pena. Mr. Pena was observed to be wearing clothing matching that of the Winco suspect.

Clearance of Richard Pena returned an active arrest warrant. Upon being informed of his warrant, Richard Pena fled from the scene. He was ultimately taken into custody after a foot pursuit.

Search incident to arrest, a key was discovered in Richard Pena's front left pant pocket. Law enforcement responded to Winco to investigate the reported burglary. The key that had been in Richard Pena's possession successfully opened that location's Coinstar kiosk.

Richard Pena's van was found to bear a VIN with a last 4 of 1323. Clearance of the VIN did not match the affixed Oregon license plate. The VIN was found to be registered out of Las Vegas, Nevada. The front emblem of the van was obscured by white tape.

Deputies observed multiple metal bins in plain view within the van. The van was secured and impounded from the scene. Law enforcement later authored a search warrant for the van, which was later served.

The search found multiple documents, credit cards, and a California driver's license belonging to Richard Pena. The van contained 8 Coinstar bins, as well as one plastic tote full of coins. Law enforcement located notebooks and papers within the van, each containing handwritten addresses for Winco and Fred Meyer stores in Washington and Oregon. Two receipts were found reference change transactions in the amounts of more than \$20,000.00. A detective also located several neck gaiters and a Coinstar shirt within the van. One of the gaiters discovered was red in color.

Further, three hotel room keys were discovered in the van. The keys were found to be from a Best Western located at 11506 NE. 3rd Street in Vancouver, Washington. Staff at the hotel confirmed Richard Pena had rented room # 112 and was also associated to a U-Haul parked outside. U-Haul was contacted and confirmed Richard Pena was the listed renter of the vehicle. A Detective subsequently authored search warrants for room # 112 and the U-Haul. The warrants were served on the same date, December 22, 2021.

Pursuant to the searches, 15 Coinstar bins were located within the rear of the U-Haul, as well as one plastic tote mostly full of coins. 10 Coinstar bins were located within room # 112. The room also contained multiple plastic laundry-style baskets, tool bags, and plastic jars, all full of coins. Coins were also found loosely around the room. Additional Coinstar shirts were found within the room. The search found laminated instructions on how to open Coinstar kiosks.

The total value of coins found within the van, the U-Haul, and in room # 112 were tallied in excess of \$133,000.00.

Review of Best Western surveillance video showed Richard Pena to be associated with a second male. That second male has not been identified.

CALL DETAIL RECORDS FOR RICHARD PENA'S KNOWN PHONE NUMBER

On December 28, 2021, Detective Jekich obtained a signed Court Order compelling the call detail records for Richard Pena's phone number of 702-592-3025, which he listed for his pawn transaction on November 3, 2021. The call detail records were received from AT&T on December 30, 2021.

CALL DETAIL RECORDS ANALYSIS IN RELATION TO THE COLORADO INVESTIGATION

Pawn Transaction

The call detail records begin at the time of Richard Pena's pawn transaction in Mesquite, Nevada. The transaction occurred on November 3, 2021 around 1027 hours. Richard Pena's phone shows it being active in the area of Mr. Pawn on November 3, 2021 at around 1032 hours.

Travel to Colorado

On November 3, 2021, the phone associated with Richard Pena travels from Mesquite, Nevada into the western edge of Colorado. This travel occurred from the times of 1032 hours (PDT) to 1739 hours (MDT). The phone associated with Richard Pena remains in the area of Grand Junction, Colorado overnight.

Colorado Incidents # 1 and 2

The phone associated with Richard Pena then shows it to be in the Grand Junction/Mesa County area on November 4, 2021 from the hours of 0600 through 1442. The phone activity area includes the City Markets located at 569 32 Road and 630 24 Road.

Colorado Incident # 3

Then the phone associated with Richard Pena traveled eastbound along I-70. The phone associated with Mr. Pena appears to stop in Vail, Colorado, and shows it to be active in the area of City Market located at 2109 N. Frontage Road West from 1818 to 1820 hours on November 4, 2021.

Arrival in the Denver Metropolitan Area

Then the phone associated with Richard Pena continued moving eastbound on Interstate-70 with the phone appearing to arrive in the Denver metropolitan area on November 4, 2021 around 2010 hours.

Colorado Incident # 4

On November 5, 2021, the phone associated with Richard Pena was active in the area of King Soopers located at 1155 E. 9th Avenue in Denver from 0936 to 1739 hours.

Colorado Incident # 5

On November 5, 2021, the phone associated with Richard Pena was active in the area of King Soopers located at 2727 W. Evans Avenue in Denver from 1214 to 1413 hours.

Colorado Incident # 6

On November 5, 2021, the phone associated with Richard Pena was active in the area of King Soopers located at 3400 Youngfield Street in Jefferson County from 2043 to 2113 hours.

Colorado Incident # 7

On November 6, 2021, the phone associated with Richard Pena was active in the area of Walmart located at 850 E. 88th Avenue in Thornton, Adams County from 1256 to 1333 hours.

Colorado Incident # 8

On November 6, 2021, the phone associated with Richard Pena was active in the area of Safeway located at 3900 Wadsworth Boulevard in Jefferson County from 1304 to 1935 hours.

Colorado Incident # 9

On November 6th, 2021, the phone associated with Richard Pena was active in the area of King Soopers located at 8031 Wadsworth Boulevard in Jefferson County from 1841 to 1922 hours.

Colorado Incident # 10

On November 7, 2021, the phone associated with Richard Pena was active in the area of King Soopers located at 1927 S. Wadsworth Boulevard in Jefferson County from 0750 to 0943 hours.

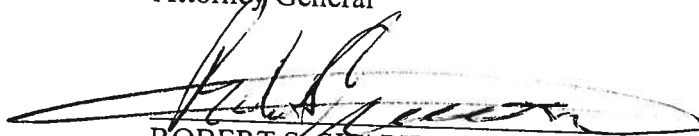
Colorado Incident # 11

On November 7, 2021, the phone associated with Richard Pena was active in the area of King Soopers located at 7984 W. Alameda Avenue in Jefferson County from 0946 to 1059 hours.

Exit from Colorado

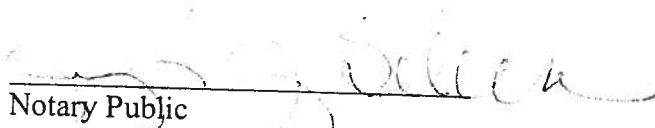
Then the phone associated with Richard Pena was active and shown moving westbound on I-70 on November 7, 2021 with the phone approaching the western Colorado border around 1935 hours. Ultimately the phone associated with Richard Pena continued to Las Vegas, Nevada.

PHILIP J. WEISER
Attorney General

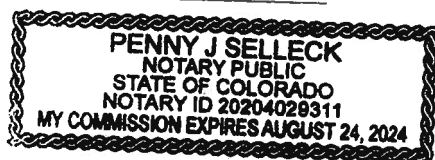


ROBERT S. SHAPIRO, 26869*
First Assistant Attorney General
Criminal Justice Section
Attorney for the People
*Counsel of Record

Subscribed and sworn to before me in the City and County of Denver, State of Colorado, this
4th day of April 2022.


Notary Public

My commission expires:



The 2021-2022 Statewide Grand Jury presents the within Indictment, and the same is hereby ORDERED FILED this 21st day of, 2022. lyn, 2022

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

Arrest Warrant to issue:

BOND SET AT \$250,000.00 cash only FOR RICHARD PENA

Bond Conditions to include: EPS monitoring, Surrender all passports
as condition of bond.

W.R. G.

Chief Judge, Denver District Court
and Presiding Judge for the State
Grand Jury