

MAR 26 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,)	
	)	CRIMINAL NO. <u>23-748-KWR</u>
Plaintiff,)	
	)	Count 1: 18 U.S.C. § 371: Conspiracy;
vs.)	
	)	Counts 2-5: 18 U.S.C. § 245(b)(1)(A):
SOLOMON PEÑA,	)	Interference with Federally Protected
	)	Activities; 18 U.S.C. § 2: Aiding and
Defendant.	)	Abetting;
)	
	)	Counts 6-8: 18 U.S.C. § 924(c)(1)(A)(iii):
	)	Using and Carrying a Firearm During and
	)	in Relation to a Crime of Violence, and
	)	Discharging Said Firearm; 18 U.S.C. § 2:
	)	Aiding and Abetting;
)	
	)	Count 9: 18 U.S.C. § 924(c)(1)(A)(iii)
	)	and (B)(ii): Using and Carrying a
	)	Machinegun During and in Relation to a
	)	Crime of Violence, and Discharging Said
	)	Firearm; 18 U.S.C. § 2: Aiding and
	)	Abetting;
)	
	)	Count 10: 18 U.S.C. §§ 922(g)(1) and
	)	924: Felon in Possession of a Firearm and
	)	Ammunition;
)	
	)	Counts 11-13: 18 U.S.C. § 373:
	)	Solicitation to Commit a Crime of
	)	Violence.

SUPERSEDING INDICTMENT

The Grand Jury charges:

Introduction

1. **SOLOMON PEÑA** ran for the New Mexico House of Representatives and lost by nearly 50 percentage points in November 2022. Refusing to accept his electoral defeat, **PEÑA** organized a shooting spree that targeted the homes of four elected officials and their families. The

shootings occurred between December 4, 2022, and January 3, 2023. PEÑA carried out the shootings with the knowing and willful assistance of DEMETRIO TRUJILLO, JOSE LOUISE TRUJILLO, and others, who assisted PEÑA in securing vehicles and firearms, including one machine gun, for the purpose of firing upon the homes of the elected officials, and, for some of the shootings, pulled the trigger themselves to fire bullets into the homes of the victims.

General Allegations

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

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

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

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

Representatives in District 11 and District 14, both of which were located in Bernalillo County, New Mexico.

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

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

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

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

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

11. INDIVIDUAL 1 was a person with whom **PEÑA** interacted on or between June 7, 2023, and June 30, 2023.

12. INDIVIDUAL 2 was a person with whom **PEÑA** interacted on or between September 22, 2023, and February 2, 2024.

13. WITNESS 1 is a person expected to testify in an official proceeding.

14. WITNESS 2 is a person expected to testify in an official proceeding.

Count 1

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

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

- 1) Interference With Federally Protected Activities, contrary to 18 U.S.C. § 245,
- 2) Using and Carrying a Firearm During and in Relation to a Crime of Violence, and Possessing a Firearm in Furtherance of Such Crime, Discharging Said Firearm, contrary to 18 U.S.C. § 924(c)(1)(A)(iii) and (c)(1)(B)(ii), and
- 3) Felon in Possession of a Firearm and Ammunition, contrary to 18 U.S.C. § 922(g), as described below.

Manner and Means

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

- 1) Acquiring vehicles by theft or otherwise;
- 2) Negotiating membership and payment to members in the conspiracy;
- 3) Coordinating the activities of the conspiracy, including locations for shootings or meetings, by text messages, phone calls, and face-to-face meetings;

4) Obtaining, transporting, and concealing firearms, including a machine gun;
and

5) Shooting at the residences and vehicles of the victims.

Overt Acts

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

1) On or about November 12, 2022, PEÑA sent a text message to JOSE LOUISE TRUJILLO listing the physical address of the private residence of VICTIM 1.

2) On or about November 12, 2022, PEÑA bookmarked as “favorite” locations the physical addresses of the private residences of VICTIM 1 and VICTIM 3 in the Apple Maps application on his personal cellular phone.

3) On or about November 13, 2022, JOSE LOUISE TRUJILLO typed the physical address of the private residence of VICTIM 1, which he had received from PEÑA on or about the day before, in the Google Maps application on his personal cellular phone.

4) On or about November 13, 2022, PEÑA sent a text message to CANDIDATE 1, an official candidate in the Mid Term Elections to the New Mexico House of Representatives, representing District 11, with the following text: “We have to press the attack. They want us to become hopeless and give up.”

5) On or about November 19, 2022, JOSE LOUISE TRUJILLO sent via text message the physical address of the private residence of VICTIM 1, which he had received from

PEÑA on or about November 12, 2022, and had entered in a search using the Google Maps application on his personal cellular phone on or about November 13, 2022, to CO-CONSPIRATOR 3, whose identity is known to the Grand Jury.

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

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

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

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

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

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

11) On or about December 4, 2022, at approximately 4:41 p.m., DEMETRIO TRUJILLO conducted a shooting on the private residence of VICTIM 1.

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

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

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

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

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

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

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

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

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

21) On or about December 8, 2022, at approximately 9:26 a.m., PEÑA replied to DEMETRIO TRUJILLO's text messages: "I'm at the spot[.]"

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

23) On or about December 11, 2022, at approximately 1:41 a.m., PEÑA and JOSE LOUISE TRUJILLO conducted a shooting on the private residence of VICTIM 3.

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

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

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

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

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

In violation of 18 U.S.C. § 371.

Count 2

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

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

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

Count 3

21. The allegations set forth in paragraphs 1 through 28 of this Indictment are realleged and incorporated herein by reference.

22. On or about December 8, 2022, in the District of New Mexico, the defendant, SOLOMON PEÑA, by force and threat of force, did willfully intimidate and interfere with, and attempt to injure, intimidate, and interfere with VICTIM 2, by shooting at VICTIM 2's residence

with a firearm, and such acts included the use of a dangerous weapon, because VICTIM 2 had qualified and campaigned as a candidate for elective office and in order to intimidate VICTIM 2 from campaigning as a candidate for elective office.

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

Count 4

23. The allegations set forth in paragraphs 1 through 28 of this Indictment are realleged and incorporated herein by reference.

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

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

Count 5

25. The allegations set forth in paragraphs 1 through 28 of this Indictment are realleged and incorporated herein by reference.

26. On or about January 3, 2023, in the District of New Mexico, the defendant, **SOLOMON PEÑA**, by force and threat of force, did willfully intimidate and interfere with, and attempt to injure, intimidate, and interfere with VICTIM 4, by shooting at VICTIM 4's residence with a firearm, and such acts included the use of a dangerous weapon, because VICTIM 4 had qualified and campaigned as a candidate for elective office and in order to intimidate VICTIM 4 from campaigning as a candidate for elective office.

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

Counts 6 – 8

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

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

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

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

Count 9

29. The allegations set forth in paragraphs 1 through 28 of this Indictment are realleged and incorporated herein by reference.

30. On or about January 3, 2023, in the District of New Mexico, the defendant, **SOLOMON PEÑA**, knowingly used and carried a firearm, to wit: a machinegun as defined in 26 U.S.C. § 5845(b), during and in relation to a crime of violence for which the defendant may be prosecuted in a court of the United States, specifically, interference with federally protected activities with use of a dangerous weapon contrary to 18 U.S.C. § 245 as charged in Count 5 of this indictment, and the firearm was discharged.

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

Count 10

31. On or about January 3, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **SOLOMON PEÑA**, knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically:

- 1) Commercial burglary (4 counts),
- 2) Larceny (over \$2,500 but not more than \$20,000) (2 counts),
- 3) Contributing to the delinquency of a minor (6 counts),
- 4) Larceny (over \$500 but not more than \$2,500) (2 counts), and
- 5) Conspiracy to commit commercial burglary,

knowingly possessed a firearm and ammunition in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924.

Counts 11-13

32. On or between the dates listed below, in the District of New Mexico, the defendant, **SOLOMON PEÑA**, with the intent that others kill and attempt to kill a witness with the intent to prevent that witness's attendance and testimony in an official proceeding, contrary to 18 U.S.C. § 1512(a)(1)(A), and under circumstances strongly corroborative of that intent, did solicit, induce and endeavor to persuade others to engage in such conduct, as described below.

<u>Count</u>	<u>On or Between</u>	<u>Person Solicited</u>	<u>Target</u>
11	June 7, 2023 – June 30, 2023	INDIVIDUAL 1	WITNESS 1
12	September 22, 2023 – February 2, 2024	INDIVIDUAL 2	WITNESS 1
13	September 22, 2023 – February 2, 2024	INDIVIDUAL 2	WITNESS 2

In violation of 18 U.S.C. § 373.

FORFEITURE ALLEGATION

33. Upon conviction of any offense in violation of 18 U.S.C. §§ 924(c) or 922(g), the defendant, **SOLOMON PEÑA**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offense(s), including, but not limited to:

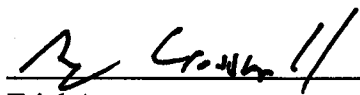
- a. A Glock 17 Gen 4 pistol with a drum magazine and a full-auto selector switch, serial number VDS372,
- b. An American Tactical 300 Blackout AR-15 pistol, serial number NS335933, and
- c. Approximately 85 bullets seized on January 3, 2023.

A TRUE BILL:

151
FOREPERSON OF THE GRAND JURY



Assistant United States Attorney
District of New Mexico



Trial Attorney
Public Integrity Section, Criminal Division, U.S. Department of Justice