

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico



United States of America

v.

Neal Wesley Garcia

Case No.

25-4681MJ

Defendant(s)

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

NOV - 6 2025

MITCHELL R. ELPERS
CLERK OF COURT

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 21, 2022 - April 25, 2025 in the county of Las Cruces in the
District of New Mexico, the defendant(s) violated: DONA ANA

Code Section

18 U.S.C § 1951

Offense Description

Hobbs Act (Count 1- 6)

This criminal complaint is based on these facts:
See attachment.☒ Continued on the attached sheet.

Complainant's signature

Lilly Aldana, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

11/06/2025

Judge's signature

City and state:

Las Cruces, New Mexico

Kevin R. Sweazea, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Lilly Aldana, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since January 2024. I have gained experience through training and everyday work relating to conducting these types of investigations. Prior to becoming an FBI Special Agent, I earned both a bachelor's and a master's degree in Criminal Justice. I am classified, trained, and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 18 of the United States Code. I am currently assigned to the Albuquerque Field Office, Las Cruces Resident Agency, in New Mexico. Prior to my current position, I was employed for three years as a Federal Probation Officer with the United States Probation Office in the Western District of Texas. I am currently assigned to investigate violations of federal law.

2. The information contained herein is based upon my investigation as well as information supplied to me by other duly sworn law enforcement officers, and does not contain all information known to me, only facts for consideration of probable cause. I make this affidavit in support of a criminal complaint that there is probable cause to find that Neal Wesley Garcia, hereafter Garcia, violated 18 U.S.C. § 1951. I am authorized by the Attorney General to request an arrest warrant.

Relevant Statutes

3. Title 18 U.S.C. § 1951, makes it a crime for someone to "in any way or degree obstruct[], delay[], or affect[] commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempt[] or conspire[] so to do, or commit[] or

threaten[] physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section[.]”

Details of the Investigation

4. On November 21, 2022, at approximately 2:30 p.m., Las Cruces Police Department (LCPD) officers responded to the GameStop at 550 Walton Boulevard in Las Cruces, New Mexico, in reference to an alleged assault involving Garcia. Upon arrival, officers made contact with the alleged victim (Victim 1).. Victim 1 related that Garcia arrived at store and placed his jacket at the front of the store. Victim 1 approached Garcia and asked him to pick up his jacket. Garcia picked up his jacket and began to walk toward the back[?] of the store. Victim 1 noticed that Garcia had an item from the store hidden under his jacket. Victim 1 confronted Garcia, requesting to see what was under the jacket. Garcia became confrontational[?] and told Victim 1 to “Shut the fuck up bitch” and “move out the way.” Garcia, then pushed Victim 1 out of the doorway and walked out of the store with a white Sony backpack that belonged to the store.

5. The LCPD officer located Garcia down the street from the GameStop. LCPD Officers searched Garcia’s person and found a Sony backpack matching the description of the one taken from the store. The backpack also had a magnetic pin on it like those commonly found on store merchandise that are removed at the time of purchase. Garcia admitted to the LCPD officers that he had been at the GameStop store and got into an altercation with the store manager due to him leaving his jacket at the front of the store. Garcia stated that he got upset with the store manager for blocking the exit and not letting him leave.

6. I am aware that majority of the products sold in GameStop were manufactured and shipped from locations outside the state of New Mexico, to include the Sony backpack that

was found with Garcia. Revenue made by the store is transferred to the GameStop in Texas. The loss of product affected the store's ability to create revenue to re-supply its inventory, therefore, affecting interstate commerce.

7. On April 24, 2023, at approximately 3:42 p.m., LCPD officers responded to Lowes Fiesta Foods located at 2180 North Main Street, Las Cruces, New Mexico, 88001, in reference to an alleged assault and battery. Upon arrival, LCPD officers made contact with the store manager (Victim 2) and a store employee (Victim 3). Both victims reported having been assaulted by Garcia. They related that Garcia had entered the store with a black bag and was advised by employees that he could not go into the store with the bag. The employees explained to Garcia that this was due to past experiences in which Garcia had stolen and concealed items in his bag.. Garcia became upset but complied with the employees' request. Garcia then walked in the store and returned to the front with some cleaning items and began to place the items into his black bag without paying for any of the items. Victim 2 informed Garcia that he needed to pay for the items before he could place them into his black bag. Garcia stated that he was going to walk out of the store with the unpaid items and that there was nothing that the employees could do about it.

8. Garcia took his black bag with the unpaid items in it and began to walk out of the store. Victim 3 snatched the bag from Garcia's hand, to which Garcia hit victim 3 on the right top shoulder. Garcia was going to hit Victim 3 a second time but other store employees intervened. Garcia was walked out of the store. Victim 2 went outside to speak to Garcia and inform him that the police had been contacted and that he could speak to the police about his bag. At hearing this, Garcia got upset and punched Victim 2 on the left side of the head. Garcia

then left the scene. LCPD officer took photographs of both victims' injuries and the black bag that still contained the cleaning supplies.

9. I am aware that majority of the products sold in Lowes Fiesta Foods were manufactured and shipped from locations outside the state of New Mexico to include the cleaning supplies that were taken by Garcia. Revenue made by the store is transferred to the Lowes Fiesta Foods in Amarillo, Texas. The loss of product affected the store's ability to create revenue to re-supply its inventory, therefore, affecting interstate commerce.

10. **On June 30, 2023**, at approximately 9:49 a.m., LCPD officers responded to Savers located at 2340 North Main Street, Las Cruces, New Mexico, 88001, in reference to a report involving a [subject with a?] weapon. Upon arrival, LCPD officers made contact with the store staff to include an employee (Victim 4) who reported that subject, later identified as Garcia, was carrying around a bat that he had stolen from the store. Victim 4 informed LCPD officers that Garcia had broken a window at the front entrance of the Savers store and then walked down Apodaca Park. Victim 4 held on to the doors in attempt to block Garcia from leaving with the items. However, Garcia hit the glass door with the bat, causing Victim 4 injuries from the broken glass. LCPD officer came into contact with Garcia, who still had the bat in his hands and arrested him.

11. During the arrest, an LCPD Officer instructed Garcia to drop the bat and Garcia complied. After being detained, Garcia admitted to the LCPD officers that he woke up angry that morning due to him not having any shoes. He stated that he thereafter went to Savers and put some slippers on from the store and got the bat. As he was walking out of store a staff member asked him to please return the items because he had not paid for them. Garcia then told Victim 4 that if he did not move, he was going to hit him with the bat. At hearing this, Victim 4 moved out

of his way. Garcia stated that he was nevertheless still upset and began to shout inside the store and broke one of the front glass windows as he walked out without paying for the items.

12. I am aware that majority of the products sold in at Savers are based on donations. However, metal baseball bats and sandals with “friends” logos were not made in New Mexico. The stolen items were manufactured and shipped from locations outside the state of New Mexico. Revenue made by the store is transferred to the Savers corporate headquarters located out of Bellevue, Washington. The loss of product affected the store’s ability to create revenue to re-supply its inventory, therefore, affecting interstate commerce.

13. **On July 7, 2023**, at approximately 6:03 p.m., LCPD officers responded to Murphy’s Express at 1290 South Valley Street, Las Cruces, New Mexico, 88005, due to a reported assault. Upon arrival, LCPD officers observed a male subject sitting on the ground who appeared to have just been in a fight and another male standing over him. LCPD officers were informed that Garcia had entered the store and shoplifted approximately \$16 of merchandise. A store employee (Victim 5) confronted Garcia about the merchandise he took, and Garcia responded by punching the employee in the face. Garcia also admitted to having thrown a rock at Victim 5’s vehicle with the intent to cause of damage.

14. I am aware that majority of the products sold in Murphy’s Express were manufactured and shipped from locations outside the state of New Mexico which includes the items taken by Garcia. Revenue made by the store is transferred to the Murphy’s Express in Texas. The loss of product affected the store’s ability to create revenue to re-supply its inventory, therefore, affecting interstate commerce.

15. **On August 24, 2023**, at approximately 8:39 p.m., LCPD officers responded to Albertson’s at 2501 North Main Street, Las Cruces, New Mexico, 88001, in reference to a report

involving an assault. Upon arrival, LCPD officers made contact with an Albertson's employee (Victim 6) who reported being assaulted by a male who took merchandise from the grocery store without paying. The employee noticed that Garcia was attempting to walk out of the store with the unpaid merchandise (Lucky Charms cereal bar box and a bag of tostada chips). Victim 6 asked Garcia to return the items since he did not pay for them, at which point Garcia swung his fist at Victim 6, hitting him on his left arm. Garcia then left the store with the merchandise.

16. I am aware that the majority of the products sold in Albertson's were manufactured and shipped from locations outside the state of New Mexico which includes the Lucky Charm bars. Revenue made by the store is transferred to the Albertson's corporate headquarters located in Plant City, Florida. The loss of product affected the store's ability to create revenue to re-supply its inventory, therefore, affecting interstate commerce.

17. On April 5, 2025, at approximately 8:46 p.m., LCPD officers responded to the Walmart located at 571 Walton Boulevard, Las Cruces, New Mexico, 88001, in reference to a report involving an assault. Upon arrival, LCPD officers made contact with a Walmart employee (Victim 7) who reported getting punched in the face by Garcia. Victim 7 related that Garcia had walked into Walmart and placed something in his waist band without paying for it. Victim 7 confronted Garcia, at which point Garcia punched the employee in the face and walked out of the store. LCPD arrested Garcia and searched his person and located a blue bandana worth \$2.00 dollars and a t-shirt, that he took from Walmart. Garcia admitted to having punched the Walmart employee.

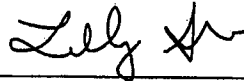
18. I am aware that majority of the products sold in Walmart were manufactured and shipped from locations outside the state of New Mexico which includes the blue bandana and t-shirt. Revenue made by the store is transferred to the Walmart corporate headquarters located

outside of New Mexico. The loss of product affected the store's ability to create revenue to re-supply its inventory, therefore, affecting interstate commerce.

19. Based on the foregoing, I submit that probable cause exists to believe that Neal Wesley Garcia violated 18 U.S.C. § 1951, by committing several crimes such as robbery.

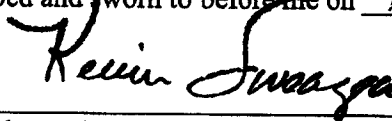
This affidavit reviewed by AUSA Maria Armijo.

Respectfully submitted,



Lilly Aldana
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on November 6, 2025.



Honorable Kevin R. Sweazea
UNITED STATES MAGISTRATE JUDGE