

Magistrate Criminal Rule 6-203

IN THE MAGISTRATE COURT
SANTA FE COUNTY
STATE OF NEW MEXICO

No. _____
Date Filed _____
NMAGO Matter #: 202406-00045

STATE OF NEW MEXICO,
Plaintiff,

V.

Defendant

Molly Connie Maestas,

ADDRESS: _____

DOB: _____

SSN: _____

HGT: _____ WGT: _____

EYES: _____ HAIR: _____

STATEMENT OF PROBABLE CAUSE

The above defendant has been arrested without a warrant for the following reasons.
(set forth a plain, concise and definitive statement of facts establishing probable cause)

Organized Retail Crime; General

Organized retail crime refers to an individual acting alone or in conjunction with others to engage in shoplifting, theft, embezzlement, purchase, sale, trade, or distribution of stolen or otherwise fraudulently obtained merchandise. Merchandise includes but is not limited to items currently on display for barter or sale (physically or otherwise), items stored or warehoused intended for sale or barter, either currently or at a later date, items in transit as cargo intended for commercial purchase or sale, and items delivered or intended to be delivered to a legitimate retailer or consumer.

The organizational aspect of these operations varies. They may range from loose associations involving a small group of individuals stealing and privately selling stolen merchandise to large, structured networks of individuals working for or in conjunction with fencing operations. A fence, also known as a receiver, mover, or middleman, is an individual or entity that knowingly receives or retains stolen goods to reintroduce them into commerce for profit. The fence acts as a mediator between thieves and the eventual buyers of stolen goods, who may or may not be aware that the goods are stolen. Organized retail crime operations may be associated with, but are not limited to, brick-and-mortar businesses and online marketplaces. These mediums can be ideal for moving large quantities of stolen merchandise quickly and discreetly.

These organized crime groups have no boundaries and can operate at the local, regional, national, and even international levels. Stolen items intended for resale can be random but are often specific,

based on their price, availability, and desirability in the marketplace. It is not uncommon for individual thieves or fencing operations to create a market around a specific type of item or respond to general market trends. In these scenarios, the demand for these items increases, often requiring coordination of multiple recurring thefts to meet that demand.

Like other criminal activities and enterprises, the members of these organizations take specific measures before, during, and after their crimes to avoid detection, identification, and prosecution. These tactics vary widely, evolve over time, and may involve acts of violence. These tactics allow individual criminals and groups to remain active for extended periods. In recent years, the anonymity of criminals has been exacerbated by the widespread use of face coverings in retail establishments. Consequently, the full extent of any given retail crime organization's activities is almost never known.

The ultimate result of these activities is losses far greater than those reported to law enforcement authorities. The FBI has estimated that the losses attributed to organized retail crime could reach as much as \$30 billion annually. The implications of this are far-reaching. The reintroduction of stolen commercial merchandise into the market has a compounding effect. Initially, the retail community suffers significant losses due to the thefts. Subsequently, the retail community is forced to compete with its own products, sold at considerably lower rates. Over time, the net effect of these crimes can be devastating to the state's commerce and economy. Furthermore, it's known through training and experience that there is often an overlap between organized retail crime and other criminal activities, including narcotics trafficking and human trafficking.

Asset Protection: Information Sharing Strategies

The retail asset protection industry utilizes a variety of methods to investigate losses in their stores and identify the individuals responsible. These methods include creating and maintaining electronic files on known offenders. These files often contain the offender's name (when known), photographs of the offender, video surveillance footage, police report numbers, and notes regarding the offender's criminal activities. In some cases, these files may catalog a series of offenses committed by the same individual at one store or across several. Typically, asset protection personnel within a company have the ability to enter, upload, view, and share this information with each other. At the retailer's discretion, this information is also shared with law enforcement authorities and other businesses. This is particularly valuable to the retail community because criminals are not limited to committing crimes against a single retailer or within a specific geographical area. This network of information sharing allows for a more comprehensive and collective approach to identifying and investigating serial shoplifters and retail crime organizations.

Investigation

In May 2024 agents with the NMDOJ Organized Retail Crime Task Force were made aware of an active organized retail crime investigation that was being conducted by investigators from TJX (TJ Maxx, Marshall's, Home Goods, Sierra, and Home Sense), Walmart, Home Depot, Target, and JC Penny. The investigators spent time conducting on-site surveillance, as well as reviewing security footage, and conducting various evidence gathering techniques. Below is the report submitted by TJX Organized Retail Crime Investigator Zachary Willis to the NM Department of Justice Organized Retail Crime Unit:

CASE INITIATION

The TJX Companies Inc. (TJX) is an American multinational off-price department store corporation. TJX stores include TJ Maxx, Marshall's, Home Goods, Sierra and Home Sense.

Like other companies, TJX employs professional, full time, organized retail crime investigators. These individuals receive specific training in Asset Protection, Organized Retail Crime, report writing, surveillance, data mining, open-source research and more.

TJX has two such individuals assigned to investigate organized retail crime in New Mexico: Zachary Willis and Rafael Rico. Their area of coverage includes all four corners of the state.

In April 2024, Willis and Rico were working in Santa Fe, NM when they began observing what appeared to be unusual activity at the Allsup's convenience store located at 3000 Cerillos Rd. Santa Fe, NM. Willis and Rico could see that there were several individuals gathered in front of and around the store. Many of the individuals had large backpacks, duffel bags and carts. In most cases those bags and carts were full.

Willis and Rico began monitoring the activity at the Allsup's and they could see that the individuals gathered around the store appeared to be systematically filtering east, into the adjoining neighbourhood. Willis and Rico followed the direction of the individuals and observed that many of them were stopping at the same residence, [REDACTED], Santa Fe, NM.

Willis and Rico could see the individuals were interacting with the residents of that address through a partially open garage door. Willis and Rico looked into the garage they could see what appeared to be brand new, in box merchandise including a Ryobi brand pressure washer.

They also observed a white Kia parked in front of the residence bearing NM license plate [REDACTED]. NMMVD records later revealed this vehicle was registered to Gilberto Salazar, residing at [REDACTED], Santa Fe, NM.

They took note of this activity and the address as a potential fencing location.

May 1, 2024

Following the aforementioned activity Willis and Rico opened an investigation into [REDACTED]. They contacted other members of the retail ORC community to advise them of this investigation including Hung Nguyen, ORC investigator for The Home Depot.

On May 1, 2024, Willis, Rico and Nguyen, conducted physical surveillance at the residence. Over the course of seven hours of surveillance starting at approximately 0840hrs until approximately 1645hrs they observed at least seventeen individuals come to the residence, each time entering and interacting with the residents through the partially open garage door. Most stayed at the residence for approximately 25 minutes. At times, there were multiple people in the garage despite it appearing to be full of items.

At least ten of the documented visitors arrived with what appeared to be full bags or backpacks. Willis, Rico and Nguyen noted that when those individuals would leave the residence, they were almost always observed zipping up or carrying a now empty bag. In the case of one man, he was observed arriving with what appeared to be a brand-new canvas luggage bag but leaving without it. He was not observed to return.

In reviewing photographs taken of the visitors, Willis and Rico recognized one individual as a regular, repeat shoplifter from their store. This individual (currently unidentified) was one of the visitors who had arrived with a full backpack but left with his bag appearing to be empty.

In some cases, when the garage was full, individuals were sent around the side of the house to the back yard.

Interestingly, the surveillance indicated that visitors only seemed to begin arriving at [REDACTED] when the garage was open. This led the investigators to believe that it was likely the residents had communicated that they were open for visitors through some electronic means.

May 13, 2024

On May 13, 2024, Willis and Rico organized another surveillance operation at [REDACTED]. Participants in this event included Willis, Rico, Nguyen and Walmart Global Investigator Christopher Kohler.

As in the previous stretch of surveillance, there was almost no activity at the residence until the garage door was opened at approximately 0930hr. Prior to this, two individuals went to the residence and knocked on the garage, but when they did not receive a response, they left. They

remained in the general vicinity, choosing to wait at the Allsup's up the street located at 3000 Cerillos Rd. Santa Fe, NM.

Within approximately 2 minutes of the garage door being opened multiple individuals, including the ones who had not received a response earlier, arrived at the residence. In some cases, the visitors had bags or carts, in other cases not.

On this day, the garage was fully opened, giving investigators the opportunity to see more of what was inside. The garage was full of items, most of which were piled on the floor or on top of each other. There appeared to be a small walking path in the middle of the garage going toward the back.

In the entrance, multiple items could be seen including small plants (with the tags still affixed), a Dollar Tree handbasket, purses, backpacks, Dewalt brand tools (still in their original packaging) and other items. Investigators also observed several 6X6 fence panels, and a Kobalt brand fencing kit still in its original packaging on the side of the residence, as well as a Walmart pushcart.

Over the course of this surveillance investigators determined what appeared to be two categories of visitors. The first category was individuals who would arrive with full bags, in some cases backpacks, in other cases reusable shopping bags and in one case a large laundry basket full of items (indeterminate). Those individuals would interact with the residents inside the garage and leave with their bags appearing to be empty.

At one point, a male and a female arrived at the residence on bicycles. They brought reusable shopping bags into the garage and investigators could see they had brought a Nespresso Coffee Machine (still in its original packaging), t-shirts and other items that appeared to be in their original packaging. When they left, the items were no longer in their possession.

Investigators observed another male who made a clear exchange of what appeared to be jigsaw blades (still in their original packaging) with an unidentified male inside the garage. It was unclear what the male received in return.

Throughout the duration of the surveillance, it was observed as multiple individuals engaged in the potential usage of illegal narcotics in the front yard of the residence while the garage was open.

Kohler was able to recognize a black Dodge pickup truck bearing NM license plate [REDACTED] that had been at the residence had recently been documented as being involved in both theft and attempted theft incidents at a Walmart store in Santa Fe, NM.

The other category of visitors appeared to be individuals who were browsing or shopping at the residence. These individuals arrived with nothing, would browse around the garage and leave. In most cases it was unclear what, if anything they left with.

At approximately 1530hrs a green GMC pickup bearing NM license plate [REDACTED] arrived at the residence and parked on the street. The bed of the truck was full of brand-new merchandise still in its original packaging that could be seen from the street. It should be noted that same vehicle was observed at the residence earlier that day with no merchandise in the bed.

The GMC backed into the driveway and several individuals began unloading the merchandise, placing it on the side of the residence. Investigators were later able to determine that the items were five Kobalt brand television wall mounting kits and five Project Source brand shelving units. All of these items are proprietary merchandise of Lowe's Home improvement stores. The total retail value was approximately \$1,500.00.

Kohler was also later able to determine that GMC truck had been involved in at least eight documented theft and attempted theft events at Walmart stores in Santa Fe within the last few months. He was further able to positively identify the driver of the GMC as the same person involved in the theft and attempted theft events.

Nguyen was later able to determine the same GMC was also involved in a recent theft on 5/11/24 at Home Depot located at 952 Richards Ave, Santa Fe, NM. Nguyen was able to identify the male suspect involved in the theft incident as Anthony Garcia - DOB [REDACTED]. A. Garcia has impacted numerous retailers in the surrounding area with theft and attempted theft events. Moreover, A. Garcia has a substantial shoplifting criminal history.

JCPenny's organized retail crime investigator Corey Yates was later able to determine that the driver of the GMC truck has at least four documented theft and attempted theft events at JCPenney's store in Santa Fe located at 4250 Cerrillos Rd, Santa Fe, NM within the last few months.

Over the course of this seven-hour period of surveillance investigators observed that at least eighteen people and eight vehicles came and went from the residence, some leaving only to return later. Almost all of those interactions occurred through the garage of the residence. At times, it almost appeared as if the individuals were waiting in a line at a store.

About midway through the day the garage door was closed, and the traffic stopped. It did not resume until the garage was opened, leading investigators again to believe that the residents were likely using some form of electronic communication to advertise that they were open and willing to see visitors.

May 21, 2024

On May 21, 2024, retail investigators Willis (TJX), Rico (TJX), Nguyen (Home Depot), Kohler (Walmart), Brian Barrat (Target), Chris Grau (TJX), Corey Yates (JCPenny), conducted a retail theft operation in Santa Fe, NM. The objective of this investigation was to identify shoplifting events in real time (and where practical) to follow the shoplifters to determine the ultimate destination of the merchandise.

During that operation a white Honda sedan was utilized in a theft of numerous amounts of Tide products at the Target store located at 3550 Zafarano Dr. Santa Fe, NM. The vehicle was bearing NM license plate [REDACTED]. Investigators who had conducted surveillance at the [REDACTED] residence on May 13, 2024, recognized that vehicle as having been at the residence for several hours. At one point the driver was observed removing large bags from the garage and placing them in the Honda.

May 22, 2024

On May 22, 2024, retail investigators Willis, Rico, Hung, Kohler, Barrat, Grau and Yates partnered with The Santa Fe Police Department to conduct a retail theft blitz operation in Santa Fe, NM. The objective of this blitz was to identify shoplifting events in real time and have local law enforcement apprehend these individuals or to gain intelligence and determine the destination of the stolen merchandise.

During this operation, a male subject (identified by SFPD as Anis Mbeeduwo) was apprehended for shoplifting multiple items of merchandise from Target store located at 3550 Zafarano Dr. Santa Fe, NM. A. Mbeeduwo was observed entering the [REDACTED] location through the garage on May 1, 2024. In addition to the countless documented theft and attempted theft events at Target, A. Mbeeduwo has a substantial amount of confirmed theft reports from TJ Maxx and JCPenny's in Santa Fe, New Mexico.

Brian Barrat (Target) was able to recognize multiple individuals entering the residence of [REDACTED] [REDACTED] as repeat shoplifters from his store located at 3550 Zafarano Dr. Santa Fe, NM.

The cumulative information collected over the course of this investigation indicates that the residence at [REDACTED] appears to serve as an intake point for merchandise and other unknown items. The volume of individuals coming and going from the residence appears abnormally high. Many of those individuals show up with large, full bags but leave with less or in

some cases, none of the items they arrived with. Many of those individuals also appear to be indigent or transient.

Of the individuals and vehicles observed at the residence during surveillance operations an overwhelming majority are associated with known, perpetual retail theft and attempted retail theft events. Both confirmed residents of [REDACTED] are also known to have a criminal history.

The condition of the known items received at the residence is often new, and in its original packaging. The amount and type of known items that have been taken in at the residence is also unusual. For example, it is unlikely that anyone at the residence would need five brand new television wall mounting kits.

What is done with the merchandise after it is obtained and how or if that merchandise is reintroduced into the market is the subject of this investigation. Surveillance and photographs of the residence and garage indicate that it is likely the items brought to the residence are subsequently marketed for sale by the residents.

Based off the affirmation of the above investigation the countless documented theft and attempted theft events of the individuals witnessed frequenting and residing at the residence, it appears that this residential location is having a damaging influential impact on the surrounding neighbourhood, retailers and overall community of Santa Fe, New Mexico.

Conclusion

On June 6, 2024, at approximately 0600 hours, the New Mexico Department of Justice (NMDOJ) conducted a residential search warrant at [REDACTED], Santa Fe, NM 87507. Upon approach of the residence several subjects were observed fleeing from inside the home and the back yard of the property. NMDOJ Special Agents made contact with some of the adult residents inside the home, identified as Molly Salazar, Sandra Salazar, and Gilberto Salazar. There were also two minor children inside the home, one of whom was asleep on the floor of the laundry room in between a wall and the washer and dryer.

Molly Salazar was mirandized, per card, and after acknowledging that she understood her rights agreed to speak with us. Molly stated that her niece, Raquel Salazar, and Raquel's girlfriend Carla Cervantes, lived in the garage of the residence and sold fentanyl from the garage. Molly stated that Raquel and Carla would sell the fentanyl for cash or trade it for merchandise. Molly advised that she didn't know where the merchandise came from and assumed most of it was probably stolen.

Molly stated that Raquel and Carla kept all of their belongings in the garage and that nothing was brought into the house. As NMDOJ Agents searched the residence they located unopened

merchandise, still in original packaging with original tags affixed throughout the residence. Some of the merchandise was found in Molly's bedroom. Molly stated that her bedroom was the second room on the left. Inside her bedroom was mail containing Molly's name, along with medication bottles with Molly's name. Some of the contraband items found in Molly's room include an unopened Energizer rechargeable battery station, a factory sealed 10-pack of socks, 2 unopened Axe body wash, an unopened box of LED mini lights, an Xbox controller unopened in original packaging, two cellphones, and two laptops.

The contraband dollar amount found in Molly's bedroom had a retail value of approximately \$150. The contraband dollar amount found within the entire residence is approximately \$5000 or more. Molly had access to the entire house.

Due to the information obtained from Molly, probable cause exists that Molly knew, or should have known, that the merchandise was stolen and illegally obtained.

I do solemnly declare and affirm under penalty of perjury that the matters and facts set forth in this statement are true to the best of my knowledge, information and belief.

Affiant Name: Jonathon Talley

Signature of Affiant: _____

Official Title: Special Agent

Approved: John Duran (Electronic)

Title: Assistant Attorney General

(This form is to be used if the defendant was arrested without a warrant and the complaint or citation and any attachments to the complaint do not make a written showing of probable cause.)

Approved: Supreme Court, March 7, 1990; effective September 1, 1990.

Criminal Form 9-215

STATE OF NEW MEXICO

IN THE MAGISTRATE
SANTA FE COUNTY
STATE OF NEW MEXICO

No. _____
Date Filed _____
NMAGO Matter #: 202406-00045

STATE OF NEW MEXICO,
Plaintiff,

V.

Defendant
Molly Connie Maestas,
DOB: [REDACTED]
SSN: [REDACTED]
[REDACTED]

CRIMINAL COMPLAINT

Crimes Charged:

Count One: 30-16-20.1 A2 Organized retail Crime (One Count)

acts in concert with one or more persons to receive, purchase or possess merchandise with an aggregated retail market value of two thousand five hundred dollars (\$2,500); whoever commits organized retail crime is guilty of a second-degree felony.

Count Two: 30-28-2 B2 Conspiracy (One Count)

knowingly combining with another for the purpose of committing a felony within or without this state if the highest crime conspired to be committed is a second-degree felony, the person committing such conspiracy is guilty of a third degree felony

The above stated acts were contrary to sections(s): 30-16-20.1 A2, 30-28-2 B2, 30-16-20 B4 D, 30-15-1 NMSA 1978

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Affiant Name: Antonio Vargas

Signature of Affiant: _____

Official Title: Special Agent

If Probable Cause Determination Required:

Probable Cause Found

Probable Cause Not Found, and Defendant Released From Custody

Subscribed and sworn to before me in the above-named County of the State of New Mexico this _____ day of _____, 2024.

Judge: _____

Date: _____

Time: _____

[As amended, effective September 1, 1990; April 1, 1991; November 1, 1991; as amended by Supreme Court Order No. 13-8300-020, effective for all cases pending or filed on or after December 31, 2013.]