

**For Immediate Release:**

May 20, 2022

**Contact:** Jerri Mares - (505) 321-4372

## **AG BALDERAS ANNOUNCES INDICTMENT OF TWO HOME DEPOT SHOPLIFTERS; ONE DETAINED UNTIL TRIAL**

*ALBUQUERQUE* — Today, New Mexico Attorney General Hector Balderas announces indictments for organized retail crime (ORC) defendants Michael Arnold and Jayden Wheeler. Beginning in December 2021, Arnold and Wheeler brazenly shoplifted nearly \$10,000 in hardware, including chainsaws and drill sets, from an Albuquerque westside Home Depot in four separate incidents. On January 7, 2022, Arnold displayed a can of mace to deter Home Depot personnel from interfering with their theft. Arnold was indicted on 10 counts and Wheeler faces 11 counts including Robbery, Shoplifting, and Conspiracy.

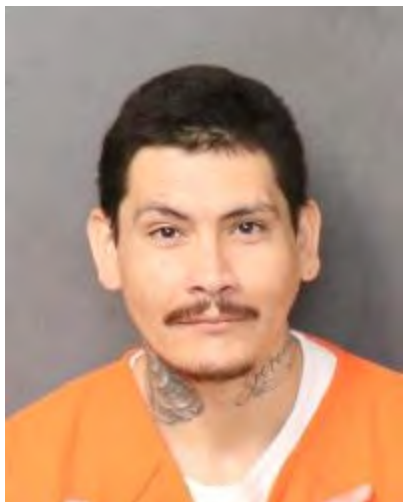
“Organized retail criminals that threaten hardworking New Mexicans with violence to complete their repeated thefts will continue to be targeted, and I am pleased with Judge Leos’ decision,” said Attorney General Balderas.

Michael Arnold has had twenty-three bench warrants issued for his arrest in the last five years and is currently in custody. Just hours after the indictments were returned, Arnold went to a hearing on the State’s motion for pretrial detention where Judge Leos determined that Arnold is a danger to the community and no conditions of release will reasonably protect the community. Judge Leos granted the State’s motion based on the facts of this case and Arnold’s extensive criminal history, noting Arnold’s disregard for the law.

The cases were investigated as part of the emerging ORC Task Force. The investigation involved the NM Office of the Attorney General, Albuquerque Police Department, and asset protection personnel from the retail community. These cases are being prosecuted by Assistant Attorneys General Ashley Schweizer and Jonathan Gardner. Although Arnold and Wheeler have been charged, they are presumed innocent until proven guilty at trial.

A copy of the indictments are attached.

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Michael Arnold Booking Photo

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

FILED  
2ND JUDICIAL DISTRICT COURT  
Bernalillo County  
5/20/2022 12:52 PM  
CLERK OF THE COURT  
Malcolm W Smith

STATE OF NEW MEXICO,

Plaintiff,

v.

No. **D 0202 CR 2022 01015**  
NMAGO NO. 202204-00579

MICHAEL DOMINGUEZ ARNOLD,  
DOB: X/XX/1988  
SSN: XXX-XX-8514  
ADDRESS: 303 53<sup>rd</sup> St. NW, Albuquerque, NM 87105  
4316 Ruger Rd. SW, Albuquerque, NM 87121  
Metropolitan Detention Center

Defendant.

**JENNIFER WERNERSBACH**

**GRAND JURY INDICTMENT**

THE GRAND JURY CHARGES:

**December 9, 2021**

**COUNT 1: SHOPLIFTING (OVER \$500) (4616)** 

That on or about the 9<sup>th</sup> day of December, 2021, in Bernalillo County, New Mexico, the above-named defendant did take possession of or conceal tool kits belonging to Home Depot on Coors Blvd. Bypass, which had a market value of over \$500, and at the time the merchandise was taken, the defendant intended to take it without paying, contrary to NMSA 1978, Section 30-16-20 (2006).

**COUNT 2: CONSPIRACY TO COMMIT SHOPLIFTING (OVER \$500) (4618)** 

That on or about the 9<sup>th</sup> day of December, 2021, in Bernalillo County, New Mexico, the above-named defendant did by words or acts agree together with another person(s) to commit Shoplifting (Over \$500) and they intended to commit Shoplifting (Over \$500), contrary to NMSA 1978, Section 30-16-20 (2006) and Section 30-28-2 (1979).

January 7, 2022

**COUNT 3: ROBBERY (0176)** ✕

That on or about the 7<sup>th</sup> day of January, 2022, in Bernalillo County, New Mexico, the above-named defendant took and carried away chainsaws, which had some value, from Home Depot on Coors Blvd. Bypass, or from Home Depot's immediate control, intending to permanently deprive Home Depot of the property, and the defendant took the property by use or threatened use of force or violence, contrary to NMSA 1978, Section 30-16-2 (1973).

OR IN THE ALTERNATIVE TO COUNT 3

**SHOPLIFTING (OVER \$500) (4616)** ✕

That on or about the 7<sup>th</sup> day of January, 2022, in Bernalillo County, New Mexico, the above-named defendant did take possession of or conceal chainsaws belonging to Home Depot on Coors Blvd. Bypass, which had a market value of over \$500, and at the time the merchandise was taken, the defendant intended to take it without paying, contrary to NMSA 1978, Section 30-16-20 (2006).

**COUNT 4: CONSPIRACY TO COMMIT ROBBERY (0182)** ✕

That on or about the 7<sup>th</sup> day of January, 2022, in Bernalillo County, New Mexico, the above-named defendant did by words or acts agree together with another person(s) to commit Robbery and they intended to commit Robbery, contrary to NMSA 1978, Section 30-16-2 (1973) and Section 30-28-2 (1979).

OR IN THE ALTERNATIVE TO COUNT 4

**CONSPIRACY TO COMMIT SHOPLIFTING (OVER \$500) (4618)** ✕

That on or about the 7<sup>th</sup> day of January, 2022, in Bernalillo County, New Mexico, the above-named defendant did by words or acts agree together with another person(s) to commit Shoplifting (Over \$500) and they intended to commit Shoplifting (Over \$500), contrary to NMSA 1978, Section 30-16-20 (2006) and Section 30-28-2 (1979).

January 12, 2022

**COUNT 5: SHOPLIFTING (OVER \$500) (4616)** ↖

That on or about the 12<sup>th</sup> day of January, 2022, in Bernalillo County, New Mexico, the above-named defendant did take possession of or conceal fuel combo kits belonging to Home Depot on Coors Blvd. Bypass, which had a market value of over \$500, and at the time the merchandise was taken, the defendant intended to take it without paying, contrary to NMSA 1978, Section 30-16-20 (2006).

**COUNT 6: CONSPIRACY TO COMMIT SHOPLIFTING (OVER \$500) (4618)** ↖

That on or about the 12<sup>th</sup> day of January, 2022, in Bernalillo County, New Mexico, the above-named defendant did by words or acts agree together with another person(s) to commit Shoplifting (Over \$500) and they intended to commit Shoplifting (Over \$500), contrary to NMSA 1978, Section 30-16-20 (2006) and Section 30-28-2 (1979).

February 6, 2022

**COUNT 7: SHOPLIFTING (OVER \$2,500) (1147)** ↖

That on or about the 6<sup>th</sup> day of February, 2022, in Bernalillo County, New Mexico, the above-named defendant did take possession of or conceal drills and drill combo kits belonging to Home Depot on Coors Blvd. Bypass, which had a market value of over \$2,500, and at the time the merchandise was taken, the defendant intended to take it without paying, contrary to NMSA 1978, Section 30-16-20 (1987).

**COUNT 8: CONSPIRACY TO COMMIT SHOPLIFTING (OVER \$2,500) (1154)** ↖

That on or about the 6<sup>th</sup> day of February, 2022, in Bernalillo County, New Mexico, the above-named defendant did by words or acts agree together with another person(s) to commit Shoplifting (Over \$2,500) and they intended to commit Shoplifting (Over \$2,500), contrary to NMSA 1978, Section 30-16-20 (1987) and Section 30-28-2 (1979).

February 23, 2022

**COUNT 9: SHOPLIFTING (\$250 OR LESS) (4614) ✓**

That on or about the 23<sup>rd</sup> day of February, 2022, in Bernalillo County, New Mexico, the above-named defendant did take possession of or conceal various merchandise belonging to Home Depot on Coors Blvd. Bypass, which had a market value of \$250 or less, and at the time the merchandise was taken, the defendant intended to take it without paying, contrary to NMSA 1978, Section 30-16-20 (2006).

**COUNT 10: TAMPERING WITH EVIDENCE (4234) ✓**

That on or about the 23<sup>rd</sup> day of February, 2022, in Bernalillo County, New Mexico, the above-named defendant hid or placed stolen merchandise with the intent to prevent the apprehension, prosecution or conviction of himself and the highest crime was a misdemeanor or petty misdemeanor or the level of the underlying crime cannot be determined, contrary to NMSA 1978, Section 30-22-5 (2003).

The name of the witness upon whose testimony this Indictment is based is as follows:

SERGEANT RENEE OLLQUIST,  
ALBUQUERQUE POLICE DEPARTMENT

I hereby certify that the foregoing Indictment is a True Bill.

APPROVED:

Ashley A. Schweizer  
Ashley Schweizer  
Assistant Attorney General

5.20.2022  
Date

[Signature]  
Foreman

5/20/22  
Date

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

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2ND JUDICIAL DISTRICT COURT  
Bernalillo County  
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CLERK OF THE COURT  
Malcolm W Smith

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Plaintiff,

v.

D 0202 CR 2022 01016  
No. \_\_\_\_\_  
NMAGO NO. 202204-00584

JAYDEN WHEELER,  
DOB: X/XX/1999  
SSN: XXX-XX-0979  
ADDRESS: 1818 Cantera St. SE, Rio Rancho, NM 87124  
Defendant.

JENNIFER WERNERSBACH

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January 7, 2022

**COUNT 3: ROBBERY (0176)** ↖

That on or about the 7<sup>th</sup> day of January, 2022, in Bernalillo County, New Mexico, the above-named defendant did aid or abet Michael Arnold to take and carry away chainsaws, which had some value, from Home Depot on Coors Blvd. Bypass, or from Home Depot's immediate control, intending to permanently deprive Home Depot of the property, and the defendant intended the property be taken by use or threatened use of force or violence, contrary to NMSA 1978, Section 30-16-2 (1973).

OR IN THE ALTERNATIVE TO COUNT 3

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That on or about the 6<sup>th</sup> day of February, 2022, in Bernalillo County, New Mexico, the above-named defendant did by words or acts agree together with another person(s) to commit Shoplifting (Over \$2,500) and they intended to commit Shoplifting (Over \$2,500), contrary to NMSA 1978, Section 30-16-20 (1987) and Section 30-28-2 (1979).

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**COUNT 10: RESISTING, EVADING OR OBSTRUCTING AN OFFICER (ARREST) ✓  
(4173)**

That on or about the 23<sup>rd</sup> day of February, 2022, in Bernalillo County, New Mexico, the above-named defendant intentionally fled, attempted to evade or evaded Mario Vallejos, an officer with the Albuquerque Police Department, when the defendant knew that the officer was attempting to apprehend or arrest him, contrary to NMSA 1978, Section 30-22-1(B) (1981).

**COUNT 11: POSSESSION OF A CONTROLLED SUBSTANCE (8000) ✓**

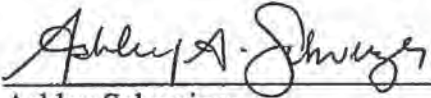
That on or about the 23<sup>rd</sup> day of February, 2022, in Bernalillo County, New Mexico, the above-named defendant did intentionally and unlawfully possess fentanyl, a narcotic drug enumerated in Schedule I or II or a controlled substance analog of a narcotic drug enumerated in Schedule I or II and the substance was not obtained pursuant to a valid prescription or order of a practitioner while acting in the course of professional practice or as otherwise authorized by the Controlled Substances Act, contrary to NMSA 1978, Section 30-31-23(A) (2021).

The name of the witness upon whose testimony this Indictment is based is as follows:

SERGEANT RENEE OLLQUIST,  
ALBUQUERQUE POLICE DEPARTMENT

I hereby certify that the foregoing Indictment is a True Bill.

APPROVED:

  
\_\_\_\_\_  
Ashley Schweizer  
Assistant Attorney General

5.20.2022  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Foreman

5/20/22  
\_\_\_\_\_  
Date