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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CROOK

STATE OF OREGON,
Plaintiff,

vs.

MICHAEL DWAYNE SMETZER,
DOB: 12/16/1987
SID: 24150659
Defendant

)
) Court No. 25CR35735
)

) INDICTMENT
)

) (Warrant Request)
)
)
)

The Defendant is accused by the Grand Jury for Crook County of the following offenses:

Count 1: AGGRAVATED THEFT IN THE FIRST DEGREE (FSG=8; B Felony; ORS 164.057)

Count 2: FORGERY IN THE FIRST DEGREE (FSG=5; C Felony; ORS 165.013)

Count 3: AGGRAVATED IDENTITY THEFT (FSG=5; C Felony; ORS 165.803)

Count 4: FORGERY IN THE FIRST DEGREE (FSG=5; C Felony; ORS 165.013)

Count 5: AGGRAVATED IDENTITY THEFT (FSG=5; C Felony; ORS 165.803)

Count 6: ILLEGAL CONSIGNMENT PRACTICES (A Misdemeanor; ORS 822.060)

Count 7: AGGRAVATED THEFT IN THE FIRST DEGREE (FSG= 5; B Felony; ORS 164.057)

Count 8: FORGERY IN THE FIRST DEGREE (FSG=5; C Felony; ORS 165.013)

Count 9: AGGRAVATED IDENTITY THEFT (FSG=5; C Felony; ORS 165.803)

Count 10: FORGERY IN THE FIRST DEGREE (FSG=5; C Felony; ORS 165.013)

Count 11: AGGRAVATED IDENTITY THEFT (FSG=5; C Felony; ORS 165.803)

Count 12: FORGERY IN THE FIRST DEGREE (FSG=5; C Felony; ORS 165.013)

Count 13: AGGRAVATED IDENTITY THEFT (FSG=5; C Felony; ORS 165.803)

Count 14: ILLEGAL CONSIGNMENT PRACTICES (A Misdemeanor; ORS 822.060)

Count 15: AGGRAVATED THEFT IN THE FIRST DEGREE (FSG= 5; B Felony; ORS 164.057)

INDICTMENT PAGE 1

Crook County District Attorney's Office
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- Count 16: ILLEGAL CONSIGNMENT PRACTICES (A Misdemeanor; ORS 822.060)
- Count 17: FORGERY IN THE FIRST DEGREE (FSG=5; C Felony; ORS 165.013)
- Count 18: AGGRAVATED IDENTITY THEFT (FSG=5; C Felony; ORS 165.803)
- Count 19: AGGRAVATED IDENTITY THEFT (FSG=5; C Felony; ORS 165.803)
- Count 20: AGGRAVATED THEFT IN THE FIRST DEGREE (FSG= 5; B Felony; ORS 164.057)
- Count 21: FORGERY IN THE FIRST DEGREE (FSG=5; C Felony; ORS 165.013)
- Count 22: AGGRAVATED IDENTITY THEFT (FSG=5; C Felony; ORS 165.803)
- Count 23: AGGRAVATED IDENTITY THEFT (FSG=5; C Felony; ORS 165.803)
- Count 24: FORGERY IN THE FIRST DEGREE (FSG=5; C Felony; ORS 165.013)
- Count 25: AGGRAVATED IDENTITY THEFT (FSG=5; C Felony; ORS 165.803)
- Count 26: AGGRAVATED IDENTITY THEFT (FSG=5; C Felony; ORS 165.803)
- Count 27: AGGRAVATED THEFT IN THE FIRST DEGREE (FSG=8; B Felony; ORS 164.057)
- Count 28: ILLEGAL CONSIGNMENT PRACTICES (A Misdemeanor; ORS 822.060)
- Count 29: AGGRAVATED THEFT IN THE FIRST DEGREE (FSG= 5; B Felony; ORS 164.057)
- Count 30: ILLEGAL CONSIGNMENT PRACTICES (A Misdemeanor; ORS 822.060)
- Count 31: AGGRAVATED THEFT IN THE FIRST DEGREE (FSG= 5; B Felony; ORS 164.057)
- Count 32: ILLEGAL CONSIGNMENT PRACTICES (A Misdemeanor; ORS 822.060)
- Count 33: ILLEGAL CONSIGNMENT PRACTICES (A Misdemeanor; ORS 822.060)
- Count 34: AGGRAVATED THEFT IN THE FIRST DEGREE (FSG= 5; B Felony; ORS 164.057)
- Count 35: ILLEGAL CONSIGNMENT PRACTICES (A Misdemeanor; ORS 822.060)

committed as follows:

Count 1
AGGRAVATED THEFT IN THE FIRST DEGREE

The defendant, on or between July 5, 2023, and June 26, 2025, in Crook County, Oregon, did unlawfully commit theft of U.S. currency, of the total value of \$10,000 or more, the property of Donald Zalundardo.

The state further alleges that the victim of the theft was 65 years of age or older at the time of the commission of the offense.

The state further alleges that this offense is a separate and distinct criminal episode than counts 7-35.

Count 2
FORGERY IN THE FIRST DEGREE

The defendant, on or between July 5, 2023, and June 26, 2025, in Crook County, Oregon, did unlawfully, knowingly and with intent to injure or defraud, falsely make, complete or alter Oregon Vehicle Certificate of Title (Title No. 1331020428), a written instrument that was or purported to be a valuable instrument issued by the Oregon Department of Transportation, a governmental agency.

The state further alleges that the property stolen had a value of \$10,000 or more and was not a motor vehicle used primarily for personal rather than commercial transportation.

The state further alleges that this offense is a separate and distinct criminal episode than counts 7-35.

Count 3
AGGRAVATED IDENTITY THEFT

The defendant, on or between July 5, 2023, and June 26, 2025, in Crook County, Oregon, did unlawfully, with intent to deceive and defraud, create, utter, or convert to defendant's own use the personal identification of Donald Zalundardo, and the losses incurred in a single or aggregate transaction were \$10,000 or more within a 180-day period.

The state further alleges that this offense is a separate and distinct criminal episode than counts 7-35.

Count 4
FORGERY IN THE FIRST DEGREE

The defendant, on or between July 5, 2023, and June 27, 2025, in Crook County, Oregon, did unlawfully, knowingly, and with intent to defraud, falsely make, complete or alter an Oregon Department of Motor Vehicles Vehicle Bill of Sale (VIN 2G1FT1EW5A9113799), a written instrument that was or purported to be a commercial instrument, a contract, or an assignment.

INDICTMENT PAGE 3

Crook County District Attorney's Office
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1
2 The state further alleges that the property stolen had a value of \$10,000 or more and was not a
3 motor vehicle used primarily for personal rather than commercial transportation.

4 The state further alleges that this offense is a separate and distinct criminal episode than counts
5 7-35.

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Count 5
AGGRAVATED IDENTITY THEFT

The defendant, on or between July 5, 2023, and June 27, 2025, in Crook County, Oregon, did unlawfully, with intent to deceive and defraud, create, utter, or convert to defendant's own use the personal identification of Donald Zalundardo, and the losses incurred in a single or aggregate transaction were \$10,000 or more within a 180-day period.

The state further alleges that this offense is a separate and distinct criminal episode than counts 7-35.

Count 6
ILLEGAL CONSIGNMENT PRACTICES

The defendant, on or between July 5, 2024, and June 27, 2025, in Crook County, Oregon, holding a dealer certificate issued by the Department of Transportation, did unlawfully and with criminal negligence sell a vehicle that the dealer has on consignment and fail to pay the consignor, Donald Zalundardo, within 10 days of the sale.

The state further alleges that this offense is a separate and distinct criminal episode than counts 7-35.

Count 7
AGGRAVATED THEFT IN THE FIRST DEGREE

The defendant, on or between May 29, 2024, and June 27, 2024, in Crook County, Oregon, did unlawfully commit theft of U.S. currency, of the total value of \$10,000 or more, the property of Jarrett Stone.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-6 and 15-35.

Count 8
FORGERY IN THE FIRST DEGREE

The defendant, on or between May 29, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully, knowingly and with intent to injure or defraud, falsely make, complete or alter an Oregon Vehicle Certificate of Title (Title No. OR0005068984), a written instrument that was or

purported to be a valuable instrument issued by Oregon Department of Transportation, a governmental agency.

The state further alleges that the property stolen had a value of \$10,000 or more and was not a motor vehicle used primarily for personal rather than commercial transportation.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-6 and 15-35.

Count 9
AGGRAVATED IDENTITY THEFT

The defendant, on or between May 29, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully, with intent to deceive and defraud, create, utter, or convert to defendant's own use the personal identification of Jarrett Stone, and the losses incurred in a single or aggregate transaction were \$10,000 or more within a 180-day period.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-6 and 15-35.

Count 10
FORGERY IN THE FIRST DEGREE

The defendant, on or between May 29, 2024, in Crook County, Oregon, did unlawfully, knowingly, and with intent to defraud, falsely make, complete or alter an Oregon Department of Motor Vehicles Vehicle Bill of Sale (VIN 1FMSU43P75ED46145), a written instrument that was or purported to be a commercial instrument, a contract, or an assignment.

The state further alleges that the property stolen had a value of \$10,000 or more and was not a motor vehicle used primarily for personal rather than commercial transportation.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-6 and 15-35.

Count 11
AGGRAVATED IDENTITY THEFT

The defendant, on or between May 29, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully, with intent to deceive and defraud, create, utter, or convert to defendant's own use the personal identification of Jarrett Stone, and the losses incurred in a single or aggregate transaction were \$10,000 or more within a 180-day period.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-6 and 15-35.

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Count 12
FORGERY IN THE FIRST DEGREE

The defendant, on or between May 29, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully, knowingly, and with intent to defraud, falsely make, complete or alter an Oregon Department of Motor Vehicles Secure Odometer Disclosure/Reassignment (VIN 1FMSU43P75ED46145), a written instrument that was or purported to be a commercial instrument, a contract, or an assignment.

The state further alleges that the property stolen had a value of \$10,000 or more and was not a motor vehicle used primarily for personal rather than commercial transportation.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-6 and 15-35.

Count 13
AGGRAVATED IDENTITY THEFT

The defendant, on or between May 29, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully, with intent to deceive and defraud, create, utter, or convert to defendant's own use the personal identification of Jarrett Stone, and the losses incurred in a single or aggregate transaction were \$10,000 or more within a 180-day period.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-6 and 15-35.

Count 14
ILLEGAL CONSIGNMENT PRACTICES

The defendant, on or between May 29, 2024, and June 27, 2025, in Crook County, Oregon, holding a dealer certificate issued by the Department of Transportation, did unlawfully and with criminal negligence sell a vehicle that the dealer has on consignment and fail to pay the consignor, Jarrett Stone, within 10 days of the sale.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-6 and 15-35.

Count 15
AGGRAVATED THEFT IN THE FIRST DEGREE

The defendant, on or between May 29, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully commit theft of U.S. currency, of the total value of \$10,000 or more, the property of Jamme Brooks.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-14 and 20-35.

Count 16
ILLEGAL CONSIGNMENT PRACTICES

The defendant, on or between May 29, 2024, and June 27, 2025, in Crook County, Oregon, holding a dealer certificate issued by the Department of Transportation, did unlawfully and with criminal negligence sell a vehicle that the dealer has on consignment and fail to pay the consignor, Jamme Brooks, within 10 days of the sale.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-14 and 20-35.

Count 17
FORGERY IN THE FIRST DEGREE

The defendant, on or between May 29, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully, knowingly and with intent to injure or defraud, falsely make, complete or alter an Oregon Vehicle Certificate of Title (Title No. OR0001564530), a written instrument that was or purported to be a valuable instrument issued by Oregon Department of Transportation, a governmental agency.

The state further alleges that the property stolen had a value of \$10,000 or more and was not a motor vehicle used primarily for personal rather than commercial transportation.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-14 and 20-35.

Count 18
AGGRAVATED IDENTITY THEFT

The defendant, on or between May 29, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully, with intent to deceive and defraud, create, utter, or convert to defendant's own use the personal identification of Richard E Jr Peck, and the losses incurred in a single or aggregate transaction were \$10,000 or more within a 180-day period.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-14 and 20-35.

Count 19
AGGRAVATED IDENTITY THEFT

The defendant, on or between May 29, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully, with intent to deceive and defraud, create, utter, or convert to defendant's own use the personal identification of Loretta Mae Peck, and the losses incurred in a single or aggregate transaction were \$10,000 or more within a 180-day period.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-14 and 20-35.

Count 20

AGGRAVATED THEFT IN THE FIRST DEGREE

The defendant, on or between August 26, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully commit theft of U.S. currency, of the total value of \$10,000 or more, the property of John Wesley Griggs.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-19 and 27-35.

Count 21

FORGERY IN THE FIRST DEGREE

The defendant, on or between August 26, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully, knowingly and with intent to injure or defraud, falsely make, complete or alter an Oregon Vehicle Certificate of Title (Title No. OR0004032497), a written instrument that was or purported to be a valuable instrument issued by the Oregon Department of Transportation, a governmental agency.

The state further alleges that the property stolen had a value of \$10,000 or more and was not a motor vehicle used primarily for personal rather than commercial transportation.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-19 and 27-35.

Count 22

AGGRAVATED IDENTITY THEFT

The defendant, on or between August 26, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully, with intent to deceive and defraud, create, utter, or convert to defendant's own use the personal identification of Mark Stanley Hubert, and the losses incurred in a single or aggregate transaction were \$10,000 or more within a 180-day period.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-19 and 27-35.

Count 23

AGGRAVATED IDENTITY THEFT

The defendant, on or between August 26, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully, with intent to deceive and defraud, create, utter, or convert to defendant's own use the personal identification of Elizabeth A Hubert, and the losses incurred in a single or aggregate transaction were \$10,000 or more within a 180-day period.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-19 and 27-35.

Count 24
FORGERY IN THE FIRST DEGREE

The defendant, on or between August 26, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully, knowingly, and with intent to defraud, falsely make, complete or alter an Oregon Department of Motor Vehicles Secure Odometer Disclosure/Reassignment (VIN 1B7KF23731J599020), a written instrument that was or purported to be a commercial instrument, a contract, or an assignment.

The state further alleges that the property stolen had a value of \$10,000 or more and was not a motor vehicle used primarily for personal rather than commercial transportation.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-19 and 27-35.

Count 25
AGGRAVATED IDENTITY THEFT

The defendant, on or between August 26, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully, with intent to deceive and defraud, create, utter, or convert to defendant's own use the personal identification of Mark Stanley Hubert, and the losses incurred in a single or aggregate transaction were \$10,000 or more within a 180-day period.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-19 and 27-35.

Count 26
AGGRAVATED IDENTITY THEFT

The defendant, on or between August 26, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully, with intent to deceive and defraud, create, utter, or convert to defendant's own use the personal identification of Elizabeth A Hubert, and the losses incurred in a single or aggregate transaction were \$10,000 or more within a 180-day period.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-19 and 27-35.

Count 27
AGGRAVATED THEFT IN THE FIRST DEGREE

The defendant, on or between April 25, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully commit theft of U.S. currency, of the total value of \$10,000 or more, the property of Philip Nance.

The state further alleges that the victim of the theft was 65 years of age or older at the time of the commission of the offense.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-26 and 29-35.

Count 28
ILLEGAL CONSIGNMENT PRACTICES

The defendant, on or between April 25, 2024, and June 27, 2025, in Crook County, Oregon, holding a dealer certificate issued by the Department of Transportation, did unlawfully and with criminal negligence sell a vehicle that the dealer has on consignment and fail to pay the consignor, Philip Nance, within 10 days of the sale.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-26 and 29-35.

Count 29
AGGRAVATED THEFT IN THE FIRST DEGREE

The defendant, on or between July 26, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully commit theft of U.S. currency, of the total value of \$10,000 or more, the property of Marlina Gonzales.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-28 and 31-35.

Count 30
ILLEGAL CONSIGNMENT PRACTICES

The defendant, on or between July 26, 2024, and June 27, 2025, in Crook County, Oregon, holding a dealer certificate issued by the Department of Transportation, did unlawfully and with criminal negligence sell a vehicle that the dealer has on consignment and fail to pay the consignor, Marlina Gonzales, within 10 days of the sale.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-28 and 31-35.

Count 31
AGGRAVATED THEFT IN THE FIRST DEGREE

The defendant, on or between June 24, 2024, and June 27, 2025, in Crook County, Oregon, did unlawfully commit theft of U.S. currency, of the total value of \$10,000 or more, the property of Marc Weinschenk.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-30 and 33-35.

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Count 32
ILLEGAL CONSIGNMENT PRACTICES

The defendant, on or between June 24, 2024, and June 27, 2025, in Crook County, Oregon, holding a dealer certificate issued by the Department of Transportation, did unlawfully and with criminal negligence sell a vehicle that the dealer has on consignment and fail to pay the consignor, Marc Weinschenk, within 10 days of the sale.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-30 and 33-35.

Count 33
ILLEGAL CONSIGNMENT PRACTICES

The defendant, on or between August 16, 2024, and June 27, 2025, in Crook County, Oregon, holding a dealer certificate issued by the Department of Transportation, did unlawfully and with criminal negligence sell a vehicle that the dealer has on consignment and fail to pay the consignor, Laccee Russell, within 10 days of the sale.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-32 and 34-35.

Count 34
AGGRAVATED THEFT IN THE FIRST DEGREE

The defendant, on or between May 29, 2024, and June 27, 2024, in Crook County, Oregon, did unlawfully commit theft of U.S. currency, of the total value of \$10,000 or more, the property of Brandon Cupp.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-33.

Count 35
ILLEGAL CONSIGNMENT PRACTICES

The defendant, on or between June 24, 2024, and June 27, 2025, in Crook County, Oregon, holding a dealer certificate issued by the Department of Transportation, did unlawfully and with criminal negligence sell a vehicle that the dealer has on consignment and fail to pay the consignor, Brandon Cupp, within 10 days of the sale.

The state further alleges that this offense is a separate and distinct criminal episode than counts 1-33.

Pursuant to ORS 132.560, all of the above offenses are joined in this charging instrument because they have been committed by the same person and are of the same or similar character; based on two or more acts or transactions connected together or constituting parts of a common scheme or plan; or based on the same act or transaction.

Contrary to the statutes in such cases made and provided and against the peace and dignity of the State of Oregon.

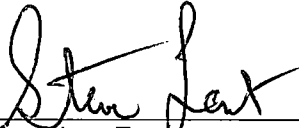
Grand Jury proceedings were conducted on the following dates: March 27, 2025, and June 27, 2025

DATED this 27th day of June 2025.

☒ A TRUE BILL
☐ NOT A TRUE BILL

Witnesses Appearing in Person:

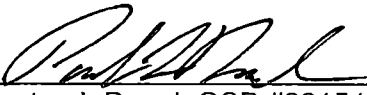
- Joshua Boatner
- Jamme Brooks
- Marshal Brooks
- Officer Zarom Bruce
- Marlina Gonzales
- Wesley Griggs
- Jeffrey Peck
- Adam Powell
- Laccee Russell
- Jarrett Stone
- Marc Alan Weinschenk
- Donald Zalundardo


Grand Jury Foreperson

KARI E. HATHORN
DISTRICT ATTORNEY

Witnesses Appearing by Video:

- Brandon Cupp
- Philip Allan Nance
- Mark Hubert

By 
Paxton L Deuel, OSB #231540
Deputy District Attorney

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☒ Let a Bench Warrant Issue

Filed with the Clerk of the Circuit Court Prineville, Oregon on this 26th day of June, 2025.

A warrant to be issued with
Security in the amount of

\$ _____

DATE: _____

CLERK'S CERTIFICATE

I hereby certify this copy to
be a true, full and correct
copy of the original now on
record in my office.

Clerk of the Circuit Court

Judge

by: _____
Deputy

Arresting Agency Case #: PPD/24001050
DA No: 041243

IDENTIFIERS: W/M Ht: 5'10 Wt: 195 Hair: BLN Eyes: BLU
DOB: 12/16/1987