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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA :  
 : **CRIMINAL COMPLAINT**  
v. :  
 : Honorable James B. Clark, III,  
NICHOLAS ORTIZ AND JOSE : U.S.M.J.  
SOTO :  
 : Mag. No. 20-12089  
 :  
 :

I, John F. Havens, Jr., the undersigned complainant being duly sworn,  
state the following is true and correct to the best of my knowledge and belief:

**SEE ATTACHMENT A**

I further state that I am a Special Agent with United States Department of  
Justice, Federal Bureau of Investigation for the District of New Jersey and that  
this complaint is based on the following facts:

**SEE ATTACHMENT B**

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John F. Havens, Jr., Special Agent  
United States Department of Justice  
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,  
March 17, 2020, Essex County, New Jersey  
Authorized telephonically pursuant to Fed. R. Crim. P. Rule 4.1

Honorable James B. Clark, III  
United States Magistrate Judge

*Hon. James B. Clark III*  
Signature of Judicial Officer

3/17/2020  
5:15 PM

**ATTACHMENT A**

**COUNT ONE**

(Conspiracy to Commit Bank Robbery)

Beginning on or about February 6, 2020 and continuing through February 27, 2020, in the District of New Jersey and elsewhere, the defendants,

**NICHOLAS ORTIZ AND JOSE SOTO,**

did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree together, with other persons both known and unknown, to commit a certain offense against the United States, that is, bank robbery in violation of Title 18 United States Code, Sections 2113(a) and (2), and the defendants and others both known and unknown committed and caused to be committed at least one overt act in furtherance thereof.

In violation of Title 18, United States Code, Section 371.

**COUNT TWO**  
(Bank Robbery)

On or about February 6, 2020, in the District of New Jersey and elsewhere,  
the defendant,

**JOSE SOTO,**

did, by force, violence, and intimidation, knowingly take and attempt to take from the person and presence of others, namely, employees of PNC Bank, located in Passaic, New Jersey, approximately \$35,000.00 in money belonging to, and in the care, custody, control, management, and possession of, PNC Bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation.

In violation of Title 18, United States Code, Section 2113(a) and  
Section 2.

**COUNT THREE**  
(Bank Robbery)

On or about February 27, 2020, in the District of New Jersey and elsewhere, the defendants,

**NICHOLAS ORTIZ AND JOSE SOTO,**

did, by force, violence, and intimidation, knowingly take and attempt to take from the person and presence of others, namely, employees of Valley National Bank located in Little Falls, New Jersey, approximately \$45,000.00 in money belonging to, and in the care, custody, control, management, and possession of, Valley National Bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation.

In violation of Title 18, United States Code, Section 2113(a) and Section 2.

## **ATTACHMENT B**

I, John Havens, am a Special Agent with the United States Department of Justice, Federal Bureau of Investigation for the District of New Jersey. I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and photographs of the evidence. Where statements of others are related herein, they are related in substance and part. Because this Complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

### **February 6, 2020 Robbery—PNC Bank, Passaic, NJ**

1. On or about February 6, 2020, members of the Passaic Police Department were dispatched to the PNC Bank located at 405 Van Houten Avenue in Passaic, New Jersey on the report of an armed robbery.

2. At approximately 1:03 p.m. two individuals (the "Suspects") entered the PNC Bank and began ordering everyone to get down on the floor. One of the suspects was described as a young Hispanic male, approximately 5'6" to 5'10", medium build, and was wearing Timberland boots, black pants, a red hooded sweatshirt, a black ski mask, a black jacket, white gloves, and held a black and white umbrella ("Suspect-1"). The second suspect was described as a Hispanic male, approximately 5'6" to 5'10", medium build, and was wearing white sneakers, black pants and a black jacket, a black ski mask, and held a black umbrella ("Suspect-2"). Suspect-1 entered PNC Bank, holding a silver and black gun in his right hand pointed at the customers and employees. Suspect-1 encountered at least two individuals who he instructed to walk towards the front area of the bank and lay down on the floor. Suspect-2 entered the bank and jumped over a teller counter, demanding that the teller turn over all cash in the drawers. Witnesses also describe how they heard the Suspects yelling that the money was insured, and not to worry about it and don't get shot. Witnesses also observed the Suspects speaking in Spanish.

3. The Suspects then fled the PNC Bank towards a vehicle parked on the corner of Pearl Street and Broadway. The Suspects were captured on nearby surveillance fleeing the PNC Bank and entering into a black Ford Focus ("Vehicle-1"). Law enforcement later determined that Vehicle-1 was likely a 2012-2014 Titanium Model.

4. Subsequently, law enforcement learned that the Suspects took approximately \$35,000 from the PNC Bank.

**February 27, 2020 Robbery—Valley National Bank, Little Falls, NJ**

5. On or about February 27, 2020, members of the Little Falls Police Department were dispatched to the Valley National Bank located at 115 Main Street in Little Falls, New Jersey on the report of an armed robbery.

6. At approximately 2:17 p.m., two individuals (the "Suspects") entered the Valley National Bank and told everyone something to the effect of: "shut up and do what I say." One of the suspects was described as a Hispanic male, approximately 5'9", medium build, and was wearing a dark colored scarf around his face, blue colored jeans, a black colored "Champion" sweatshirt, and black or grey shoes with white colored soles as well as dark colored gloves ("Suspect 1"). The second suspect was described as a Hispanic male, approximately 5'7"<sup>1</sup>, medium build, and was wearing a dark colored scarf around his face, beige or grey colored pants, a black colored pea coat style jacket, black and red colored shoes, and wearing a black colored back pack as well as light/white colored gloves ("Suspect-2").

7. Suspect-1 entered PNC Bank, holding a silver and black gun in his right hand pointed at the customers and employees. Suspect-2 entered the bank and jumped over a teller counter, and began rifling through various drawers. Suspect-1 then escorted all employees and customers to the area near the bank vault. The Suspects then forced bank employees to open the vault, and begin retrieving cash from the bank vault. The Suspects forced all employees into the bank vault and then exited through the rear door of the Valley National Bank. Multiple witnesses also observed the Suspects speaking in Spanish during the robbery.

8. Subsequently, law enforcement learned that the Suspects took approximately \$45,000 from the Valley National Bank.

9. Upon interviewing a crossing guard who was stationed at a cross street behind the Valley National Bank ("Witness-1"), law enforcement learned that Witness-1 observed two masked males running south on Center Avenue from Main Street, towards a dark colored Lexus in the rear parking lot of 19 Warren Street. Witness-1 then observed one of the males throw a dark colored backpack into the rear trunk of the dark colored Lexus. Witness-1 observed the males enter the Lexus and speed out of the lot. Witness-1 described the fleeing vehicle as a dark colored 4-door Lexus with tinted windows, bearing a New Jersey temporary registration affixed to the rear ("Vehicle-2"). Additionally, Witness-1 observed a vanity plate from a car dealership affixed to the front of Vehicle-2. Witness-1 also believed that the Lexus was a model ES. Surveillance video from the location depicts Vehicle-2 as a 4-door, dark grey Lexus ES with tinted windows. Law enforcement reviewed the surveillance

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<sup>1</sup> Again, the witness accounts vary as to the exact height of the suspects.

footage and was able to narrow the description to identify Vehicle-2 as most likely a 2008 Lexus ES.

10. Law enforcement determined that there were only two vehicles matching the description of Vehicle-2 in the New Jersey area. Law enforcement then looked into the two possible vehicles. One vehicle caught law enforcement's attention when they realized it was purchased in cash two days after the Passaic Robbery, on or about February 8, 2020. Law enforcement learned that Nicholas Ortiz ("Ortiz"), a Hispanic male, had purchased what they believed to be Vehicle-2 from a car dealership on Union Boulevard in Totowa, New Jersey (the "Dealership"). The Dealership is less than three miles from the Valley National Bank. Further, Ortiz matches the general physical description of the Suspects as a 5'6"-5'10", medium build, Hispanic male.<sup>2</sup>

11. Further investigation revealed a current telephone number for Ortiz. Law enforcement obtained a search warrant for cell site analyses of Ortiz's phone, which revealed that Ortiz's phone pinged off a cellular tower within two miles of the Valley National Bank in Little Falls, New Jersey at approximately 2:26 p.m., just minutes after the Little Falls Robbery.<sup>3</sup> The records further indicated that Ortiz had communicated with a phone number, later determined to belong to Nicholas Soto ("Soto") numerous times on the days before, and days of, each of the bank robberies. For instance, on or about February 6, 2020, Soto and Ortiz communicated at least 16 times, including a communication at approximately 11:31 a.m., which was approximately an hour and a half prior to the Passaic Robbery. Additionally, on or about February 27, 2020, Ortiz and Soto communicated at least 14 times, including a communication at approximately 11:39 a.m., which was approximately two and a half hours prior to the Little Falls Robbery.

12. Law enforcement then learned that Soto is a Hispanic male matching the general description of the Suspects. Law enforcement also conducted a DMV inquiry of Soto and learned that Soto was the registered owner of a black 2012 Ford Focus Titanium, matching the precise description of Vehicle-1, the getaway vehicle from the Passaic Robbery. Additionally, Soto's DMV inquiry indicates that he resides in Passaic.

13. Law enforcement then obtained a search warrant for cell site analyses of Soto's phone, which revealed that Soto's phone pinged off a cellular tower within two miles of the Valley National Bank on February 27, 2020 at approximately 2:23 p.m., just five minutes after the Little Falls Robbery. Cell site analysis further revealed that Soto's phone pinged off a cellular tower in the vicinity of the PNC Bank in Passaic, New Jersey at approximately 12:41

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<sup>2</sup> The owner of the second vehicle did not match the physical description of the Suspects.

<sup>3</sup> Cell site analysis reveals that Ortiz's phone did not ping off any cellular tower in the vicinity of the PNC Bank during the Passaic Robbery.

p.m. on February 6, 2020, approximately twenty minutes before the robbery that occurred at approximately 1:03 p.m. on that same day.

14. On or about the week of March 2, 2020, an individual observed Ortiz in a public location paying for items with cash wrapped in bank bonds. The individual also heard Ortiz bragging about robbing the Valley National Bank in Little Falls, New Jersey. The individual described details of the robbery relayed by Ortiz, including details that would only be known to witnesses or law enforcement.