

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Crim. No. 20-
	:	
	:	18 U.S.C. § 371
NICHOLAS ORTIZ and	:	18 U.S.C. § 2113(a)
JOSE SOTO	:	18 U.S.C. § 924(c)(1)(A)(ii)
	:	18 U.S.C. § 2

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges:

COUNT ONE
(Conspiracy to Commit Bank Robbery)

In or around February 2020, in the District of New Jersey and elsewhere, the defendants,

NICHOLAS ORTIZ and JOSE SOTO,

did knowingly combine, conspire, confederate, and agree with each other to take and attempt to take from the person and presence of others, by force, violence, and intimidation, money belonging to, and in the care, custody, control, management, and possession of a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, contrary to Title 18, United States Code, Section 2113(a) and Section 2.

Object of the Conspiracy

1. The object of the conspiracy was for Nicholas Ortiz (“Ortiz”) and Jose Soto (“Soto”) to enrich themselves by taking money belonging to Bank-1 and Bank-2 by force, violence, and intimidation.

Overt Acts in Furtherance of the Conspiracy

2. In furtherance of the conspiracy and to effect its unlawful object, defendants Ortiz and Soto committed, and caused to be committed, the following overt acts in the District of New Jersey and elsewhere:

- a. On or about February 6, 2020, Soto and Ortiz entered Bank-1 brandishing a firearm and ordered employees of Bank-1 to turn over money belonging to Bank-1.
- b. On or about February 27, 2020, Soto and Ortiz entered Bank-2 brandishing a firearm and ordered employees of Bank-2 to turn over money belonging to Bank-2.

All 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 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 Bank-1, located in Passaic, New Jersey, approximately \$35,000 in money belonging to, and in the care, custody, control, management, and possession of, Bank-1, 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

(Using and Carrying a Firearm During and in Relation to a Crime of Violence)

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

NICHOLAS ORTIZ and JOSE SOTO,

during and in relation to a crime of violence for which the defendants may be prosecuted in a court of the United States, namely, the bank robbery charged in Count Two of this Indictment, did knowingly use and carry a firearm, which firearm was brandished, and did aid and abet the same.

In violation of Title 18, United States Code, Section 924(c)(1)(A)(ii) and Section 2.

COUNT FOUR
(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 Bank-2, located in Little Falls, New Jersey, approximately \$45,000 in money belonging to, and in the care, custody, control, management, and possession of, Bank-2, 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 FIVE

(Using and Carrying a Firearm During and in Relation to a Crime of Violence)

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

NICHOLAS ORITZ and JOSE SOTO,

during and in relation to a crime of violence for which the defendants may be prosecuted in a court of the United States, namely, the bank robbery charged in Count Four of this Indictment, did knowingly use and carry a firearm, which firearm was brandished, and did aid and abet the same.

In violation of Title 18, United States Code, Section 924(c)(1)(A)(ii) and Section 2.

FORFEITURE ALLEGATION

1. The allegations contained in all paragraphs of this Indictment are hereby realleged and incorporated by reference for the purpose of noticing forfeitures.

2. As the result of committing the offenses of conspiracy to commit bank robbery in violation of 18 U.S.C. § 371 and bank robbery in violation of 18 U.S.C. § 2113(a), as charged in Counts One, Two, and Four of this Indictment, defendants Nicholas Ortiz and Jose Soto shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the said offenses, and all property traceable thereto, including, but not limited to, a sum of money equal to approximately \$80,000 representing the proceeds of the offenses charged in Counts One, Two, and Four of this Indictment.

3. As a result of committing the offenses of use of a firearm during a crime a violence in violation of 18 U.S.C. § 924(c)(1)(A)(ii) as set forth in Counts Three and Five of this Indictment, defendants Nicholas Ortiz and Jose Soto shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of such offenses.

SUBSTITUTE ASSETS PROVISION

1. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

A TRUE BILL



Foreperson


CRAIG CARPENITO
United States Attorney

CASE NUMBER: 20-

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

**NICHOLAS ORTIZ and
JOSE SOTO**

INDICTMENT FOR

18 U.S.C. § 371

18 U.S.C. § 2113(a)

18 U.S.C. § 924(c)(1)(A)(ii)

CRAIG CARPENITO
*UNITED STATES ATTORNEY
NEWARK, NEW JERSEY*

EMMA SPIRO
*ASSISTANT U.S. ATTORNEY
973-645-2746*
