

Approved: Alexandra Rothman
ALEXANDRA N. ROTHMAN
Assistant United States Attorney

Before: THE HONORABLE STEWART D. AARON
United States Magistrate Judge
Southern District of New York

23 MAG 3676

UNITED STATES OF AMERICA

v.

JIMMY SOLANO-ARIAS,

Defendant.

COMPLAINT

Violation of 18 U.S.C. § 242

COUNTY OF OFFENSE:
NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

ZACCURY GUARAGNO, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation (“FBI”), and charges as follows:

COUNT ONE
(Color of Law)

1. On or about May 4, 2023, in the Southern District of New York and elsewhere, JIMMY SOLANO-ARIAS, the defendant, while acting under color of law, did forcibly sexually assault an individual (the “Victim”), causing the Victim’s mouth to have contact with SOLANO-ARIAS’s penis without the Victim’s consent, and thereby willfully deprived the Victim of a right secured and protected by the Constitution and the laws of the United States, that is, the fundamental right to bodily integrity, to wit, while working as an armed security guard at the Jacob K. Javits Federal Office Building, SOLANO-ARIAS used a dangerous weapon, namely, a firearm, to unlawfully seize the Victim and to force the Victim to perform oral sex on SOLANO-ARIAS. This conduct by SOLANO-ARIAS involved kidnapping and aggravated sexual abuse and resulted in bodily injury to the Victim.

(Title 18, United States Code, Section 242.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a Special Agent with the FBI and have been so for approximately two years. I am assigned to the FBI’s Violent Crimes Task Force. This affidavit is based upon my personal participation in this investigation, my conversations with other law enforcement officers, witnesses and others, as well as my examination of reports, records, videos, and other evidence. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents

of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. The Jacob K. Javits Federal Office Building is located at 26 Federal Plaza, in Manhattan, New York (the “Building”), and houses several federal agencies, including the Department of Homeland Security (“DHS”), United States Citizenship and Immigration Services (“USCIS”), as well as offices of the United States Tax Court. At the Building, USCIS offers immigration services, which include, among other things, assistance to individuals who are submitting applications for asylum.

4. Based on my review of DHS records, I have learned that JIMMY SOLANO-ARIAS, the defendant, is employed by a company (the “Company”) that provides security services to DHS and the Building. In this capacity, SOLANO-ARIAS wears a security guard uniform and carries a company-issued firearm. I have further learned that SOLANO-ARIAS was working as a security guard at the Building on or about May 4, 2023.

5. Based on my conversations with other federal agents, as well as my review of a videotaped interview of the victim (the “Victim”), I have learned the following, among other things:

- a. On or about May 4, 2023, the Victim, who is a native Spanish speaker and has limited English proficiency, went to the Building to submit an application for asylum.
- b. While waiting in line, an armed security guard who was wearing a gray and black uniform, later identified by the Victim as JIMMY SOLANO-ARIAS, the defendant, approached the Victim.
- c. SOLANO-ARIAS asked the Victim in Spanish, in sum and substance, the reason for his visit to the Building, and if the Victim was by himself or with family. The Victim responded, in sum and substance, that the Victim was seeking asylum and by himself. SOLANO-ARIAS then directed the Victim to the twelfth floor of the Building.
- d. The Victim took the elevator to the twelfth floor of the Building, and waited in a room (the “Room”) for a period of time. With having received any immigration services, the Victim exited the Room and headed back toward the elevators, where the Victim saw SOLANO-ARIAS again. SOLANO-ARIAS asked the Victim, in sum and substance, if the Victim needed additional assistance, to which the Victim responded, in sum and substance, that the Victim needed help and was confused after leaving the Room.
- e. SOLANO-ARIAS directed the Victim to follow him to another location in the Building. Together, and at SOLANO-ARIAS’s direction, SOLANO-ARIAS and the Victim took an elevator from the twelfth floor of the Building to the fourth floor, and then took an emergency stairwell from the fourth floor of the Building to the second floor.

- f. Once on the second floor, SOLANO-ARIAS used a key to unlock a utility closet (the “Closet”), and directed the Victim inside. Upon realizing that the Closet was full of cleaning supplies, among other items, SOLANO-ARIAS and the Victim exited the Closet.
- g. SOLANO-ARIAS then used a key to unlock an office within the United States Tax Court Offices (the “Office”), and directed the Victim inside.
- h. Once inside the Office, SOLANO-ARIAS turned on and off the lights, and directed the Victim to a particular area of the Office. SOLANO-ARIAS then ordered the Victim to sit down on a chair. While the Victim was seated, SOLANO-ARIAS pulled SOLANO-ARIAS’s erect penis out of his pants, grabbed the back of the Victim’s head, and stated, “take my milk out,”¹ which the Victim understood to be a demand that the Victim perform oral sex on SOLANO-ARIAS.
- i. The Victim attempted to resist SOLANO-ARIAS but noticed that SOLANO-ARIAS had put SOLANO-ARIAS’s hand on his firearm. The Victim, fearing for his safety, then performed oral sex on SOLANO-ARIAS.
- j. While performing oral sex, the Victim felt and tasted what the Victim believed to be pre-ejaculatory fluid, started to feel sick, coughed, and then repeatedly spit the fluid onto the floor of the Office.
- k. SOLANO-ARIAS and the Victim began to exit the Office, at which point SOLANO-ARIAS told the Victim, in sum and substance, to wait inside the Office until the hallway was clear. The Victim then took out his cellphone and recorded a brief video of SOLANO-ARIAS (the “Video”). When the hallway appeared empty, SOLANO-ARIAS directed the Victim to exit the Office.
- l. While in the hallway, a second security guard (the “Guard”) approached the Victim and questioned him as to why he was in that area of the Building. SOLANO-ARIAS then proceeded to scold the Victim for being in that area of the Building, even though SOLANO-ARIAS had brought the Victim there in the first place. The Guard then took the Victim down the escalator to the first floor of the Building.
- m. Once on the first floor, the Victim attempted to report the sexual assault to another security guard. The Victim eventually spoke with a different security guard (“Guard-2”), who directed the Victim to report the sexual assault at a nearby police precinct.
- n. The Victim walked to a nearby police precinct and reported the sexual assault to a New York City Police Department officer (the “Officer”). The Officer directed the Victim back to the Building because the sexual assault had occurred at the Building by an individual who worked in the Building—i.e., SOLANO-ARIAS.

¹ The interview with the Victim was conducted in Spanish, and this quotation is a translation from Spanish.

6. I have reviewed the Video taken on the Victim's cellphone. The Video depicts a security guard wearing a grey and black uniform, later identified by the Victim as JIMMY SOLANO-ARIAS, the defendant, looking out from the Office into the hallway and then directing the Victim to exit the Office, as described by the Victim. *See supra* ¶ 5(1).

7. On or about May 4, 2023, another federal agent administered a six-pack photo array to the Victim (the "Array"). The Array included a photograph of JIMMY SOLANO-ARIAS, the defendant. The Victim identified SOLANO-ARIAS as the security guard who had sexually assaulted him earlier in the day.

8. Based on my conversations with other federal agents, I have learned that, on or about May 5, 2023, federal agents waited outside of the Building for JIMMY SOLANO-ARIAS, the defendant, to arrive for work. When SOLANO-ARIAS arrived, the agents approached SOLANO-ARIAS and asked if he was willing to speak voluntarily with law enforcement. SOLANO-ARIAS agreed to speak with the agents.

9. Other federal agents and I then conducted a voluntary interview of JIMMY SOLANO-ARIAS, the defendant, which was video recorded. During the interview, JIMMY SOLANO-ARIAS, the defendant, admitted, in sum and substance and among other things, that the Victim performed oral sex on SOLANO-ARIAS in the Office, but claimed that the oral sex was consensual. SOLANO-ARIAS further admitted, in sum and substance, that he no longer had permission to carry the keys that he had used to open both the Closet and Office, and that SOLANO-ARIAS should not have been in that area of the Building at the time. SOLANO-ARIAS further stated, in sum and substance, that he expected to lose his job after this incident.

WHEREFORE, I respectfully request that JIMMY SOLANO-ARIAS, the defendant, be imprisoned or bailed, as the case may be.



ZACCURY GUARAGNO
Special Agent
Federal Bureau of Investigation

Sworn to me this 5th day of May, 2023.



THE HONORABLE STEWART D. AARON
United States Magistrate Judge
Southern District of New York