

RCH:ADG
F. #2023R00502

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

HECTOR MEDINA, JR.,
also known as “Michael Soto,”

Defendant.

----- X

EASTERN DISTRICT OF NEW YORK, SS:

KENNETH HOSEY, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

In or about and between June 2023 and August 2023, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant HECTOR MEDINA, JR., also known as “Michael Soto,” did knowingly and intentionally devise and intend to devise a scheme and artifice to defraud one or more persons, and to obtain money and property from such persons by means of one or more materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, did transmit and cause to be transmitted, by means of wire communication in interstate commerce, one or more writings, signs, signals, pictures and sounds, to wit: July 2023 text

TO BE FILED UNDER SEAL

**COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF AN ARREST WARRANT**

(18 U.S.C. § 1343)

Case No. 24-MJ-00178

messages and videos sent by MEDINA to the phone number of the United States Congressman for New York's Third Congressional District ("Individual-1"), an individual whose identity is known to the affiant.

(Title 18, United States Code, Sections 1343 and 3551 et seq.)

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and am assigned to the FBI's New York Field Office, Long Island Resident Agency. I have been a Special Agent with the FBI for approximately 28 years. I am currently assigned to a squad that focuses on white-collar crimes, including public corruption. In that capacity, I have been involved in the investigation of numerous cases relating to various types of financial fraud, including mail fraud, wire fraud and bank fraud. My current duties involve investigating various violations of the criminal laws of the United States; making arrests; collecting and reviewing evidence in criminal investigations; and performing other duties imposed by law. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including bank records and telephone records; interviews with relevant individuals and from reports of other law enforcement officers involved in the investigation.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

I. Background and Relevant Persons

2. The defendant HECTOR MEDINA, JR., also known as “Michael Soto,” was a resident of El Paso, Texas in 2023. According to government records, MEDINA has prior criminal convictions for theft and fraudulent activity. Specifically, on or about December 2, 2016, he was convicted in El Paso, Texas state court of felony theft of property in the first degree. Additionally, on or about June 28, 2023, MEDINA was convicted in El Paso, Texas state court of fraudulent securing of document execution, a felony, and was sentenced to probation and restitution.² As part of the required restitution, MEDINA submitted a fraudulent check to the victim.

3. On May 9, 2023, Individual-1 was indicted by a federal grand jury sitting in the Eastern District of New York with multiple criminal felonies. Individual-1 represented New York’s Third Congressional District, covering parts of northern Nassau County on Long Island and northeast Queens, all within the Eastern District of New York, in the United States Congress from approximately January 7, 2023 through December 1, 2023.

4. Since the summer of 2023, the FBI has been investigating efforts by an individual who identified himself as “Michael Soto,” later identified as the defendant HECTOR MEDINA, JR., to defraud publicly known persons, including but not limited to Individual-1, who were, or whose family members were, facing criminal exposure by falsely promising such persons that MEDINA could cause their criminal exposure to disappear in exchange for large sums of money.

² According to Texas penal code, a person violates the fraudulent securing of document execution where, among other things, he or she causes another person, without that person’s effective consent, to sign or execute any document affecting property, service or the pecuniary interest of any person.

II. The Fraudulent Scheme

5. Beginning on or about July 7, 2023, and continuing on an ongoing basis through August 2023, the defendant HECTOR MEDINA, JR., also known as “Michael Soto,” sent multiple text messages, videos and images to Individual-1’s cellphone from a telephone number used by MEDINA (the “MEDINA Phone”). In many of these communications, MEDINA falsely advised Individual-1 that he could arrange for the criminal charges pending against Individual-1 to be dropped and/or for evidence against Individual-1 to be destroyed in exchange for monetary payment by Individual-1 to MEDINA.³

6. For example, in early July 2023, the defendant HECTOR MEDINA, JR., also known as “Michael Soto,” sent Individual-1 a video, from the MEDINA Phone, stating in sum and substance⁴:

“Hi, good morning, [Individual-1]. My name is Mike Soto. You don’t know me but, I wanted you to see a face and trust me on what I’m about to tell you. I work with prosecutors and, uh, judges throughout the United States and I want to give you the opportunity to offer my services. I was contacted by some people to reach out to you and see if you wanted to cut a deal. Uh, this only stands for today. If you’re interested, I can get everything dropped, evidence that is on you removed, disappeared. Reach out to me if you’re interested. It’s simple yes or no. Thank you.”

7. Based on my training and experience, I know that a legal service to erase evidence or dismiss criminal charges with the assistance of prosecutors and judges would be illegal, constitute obstruction of justice and does not exist.

³ I have reviewed each of these text messages, videos and images. As discussed below, MEDINA acknowledged that he sent the electronic communications from the MEDINA Phone to Individual-1 during an interview with FBI special agents.

⁴ The transcriptions of video messages throughout this affidavit are in draft form and subject to change.

8. On or about the same day, the defendant HECTOR MEDINA, JR., also known as “Michael Soto,” sent Individual-1 the following text messages from the MEDINA

Phone:

“Is this [Individual-1]”

“?”

“Do I have the wrong number?”

“[Individual-1]?”

“Just please tell me if I have the wrong number”

“So I can look else where” [sic]

“[Individual-1]?”

“I can get all the charges dropped”

“All I need is for you or someone to wire 900k to Routing number [ending in 271]

Account number [ending in 791]⁵ once this is done I’ll take care of the rest”

“I’m the real deal don’t let doubt come”

“In the way”

“Of you getting this dismissed”

9. On or about July 10, 11 and 12, 2023, the defendant HECTOR MEDINA, JR., also known as “Michael Soto,” sent Individual-1 additional messages from the MEDINA

Phone attempting to make contact with Individual-1.

⁵ Records pertaining to this bank account show that the account did exist and that MEDINA was the sole authorized signer when it opened on or about June 1, 2023. To open the bank account, MEDINA provided a New Mexico Driver’s License with a license number ending in 783 (the “MEDINA License”).

10. In early August 2023, the defendant HECTOR MEDINA, JR., also known as “Michael Soto,” sent a picture of a New Mexico driver’s license (the “Fraudulent License”) to Individual-1, as well as a video of MEDINA speaking in which he stated in sum and substance:

“Hi. Good morning. I just sent you a picture of my ID. I just want to know if I’m contacting [Individual-1] or not. If it is Individual-1, uh, reach out to me. If it’s not, you know it’s – disregard this message or at least tell me that it’s not so I’m not spinning my wheels here. Thank you very much.”

11. Among other information, the Fraudulent License contained a driver’s license number, a date of birth in the name Michael Soto, and an address in Hobbs, New Mexico. A search of New Mexico Motor Vehicle Division records revealed that the listed driver’s license number was invalid. However, the photograph of the defendant HECTOR MEDINA, JR., also known as “Michael Soto,” on the MEDINA License matched the photograph of “Michael Soto” on the Fraudulent License. MEDINA also appeared to be the same person depicted in the videos sent to Individual-1’s phone. The two licenses shared additional similarities. For example, both licenses listed the height and weight as 5’10” and 175 pounds, respectively. As another example, the addresses on both licenses listed Hobbs, New Mexico 88240, as part of the address. Based on these similarities, and as confirmed by MEDINA as described below, MEDINA altered the image of the MEDINA License to create the Fraudulent License in furtherance of the fraud to convince Individual-1 that Michael Soto was a real individual.

12. In August 2023, the defendant HECTOR MEDINA, JR., also known as “Michael Soto,” using the MEDINA Phone, sent the following text messages to Individual-1:

“I’ve been trying to look for [Individual-1] for over a month is this him?”

“I know you see my messages”

“[Individual-1] are you interested”

“In my services”

“Good morning [Individual-1]”

“Please message me back thank you”

“Can you respond”

“[listing address previously associated with Individual-1]?”

13. Shortly thereafter, the defendant HECTOR MEDINA, JR., also known as “Michael Soto,” sent another video to Individual-1 of him speaking, in which MEDINA stated in sum and substance:

“Look, if this isn’t uh, [Individual-1], that’s fine. But, if it is, I’m here to help you. I wanna – I’m on your team. If you don’t want the help, at least connect me with people that do. Um, you know, I’m really good at what I do. I am a genius. I am a wizard when it comes to things like this. So, take advantage of the situation and let me know. Thank you.”

14. The electronic communications sent by the defendant HECTOR MEDINA, JR., also known as “Michael Soto,” to Individual-1 crossed state lines. For example, according to airline records, Individual-1 was in New York between July 9, 2023 and July 11, 2023. As discussed above and below, on or about July 10 and July 11, 2023, while residing in El Paso, Texas, MEDINA sent electronic messages to Individual-1 in furtherance of the fraudulent scheme.

15. Based on a review of information from the iCloud account associated with the MEDINA Phone,⁶ I know that the defendant HECTOR MEDINA, JR., also known as “Michael Soto,” attempted to defraud other well-known individuals using substantially the same

⁶ On or about September 21, 2023, the Honorable Steven L. Tiscione, United States Magistrate Judge for the Eastern District of New York, issued a search warrant for this iCloud account. (23-MJ-842).

false representations. For example, on or about June 2, 2023, MEDINA sent a message from the MEDINA Phone to a telephone number associated with a publicly known actor who had been convicted of felonies in California in May 2023 (“Individual-2”), an individual whose identity is known to the affiant. MEDINA stated:

“Good morning [Individual-2], my name is Mike and I’m working with the people affiliated with your case. I can get the case thrown out or a reduced sentence very low but my people are asking for a \$1 million dollar fee. Let me know if you’re interested, please text back no lawyers no attorney no police because you and I doing business. Otherwise best of luck. I can help. Today.”

16. On or about June 5, 2023, the defendant HECTOR MEDINA, JR., also known as “Michael Soto,” sent a message to a telephone number associated with the then-spouse of Individual-2. MEDINA stated:

“[Spouse’s name] my name is Mike and I offer a unique opportunity. I can get your husband [Individual-2] out of jail, or at least time serve by his next court date, I work with people and the court prosecutors judges. Now this has to stay between us. If you’re interested, there is a fee. Nobody else needs to get involved. Thank you. Have a good day.”

17. Later that day, the defendant HECTOR MEDINA, JR., also known as “Michael Soto,” sent an additional message to the same number stating in sum and substance and in part that MEDINA cannot wait long for a decision and that he “definitely could help your husband.”

18. As another example, on or about June 16, 2023, the defendant HECTOR MEDINA, JR., also known as “Michael Soto,” sent a message from the MEDINA Phone to a telephone number associated with a publicly known musician who had been arrested in June 2023 (“Individual-3”), an individual whose identity is known to the affiant. MEDINA stated:

“[Individual-3] my name is Mike Soto I work for very powerful people and prosecutor start [sic] the US we can get your charges

dropped. Let me know if you're interested I'm doing business with you not your attorneys or anyone else."

19. On or about June 14, 2023, the defendant HECTOR MEDINA, JR., also known as "Michael Soto," sent a message from the MEDINA Phone to a telephone number associated with a professional athlete ("Individual-4"), an individual whose identity is known to the affiant, whose family member had been arrested in May 2023. MEDINA stated:

"Hey [Individual-4] I know you don't know me my name is Mike Soto I offer a unique service at work with very important people. As far as your [family member]'s case goes, I can get a [sic] tossed out by the prosecutors. There is a fee for this. Let me know if you're interested I'm dealing with you and you only no lawyers no police no anybody."

20. On or about December 14, 2023, law enforcement authorities, including myself, conducted a voluntary interview of the defendant HECTOR MEDINA, JR., also known as "Michael Soto." MEDINA voluntarily stated the following in sum and substance and in part: (1) MEDINA sent the above-described messages, images and videos from the MEDINA Phone to Individual-1; (2) the MEDINA Phone belonged to him; (3) MEDINA searched the Internet for individuals who were in trouble believing that they would be easy targets for his scheme; (4) the purpose of the scheme was to obtain their money; (5) MEDINA wanted the money because he owed over \$100,000 in gambling debts; (6) MEDINA used the alias "Mike Soto"; (7) MEDINA discarded the MEDINA Phone because he knew what he did was wrong and wanted to get rid of incriminating evidence; (8) MEDINA used the MEDINA License to create the image of the Fraudulent License; and (9) MEDINA resided in El Paso, Texas during the time period he sent the electronic communications to Individuals 1, 2, 3 and 4.


III. Conclusion

21. Based on the foregoing information, I submit that there is probable cause to believe that the defendant HECTOR MEDINA, JR., also known as “Michael Soto,” devised a scheme to defraud certain publicly known persons facing criminal exposure by sending several interstate electronic wire communications with false promises to help such persons in exchange for money.

WHEREFORE, your deponent respectfully requests that MEDINA be dealt with according to law.

It is further requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and arrest warrant. I believe that sealing this document is necessary because the warrant is relevant to an ongoing investigation, the extent of which is not known to the defendant or public. Based on my training and experience, I have learned that criminals actively search for criminal affidavits and warrants via the Internet, and disseminate them to others as they deem appropriate, e.g., by posting them publicly online. Premature disclosure of the contents of this affidavit and related

documents may therefore result in risk of flight by the defendant, who has not yet been apprehended, and jeopardize the continuing investigation.


KENNETH HOSE
Special Agent, Federal Bureau of Investigation

Sworn to before me this
28 day of February, 2024

Cheryl Pollak

THE HONORABLE CHERYL L. POLLAK
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK