

5:24-mj-180

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

<b>UNITED STATES OF AMERICA</b>	)	Criminal No.	5:24-CR <u>270</u> (BKS)
	)		
<b>v.</b>	)	<b>Indictment</b>	
	)		
<b>JOELVIS JOSE RIVAS-SOLORZANO,</b>	)	Violations:	18 U.S.C. § 371
<b>[REDACTED], SILVIO</b>	)		[Conspiracy to Commit Bank
<b>FABIAN-ORDONEZ, JOSE MEDINA,</b>	)		Larceny]
<b>JOSE NAVARRO, DEIVY SANTIAGO</b>	)		
<b>PENA-ROJAS, and JEFFERSON JOSE</b>	)		18 U.S.C. § 2113(b)
<b>MARQUEZ-MARQUEZ,</b>	)		[Bank Larceny]
	)		
<b>Defendants.</b>	)	5 Counts and Forfeiture Allegation	
	)		
	)	Counties of	Onondaga, Chenango,
	)	Offense:	and Broome

**THE GRAND JURY CHARGES:**

**COUNT 1**

**[Conspiracy to Commit Bank Larceny]**

1. From in or about December 2, 2023, through in or about December 16, 2023, in the Northern District of New York, the defendants, **JOELVIS JOSE RIVAS-SOLORZANO, [REDACTED], [REDACTED], SILVIO FABIAN-ORDONEZ, JOSE MEDINA, JOSE NAVARRO, DEIVY SANTIAGO PENA-ROJAS, and JEFFERSON JOSE MARQUEZ-MARQUEZ,** did knowingly and intentionally conspire with each other and others known and unknown to take and carry away with intent to steal and purloin money exceeding \$1,000 belonging to, and in the care, custody, control, management, and possession of AmeriCU Federal Credit Union, Empower Federal Credit Union and GHS Federal Credit Union, each credit unions, in violation of Title 18, United States Code, Section 2113(b), and Title 18 United States Code, Section 371.

**OBJECT OF THE CONSPIRACY**

2. The object of the conspiracy was to steal money.

**MANNER AND MEANS**

3. **JOELVIS JOSE RIVAS-SOLORZANO**, [REDACTED], **SILVIO FABIAN-ORDONEZ**, **JOSE MEDINA**, **JOSE NAVARRO**, **DEIVY SANTIAGO PENA-ROJAS**, and **JEFFERSON JOSE MARQUEZ-MARQUEZ**, and others working with them and at their direction and control, engaged in a “jackpotting” conspiracy, wherein they conducted malware attacks on automated teller machines (“ATMs”) belonging to credit unions.

4. The members of the conspiracy gained physical access to the ATMs by using a key to remove the covering or housing of the ATMs. They then attached a foreign device to the ATM and uploaded malware to the ATM. Once the foreign device was attached, the malware was activated and caused the ATM to dispense cash without linking the withdrawals to a valid customer account. After obtaining U.S. currency from the ATM, members of the conspiracy retrieved the foreign device from the ATM.

**OVERT ACTS**

5. On or about December 2, 2023, **RIVAS-SOLORZANO**, **FABIAN-ORDONEZ**, and [REDACTED] traveled to an AmeriCU Federal Credit Union in Cicero, New York in Onondaga County. Once at the ATM, **RIVAS-SOLORZANO** and [REDACTED] exited the vehicle and tampered with the ATM. **FABIAN-ORDONEZ** drove a vehicle to the ATM and attempted to complete transactions on the ATM. No currency was dispensed.

6. On or about December 10, 2023, **RIVAS-SOLORZANO**, [REDACTED], [REDACTED], **MARQUEZ-MARQUEZ**, and **PENA-ROJAS** traveled to an Empower Federal Credit Union in Syracuse, New York, in Onondaga County. **RIVAS-SOLORZANO** and **PENA-ROJAS** opened the Empower ATM and introduced malware to the ATM via a foreign device. **RIVAS-SOLORZANO**, [REDACTED], and **MARQUEZ-MARQUEZ** each made

withdrawals and caused the ATM to dispense \$134,400, without linking the withdrawals to a customer account. Thereafter, **RIVAS-SOLORZANO** and **PENA-ROJAS** retrieved the foreign device.

7. On or about December 11, 2023, **RIVAS-SOLORZANO**, **PENA-ROJAS**, and [REDACTED] traveled to an Empower Federal Credit Union in Syracuse, New York, in Onondaga County. **RIVAS-SOLORZANO** and **PENA-ROJAS** opened the Empower ATM and introduced malware to the ATM via a foreign device. **RIVAS-SOLORZANO** and **MEJIA-RODRIGUES** each made withdrawals and caused the ATM to dispense \$150,020, without linking the withdrawals to a customer account. **PENA-ROJAS** then retrieved the foreign device and **RIVAS-SOLORZANO** drove away.

8. On or about December 15, 2023, **RIVAS-SOLORZANO**, traveled to a GHS Federal Credit Union location in Binghamton, in Broome County, New York. **RIVAS-SOLORZANO** opened an ATM and introduced malware to the ATM via a foreign device. **RIVAS-SOLORZANO** made withdrawals and caused the ATM to dispense \$48,000, without linking the withdrawals to a customer account. **RIVAS-SOLORZANO** then retrieved the foreign device.

9. On or about December 16, 2023, **RIVAS-SOLORZANO**, **MEDINA** and **NAVARRO** traveled to a GHS Federal Credit Union location in Norwich, in Chenango County, New York. **RIVAS-SOLORZANO** opened an ATM and introduced malware to the ATM via a foreign device. **RIVAS-SOLORZANO** and **NAVARRO** each made withdrawals and caused the ATM to dispense \$86,400, without linking the withdrawals to a customer account. **MEDINA** drove a vehicle used during the theft. **RIVAS-SOLORZANO** then retrieved the foreign device.

**COUNTS 2-5**  
**[Bank Larceny]**

10. On or about each of the dates listed below, in the counties listed below, in the Northern District of New York, the following defendants did take and carry away with intent to steal and purloin property and money and any other thing of value exceeding \$1,000, belonging to and in the care, custody, control, management and possession of a credit union:

<b>Count</b>	<b>Defendants Charged</b>	<b>Date</b>	<b>County</b>	<b>Credit Union</b>	<b>Amount</b>
2	RIVAS-SOLORZANO, [REDACTED], PENA-ROJAS, MARQUEZ-MARQUEZ	December 10, 2023	Onondaga	Empower Federal Credit Union	\$134,400
3	RIVAS-SOLORZANO, [REDACTED], and PENA-ROJAS	December 11, 2023	Onondaga	Empower Federal Credit Union	\$150,020
4	RIVAS-SOLORZANO	December 15, 2023	Broome	GHS Federal Credit Union	\$48,000
5	RIVAS-SOLORZANO, MEDINA, and NAVARRO	December 16, 2023	Chenango	GHS Federal Credit Union	\$86,400

All in violation of Title 18, United States Code, Section 2113(b).

**FORFEITURE ALLEGATION**

11. The allegations contained in Counts 2 through 5 of this indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461.

12. Upon conviction of an offense in violation of Title 18, United States Code, Sections 2113(b), as set forth in Counts 2 through 5 of this indictment, the defendants, **JOELVIS JOSE RIVAS-SOLORZANO, [REDACTED], JOSE MEDINA, JOSE NAVARRO, DEIVY SANTIAGO PENA-ROJAS, and JEFFERSON JOSE MARQUEZ-MARQUEZ,** shall forfeit pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United

States Code, Section 2461, any property real and personal, which constitutes and is derived from proceeds traceable to the offenses of conviction, including, but not limited to: (a) individual forfeiture money judgments in amounts to be determined.

**SUBSTITUTE ASSETS**

13. If any of the property described above as being subject to forfeiture, 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 party; (c) has been placed beyond the reach of the jurisdiction of the court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

Dated: June 12, 2024


A TRUE BILL,



Grand Jury Foreperson

CARLA B. FREEDMAN  
United States Attorney

By:

  
\_\_\_\_\_  
Paul Tucker  
Special Assistant United States Attorney  
Bar Roll No. 520814