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8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF TULARE

11
12 **THE PEOPLE OF THE STATE OF**
13 **CALIFORNIA,**

14 Plaintiff,

15 v.

16 **JORGE ALBERTO SOTO**
[REDACTED]

17 **NORLAN JOSE CRUZ MONTENEGRO**
[REDACTED]

18 **JOSE DANIEL MAYEN ORTIZ**
[REDACTED]

19 **BYRON NOE TERCERO CRUZ**
[REDACTED]

20 Defendants,
21

Case No.

FELONY COMPLAINT

22
23 The Attorney General of the State of California by this Felony Complaint accuses
24 Defendants JORGE ALBERTO SOTO, NORLAN JOSE CRUZ MONTENEGRO, JOSE
25 DANIEL MAYEN ORTIZ, and BYRON NOE TERCERO CRUZ, of the following criminal
26 offenses:

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COUNT 1
(Conspiracy to Commit Organized Retail Theft)

3 On or about and between February 22, 2022 and June 14, 2022, the Defendants JORGE
4 ALBERTO SOTO, NORLAN JOSE CRUZ MONTENEGRO, JOSE DANIEL MAYEN ORTIZ,
5 and BYRON NOE TERCERO CRUZ did, in the Counties of Tulare, Tehama, Kern, and Los
6 Angeles, State of California, commit a felony, to wit: Conspiracy to Commit a Crime, a violation
7 of section 182, subdivision (a)(1), of the California Penal Code, in that said Defendants did
8 unlawfully conspire together, and with another person and persons whose identities are not yet
9 known, to commit the crime of Organized Retail Theft, a felony, in violation of section 490.4,
10 subdivision (a)(3) of the Penal Code; that pursuant to and for the purpose of carrying out the
11 objectives and purpose of the aforesaid conspiracy, the said Defendants committed the following
12 overt acts:

13 **Overt Act 1**

14 On or about October 19, 2022, SOTO was contacted by Ontario Police Department after
15 being parked outside a Microsoft Cargo Warehouse in Ontario, CA.

16 **Overt Act 2**

17 On or about February 22, 2022, SOTO, MONTENEGRO, ORTIZ, and CRUZ's mobile
18 device were at the location where cargo was stolen from a Microsoft cargo truck during transport.

19 **Overt Act 3**

20 The cargo stolen on February 22, 2022 was on a truck that departed from the Microsoft
21 Cargo Warehouse in Ontario, CA.

22 **Overt Act 4**

23 Microsoft devices stolen from the February 22, 2022, cargo truck theft were registered
24 using IP addresses located at 18901 Vincennes Street, Northridge, CA.

25 **Overt Act 5**

26 18901 Vincennes Street, Northridge, CA is SOTO's residential address.

27 **Overt Act 6**

28 MONTENEGRO, ORTIZ, and CRUZ frequent the 18901 Vincennes Street, Northridge,

1 CA location.

2 **Overt Act 7**

3 On or about April 19, 2022, MONTENEGRO, ORTIZ, and CRUZ's mobile devices were
4 at the location where cargo was stolen from another Microsoft cargo truck during transport.

5 **Overt Act 8**

6 The cargo stolen on April 19, 2022 was on a truck that departed from the Microsoft Cargo
7 Warehouse in Ontario, CA.

8 **Overt Act 9**

9 On or about May 11, 2022, MONTENEGRO, ORTIZ, and CRUZ's mobile devices were
10 at the location where cargo was stolen from another Microsoft cargo truck during transport.

11 **Overt Act 10**

12 The cargo stolen on May 11, 2022 was on a truck that departed from the Microsoft Cargo
13 Warehouse in Ontario, CA.

14 **Overt Act 11**

15 Microsoft devices stolen from the May 11, 2022, cargo truck theft were registered using
16 IP addresses located at 18901 Vincennes Street, Northridge, CA.

17 **Overt Act 12**

18 On or about June 9, 2022, MONTENEGRO, ORTIZ, and CRUZ's mobile devices were at
19 the location where cargo was stolen from another Microsoft cargo truck during transport.

20 **Overt Act 13**

21 The cargo stolen on June 9, 2022 was on a truck that departed from the Microsoft Cargo
22 Warehouse in Ontario, CA.

23 **Overt Act 14**

24 On or about June 14, 2022, MONTENEGRO, ORTIZ, and CRUZ's mobile devices were
25 at the location where cargo was stolen from another Microsoft cargo truck during transport.

26 **Overt Act 15**

27 The cargo stolen on June 14, 2022 was on a truck that departed from the Microsoft Cargo
28 Warehouse in Ontario, CA.

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Overt Act 16

Microsoft devices stolen from the June 14, 2022, cargo truck theft were registered using IP addresses located at 18901 Vincennes Street, Northridge, CA.

**COUNT 2
(Organized Retail Theft)**

On or about and between February 22, 2022 and June 14, 2022, the in the Counties of Tulare, Tehama, Kern, and Los Angeles, State of California, the crime of ORGANIZED RETAIL THEFT, in violation of Penal Code section 490.4(a)(3), a felony, was committed by JORGE ALBERTO SOTO, NORLAN JOSE CRUZ MONTENEGRO, JOSE DANIEL MAYEN ORTIZ, and BYRON NOE TERCERO CRUZ, who did unlawfully act an agent of another individual or group of individuals to steal merchandise from one or more merchant’s premises as part of an organized plan to commit theft, in which the violations are committed on two or more separate occasions within a twelve month period, in which the aggregate value of the merchandise stolen, received, purchased, or possessed, is in excess of Nine Hundred and Fifty Dollars (\$950), to wit, stolen merchandise from the following merchant: Microsoft, Inc.

**COUNT 3
(Grand Theft)**

On or about February 22, 2022, JORGE ALBERTO SOTO, NORLAN JOSE CRUZ MONTENEGRO, JOSE DANIEL MAYEN ORTIZ, and BYRON NOE TERCERO CRUZ, in the County of Tulare, in violation of section 487h, subdivision (a) of the Penal Code, committed a felony, in that they knowingly stole, took, or carried away the cargo of another, to wit, electronic devices belonging to Microsoft Inc., valued above \$950.

**COUNT 4
(Grand Theft)**

On or about April 19, 2022, JORGE ALBERTO SOTO, NORLAN JOSE CRUZ MONTENEGRO, JOSE DANIEL MAYEN ORTIZ, and BYRON NOE TERCERO CRUZ, in the County of Tehama, in violation of section 487h, subdivision (a) of the Penal Code, committed

1 a felony, in that they knowingly stole, took, or carried away the cargo of another, to wit,
2 electronic devices belonging to Microsoft Inc., valued above \$950.

3 **COUNT 5**
4 **(Grand Theft)**

5 On or about May 11, 2022, JORGE ALBERTO SOTO, NORLAN JOSE CRUZ
6 MONTENEGRO, JOSE DANIEL MAYEN ORTIZ, and BYRON NOE TERCERO CRUZ, in
7 the County of Tulare, in violation of section 487h, subdivision (a) of the Penal Code, committed a
8 felony, in that they knowingly stole, took, or carried away the cargo of another, to wit, electronic
9 devices belonging to Microsoft Inc., valued above \$950.

10 **COUNT 6**
11 **(Grand Theft)**

12 On or about June 9, 2022, JORGE ALBERTO SOTO, NORLAN JOSE CRUZ
13 MONTENEGRO, JOSE DANIEL MAYEN ORTIZ, and BYRON NOE TERCERO CRUZ, in
14 the County of Tulare, in violation of section 487h, subdivision (a) of the Penal Code, committed a
15 felony, in that they knowingly stole, took, or carried away the cargo of another, to wit, electronic
16 devices belonging to Microsoft Inc., valued above \$950.

17 **COUNT 7**
18 **(Grand Theft)**

19 On or about June 14, 2022, JORGE ALBERTO SOTO, NORLAN JOSE CRUZ
20 MONTENEGRO, JOSE DANIEL MAYEN ORTIZ, and BYRON NOE TERCERO CRUZ, in
21 the County of Kern, in violation of section 487h, subdivision (a) of the Penal Code, committed a
22 felony, in that they knowingly stole, took, or carried away the cargo of another, to wit, electronic
23 devices belonging to Microsoft Inc., valued above \$950.

24 **SPECIAL ALLEGATION 1**
25 **(Aggravated White Collar Crime Enhancement)**

26 As to Counts 1 through 7 it is further alleged that in the commission of the above offenses,
27 all Defendants violated Penal Code 186.11, subdivision (a)(2), in that the offenses set forth in
28 Counts 1 through 7 are related felonies, a material element of which is fraud, which involves a

1 pattern of related felony conduct, and the pattern of related felony conduct involves the taking of
2 more than Five Hundred Thousand Dollars (\$500,000).

3 **SPECIAL ALLEGATION 2**
4 **(Theft of Amount Over \$100,000.00)**

5 It is further alleged that all Defendants, in the commission of the offenses alleged in Counts
6 1 through 7, with the intent to do so, committed theft in a value exceeding one hundred thousand
7 dollars (\$100,000) within the meaning of Penal Code Section 1203.045.

8 **VENUE**

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10 These charges are brought in Tulare County pursuant to, but not limited to, Penal Code
11 Section 786.5.

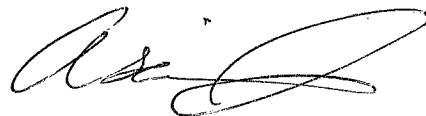
12 **DECLARATION**

13 I verify under information and belief, pursuant to Penal Code Section 806, that the
14 forgoing is true and correct.

15 Dated: February 1, 2022

Respectfully submitted,

16 ROB BONTA
17 Attorney General of California
18 RANDY M. MAILMAN
Supervising Deputy Attorney General

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21 ASEIL MOHMOUD
22 Deputy Attorney General
Attorneys for the People