

FILED**UNITED STATES DISTRICT COURT**UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

for the

DEC - 3 2024

District of New Mexico

MITCHELL R. ELFERS
CLERK OF COURT

United States of America)

v.)

Juan Jose Cardiel Sr.)

Case No. 24MJ1769

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 1, 2024 - April 6, 2024 in the county of Dona Ana in the
State and District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2422(b)

Coercion and enticement of a minor

I further state that I am a Homeland Security Investigations Special Agent
and that this complaint is based on the following facts:

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

STEPHANI M LEGARRETA

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Date: 2024.12.03 08:35:36 -07'00'

Complainant's signature

Stephani Legarreta-HSI Special Agent

Printed name and title

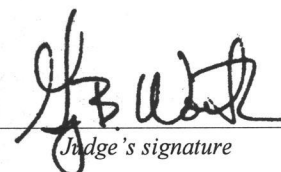
Sworn to before me ^{via telephone.} and signed in my presence.

Date:

12/3/2024

City and state:

Las Cruces, New Mexico



Judge's signature

Gregory B. Wormuth, Chief U.S. Magistrate Judge

Printed name and title

Affidavit

1. I, Special Agent Stephani Legarreta, your Affiant, have been a Special Agent with Homeland Security Investigations (HSI) and have been so employed since January of 2008. I am classified, trained, and employed as a federal law enforcement officer with statutory arrest authority charged with conducting criminal investigations of alleged violations of federal criminal statutes, including Title 18 of the United States Code. I am currently assigned as a criminal investigator for the Assistant Agent in Charge (ASAC), Las Cruces, New Mexico. Prior to my current position, I was a student for six (6) years at New Mexico State University, where I received my Bachelor's and Master's Degree in Criminal Justice. During the course of investigation, I have consulted with other HSI Agents and other law enforcement detectives and officers who have extensive experience investigating child exploitation. Your Affiant has conducted numerous state and federal investigations and received training, education, and experience with the identification and investigation of child exploitation violations. I have been personally involved with the execution of arrest warrants and search warrants to search residences, businesses and seize materials relating to child exploitation.
2. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other sworn law enforcement officers. Because this affidavit is submitted for the limited purpose of securing a criminal complaint, your affiant has not included each and every fact known to me concerning this investigation. Your affiant has set forth only those facts that your affiant believes are necessary to establish that probable cause to support a criminal complaint against Juan Jose Cardiel Sr. for coercion and enticement of a minor, in violation of 18 U.S.C. § 2422(b).

Relevant Statutes

3. Title 18 U.S.C. § 2422(b) states, “[w]hoever, using the mail or any facility or means of interstate or foreign commerce...knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be” guilty of a federal crime.
 - a. New Mexico State Code Section 30-9-13(C)(1) makes it a State of New Mexico crime for any person to unlawfully and intentionally touch or apply force to the intimate parts of a minor, under the age of thirteen, or unlawfully and intentionally cause a minor, under the age of thirteen, to touch one’s intimate parts. For the purposes of this section, “intimate parts” means the primary genital area, groin, buttocks, anus or breast and includes touching of the intimate parts of the minor over the minor’s clothing.
 - b. New Mexico State Code Section 30-37-2 makes it a State of New Mexico crime for any person to knowingly sell, deliver, distribute, display for sale or provide to a minor, or knowingly to possess with intent to sell, deliver, distribute, display for sale or provide to a minor any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body, or any replica, article or device having the appearance of either male or female genitals which depicts nudity, sexual conduct, sexual excitement or sado-masochistic abuse and which is harmful to minors.

Details of the Investigation

4. On November 20, 2024, HSI was informed by the Las Cruces Police Department (LCPD) that an individual identified as Juan Cardiel was sexually abusing a minor (hereinafter “DOE”).
5. In April 2024, LCPD received a Child Protective Services intake report regarding possible child sexual abuse at the Cardiel Childcare Services located in Las Cruces, New Mexico. The allegations involved one of the owners of the childcare facility, Juan Cardiel.
6. LCPD scheduled a forensic interview at La Pinon located in Las Cruces, New Mexico, on April 26, 2024. At the time of the interview, DOE was four years old. DOE told the interviewer that Cardiel had shown her photos on his phone of her naked when she was a baby and when she was three years old. Notably, Cardiel was DOE’s childcare provider and not someone, like a parent, who might have innocuous naked photographs of DOE as a baby on their phone.
7. DOE further explained Cardiel showed her a video of an adult female “tasting” a male’s private part, which I believe to be describing an act of fellatio. DOE then explained Cardiel wanted her to kiss his private. She stated, “He always wants me to taste his privates,” and Cardiel told DOE, “It’s good, It’s good, It’s good.” DOE explained Cardiel showed her his private and wanted DOE to “squeeze a little bit and move the skin.” DOE said she did what Cardiel told her to do.
8. DOE stated Cardiel did “feel” her private “on the skin,” but DOE stated she would always say “no,” but he would say, “It’s good.” This occurred “all the time” according to

DOE. DOE also disclosed Cardiel would always kiss her on the lips or cheek. DOE further explained there were plans by Cardiel for DOE and Cardiel “to sleep together.”

9. During a forensic interview with a sibling of DOE, DOE’s sibling disclosed there was a time when they saw another minor who attended the childcare facility owned by Cardiel go into Cardiel’s bedroom where Cardiel showed the other child “videos” with the door closed. DOE’s sibling did not know exactly what the videos were but stated when Cardiel took DOE’s sibling into Cardiel’s room to watch videos, the door was always open and nothing explicit was shown to him.
10. Based on my training and experience, I know that offenders interested in children sexually will often show a child pornography or child pornography in an effort to groom the child to get them to engage in sexual contact with the offender.
11. On May 1, 2024, LCPD obtained an arrest warrant for Juan Cardiel for Criminal Sexual Contact/Minor 2nd Degree (child under 13) (unclothed) (4 counts). Cardiel was arrested by LCPD but was released on bond. At the time that Cardiel was arrested by the state, an Apple iPhone XR was seized from his possession. On November 27, 2024, your affiant obtained a federal search warrant to review the phone. As of the writing of this complaint, agents are in the process of trying to download the contents of the phone.
12. Based on my training and experience and the information provided by DOE, I believe Cardiel used his cellphone, which is a means and facility of interstate commerce, to show DOE pornography to persuade, induce, entice, or coerce DOE, who had not attained the age of 18 years, to engage in any sexual activity for which any person can be charged with a criminal offense, specifically, New Mexico State Code Section 30-9-13(C)(1) and New Mexico State Code Section 30-37-2. I also know that Apple iPhones are not

manufactured in the state of New Mexico. Moreover, based on my training and experience, in order to download or stream pornography on an iPhone XR the user must connect to the internet, which is also a facility or means of interest commerce.

13. In New Mexico, it is a crime for an adult to cause a minor under thirteen to engage in sexual activity. *See* NMSA § 30-9-11D(1). Based on my investigation, I believe Juan Cardiel Sr. showed DOE other individuals engaging in sexual activity to entice and coerce her to engage in conduct that constitutes a violation of NMSA § 30-9-11D(1).

Conclusion

14. Based on all of the above information, your affiant submits there is probable cause to believe that Juan Jose Cardiel Sr. coerced and enticed a minor, in violation of 18 U.S.C. § 2422(b).
15. Prosecution of Juan Jose Cardiel Sr. was approved by Supervisory Assistant United States Attorney Marisa Ong.

**STEPHANI M
LEGARRETA**

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Stephani Legarreta, Special Agent
Homeland Security Investigations

Subscribed and sworn before me this 3rd day of December 2024.


HONORABLE GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE