



# Orange County News

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## **District Attorney Hoovler Announces Two Indictments Charging Defendants with Immigrant Assistance Services Fraud in the First Degree**

*Two Charged in Unrelated Schemes to Defraud Recent Immigrants by False Promises of Expedited Immigration Proceedings*

*First Time an Orange County Grand Jury has Charged the Felony of Immigrant Assistance Services Fraud in the First Degree*

*Cases Being Prosecuted as Part of the Orange County District Attorney's Office's Immigrant Affairs Initiative*

*District Attorney's Office and Police Seek Public's Help in Locating Defendants and Identifying Additional Victims*

Orange County District Attorney David M. Hoovler announced on June 26, 2017, that an Orange County grand jury has charged two individuals with felonies including Immigrant Assistance Services Fraud in the First Degree, for defrauding immigrants with false promises of being able to expedite changes to their immigration status in exchange for money. The cases mark the first time that an Orange County grand jury has charged the felony of Immigrant Assistance Services Fraud in the First Degree. Both defendants, whose cases are unrelated to each other, are also charged with Grand Larceny and Scheme to Defraud. The cases are being prosecuted as part of the Orange County District Attorney's Office's Immigrant Affairs Initiative.

Byron Castillo, 36, formerly of Middletown, was charged with five counts of Grand Larceny in the Third Degree, as a Hate Crime, Scheme to Defraud in the First Degree, and five counts of Immigrant Assistance Services Fraud in the First Degree. It is alleged that Castillo defrauded five recent immigrants from Ecuador, by promising them that their relatives could get United

States visas, and providing them with false visa documents and plane tickets. The indictment alleges that Castillo stole in excess of three thousand dollars from at least five victims, and that he selected his victims in whole or in substantial part because of their national origin. It is alleged that Castillo targeted victims because they were from Ecuador. The targeting of victims because of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation of a person, regardless of whether the belief or perception is correct, renders some offenses, such as grand larceny, to be designated as hate crimes, and allows for enhanced punishment. If convicted of Grand Larceny in the Third Degree, as a Hate Crime, Castillo faces up to five to fifteen years in state prison.

Maria Medina, 67, formerly of Wallkill, was indicted by an Orange County grand jury and charged with four counts of Grand Larceny in the Fourth Degree, Scheme to Defraud in the First Degree, and four counts of Immigrant Assistance Services Fraud in the First Degree. It is alleged that Medina defrauded at least four different recent immigrants from Mexico and Columbia, by making false promises concerning her ability to expedite changes to their legal immigration status by providing them with United States residency cards, commonly called “green cards.”

The case against Castillo was investigated by the City of Middletown Police Department. The case against Medina was investigated by the New York State Police.

Both defendants are currently wanted on arrest warrants issued by Orange County Court in connection with their indictments. The Orange County District Attorney’s Office, the City of Middletown Police Department, and the New York State Police are seeking the public’s help in locating the defendants. Anyone with information concerning Castillo’s current location is urged to call Detective Evan Colon at the City of Middletown Police Department. Anyone with information concerning Medina’s current location is urged to call the New York State Police Bureau of Criminal Investigation, at Troop F Headquarters in Middletown. Those with information concerning the whereabouts of either defendant, or anyone who believes that they have also been defrauded, may contact the Orange County District Attorney’s Office at (845) 291-2050.

District Attorney Hoovler thanked the City of Middletown Police Department and the New York State Police for their investigation of the cases.

The cases are being prosecuted by Assistant District Attorney Kerry Kolek.

In August 2016, Orange County District Attorney David M. Hoovler launched a new initiative, designed to assist Orange County’s immigrants in dealing with the criminal justice system. As part of the initiative, the District Attorney’s Office joined the New York State District Attorneys’ League of Immigrant Affairs (DALIA), an organization that comprises five other New York State district attorney’s offices, those in the New York City boroughs of Queens, Manhattan, Brooklyn, and the Bronx, as well as Nassau County. Under the Orange County District Attorney’s Office’s Immigrant Affairs Initiative, an immigrant who has been the victim of a

crime is able to call the District Attorney's Immigrant Affairs Coordinator to report the crime, and the Immigrant Affairs Coordinator, in turn, will ensure that the immigrant's complaint is routed to the prosecution unit within the District Attorney's Office that is most appropriate to investigate it. Victimized immigrants may report any type of crime, including violent crimes, human trafficking, domestic violence, and frauds. Immigrants who wish to report being the victim of a crime, or who otherwise need assistance in dealing with a criminal case in which they are the victim, or those wishing additional information about the initiative, may contact Counsel to the District Attorney Robert Conflitti, who serves as the Immigrant Affairs Coordinator by calling (845) 291-2050.

"It is our duty as prosecutors to prosecute every crime, regardless of the citizenship status of the victim," said District Attorney Hoovler. "All crime affects everyone in the community, and diminishes everyone's quality of life. Those who think that they can escape arrest or prosecution in Orange County by preying on undocumented immigrants, who may be reluctant to come forward because of their immigration status, are sadly mistaken. It must be well understood that this Office will not tolerate criminal acts of any type, against any victim, and if an offender selects a victim based on the victim's race, color, national ancestry, religion, ethnicity, gender, sexual preference or identity, or any other constitutionally protected classification, we will prosecute those crimes to fullest extent of the law, and, as appropriate, we will seek enhanced sentences for those acts under New York's Hate Crime statutes. We are a nation of immigrants and all of our residents deserve to be free from being victimized by crime. I urge anyone who believes that they or someone they know has been a victim of Immigrant Assistance Services Fraud, or any immigrant who has been the victim of a crime, but is reluctant to report that crime for fear of immigration consequences, to contact our Immigrant Affairs Coordinator or any other appropriate law enforcement agency."

A criminal charge is merely an allegation that a defendant has committed a violation of the criminal law, and it is not evidence of guilt. All defendants are presumed innocent and entitled to a fair trial, during which it will be the State of New York's burden to prove guilt beyond a reasonable doubt.

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Byron Castillo



Maria Medina