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AO 91 (Rev. 11/11) Criminal Complaint

AUSA John D. Mitchell (312) 353-5159

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

17CR 043

UNITED STATES OF AMERICA

v.

CARLOS FUENTES

CASE NUMBER:
UNDER SEAL

MAGISTRATE JUDGE SCHENKIER

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 February 3, 2016, at Riverside, Illinois, in the Northern District of Illinois, Eastern Division, the defendant(s) violated:

Code Section

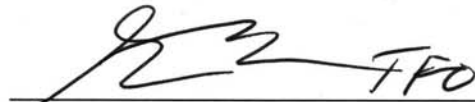
Offense Description

Title 21, United States Code,
Section 846

Conspiracy to possess with intent to distribute a
controlled substance

This criminal complaint is based upon these facts:

X Continued on the attached sheet.



STEVE MILLER, Task Force Officer
Drug Enforcement Administration (DEA)

Sworn to before me and signed in my presence.

Date: January 20, 2017


Judge's signature

City and state: Chicago, Illinois

Sidney I. Schenkier, U.S. Magistrate Judge
Printed name and Title

FILED

JAN 23 2017 *ow*

1-23-17

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

ss

AFFIDAVIT

I, STEVE MILLER, being duly sworn, state as follows:

1. I am a Task Force Officer (TFO) with the United States Department of Justice, specifically the Drug Enforcement Administration. I am currently assigned to a joint FBI/DEA Organized Crime Drug Enforcement Task Force. I have been a police officer for approximately 14 years with the Downers Grove, Illinois, Police Department.

2. My official duties include the investigation of drug trafficking organizations and violations of federal narcotics laws, including offenses defined by 21 U.S.C. §§ 841, 843 and 846. I have received specialized training in the methods by which individuals and drug trafficking organizations conduct their illegal drug trafficking activities, as well as in the use of various investigative techniques used to uncover unlawful drug trafficking. I have also participated in multiple investigations involving illegal drug trafficking by drug trafficking organizations. Through my experience and training, I am familiar with the ways in which drug traffickers conduct their unlawful drug trafficking activity, including their use of code words and numbers to conduct their transactions, their methods for concealing narcotics and narcotics proceeds and their use of violence and threats of violence to protect their organization. I have received further specialized training concerning the interception of wire and electronic communications. This affidavit is submitted in support of a

criminal complaint alleging that CARLOS FUENTES has violated Title 21, United States Code, Section 846. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging FUENTES with conspiracy to possess with intent to distribute a controlled substance, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

FACTS SUPPORTING PROBABLE CAUSE

I. INTRODUCTION

3. In summary, there is probable cause to believe that, beginning no later than 2004, and continuing to on or about December 15, 2016, CARLOS FUENTES conspired with others known and unknown to possess with intent to distribute a controlled substance, namely 5 kilograms or more of a mixture and substance containing a detectible amount of cocaine, a Schedule II Controlled Substance, and more than 1 kilogram of a mixture and substance containing a detectible amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1); all in violation of Title 18, United States Code, Section 846. as explained in further detail below, FUENTES admitted to his involvement in a conspiracy to distribute hundreds of kilograms of heroin, cocaine and other controlled substances in the Chicago area which began in 2004 and continued to 2016. FUENTES's admissions have been corroborated through past surveillance and intercepted phone calls between FUENTES and his co-conspirators.

II. FUENTES'S CUSTODIAL INTERVIEW WITH AGENTS ON DECEMBER 21, 2016

4. In December 2016, Immigration and Customs Enforcement (ICE) conducted an investigation into FUENTES and determined that he was residing in the country illegally. In particular, on October 31, 2011, FUENTES was convicted of drug trafficking in the Circuit Court of Cook County, Illinois and sentenced to 180 days' imprisonment and two years' probation. According to Department of Homeland Security records, FUENTES is a citizen of Mexico and was therefore subject to deportation after his felony conviction. ICE obtained a United States Department of Homeland Security Administrative Warrant for Arrest of Alien and, on December 21, 2016, FUENTES was taken into ICE administrative custody and immigration deportation proceedings were initiated.

5. On December 21, 2016, DEA agents met with FUENTES in ICE custody. FUENTES was read his *Miranda* warnings from a pre-printed "Advice of Rights" form. FUENTES stated he understood his rights, agreed to waive them, and agreed to speak with agents without an attorney present.

6. During the interview, FUENTES provided a detailed account of his narcotics trafficking activities. FUENTES stated that he had distributed kilogram quantities of cocaine and heroin in the Chicago area beginning in 2004 and continuing until the day before the interview, when, according to FUENTES, he sold five kilograms of cocaine and one kilogram of heroin to customer from Decatur, Illinois. FUENTES admitted to conspiring with others to cause cocaine to be transported in refrigerated semi-trailers from Mexico, to McAllen, Texas, and then to Chicago.

FUENTES stated that the semi-trailer has a false wall/panel near the refrigerator unit which can store multiple kilograms of narcotics. FUENTES stated that he believed this hidden area does not appear on X-Ray machines. According to FUENTES, he and his co-conspirators have used that this process to transport hundreds of kilograms of cocaine and heroin to the Chicago area. FUENTES stated that once the drugs arrived in Chicago, FUENTES distributed the drugs to customers using a system of “runners.” FUENTES stated that, over the course of the conspiracy, he purchased cocaine for approximately \$27,000 per kilogram and sold it for approximately \$33,000 per kilogram. FUENTES also stated that he purchased heroin for approximately \$45,000 per kilogram and sold it for approximately \$55,000 per kilogram. FUENTES stated that he often pays others—so-called “runners”—approximately \$1,000 to deliver the narcotics, to distance himself from the narcotics.

7. Agents asked FUENTES why he was in possession of four active cellular phones at the time of his arrest. FUENTES answered that the four phones were a personal phone, a mistress phone, a “source phone” (a phone he used to communicate with those who provided him with narcotics to sell), and a “customer phone” (a phone he used to communicate with those to whom he sold narcotics). FUENTES stated that he obtained a new phone approximately every week to evade detection by law enforcement wire taps.

8. FUENTES stated that he knew Individual B and admitted to working with him to possess and distribute narcotics. FUENTES stated that he believed INDIVIDUAL B had fled to Mexico because of an arrest warrant. According to

FUENTES, before Individual B fled for Mexico, FUENTES and Individual B regularly worked together to distribute a total of 20-50 kilograms of cocaine in the Chicago area.

9. FUENTES stated that he rented a property located at 264 Nuttall Road in Riverside, Illinois, which he used as a “stash house” and for narcotics trafficking activity. FUENTES further described his knowledge of DEA enforcement action at this property. In particular, FUENTES stated that on February 3, 2016, Individual A delivered 10 kilograms of cocaine in a duffel bag to the Nuttall property. FUENTES stated that for a short narcotics proceeds related to this transaction were stored at the Nuttall property. On February 3, 2016, DEA agents conducted surveillance at that home; FUENTES stated that he was aware that this surveillance occurred. On that date, based on the surveillance and information from judicially authorized intercepts, Individual B and Individual C were detained briefly and subsequently released to further the investigation.

10. FUENTES was asked what happened to the duffel bag containing the cocaine, and he responded: “sorry to say you guys had the drugs there and did not grab it.” FUENTES explained that, prior to being detained, Individual B hid the duffel bag containing the 10 kilograms of cocaine in a hidden compartment in the black F-150 parked in the back of the driveway. FUENTES described the trap compartment in the black F-150 and how the back seat opened after pressing a combination of the brakes, heater, and lights.

11. FUENTES further explained how he and his co-conspirators transported the duffle bag containing 10 kilograms of cocaine from the Nuttall property. FUENTES stated that, after his release, Individual B removed the 10 kilograms of cocaine from the F-150 trap and relocated the duffel bag to a rental garage next to 4215 Clinton Avenue, Stickney, Illinois. FUENTES stated that he and co-conspirators had a tow truck remove the F-150 to relocate it to a third location. FUENTES explained that he had the truck removed so that he and his co-conspirators could check to see if law enforcement officers had placed a GPS tracker on the truck.

12. FUENTES also explained his distribution of the 10 kilograms of cocaine after it was transported from the Nuttall property. FUENTES stated that he had arranged delivery of the cocaine to two customers, Individual G and Individual H. FUENTES stated that he distributed approximately 5 or 6 of the 10 kilograms to Individual F. FUENTES explained that he generally "fronted" narcotics to Individual F, meaning the FUENTES provided narcotics without requiring payment at the time of delivery. Individual G then paid FUENTES after Individual G sold the narcotics. FUENTES explained that he distributed the remaining narcotics to Individual H.

13. FUENTES discussed in detail his possession and intent to deliver kilogram quantities of cocaine and heroin, including a five-kilogram sale to Individual D, a customer in Decatur, Illinois, on the day before the custodial interview. FUENTES stated that the source of the five kilograms of cocaine was Individual E, a member of the Mexican Gulf cartel. Agents searched FUENTES's cell phones

pursuant to FUENTES's oral consent and observed text messages in FUENTES' phone corroborated his communications with Individual E. FUENTES explained how he had Individual F act as his runner to deliver five kilograms of cocaine to Individual D, collect approximately \$168,000 from Individual D, and deliver the cash to Individual E. FUENTES stated that he had received certain text messages from Individual D on the white cell phone found on FUENTES' person at the time of his arrest.

III. INTERCEPTED CALLS OF FUENTES AND INDIVIDUAL B AND AGENTS' SURVEILLANCE ON FEBRUARY 3, 2016 CORROBORATE FUENTES' DECEMBER 21, 2016 CONFESSION

14. On or about on December 23, 2015, the Honorable Chief Judge Ruben Castillo, United States District Court for the Northern District of Illinois, entered an order authorizing the initial interception of wire and electronic communications over Target Phones 11, used by Individual B. The interceptions included multiple calls between FUENTES and Individual B. Below is a summary of certain calls intercepted on Target Phone 11 on or about February 2, 2016 and February 3, 2016, as well as law enforcement surveillance of FUENTES' rental home located at 264 Nuttall Road, in Riverside, Illinois.¹

¹ To the extent that recorded communications are summarized in this Affidavit, those summaries do not include references to all of the topics covered during the course of the conversation that was recorded. In addition, the summaries do not include references to all statements made by the speakers on the topics that are described. All quotations from recorded conversations are based upon preliminary transcriptions of those conversations and/or from your affiant having personally listened to the recordings. The times listed for the recorded conversations are approximate. At various points in the Affidavit, I included in brackets my interpretation of words and phrases used in the recorded conversations. My interpretations are based on the contents and context of the recorded conversation, my knowledge of the investigation as a whole, my experience and training, and the experience

15. On February 2, 2016, at approximately 3:34 p.m. Individual B, using Target Phone 11, called FUENTES on telephone number 847-219-2147.² Individual B said, “We are on our way to pick up [Individual A] Barbas.”³ FUENTES said, “It is too early. It is only 3:00 [p.m.]” Individual B said, “It is 3:35 [p.m.]” FUENTES said, “The plane arrives at 4:00 [p.m.]” Individual B asked, “Are we supposed to pick up [Individual A] Barbas at the garage?” FUENTES answered, “[Individual A] Barbas still has to go through immigration” and “it would have been best to leave at 3:50 [p.m.]”

16. Continuing on February 2, 2016, at approximately 4:53 p.m., Individual B, using Target Phone 11, called FUENTES on telephone number 847-219-2147. FUENTES said, “He [Individual A] just called me and he [Individual A] is at the exit where the taxis are located.” Individual B said, “I am right at the door” and “the next exit is for me to leave Midway.” FUENTES said, “Go to the bottom floor at Midway,

and training of other LEOs in this investigation. Unless otherwise noted, the intercepted conversations contained herein are all in the Spanish language. For these interceptions, I have relied on draft—not final—Spanish-to-English translations of the conversations completed by law enforcement officers (“LEOs”) and/or interpreters contracted by LEOs. Italicized words appearing in such summaries were spoken in English.

² Other law enforcement officers and I have listened to the intercepted calls on Target Phone 11 and listened to the tape-recorded 2.5-hour interview with FUENTES. Based on a comparison of the two, other law enforcement officers and I have concluded that the person identified in the following paragraphs as FUENTES is, in fact, FUENTES.

³ Agents contacted Customs and Border Patrol at Midway Airport. Agents received the flight list for the incoming Volaris flight and discovered Individual A on the flight records for this flight. Further, CBP photographed INDIVIDUAL A and the photograph matched the subject observed on surveillance on February 3, 2016 and also, Individual A provided identification during the course of a traffic stop on February 3, 2016. Individual A was identified by the identification provided during the traffic stop and the photograph/information provided by CBP.

where the taxis are located” and “they are waiting there right outside baggage claims.” Individual B said, “I do not see any taxis.” FUENTES responded, “Head outside” and “go down stairs like you were leaving Midway to head home.” FUENTES said, “I will text you his [Individual A’s] Mexican number.” Individual B said, “That is fine.”

17. Continuing on February 2, 2016, at approximately 4:56 p.m. (Session 1095), Individual A, using telephone number 52-452-168-9988, called Individual B, on Target Phone 11. Individual A said, “Tell him [unknown who he is referring to, but possibly the driver of the vehicle, INDIVIDUAL F, who is with Individual B] to come in where it says departures, gate 3.” INDIVIDUAL F got onto Individual B’s telephone and asked, “Where will I find you?” Individual A answered, “Go to where it says departures, on the top floor, gate three” and “I will be waiting outside” and asked, “What vehicle are you guys [INDIVIDUAL F and Individual B] in?” INDIVIDUAL F answered, “We are in the black truck.” Individual A said, “Okay.”

18. Continuing on February 2, 2016, at approximately 4:57 p.m. (Session 1097 and 1098), FUENTES, using telephone number 847-219-2147, and Individual B, on Target Phone 11, exchanged electronic messages. FUENTES sent, “011521689988 [the telephone number of Individual A].” Individual B responded, “Ok[.]”

19. Continuing on February 2, 2016, at approximately 5:15 p.m. FUENTES, using telephone number 847-219-2147, called Individual B, on Target Phone 11.

FUENTES asked, "Is he [Individual A] with you?" Individual B said, "That is correct" and "I will drop him off and then go get the TVs."

20. Continuing on February 2, 2016, at approximately 6:42 p.m., FUENTES, using telephone number 847-219-2147, called Individual B, on Target Phone 11. FUENTES said, "Call Chichon [narcotics customer] and ask if he needs any [narcotics] for tomorrow because it [the narcotics] arrived." Individual B said, "I need to be sure [that it is here] because Chichon is a pain the ass." FUENTES said, "Barbas [Individual A] is here and that Barbas [Individual A] himself asked FUENTES how many [kilograms of narcotics] I needed." FUENTES said, "I told Barbas [Individual A] I needed five [kilograms of narcotics]" and "He [Individual A] told me that it would be delivered tomorrow [February 3, 2016]." Individual B said, "I will tell Chichon that it [the delivery of narcotics] will be tomorrow afternoon so that he does not start bothering me in the morning." FUENTES said, "That is fine" and "Tomorrow afternoon we will take it [the narcotics] to Chichon." Individual B said, "Okay." FUENTES said, "Tell Chichon to be ready." Individual B said, "Okay." FUENTES said, "It will be the same number [price] as before." Individual B asked, "Which one, three or four?" FUENTES said, "The number [price] that you gave to Chichon before." Individual B said, "Okay."

21. Continuing on February 2, 2016, at approximately 8:24 p.m. (Session 1109), FUENTES, using telephone number 847-219-2147, called Individual B, on Target Phone 11. FUENTES asked, "What did he [Chichon] say?" Individual B said, "He [Chichon] is not answering." FUENTES said, "I am receiving calls asking me if

it is going to happen [the narcotics deal with Chichon].” Individual B said, “I even called Chuchin to ask for his brother’s number and Chuchin did not answer either.” Individual B said, “I have called many times and no answer.” FUENTES said, “Call him [Chichon], the pain in the ass, to the [phone] number that you use to call him on.” Individual B said, “I have two numbers for him [Chichon] and he [Chichon] is not picking up on either of them.” FUENTES said, “Keep on trying because I need to tell these people [the narcotics suppliers] something.” Individual B said, “I will try calling again.”

22. Continuing on February 2, 2016, at approximately 8:30 p.m. (Session 1111), Individual B, using Target Phone 11, called UM-9803 (narcotics associate of Individual B only known as “Chuchin”), on telephone number 773-701-9803. Individual B addressed the user of telephone number 773-701-9803 as “Chuchin”. Individual B asked, “[Do you have] Chichon’s number?” Chuchin said, “I do.” Individual B said, “I was told to call Chichon but I do not have the number because he [Chichon] changed phones” and “I did not have it [the new phone number] saved” and added, “You had sent me the number before but I erased the message.” Chuchin said, “I will send you the number.” Individual B asked, “Does Chichon pick up at the [phone] number you will be sending me?” Chuchin said, “I am not sure” and “[Instead] I will tell Chichon to call you.” Individual B said, “That is fine” and asked, “Is the number you will be sending [me] the same number that you sent [me] before?” Chuchin said, “That is correct.” Chuchin said, “I will send it to you so you can call Chichon.” Individual B said, “Okay.”

23. Continuing on February 2, 2016, at approximately 8:34 p.m. (Session 1112), UM-9803 (an unknown male associate to Individual B only known as "Chuchin"), using telephone number 773-701-9803 sent an MMS message to Individual B on Target Phone 11. Due to limitations on the electronic monitoring equipment, the MMS message was not received, however, I suspect the MMS message contained the contact information for "Chichon", based upon the following telephone contact.

24. Continuing on February 2, 2016, at approximately 8:36 p.m. (Session 1113), Individual B, using Target Phone 11, called UM-8265 (unknown narcotics customer of Individual B only known as "Chichon"), on telephone number 773-891-8265. There was no answer.

25. Based on my training and experience, and the training and experience of other Agents assisting in this investigation, it is believed that FUENTES instructed Individual B and Individual F to pick up Individual A at the airport when he arrived from Mexico, which the two did. Individual A was dropped off with FUENTES and shortly thereafter FUENTES telephoned Individual B. FUENTES instructed Individual B to reach out to "Chichon" to see if he wished to purchase suspected narcotics. FUENTES said Individual A was there personally and asked how many [suspected kilograms of narcotics] FUENTES needed and FUENTES said he needed five, which I suspect would be sold to Chichon. Individual B attempted to contact Chichon, through Chichon's brother, Chuchin. Chuchin indicated that he would send Individual B the telephone number to contact Chichon. Shortly

thereafter, Individual B attempted to call a telephone number I suspect is Chichon's, based upon not only this but also intercepted telephone calls with this telephone number on February 3, 2016.

26. On February 3, 2016, at approximately 7:29 a.m.,⁴ Individual B, using Target Phone 11, called FUENTES on telephone number 847-219-2147. Individual B said, "He [Chichon] said yes."⁵ FUENTES said, "Okay" and "I will tell him [suspected to be Individual A]." Individual B said, "He [Chichon] said that [they] could meet at 10 [o'clock] to talk." FUENTES said, "That is fine" and "I will go with you." FUENTES asked, "Did Jando [another co-conspirator] sleep over or are you alone?" Individual B said, "He [the other co-conspirator] got up and left [but] he stayed over too" and "Me and Jando [the other co-conspirator] squared everything away [with the narcotics]." Individual B added, "As soon as he [Chichon] calls me, I will call you and we can go see him [Chichon]." FUENTES said, "Okay."

27. At approximately 9:00 a.m., Agents initiated surveillance at 264 Nuttall Rd., Riverside, IL. Location information received on Target Phone 11 indicated that Target Phone 11 was located near this residence. At approximately 9:00 a.m., Agents observed a black Ford truck, bearing Illinois license plate 1884014, parked in the driveway of 264 Nuttall Rd., Riverside, IL. Previous surveillances have observed Individual B and INDIVIDUAL F inside this vehicle. Agents initiated surveillance at the residence.

⁴ During the time of this call, location information on Target Phone 11 indicated the telephone was in the area of 264 Nuttall Rd., Riverside, IL.

⁵ I suspect that VIVEROS-SAUCEDO spoke with Chichon on a different telephone.

28. Continuing on February 3, 2016, at approximately 9:51 a.m. (Session 1118), a suspected narcotics customer of Individual B only known as "Chichon", using telephone number 773-891-8265, called Individual B on Target Phone 11. Individual B said, "I am already by myself." Chichon said, "I cannot hear you." Individual B said, "I am in the restroom" and asked, "Where are we going to meet?" Chichon asked, "How many [phone] numbers do you have?" Individual B answered, "Two" and added, "This is the one the family from Mexico calls me on and that is why I do not want to be called on this one [called on this telephone number when talking about narcotics]." Individual B asked, "Can you call me on the little one [other telephone which I suspect is a smaller telephone]?" Chichon said, "I am on my way."

29. At approximately 9:57 a.m., agents observed a white Chevrolet Malibu, bearing Illinois license plate Y768047, park at 264 Nuttall Rd., Riverside, IL. Agents observed at least two subjects, unknown Hispanic males, exit the vehicle and walk up the driveway of 264 Nuttall Rd. One of the male subjects carried a small brown paper bag towards the residence.

30. At approximately 10:07 a.m., agents observed the black Ford Truck, bearing Illinois license plate 1884014, back out of the driveway and depart from the residence, southbound on Nuttall Rd. Agents were unable to determine the driver of the vehicle at this time. Mobile surveillance was initiated on the black Ford Truck.

31. At approximately 10:22 a.m., Agents observed the black Ford Truck, bearing Illinois license plate 1884014, park on 29th St., just west of S. Cicero Ave., Cicero, IL. Agents observed a male subject walk from the vehicle, through the alley

towards the garage of 2842 S. Cicero Ave., Cicero, IL. Shortly thereafter, agents observed Individual B standing on the porch of 2842 S. Cicero Ave., Cicero, IL. Agents observed an unknown subject exit the residence, walk with Individual B towards the black Ford Truck, and both enter the truck. At approximately 10:32 a.m., the black Ford Truck departed the area. Mobile surveillance was initiated.

32. At approximately 10:34 a.m., Agents on surveillance of 264 Nuttall Rd., Riverside, IL, observed Individual F and the unknown male subject who had previously carried the brown paper bag towards the residence, walking towards the white Chevrolet Malibu, bearing Illinois license plate Y768047. Agents observed Individual F enter the driver's seat of the vehicle and the unknown male walk towards the passenger seat of the vehicle. Shortly thereafter, Agents observed the vehicle depart the residence, southbound on Nuttall Rd. Mobile surveillance of the white Chevrolet Malibu was initiated.

33. At approximately 10:37 a.m., Agents observed the black Ford Truck pull over in the area of W. 31st St. and W. Ogden Ave. Agents observed Individual B exit the passenger seat of the vehicle and enter into the Steak'N Eggers Restaurant, located at 5647 W. Ogden Ave., Cicero, IL. Agents observed the black Ford Truck pull away from the restaurant. Mobile surveillance of the black Ford Truck was not maintained.

34. At approximately 10:49 a.m., Agents observed the white Chevrolet Malibu, bearing Illinois license plate Y768047, arrive at the Steak'N Eggers Restaurant, located at 5647 W. Ogden Ave., Cicero, IL. Agents observed the white

Chevrolet Malibu park in the parking lot. INDIVIDUAL F and the unknown male subject exited the vehicle and entered into the Steak'N Eggers Restaurant.

35. At approximately 11:21 a.m., Agents observed INDIVIDUAL F and Individual B exit the Steak'N Eggers Restaurant, approach and enter the white Chevrolet Malibu, bearing Illinois license plate Y768047. Shortly thereafter, Agents observed the vehicle depart the parking lot of the restaurant. Mobile surveillance of the white Chevrolet Malibu was initiated but surveillance at the Steak'N Eggers was also maintained.

36. At approximately 11:25 a.m., Agents observed the white Chevrolet Malibu, bearing Illinois license plate Y768047, driving through the parking lot of the stores located on S. Cicero Ave., between W. 26th St. and W. 31st St.

37. Continuing on February 3, 2016, at approximately 11:26 a.m. (Session 1120), Individual B, using Target Phone 11, called FUENTES, on telephone number 847-219-2147. Individual B asked, "Where are you?" FUENTES said, "Head over to [the] Target [store] over at hill [phonetic]." Individual B said, "I am already over there" and "I have the white one [white Chevrolet Malibu]." FUENTES said, "I already know" and "I'll head over [there] shortly [to meet you] after I buy a couple of things at the store." Individual B said, "Okay."

38. At approximately 11:30 a.m., Agents observed FUENTES standing in the parking lot of the Ross Dress For Less Department Store, located at 2945 S. Cicero Ave., Cicero, IL, holding a tablet. Agents observed FUENTES using the tablet but it was unclear what FUENTES was doing on the tablet. At approximately the same

time, Agents observed FUENTES approach and enter the white Chevrolet Malibu, bearing Illinois license plate Y768047. Agents observed the white Chevrolet Malibu travel through the parking lot; however, surveillance of the vehicle was unable to be maintained.

39. At approximately 11:35 a.m., Agents continuing surveillance at the Steak'N Eggers, observed the white Chevrolet Malibu, bearing Illinois license plate Y768047, park in the parking lot of the restaurant. Shortly thereafter, Agents observed Individual B exit the vehicle from behind the driver's seat and Individual F exit the driver's seat. Both subjects entered into the Steak'N Eggers Restaurant.

40. At approximately 11:43 a.m., Agents observed INDIVIDUAL F, Individual B and the unknown male subject exit the Steak'N Eggers Restaurant, enter into the white Chevrolet Malibu, bearing Illinois license plate Y768047, with Individual F as the driver, Individual B as the rear driver's seat passenger and the unknown male subject entered into the passenger side of the vehicle. Shortly thereafter, the vehicle departed the parking lot of the restaurant. Surveillance of the vehicle observed the vehicle depart and travel westbound from the restaurant; however, mobile surveillance was unable to be maintained.

41. At approximately 11:55 a.m., Agents observed the white Chevrolet Malibu, bearing Illinois license plate Y768047, parked at 264 Nuttall Rd., Riverside, IL. Agents also observed the black Ford Truck, bearing Illinois license plate 1884014, parked in the driveway, behind the house.

42. At approximately 11:57 a.m., Agents observed the white Chevrolet Malibu, bearing Illinois license plate Y768047, depart from the residence, southbound on Nuttall Rd. Mobile surveillance was attempted, but unable to be maintained. Agents maintained visual contact at 264 Nuttall Rd., Riverside, IL.

43. At approximately 12:03 p.m., Agents reacquired visual contact with the white Chevrolet Malibu, bearing Illinois license plate Y768047, at the Minuteman Convenience Center Gas Station, located at 3346 Harlem Ave., Riverside, IL. Agents observed the unknown male subject, who previously carried the brown paper bag and was observed at the Steak'N Eggers, outside the vehicle, pumping gas into the vehicle. Shortly thereafter, Agents observed the unknown male subject enter the white Chevrolet Malibu, and the vehicle depart eastbound from the gas station, however, visual contact with the Chevrolet Malibu was unable to be maintained.

44. At approximately 12:06 p.m., Agents on surveillance at 264 Nuttall Rd., Riverside, IL, observed a dark Ford Explorer, bearing Illinois license plate Y750756, back out of the driveway of the residence and depart southbound on Nuttall Rd. Mobile surveillance of the vehicle was attempted but constant visual contact was unable to be maintained.

45. At approximately 1:11 p.m., Agents observed the dark Ford Explorer, bearing Illinois license plate Y750756, pull into straight into the driveway of 264 Nuttall Rd., Riverside, IL, towards the garage of the residence. Shortly thereafter, Agents observed Individual B and Individual F standing near the garage. Due to the angle of the view of Agents, the passenger side of the dark Ford Explorer and the area

behind the residence including the back door, was out of view. Agents observed Individual A, carry a large duffle bag, with two hands, from the area of the back door of the residence, behind the vehicle, to the rear passenger side of the dark Ford Explorer. Agents observed Individual A again walk out of view. Agents then observed Individual B and Individual F walk towards the rear of the residence.⁶

46. At approximately 1:15 p.m., Agents observed the dark Ford Explorer, bearing Illinois license plate Y750756, backing out of the driveway of 264 Nuttall Rd., Riverside, IL. The vehicle was observed entering the street, with intention of traveling northbound on Nuttall Rd. Individual F exited the front door of the residence and waved towards the driver of the vehicle, later learned to be Individual A. The two spoke with one another briefly, and at approximately 1:17 p.m., the vehicle pulled away from the residence and Individual F re-entered the residence. Mobile surveillance of the vehicle was initiated and visual contact with the residence was not maintained.

47. Continuing on February 3, 2016, at approximately 1:25 p.m. (Session 1122), FUENTES, using telephone number 847-219-2147, called Individual B, on Target Phone 11. FUENTES asked, "Did Barbas [Individual A] take your truck?" Individual B answered, "I told him to take it since we no longer need him [Individual A] here." FUENTES said, "I'll be over in two minutes." Individual B said, "Everything [the narcotics and/or narcotics proceeds] is ready."

⁶ At approximately this time, the subjects began to look in the direction of LEO surveillance. I believe the subjects at this time began to suspect they were under surveillance of Agents.

48. At approximately 1:26 p.m., a traffic stop was conducted by Agents on the dark Ford Explorer, bearing Illinois license plate Y750756. Individual A was identified as the driver, based upon his identification. A Hispanic female and a baby were in the back seat as passengers in the vehicle. There was no grey hockey bag located inside the vehicle.

49. Continuing on February 3, 2016, at approximately 1:26 p.m. (Session 1124), Chichon, using telephone number 773-891-8265, called Individual B, on Target Phone 11. Individual B said, "Do not call this number anymore because it is the one for my family to call on." The telephone call then disconnected.

50. Continuing on February 3, 2016, at approximately 1:28 p.m. (Session 1126 and 1127) Individual B, using Target Phone 11, sent two electronic messages to UF-8470, on telephone number 773-372-8470. The messages read: "Look out for me I'm going to do a job [deliver narcotics]" and "right now and I'm a bit scared [to deliver the narcotics.]" Continuing on February 3, at approximately 1:29 p.m. (Session 1128 and 1129), UF-8470, using telephone number 773-372-8470, sent two electronic messages to Individual B on Target Phone 11. The messages read: "Do not worry I am right on it[.]" and "Let me know [if you are okay] in a bit[.]"

51. At approximately 1:40 p.m., Agents re-initiated surveillance at 264 Nuttall Rd., Riverside, IL.

52. Continuing on February 3, 2016, at approximately 2:34 p.m. (Session 1139 and 1140) Chichon, using telephone number 773-891-8265, sent two electronic

messages to Individual B, on Target Phone 11. The messages read: "Ready[?]" and "I got scared [to meet to pick up the narcotics.]"

53. Continuing on February 3, 2016, at approximately 10:37 p.m. (Session 1174), Individual B, using Target Phone 11, called FUENTES, using telephone number 847-219-2147. Individual B asked, "Where are you?" FUENTES answered, "I am dropping off this guy [believed to be Individual A] at a hotel." Individual B asked, "Did Cesar find the keys [presumably to the Ford Truck and/or 264 Nuttall]?" FUENTES answered, "Yes" and "We already took all the stuff [possibly narcotics, narcotic proceeds, and/or narcotic paraphernalia] out and put it away." Individual B said, "We'll go tomorrow to [U/I] to get your things out [possibly referencing removing items from 264 Nuttall Rd., Riverside, IL]." FUENTES said, "All of that [these items] is out" and "it is no longer an issue." Individual B said, "I have a court date anyway." FUENTES said, "I do not understand why you have to go to court." Individual B answered, "I do not know." FUENTES asked, "What does the paper say?" Individual B asked, "Do you want me to go or wait?" FUENTES answered, "Wait" and "go over to me [so that] I can take a look at the papers" and added, "What happened [to you] is the same thing that happened once to INDIVIDUAL G when they [Agents] pulled her over, searched her and got all her information." Individual B said, "Those papers say that I have to go to court on March 14th." FUENTES asked, "Why do you have to go to court?" Individual B answered, "I do not know because I do not understand English." FUENTES asked, "What do the papers say" and "does anybody there read [English]?" Individual B answered, "I do not have the papers right now." FUENTES

asked, "Where are the papers?" Individual B answered, "My cousin has them since she is the one who picked me up" and "I was walking and freezing up." FUENTES said, "Tell your cousin to take a picture of the papers or read them so she can let you know what you are being charged with." Individual B said, "My cousin left [but] I will meet you tomorrow and talk about what we are going to do unless you do not want to get together with me anymore." FUENTES answered, "No, man" and "I left the papers of the baby and [U/I]." Individual B said, "They [Agents] kept asking me what I was doing at the house" and "Why people were going in and out" and said, "I told them that I did not live there [and that] I live in Chicago on Ridgeway." Individual B continued, "They kept asking me why I had gone there" and "I told them that I was going to the stores at the Riverside mall." FUENTES asked, "Did they ask you if I lived there also?" Individual B answered, "No" and "[Agents asked] why I jumped the fence and if I was stealing at the house." FUENTES asked, "Did you say anything about the house?" Individual B answered, "We did not." FUENTES asked, "Did you [INDIVIDUAL F and Individual B] say anything about the squares [narcotics]?" Individual B answered, "No" and "Do not say anything because this is the phone [number] they [Agents] have." FUENTES asked, "Where do you want me to pick you up tomorrow [so that] I can drop you off at Jando's [INDIVIDUAL F]?" and added, "I only want to know why you have a court date if there is nothing [Agents did not make a seizure]." Individual B answered, "The only thing left to do is flee [the United States]." FUENTES said, "What happened to you is what happened to all of them [just like] what happened to Adriana [presumably CASTILLO], they got booked

and that it was no big deal” and “the work [narcotics] was saved and they [Agents] could not do anything.” Individual B said, “I am going to ask my cousin to send the pictures [of the papers]” and “I will send them to you” and asked, “Can you call me after [you read them]?” FUENTES asked, “Was it David [Zamora, DEA Special Agent], the one that caught Jose with the money?” Individual B answered, “I do not know David.” FUENTES asked, “Was the one that got you a Paisa, one by the name of David?” Individual B answered, “Yes” and “it was a woman [LEO also].” FUENTES asked, “Was his last name Zamora?” Individual B said, “The person said nothing about that.” FUENTES asked, “What car was that so-called David driving [what car was the Hispanic person driving that you believe may have been David Zamora]?” Individual B answered, “A brand new Ram, a very dark color, kind of black but like blue, the vehicle that got inside [Individual B is referring to another LEO that was on surveillance, but was not David Zamora].” FUENTES said, “I did not see that one” and “the one I saw was a grey minivan parked in the driveway.” Individual B said, “They were all brand new vehicles.” FUENTES said, “I saw the vehicles and that is why when you got out I told you the DEA was there and what the cars were [the Agents were using].” FUENTES said, “We came out okay [because we still have the narcotics].” Individual B said, “The lady, the one with the police, I know her well because I clear snow [shovel snow] there.” Individual B added, “The lady was there too, the one that lives where you live.” FUENTES asked, “Are you talking about the tomboy lady?” Individual B said, “It was the same one [woman].” FUENTES asked, “Did the lady talk to you?” Individual B answered, “No.” FUENTES asked, “What

was the lady doing?" Individual B said, "The meanest lady [unknown second female] was the one that got us last time." FUENTES asked, "Was she [the unknown second female] there again?" Individual B answered, "Yes" and said, "It is the same one who got me last time along with Tranquis [unknown suspected narcotics associate]." Individual B continued, "She told me that if it was me, they were going to deport him right now" and "She barely spoke Spanish." Individual B continued, "We will talk tomorrow." FUENTES instructed, "Send me the picture of the papers to see why you have to go to court." Individual B said, "I will send it right away."

54. Based on my training and experience, and the training and experience of other Agents assisting in this investigation, it is believed that Individual B contacted FUENTES in the morning and informed him that Chichon was going to purchase the narcotics and that he was going to meet him at 10:00 a.m. to discuss the deal.

55. Individual B and FUENTES spoke with one another and Individual B indicated that everything was ready, which I suspect was the narcotics ready for delivery.

56. Individual B instructed Chichon to stop calling on Target Phone 11 because this telephone was to be used by family only.

57. Individual B contacted UF-8470, a tarot card reader, and asked for her to look out for him while he completed a "job" which I suspect meant he was delivering narcotics.

58. Individual B gets two text messages from Chichon asking if Chichon was ready to meet and that Chichon got scared, which I suspect means Chichon got scared to meet with Individual B and complete the narcotics transaction.

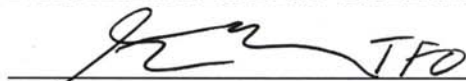
59. Individual B and FUENTES speak with one another. FUENTES informed Individual B that the “work”, which I believe is referencing the narcotics, is safe, and that FUENTES had the things removed, which I believe FUENTES means items were possibly removed from 264 Nuttall Rd., Riverside, IL. Individual B indicated that he had a court date, but was unsure what the court date was for. FUENTES requested Individual B send a photograph of the paperwork received from law enforcement. Individual B indicated that he would send the paperwork later. FUENTES said that Individual B should not worry about the situation, and that most likely Individual B’s information was taken by law enforcement but that Individual B was not being charged because the “work” [which I suspect means narcotics] was in his possession and control and not seized by law enforcement.

CONCLUSION

Based on the foregoing, I respectfully submit that there is probable cause to believe that on or about February 3, 2016, CARLOS FUENTES conspired with others

known and unknown to possess with intent to distribute a controlled substance, in violation of Title 18, United States Code, Section 846.

FURTHER AFFIANT SAYETH NOT.



STEVE MILLER, Task Force Officer
Drug Enforcement Administration

SUBSCRIBED AND SWORN to before me on January 20, 2017.



SIDNEY I. SCHENKIER,
United States Magistrate Judge