

UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

UNDER SEAL

v.

CRIMINAL COMPLAINT

JASON AUSTIN

aka "J Rock"

CHARLES AUSTIN

aka "Bubba"

MILTON RILEY

aka "Milt"

EMANUEL YOUNG

aka "Miko"

DANIELLE DUNCAN

AVERY IRBY

KEVIN TERRY, JR.

aka "Little Kurt"

JEFFREY SCOTT

aka "Scotty"

KENNETH TERRY

JUANICA BLASSINGAME

CHARLES WARD

aka "Charlie"

ROBERT EWING

ANTOINE JONES

CASE NUMBER

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 2008 and continuing through June 2010 in Cook County, in the Northern District of Illinois defendant,

See Attachment A

in violation of Title 21 United States Code, Section 846.

I further state that I am a Task Force Officer with the Federal Bureau of Investigation and that this complaint is based on the following facts:

See attached affidavit.

XAVIER ELIZONDO
TASK FORCE OFFICER, FEDERAL BUREAU OF INVESTIGATION

Sworn to before me and subscribed in my presence,

November 16, 2010 at
Date

Chicago, Illinois
City and State

Young B. Kim, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

ATTACHMENT A

COUNT ONE

On or about August 2008 and continuing through on or about June 2010, at Chicago, in the Northern District of Illinois, Eastern Division, JASON AUSTIN, CHARLES AUSTIN, MILTON RILEY, AVERY IRBY, KEVIN TERRY, Jr., JEFFREY SCOTT, KENNETH TERRY, JUANICA BLASSINGAME, CHARLES WARD, ROBERT EWING, and ANTOINE JONES conspired with each other and with others known and unknown to the United States to knowingly and intentionally possess with intent to distribute and to distribute controlled substances, namely 50 grams or more of mixtures and substances containing a detectable amount of cocaine base (in the form of crack cocaine) and 1 kilogram or more of mixtures containing a detectable amount of heroin;

In violation of Title 21, United States Code, Section 846, and Title 18, United States Code, Section 2.

COUNT TWO

On or about December 4, 2009, at Chicago, in the Northern District of Illinois, Eastern Division, DANIELLE DUNCAN and EMMANUEL YOUNG, defendants herein, did knowingly and intentionally distribute a controlled substance, namely, 50 grams or more of mixtures and substances containing a detectable amount of cocaine base in the form of crack cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT THREE

On or about December 4, 2009, at Chicago, in the Northern District of Illinois, Eastern Division, CHARLES AUSTIN, defendant herein, did knowingly and intentionally distribute a controlled substance, namely, 50 grams or more of mixtures and substances containing a detectable amount of cocaine base in the form of crack cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT FOUR

On or about December 16, 2009, at Chicago, in the Northern District of Illinois, Eastern Division, DANIELLE DUNCAN, and EMMANUEL YOUNG, defendants herein, did knowingly and intentionally distribute a controlled substance, namely, 50 grams or more of mixtures and substances containing a detectable amount of cocaine base in the form of crack cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT FIVE

On or about December 4, 2009, at Chicago, in the Northern District of Illinois, Eastern Division, CHARLES AUSTIN, defendant herein, did knowingly and intentionally distribute a controlled substance, namely, 50 grams or more of mixtures and substances containing a detectable amount of cocaine base in the form of crack cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

STATE OF ILLINOIS)
)
COUNTY OF COOK)

AFFIDAVIT

I, Xavier Elizondo, Task Force Officer, Federal Bureau of Investigation, being duly sworn, depose and state as follows:

I. INTRODUCTION

A. Agent Background and Experience

1. I, Xavier Elizondo, Task Force Officer, Federal Bureau of Investigation, being duly sworn, depose and state as follows:

PRELIMINARY MATTERS

2. I am a police officer with the Chicago Police Department (CPD), and have been so employed for 14 years. I am currently assigned to Criminal Enterprise Squad, Chicago Field Division, and I have been so assigned as a Task Force Officer for the past three years. Prior to being assigned as a Task Force Officer, I was assigned to the CPD Narcotic Section for three years. My duties required me to conduct undercover purchases of narcotics, utilized confidential sources, and gather pertinent street gang intelligence to achieve criminal drug conspiracy charges of targeted street gang offenders. In addition, I have worked on Tactical Gangs Teams, City Wide Targeted Response Teams, and Area 4 Detective Division Aggravated Battery/Homicide Teams. In my years of service with CPD I have authored numerous search warrants, consensual overhear orders, pen affidavits, and Title III affidavits. I have participated in numerous investigations that have utilized court authorized wire interceptions As part of my official duties, I investigate criminal violations of the federal narcotics laws, including but not limited to Title 21, United States Code, Sections 841

and 846. I have received special training in the enforcement of laws concerning controlled substances and gang activity.

3. I am currently assigned to the Criminal Enterprise Squad, which investigates criminal activity of street gangs in and around the City of Chicago. I have debriefed and interviewed numerous individuals who have been involved in street gangs and drug trafficking. The information in this Affidavit is drawn from my interviews of cooperating sources; information obtained from consensual recordings; physical surveillance; authorized Title III intercepted phone calls, controlled purchases of controlled substances; seizures of narcotics; information received from other law enforcement agents; my experience and training; and the experience of other agents. As part of my current assignment, I have investigated criminal violations of the Controlled Substance Act as found in Title 21 of the United States Code, as well as related violations found in Title 18 of the United States Code. Based on my training and experience, I am familiar with the ways in which individuals conduct their drug-related business, including, but not limited to their: (a) methods of distributing narcotics; (b) use of telephone communication devices; and (c) use of code words to identify themselves and the nature of the communication, and to conduct their drug-related transactions. Since this Affidavit is being submitted for the limited purpose of establishing probable cause as set for herein, I have not included each and every fact known to me concerning this investigation.

4. This Affidavit is made for purpose of establishing probable cause in support of a Criminal Complaint charging:

1. JASON AUSTIN, a.k.a. "JRock;"
2. CHARLES AUSTIN, a.k.a. "Bubba;"
3. MILTON RILEY, also known as ("a.k.a.") "Milt;"

4. EMANUEL YOUNG, a.k.a. “Miko;”
5. DANIELLE DUNCAN;
6. AVERY IRBY;
7. KEVIN TERRY, Jr., a.k.a. “Little Kurt;”
8. JEFFREY SCOTT, a.k.a. “Scotty;”
9. KENNETH TERRY;
10. JUANICA BLASSINGAME;
11. CHARLES WARD, a.k.a. “Charlie;”
12. ROBERT EWING; and
13. ANTOINE JONES;

with conspiring with each other and with others known and unknown to the United States to knowingly and intentionally possess with intent to distribute and to distribute controlled substances, namely in excess of 50 grams or more of mixtures and substances containing a detectable amount of cocaine base (in the form of crack cocaine) and in excess of 1 kilogram of mixtures and substances containing a detectable amount of heroin in violation of Title 21, United States Code, Section 846, and Title 18, United States Code, Section 2.

II. Overview of Conspiracy

5. In August 2008, the Chicago Police Department (“CPD”) began investigating a drug trafficking organization led by members of the Traveling Vice Lords (TVL) street gang, a faction of the Vice Lord (VL) street gang, that operates in the area of Kedzie Avenue and Ohio Street in Chicago (hereafter “KO”).

6. In November 2008, FBI joined CPD in its investigation of the TVL.¹ During the investigation, CPD and FBI identified that members of the TVL street gang ran a drug organization that worked with other TVLs to distribute controlled substances in the area of the “KO.” The KO drug trafficking organization (“KO DTO”) distributed “rocks” (crack cocaine) and “blows” (heroin) to customers via hand-to-hand transactions in the “KO.” The heroin was named “Blue Magic,” and when the quality of the “Blue Magic” heroin was good, customers came from Elgin, Illinois and parts of Iowa to purchase the heroin. The drug operation at KO operates twenty-four hours a day, seven days a week, averaging between \$3,000 to \$6,000 in drug sales per day (60 to 120 grams of heroin per day). Members of the KO DTO obtain, possess, and use firearms in order to both protect and further advance the drug operation. The TVL’s have sold drugs at KO for decades.

7. In the Fall of 2008, the KO DTO temporarily moved to Chicago Avenue and St. Louis Avenue due to a strong police presence in the area at KO. Initially, on or about November 2008, when members of the KO DTO drug organization moved the drug operation to Chicago Avenue and St. Louis Avenue, they conducted a “pass out” of heroin. That is, they provided the heroin free of charge. During the time period that the KO DTO sold heroin at Chicago Avenue and St. Louis, the drug operation sold approximately twenty packs of heroin a day, about half of what was sold at KO. At this time, the drug operation at Chicago Avenue and St. Louis Avenue was managed by KEVIN TERRY, JR. In addition, in the Fall of 2009, the heroin operation temporarily relocated to Ferdinand Street and Hamlin Avenue due to J. AUSTIN’s failure to successfully keep the heroin operation running at KO. KEVIN TERRY, JR. ran the heroin operation at Ferdinand

¹This information is based on statements from Cooperating Witnesses, Confidential Sources, members of the TVL street gang, physical and video surveillance, controlled narcotics purchases, and other information developed throughout the investigation.

Street and Hamlin Avenue.

8. JASON AUSTIN and CHARLES AUSTIN ran the drug operation at KO. Suppliers provided the drug operation with crack cocaine, heroin, and other controlled substances. The drug operation relied on members of the conspiracy to store packaged drugs in common areas and residences at KO, such as 520 N. Kedzie and the liquor store parking lot located at 501 N. Kedzie. “Runners” distributed the packaged drugs to “managers,” who supervised the drug operation at KO. The managers distributed the drugs to “pack workers,” who worked shifts selling the drugs to customers and those same managers were all responsible for collecting the proceeds of the drug sales at KO. At any given time, one individual may be responsible for multiple tasks. The customers paid the “pack workers” and, in exchange for cash, the “pack workers” gave the customers narcotics. After the narcotics were sold, the workers provided the cash to the “runners” and/or “managers” of the drug spot.

9. The following is a brief summary of the roles each co-conspirator played in the conspiracy and the paragraphs in this Affidavit pertaining to each:

ORGANIZERS/LEADERS

10. JASON AUSTIN, a.k.a. “J-Rock,” is a member of the TVL street gang and ran the heroin sales at KO and Chicago Avenue and St. Louis Street. J. AUSTIN had several individuals that worked for his drug operation at KO and Chicago Avenue and St. Louis Street. J. AUSTIN also sold crack cocaine at KO.

11. CHARLES AUSTIN, a.k.a. “Bubba,” is a member of the TVL street gang and ran the crack cocaine and marijuana sales at KO. C. AUSTIN had several individuals that worked for his drug operation.

SUPPLIERS/BROKERS

12. MILTON RILEY, a.k.a. "Milt," is a supplier of crack cocaine who has distributed crack cocaine to CHARLES AUSTIN on several occasions and has also supplied JASON AUSTIN with crack cocaine. RILEY "fronts" (provides on consignment) crack cocaine to CHARLES AUSTIN. RILEY then collects the money for the crack cocaine from the sale of those drugs at a later date.

13. AVERY IRBY is a broker who assisted MILTON RILEY in distributing crack cocaine to CHARLES AUSTIN and JASON AUSTIN.

14. EMANUEL YOUNG, a.k.a. "Miko," is a supplier of crack cocaine who has distributed crack cocaine to CHARLES AUSTIN.

15. DANIELLE DUNCAN is a broker who assisted EMANUEL YOUNG in distributing crack cocaine to CHARLES AUSTIN.

MANAGERS/RUNNERS

16. KENNETH TERRY: In approximately August 2008, TERRY was a manager of the heroin sales and started managing the KO DTO. He replaced JASON AUSTIN who was incarcerated at that time. For periods of time, TERRY was also a runner who distributed the heroin to the street workers for the KO DTO.

17. KEVIN TERRY, JR., a.k.a. "Little Kurt," was a manager of the heroin sales for the KO DTO, Chicago Avenue and St. Louis Street, and Ferdinand and Hamlin, all at different time periods from approximately August of 2008 to the present. TERRY, JR. also served as a worker for the KO DTO.

18. JEFFREY SCOTT, a.k.a. "Scotty," was a manager of the heroin and crack cocaine

sales for the KO DTO and SCOTT was also a runner who distributed the heroin to street workers for the KO DTO. Additionally, SCOTT served as a worker for the drug sales at KO DTO and also provided security for the KO DTO.

PACK WORKERS

19. JUANICA BLASSINGAME was a pack worker for the KO DTO. BLASSINGAME was also responsible at times for collecting narcotics proceeds from pack workers for the KO DTO.

20. CHARLES WARD was a pack worker for the KO DTO. WARD also provided security for the drug operation.

21. ROBERT EWING was a pack worker for the KO DTO. EWING also provided security for the KO DTO.

22. ANTOINE JONES was a pack worker for the KO DTO.

III. OVERVIEW OF INVESTIGATION

A. The Undercover Officers

23. As set forth in Section IV, this investigation has utilized a number of undercover officers (hereafter “UCOs”) to conduct controlled purchases of narcotics from members of the conspiracy.

B. Confidential Witness 1 (“CW1”)

24. CW1 sold drugs at KO for several years and has provided reliable, timely information to the CPD and the FBI for approximately two years. A substantial portion of CW1's information regarding the drug operation at KO has been corroborated by independent investigation that includes physical surveillance, controlled narcotics purchases, interviews of TVL street gang members in the area of the drug operation, telephone record analysis, UCOs, and other cooperating witnesses.

25. CW1 has agreed to cooperate from time to time when law enforcement has caught CW1 engaging in illegal drug sales. Law enforcement has not made any promises to CW1 for his/her cooperation. CW1 has approximately 3 convictions for narcotics and theft offenses.

C. Confidential Source 1 ("CS1")

26. CS1 has been cooperating with FBI since late 2008. CS1's information has proven reliable and has been corroborated by independent investigation that includes physical surveillance, consensual recordings, court-authorized interception of wire communications, telephone records, and interviews of other reliable confidential informants. CS1's criminal history includes approximately 9 convictions for burglaries, drug related offenses, and other offenses. In June 2010, CS1 was charged with a narcotics offense. In July 2010, after a judicial finding of no probable cause, the charge was dismissed. On or about July 20, 2010, CS1 tried to keep \$50 of prerecorded CPD funds. Following the incident, agents admonished the CS1. CS1 is cooperating with the FBI in exchange for compensation. To date, CS1 has been in paid in excess of \$43,000. In addition, the FBI has provided CS1 with a cellular telephone and paid for minutes on that phone to further the investigation. Finally, the FBI has paid for temporary housing for CS1.

D. Confidential Source 3 ("CS3")

27. CS3 has been cooperating with FBI since May 2009. CS3's information has proven reliable and has been corroborated by independent investigation that includes physical surveillance, consensual recordings, court-authorized interception of wire communications, telephone records, and interviews of other reliable confidential informants. CS3 is cooperating with the FBI in exchange for compensation, and to date, CS3 has been paid in excess of \$16,000. In addition, the FBI has provided CS3 with a cellular telephone and paid for minutes on that phone to further the

investigation. Finally, the FBI has assisted CS3 with rental accommodations and has paid monthly rent directly to a landlord on behalf of CS3's assistance in this investigation. CS3 has approximately two convictions for narcotics and burglary convictions.

28. In the Summer of 2009, agents learned that CS3 had used illegal narcotics. Following the incident, agents admonished the CS3. In the Fall of 2009, CS3 attempted to purchase a small amount of crack cocaine from JASON AUSTIN. This purchase was not authorized by FBI. Following this incident, agents again admonished CS3. In the early 2010, CS3 was arrested and charged with Possession of a Controlled Substance. In the fall of 2010, CS3 was arrested and charged with Manufacturing and Delivery of Heroin in state court. Currently, CS3 is incarcerated on this charge and there is no disposition at this time.

E. Confidential Source 6 ("CS6")

29. CS6 has been cooperating with FBI since June 2010. CS6's information has proven reliable and has been corroborated by independent investigation that includes physical surveillance, consensual recordings, court-authorized interception of wire communications, telephone records, and interviews of other reliable confidential informants. CS6's knowledge of the drug conspiracy is based on personal observation, relationships with co-conspirators, and information provided to CS6 by other individual's associated with the co-conspirators. CS6 is cooperating with the FBI in exchange for compensation and to date, CS6 has been paid in excess of \$1,600. CS6 has one traffic conviction. In mid-September 2010, CS6 was arrested for a misdemeanor weapons violation. CS6 pleaded guilty and received one year conditional discharge for this offense.

F. Confidential Source 7 ("CS7")

30. CS7 is a former member of the Gangster Disciple ("GD") street gang in Chicago,

Illinois. CS7 has provided reliable, timely information to CPD for approximately one year. During this time, a substantial portion of CS7's information regarding the drug operation at KO has been corroborated by independent investigation that includes physical surveillance, interviews of TVL street gang members in the area of the drug operation, telephone record analysis, UCOs, and other cooperating witnesses. CS7's knowledge of the drug conspiracy is based on personal observations, relationships with co-conspirators, and information provided to CS7 by other individuals associated with the co-conspirators.

31. CS7 has approximately five convictions, including narcotics offenses, assault, and solicitation. CS7 has agreed to cooperate because law enforcement caught CS7 engaging in illegal drug sales. CS7 has not received any monetary benefits from the CPD or FBI and no promises have been made to CS7 regarding his/her cooperation. In approximately the Fall of 2009, while cooperating with the CPD, CS7 was stopped by law enforcement and was in possession of a "bundle" of heroin. Since that time, CS7 has continued to provide reliable and timely information and has not engaged in illegal activity.

G. The Wiretap Investigation

32. Between April 2009 and March 2010, the FBI obtained court authorization to intercept and intercepted certain wire communications over the following telephones used by members of the alleged conspiracy:

a. **Target Phone One:** On April 8, 2009, and May 14, 2009, Chief Judge James F. Holderman entered orders authorizing the interception of wire communications to and from a telephone number, subscribed to Kevin White, used by KEVIN WHITE, 1041 S. Oak Park Avenue, Apartment 2E, Oak Park, Illinois, 60304, operated on the network of service provider T-Mobile

USA Incorporated (hereinafter “**Target Phone One**”).

b. **Target Phone Three:** On August 4, 2009, and October 9, 2009, Chief Judge James F. Holderman entered orders authorizing the interception of wire communications to and from at telephone number, subscribed to Willie Sanders, used by KEVIN TERRY, SR., P.O. Box 54988, Irvine, California, operated on the network of service provider Sprint/Nextel Communications (hereinafter “**Target Phone 3**”).

c. **Target Phone Four:** On December 2, 2009, January 27, 2010, and March 9, 2010, Chief Judge James F. Holderman entered orders authorizing the interception of wire communications to and from a telephone number, subscribed to Charles C. Austin, used by CHARLES AUSTIN, 4712 W. Washington Boulevard, Chicago, Illinois, 60644, operated on the network of service provider U.S. Cellular (hereinafter “**Target Phone 4**”).

H. Surveillance

33. During the course of the investigation, law enforcement officers repeatedly surveilled the conduct of coconspirators at KO. Surveillance, many times video recorded, observed hand-to-hand drug transactions, controlled purchases of narcotics by CPD UCOs, and controlled purchases of narcotics by CSs.

I. Seizures of Controlled Substances

34. The investigation has resulted in numerous narcotics seizures, some of which are detailed in Section IV, that total more than 50 grams of crack cocaine and in excess of 100 grams of heroin.

IV. PROBABLE CAUSE FOR REQUESTED COMPLAINT

ORGANIZERS/LEADERS

A. JASON AUSTIN²

CW/CS Information

35. CW1 stated in a conversation with law enforcement in December 2008 that: (a) s/he sold heroin for the KO DTO, (b) s/he had been selling heroin for years, and (c) JASON AUSTIN (hereinafter “J. AUSTIN”) ran the drug spot for the KO DTO. According to CW1, prior to (temporarily) moving the drug spot to Chicago Avenue and St. Louis Avenue, the drug operation at KO sold up to forty packs of heroin a day and each pack consisted of twelve individual bags of white heroin. CW1 stated each bag of heroin sold for \$10. The seller had to turn in one hundred dollars and would keep twenty dollars for selling the packs. According to CW1, the drug spot at KO was managed by KENNETH TERRY until approximately September 2008, when he was eventually fired by J. AUSTIN due to TERRY losing a large amount of white heroin to law enforcement.³

36. CS7 stated in a July 2009 statement to law enforcement that J. AUSTIN controlled the drug “tip” (operation) at KO. CS7 stated “Li’l Kurt” (KEVIN TERRY, JR.) managed the day to day drug operation for J. AUSTIN at KO.

²The identification of JASON AUSTIN and AUSTIN’s voice in this affidavit is based in part on the following: law enforcement have observed Illinois Secretary of State photographs of AUSTIN, have compared the photos of AUSTIN to the individual they saw during the surveillance and during certain video recordings described herein, and have confirmed that the individual is AUSTIN. Furthermore, CS3 has identified AUSTIN based on his/her relationship with AUSTIN over numerous years. Agents are familiar with AUSTIN’s voice from reviewing the audio/video recordings of meetings between CS3 and AUSTIN, as set forth herein.

³ On September 22, 2008, CPD recovered approximately 66.1 grams of heroin, see paragraph 104 below.

37. CS3 stated in a July 2009 statement to law enforcement that J. AUSTIN ran the drug operation at KO. The drug operation sold “blows” (heroin) and J. AUSTIN had been selling “blows” since the Summer of 2008. According to CS3, KEVIN TERRY, JR. brought the drugs from an unknown location to the basement apartment at 520 N. Kedzie Avenue. According to CS3, JEFFREY SCOTT was J. AUSTIN’s “right-hand man” and he took the “blows” from the basement apartment and ran them out to the street workers for J. AUSTIN every day. CS3 advised J. AUSTIN, TERRY JR., SCOTT, and C. AUSTIN all collected money made from the sale of drugs at KO. Also, C. AUSTIN sold his own “weed” (marijuana) out of the basement at 520 N. Kedzie Avenue.

38. In September 2009, J. AUSTIN told CS3 that KEVIN TERRY, JR. was selling heroin on Ferdinand and Hamlin. CS3 told agents that J. AUSTIN was not doing well selling heroin at KO because the quality of the heroin was poor. J. AUSTIN told CS3 that he was going to start selling crack cocaine at KO. J. AUSTIN told CS3 that he would sell CS3 a “jab” (crack cocaine) for \$50.

39. According to CS1, C. AUSTIN told CS1 in October 2009 that his brother (J. AUSTIN) got his crack cocaine from C. AUSTIN’s drug supplier, referring to MILTON RILEY.

40. CS7 stated to law enforcement in October 2010 that JASON AUSTIN and his co-conspirators sold “Blue Magic” heroin at KO. CS7 stated that within a 10 to 12 hour period, the drug operation made approximately \$5,000 to \$6,000 per day in drug sales.

Title III Calls

41. During the investigation, criminally pertinent conversations were intercepted between co-conspirators discussing J. AUSTIN’s involvement in the drug operation.

a. On August 23, 2009, at approximately 7:42 p.m. (call #1187), TERRY SR.⁴, using **Target Phone 3**, had a telephone conversation with Individual A. During this call Individual A and TERRY SR. discussed J. AUSTIN:

b. Individual A stated, "Yeah, I know he had a ball, he spent all of the money (money made from the sale of drugs)." TERRY SR. stated, "He (J. AUSTIN) took two 'jabs' (narcotics) down there." Individual A and TERRY SR. discussed J. AUSTIN giving money (money made from the profit of drug sales) to a female for personal reasons. Later in the conversation, Individual A stated, "That's where all the mother fuckin money going (drug money), right here...he selling off everything...he cool until he get out there, see when he get there he just go crazy, he set everything (narcotics) out, he supposed to have already put up (should have a certain quantity of drugs stored in a safe place), hey, I want you to take this with me, you don't take no mother fucken 'jabs' with you." Based on my training and experience and my familiarity with this investigation as a whole, the Affiant believes Individual A and TERRY SR. were discussing J. AUSTIN and that they believed J. AUSTIN was not running the drug operation very well and was squandering the money made from the sale of narcotics at the "KO."

42. During the investigation, criminally pertinent calls were intercepted in which J. AUSTIN discussed his involvement in the drug operation with other coconspirators.

a. On August 12, 2009, at approximately 8:51 p.m., KEVIN TERRY, JR., using **Target Phone 3**, had a telephone conversation with Individual A. Individual A placed TERRY, JR. on the phone and TERRY, JR. asked J. AUSTIN, "Why you leave man?" J. AUSTIN stated, "Man,

⁴ Kevin Terry Sr., was charged yesterday in a separate federal narcotics trafficking complaint.

you said you didn't want to come, I told you we up." TERRY, JR. stated, "Man, I was damn near asleep man, I didn't know shit man." J. AUSTIN stated, "This is eight of them too (referring to drugs), Joe." TERRY, JR. stated, "Man, I'm down here, I'm bored as hell, sitting down here man." J. AUSTIN stated, "Hey you missed your beat (referring to TERRY, JR. missing his chance to go with J. AUSTIN)." TERRY, JR. asked, "Where you at...this nigga ain't never left me man...you all come back here tonight Joe?" J. AUSTIN stated, "Uh, yeah." TERRY, JR. asked, "Hey, you still ain't hollar at Homey (believed to be a drug supplier)?" J. AUSTIN stated, "No, we ain't, shit, in the morning probably, he probably still waiting, shit (for the drugs), he probably already got it (drugs), he probably just tried to call me, but my phone off...my phone off, he probably already tried to get in touch with me." Based on my training and experience, and my familiarity with this investigation as a whole, I believe that J. AUSTIN and KEVIN TERRY, JR. are discussing J. AUSTIN's trip out of town. TERRY, JR. wanted to join J. AUSTIN on his trip, but J. AUSTIN left without him. J. AUSTIN allegedly took money made from the drug proceeds at KO and also some of the narcotics that were meant to be sold at KO, and left town. Additionally, TERRY, JR. was asking J. AUSTIN if the drug supplier had contacted J. AUSTIN and J. AUSTIN stated no, but his phone had been off.

b. On October 12, 2009, at approximately 5:30 p.m., KEVIN TERRY SR., using **Target Phone 3**, had a telephone conversation with Individual A (call session #2092). During this call, TERRY, SR. asked Individual A, "You coming out (tonight)?" Individual A responded, "Yeah, I'm gonna be out for a while. I'm gonna take care of my business (drug-trafficking activity), and I'm gonna be out. I'm gonna be out for a while." Individual A asked to speak with "J-Rock" (J. AUSTIN). J. AUSTIN stated, "What up boss?" Individual A asked, "Where you all at?" J. AUSTIN responded, "I'm right here by the basement" (520 N. Kedzie). Individual A stated, "Okay. I'll be

there in around 30, 40 minutes. I'm on, I'm coming through Bolingbrook. What you on? . . . You got your Magnum (firearm)?" J. AUSTIN replied, "Most definitely. You already know that." Individual A replied, "Okay." Based on my training and experience, and my familiarity with this investigation as a whole, I believe that J. AUSTIN and Individual A were discussing drug-related activity and their desire to meet each other later that evening.

c. On October 14, 2009, at approximately 9:27 p.m., J. AUSTIN, using **Target Phone 3**, had a telephone conversation with an unknown female (UF)(call session #2268). J. AUSTIN identified himself as "J-Rock" and stated, "I'm just seeing if you cool (referring to the drugs J. AUSTIN had just provided to UF), my phone off." UF stated, "Oh, what's up 'J-Rock', thanks for giving me this (drugs) uh, so you got something different, huh?" J. AUSTIN stated, "Yeah, how you find out?" UF stated, "Because you told me when you called me, remember?" J. AUSTIN stated, "Yeah, You all right though?" UF stated, "I'm all right for now, 'J-Rock'." UF stated, "I'm trying to move some meth...so I can have some money, you don't know nobody that buy meth, do you?" J. AUSTIN replied, "No." J. AUSTIN explained to UF that his phone would be back on tomorrow, but UF could use this number (**Target Phone 3**) if UF needed to get a hold of J. AUSTIN.

43. On October 14, 2009, starting at approximately 9:30 p.m., J. AUSTIN, using **Target Phone 3**, had a series of conversations with Individual B (call session #'s 2271, 2281, 2282, and 2285), regarding the sale of crack cocaine:

a. J. AUSTIN asked, "What up, you all right (referring to Individual B's drug supply)?" Individual B replied, "Yeah, who this?" J. AUSTIN stated, "'J-Rock'." Individual B asked, "Where you at, around there (basement apartment at 520 N. Kedzie Avenue)?" J. AUSTIN replied, "Yep." Individual B told J. AUSTIN he/she would be over there in a few minutes and "I

gonna get one of them right quick, I might get two.”

b. At approximately 9:47 p.m., J. AUSTIN called Individual B . Individual B asked, “You in the basement (basement apartment at 520 N. Kedzie), right?” J. AUSTIN replied, “Yeah, I be right there.” Individual B stated, “Cause he want to get some weed too...Let me see how many he want...O.k., let me call yo right back.” At approximately 9:52 p.m., J. AUSTIN called Individual B and Individual B stated, “No, just bring me mine.” J. AUSTIN asked, “And what was that....three?” Individual B stated, “two...You know, I’m at 628 Spaulding,” and J. AUSTIN replied, “Here I come.”

c. Based on my training and experience and my familiarity with this investigation as a whole, the Affiant believes Individual B was trying to purchase two quantities of narcotics, likely crack cocaine, from J. AUSTIN who was selling drugs from the basement apartment located at 520 N. Kedzie.⁵

Non-Title III Information/Seizures

May 29, 2009 Pass Out and Controlled Purchase of Heroin.

44. On or about May 29, 2009, J. AUSTIN, JEFFREY SCOTT and Individual C conducted a heroin “pass out” at KO in which heroin was given away free to customers. The CPD utilized two UCOs and CS3 to obtain heroin from the “pass out.”

a. CPD officers learned about the “pass out” from CS3 who told officers that the pass out was going to happen in the alley just south of 520 N. Kedzie at approximately 8:00 a.m on

⁵This is based on CS debriefings, consensually monitored telephone calls, and controlled narcotics purchases of crack cocaine from 520 N. Kedzie Avenue. Additionally, in September of 2009, J. AUSTIN told CS3 that he was no longer selling heroin at 520 N. Kedzie Avenue and was now selling crack cocaine.

May 29, 2009. J. AUSTIN told CS3 that he was going to give away 'dope' (heroin).

b. On or about May 29, 2009, the CPD conducted a physical and video surveillance at KO. Surveillance personnel observed J. AUSTIN exit 520 N. Kedzie Avenue and enter the passenger side of a gray Saturn. Surveillance observed the driver of the Saturn hand J. AUSTIN an unknown object (believed to be narcotics) and then J. AUSTIN exited the Saturn and returned to 520 N. Kedzie Avenue. A short time later, surveillance observed SCOTT⁶ walk up to 520 N. Kedzie Avenue and meet with J. AUSTIN, who had just exited the residence. Surveillance observed J. AUSTIN hand SCOTT an unknown object (believed to be narcotics) and then SCOTT walked away from J. AUSTIN and met with Individual C. Surveillance observed Individual C enter the east alley of the 500 North Kedzie block and begin to give away blue tinted zip lock bags with tin foil packets, believed to contain heroin, to drug customers.

c. At this point, two CPD UCOs attempted to get in line with the other drug customers and obtain heroin. UCO1 observed Individual C meet up with SCOTT and SCOTT was observed handing Individual C a clear knotted bag, believed to be heroin. UCO1 observed Individual C tear open that same clear knotted bag he received from SCOTT with his teeth and pass out several blue tinted items. As Individual C was passing out the suspect heroin, UCO1 observed several

⁶The identification of JEFFREY SCOTT and SCOTT's voice in this affidavit is based in part on the following: law enforcement have observed Illinois Secretary of State photographs of SCOTT, have compared the photos of SCOTT to the individual they saw during the surveillance and who has been captured on certain video recordings described herein, and have confirmed that the individual is SCOTT. Furthermore, CS3 has identified SCOTT based on his/her relationship with SCOTT over numerous years. Law enforcement is familiar with SCOTT's voice from reviewing the audio/video recordings of meetings between CS3 and SCOTT, as set forth herein. Law enforcement has been able to identify SCOTT's voice because that voice has been intercepted on numerous times, particularly on **Target Phone 4**, and SCOTT was identified or identified himself in many of those calls with the name, "SCOTTIE."

subjects approach Individual C and eventually Individual C became overwhelmed and began to run northbound and then westbound out of the alley. UCO1 was unable to obtain heroin from Individual C.

d. Moments later, surveillance was able to locate Individual C at approximately 532 North Kedzie Avenue, at which time UCO2 moved through the crowd and approached Individual C. Surveillance observed Individual C provide heroin to UCO2 in exchange for \$10 in prerecorded funds.

e. After the heroin “pass out,” CPD directed CS3 to J. AUSTIN who was located 520 N. Kedzie Avenue, in order to obtain a free sample of heroin. Law enforcement met with CS3 at a predetermined meet location and CS3 was searched by law enforcement officers and found to be free of any narcotics, weapons or excessive money. CS3 was equipped with an audio/video recording device. Video surveillance captured CS3 arrive at 520 N. Kedzie Avenue, where CS3 and J. AUSTIN engaged in a conversation. Initially J. AUSTIN directed CS3 to CHARLES WARD to obtain the heroin. A review of the audio and video device worn by CS3 observed CS3 depart the area, but then returned to 520 N. Kedzie Avenue and received a free sample of heroin from J. AUSTIN.

f. The suspect heroin (obtained by both the UCO and CS3) was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed the suspect heroin and concluded that 0.3 grams of powder tested positive for heroin.

Controlled Purchase of Heroin by UCOs on June 2, 2009.

45. On or about June 2, 2009, two CPD UCOs conducted one controlled narcotics

purchase from J. AUSTIN and other subjects at KO.

a. At approximately 10:49 a.m., physical surveillance observed J. AUSTIN conducting a hand-to-hand narcotics transaction with an unidentified male. At approximately 11:26 a.m., the UCOs, wearing an audio recording device, met with J. AUSTIN to purchase heroin. Although J. AUSTIN was initially reluctant to sell heroin to the UCOs, eventually, J. AUSTIN directed the UCOs to the area of 649 N. Kedzie Avenue and told the UCOs, "My man will take care of you." At that time, the UCOs went to the area of 631 N. Kedzie and purchased suspect heroin in exchange for \$40 from two other males.

b. The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed the suspect heroin and the substance tested positive for 1.05 grams of heroin.

Controlled Purchase of Crack Cocaine on October 6, 2009.

46. On October 6, 2009, law enforcement conducted and surveilled a controlled narcotics purchase from J. AUSTIN and JEFFREY SCOTT at 520 N. Kedzie Avenue. Law enforcement met with CS3 at a predetermined meet location and CS3 was searched for illegal contraband and weapons, with negative results. CS3 was then provided with \$100 in prerecorded CPD funds and equipped with an audio/video recording device.

47. Under continuous physical surveillance by law enforcement, CS3 traveled to 520 N. Kedzie Avenue and met J. AUSTIN and SCOTT. At approximately 1:16 p.m., video surveillance captured CS3 arrive at 520 N. Kedzie Avenue and speak with SCOTT, who then entered the basement at 520 N. Kedzie. Surveillance, a debrief of CS3 and a review of audio/video recordings of this meeting on October 6, 2009, revealed the following:

a. A short time after CS3 arrived at 520 N. Kedzie and had a conversation with SCOTT. SCOTT entered the basement of 520 N. Kedzie Avenue and came out of the basement with J. AUSTIN and met with CS3. At approximately 1:19 p.m., CS3 gave J. AUSTIN \$100 in exchange for crack cocaine in the hallway of the basement of 520 N. Kedzie.

b. Upon completion of the controlled narcotics purchase, CS3 returned to a predetermined meet location, where law enforcement recovered narcotics and turned off the audio/video recording equipment. CS3 was searched for the presence of illegal contraband and weapons. The results of both searches were negative.

c. The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.1 grams of the 1.9 grams of the chunky substance and concluded that those 1.1 grams of the chunky substance was cocaine. Based on the physical characteristics of the substance, including its chunky off-white color, law enforcement officers believed that the substance tendered to them was cocaine base in the form of crack cocaine.

Controlled Purchase of Crack Cocaine on October 8, 2009.

48. On or about October 8, 2009, law enforcement conducted and surveilled a controlled narcotics purchase between CS3 and J. AUSTIN at 520 N. Kedzie Avenue. Prior to the transaction, law enforcement met with CS3 and was searched for illegal contraband and weapons, with negative results. CS3 was provided with \$100 in prerecorded CPD funds, equipped with audio and video recording device, and departed the meet location.

49. At approximately 11:27 a.m., video surveillance captured CS3 arrive at 520 N. Kedzie Avenue and meet with J. AUSTIN to purchase crack cocaine. Surveillance, a debrief of CS3 and

a review of audio/video recordings of this meeting on October 8, 2009, revealed the following:

a. After meeting with CS3, J. AUSTIN entered the basement while CS3 remained outside. Moments later, CS3 gave J. AUSTIN \$100 in exchange for crack cocaine. Based on a review of video surveillance, J. AUSTIN was observed conducting hand-to-hand drug transactions with other unknown drug customers in the basement doorway of 520 N. Kedzie Avenue.

b. Upon completion of the controlled narcotics purchase, CS3 returned to a predetermined meet location, where law enforcement recovered narcotics and turned off the audio/video recording equipment. CS3 was searched for the presence of illegal contraband and weapons. The results of both searches were negative. Based on the physical characteristics of the substance, including its chunky off-white color, law enforcement officers believed that the substance tendered to them was cocaine base in the form of crack cocaine.

c. On October 8, 2009, following the drug transaction, CS3 had a unrecorded telephone conversation with J. AUSTIN. According to CS3, J. AUSTIN wanted to know if CS3 was satisfied with the crack cocaine he had sold CS3 earlier that day. CS3 complained that the "rocks" (crack cocaine) he sold to him/her were too small and CS3 would like to purchase larger "rocks." J. AUSTIN explained to CS3 that he was trying to reestablish his drug operation, because it had slowed down for awhile.

d. The suspect crack cocaine was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.1 grams of the 1.7 grams of the chunky substance and concluded that those 1.1 grams of the chunky substance were cocaine.

Controlled Purchase of Crack Cocaine on October 13, 2009.

50. On or about October 13, 2009, law enforcement conducted a controlled narcotics purchase between CS3 and J. AUSTIN at 520 N. Kedzie Avenue.

51. Prior to the drug transaction, officers searched CS3 for illegal contraband and weapons, with negative results. CS3 was then provided \$200 in prerecorded funds for the purchase of crack cocaine and equipped with an audio and video recording device. Prior to CS3 arriving at 520 N. Kedzie Avenue, CPD set up video surveillance of the location and observed SCOTT conduct a hand-to-hand narcotics transaction with an UM. SCOTT retrieved the suspect narcotics from the top of the doorway of 520 N. Kedzie Avenue; counted the narcotics; and placed some of the narcotics back in the doorway and some in his mouth. At approximately 11:33 a.m., video surveillance captured CS3 arrive at 520 N. Kedzie Avenue and meet with SCOTT. At approximately 11:39 a.m., video surveillance captured SCOTT showing CS3 a sample of narcotics.

52. Surveillance, a debrief of CS3 , and a review of the audio and video recordings, revealed the following:

a. SCOTT was managing the drug spot at KO. SCOTT retrieved the narcotics from the doorway and showed them to CS3, who was standing in the doorway of 520 N. Kedzie Avenue. J. AUSTIN exited the basement of 520 N. Kedzie Avenue with suspect narcotics in his left hand and walked with CS3 to the gangway at 526 N. Kedzie Avenue. While in the gangway, CS3 gave J. AUSTIN \$200 in exchange for crack cocaine.

b. Upon completion of the controlled narcotics purchase, CS3 returned to a predetermined meet location, where law enforcement recovered narcotics and turned off the audio/video recording equipment. CS3 was searched for the presence of illegal contraband and weapons. The results of both searches were negative.

c. The suspect crack cocaine was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.1 grams of the estimated 2.7 grams of the chunky substance and concluded that those 1.1 grams of the chunky substance were cocaine. Based on the physical characteristics of the substance, including its chunky off-white color, law enforcement officers believed that the substance tendered to them was cocaine base in the form of crack cocaine.

Controlled Purchase of Crack Cocaine on October 21, 2009.

53. On October 21, 2009, law enforcement conducted a controlled narcotics purchase between CS3 and J. AUSTIN at a park located at Albany Street in Chicago. J. AUSTIN told CS3 that he did not want to conduct the drug transaction at KO because it was too "hot" over there (referring to the increased police presence in the area). Surveillance, a debrief of CS3 and a review of audio and video recordings revealed the following:

a. CS3, at the direction of law enforcement, at 11:48 a.m. placed a recorded telephone call to J. AUSTIN. J. AUSTIN answered the phone. CS3 stated, "This what I'm trying to do J-Rock." J. AUSTIN stated, "O.k., go on, get to the point please." CS3 stated, "O.k., how long it going to take you?" J. AUSTIN replied, "It ain't gonna take long, just tell me what's up?" CS3 stated, "Hey, I want, I want two of 'em." J. AUSTIN stated, "All right, I finna get up with you in one minute." CS3 stated, "All right I'm on my way, I'm on my way." J. AUSTIN replied, "All right."

b. Prior to the drug transaction, law enforcement met with CS3 at a predetermined meet location and searched for illegal contraband and weapons, with negative results. CS3 was then provided with \$200 in prerecorded CPD funds and equipped with an audio and video recording device.

c. At approximately 1:27 p.m., CS3 arrived in the area of the 500 block of Albany Street, near a park. J. AUSTIN arrived in the alley. CS3 met him in the alley and gave J. AUSTIN \$200 in exchange for heroin.

d. Upon completion of the controlled narcotics purchase, CS3 returned to a predetermined meet location, where law enforcement recovered narcotics and turned off the audio/video recording equipment. CS3 was searched for the presence of illegal contraband and weapons. The results of both searches were negative.

e. During a debrief of CS3 following the transaction, law enforcement realized J. AUSTIN was supposed to give CS3 four additional “rocks,” but failed to do so. Law enforcement directed CS3 to place a consensually recorded telephone call to J. AUSTIN, at cellular telephone number (773) 828-7141. CS3 asked, “I thought you said you put four extra ones in there for me?” J. AUSTIN replied, “Look, listen you gave me 180 right?” CS3 stated, “I gave you 200.” J. AUSTIN stated, “You gave me 180 man...” CS3 stated, “Count it out, I gave you 200.” J. AUSTIN stated, “You did, so you did.” CS3 interrupted and asked, “I gave you 200, didn’t I?” J. AUSTIN replied, “Yeah, you did, I gotta give you, how many I give you?” J. AUSTIN stated, “I owe you like two, I’m gonna give you three more all right?” CS3 stated, “O.k., all right.” J. AUSTIN told CS3 that he was at the hospital right now but he would take care of CS3. Law enforcement directed CS3 to J. AUSTIN in order to obtain the additional crack cocaine, however CS3 never obtained the additional crack cocaine from J. AUSTIN.⁷

⁷ The audio/video equipment worn by CS3 did not record the initial controlled narcotics purchase between CS3 and J. AUSTIN. The only portion that was recorded was the portion when CS3 attempted to locate J. AUSTIN again, but was unsuccessful in obtaining the additional crack cocaine from J. AUSTIN.

f. The suspect crack cocaine was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.1 grams of the 2.7 grams of the chunky substance and concluded that those 1.1 grams of the chunky substance was cocaine. Based on the physical characteristics of the substance, including its chunky off-white color, law enforcement officers believed that the substance tendered to them was cocaine base in the form of crack cocaine.

October 23, 2009 Purchase of Crack Cocaine.

54. On or about October 23, 2009, law enforcement conducted a controlled narcotics purchase between CS3 and J. AUSTIN at a Chinese restaurant next door to 501 N. Kedzie Avenue. Law enforcement met with CS3 at a predetermined meet location and CS3 was searched for illegal contraband and weapons, with negative results. CS3 was then provided with \$180 in prerecorded CPD funds and equipped with an audio/video recording device.

55. Surveillance, a debrief of CS3, and a review of the recording revealed the following:

a. At approximately 10:38 a.m., J. AUSTIN entered the Chinese restaurant. A short time later CS3 also entered the restaurant. J. AUSTIN handed suspect crack cocaine to CS3. CS3 paid J. AUSTIN \$180 for the crack cocaine. J. AUSTIN left the area.

b. Upon completion of the controlled narcotics purchase, CS3 returned to a predetermined meet location, where law enforcement recovered narcotics and turned off the audio/video recording equipment. CS3 was searched for the presence of illegal contraband and weapons. The results of both searches were negative. Based on the physical characteristics of the substance, including its chunky off-white color, law enforcement officers believed that the substance tendered to them was cocaine base in the form of crack cocaine.

c. The suspect crack cocaine was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.1 grams of the 2.8 grams of the chunky substance and concluded that those 1.1 grams of the chunky substance were cocaine.

B. CHARLES AUSTIN⁸

Non-Title III Calls/Seizures

Purchase of 28 Grams of Crack Cocaine from C. Austin and Milton Riley on August 6, 2009.

56. On or about August 6, 2009, law enforcement conducted a controlled narcotics purchase between CS1, C. AUSTIN, and MILTON RILEY. Prior to the transaction, law enforcement met with CS1 and CS1 was searched for illegal contraband and weapons, with negative results. CS1 was provided \$860 in prerecorded funds and was outfitted with audio/video recording equipment.

57. Surveillance, a debrief of CS1, and a review of the audio and video recordings, revealed the following:

a. At approximately 7:00 p.m., CS1 arrived at 520 N. Kedzie Avenue where CS1 met with C. AUSTIN to purchase crack cocaine. When CS1 approached C. AUSTIN, CS1 told C. AUSTIN that he/she wanted to purchase an ounce of crack cocaine. At that time, C. AUSTIN made a telephone call and told CS1 that his "dude" (referring to his drug supplier) was going to be here in

⁸The identification of CHARLES AUSTIN and AUSTIN's voice in this affidavit is based in part on the following: law enforcement have observed Illinois Secretary of State photographs of AUSTIN, have compared the photos of AUSTIN to the individual they saw during the surveillance and on certain video recordings described herein, and have confirmed that the individual is AUSTIN. Furthermore, CS1 and CS3 have identified AUSTIN based on their relationship with AUSTIN over numerous years. Agents are familiar with AUSTIN's voice from both Title III intercepted calls involving AUSTIN and reviewing the audio/video recordings of meetings between CS1, CS3 and AUSTIN, as set forth herein.

a minute. CS1 asked C. AUSTIN the price for the ounce of the crack cocaine, but C. AUSTIN told CS1 that he did not know the price.

b. Initially, C. AUSTIN entered the basement of 520 N. Kedzie, while CS1 remained inside of his/her vehicle. Approximately 10 minutes later, a gray Cadillac arrived at 520 N. Kedzie Avenue and C. AUSTIN met with UM, later identified as MILTON RILEY.⁹ C. AUSTIN told CS1 to go to the basement of 520 N. Kedzie with him while RILEY departed the area. Approximately 15 minutes later, RILEY returned in the Cadillac and C. AUSTIN, RILEY, and CS1 were all inside of the basement at 520 N. Kedzie.

c. While in the kitchen of the basement, audio/video recording revealed RILEY placed the crack cocaine on a scale and CS1 gave \$860 to RILEY. RILEY then gave the money to C. AUSTIN, who counted the money and placed it in his pocket. CS1 asked for a larger bag in which CS1 could use to transport the crack cocaine. Both C. AUSTIN and RILEY exited the basement of 520 N. Kedzie and CS1 placed the crack cocaine inside of his/her sock. Prior to departing 520 N. Kedzie Avenue, CS1 observed C. AUSTIN hand the money from the purchase of crack cocaine to RILEY.

d. Upon completion of the controlled narcotics purchase, CS1 returned to a predetermined meet location, where law enforcement recovered narcotics and turned off the audio/video recording equipment. CS1 was searched for the presence of illegal contraband and

⁹ The identification of MILTON RILEY and RILEY's voice in this affidavit is based in part on the following: law enforcement have observed Illinois Secretary of State photographs of RILEY, have compared the photos of RILEY to the individual they saw during surveillance and on certain video recordings described herein, and have confirmed that the individual is RILEY. Agents are familiar with RILEY's voice from reviewing the audio/video recordings of meetings between CS1 and AUSTIN, as set forth herein. Law enforcement has been able to identify RILEY's voice because that voice has been intercepted on numerous times, particularly on **Target Phone 4**.

weapons. The results of both searches were negative. Based on the physical characteristics of the substance, including its chunky off-white color, law enforcement officers believed that the substance tendered to them was cocaine base in the form of crack cocaine.

e. The suspect crack cocaine was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 28.0 grams of the chunky substance and concluded that the 28.0 grams of the chunky substance were cocaine.¹⁰

Purchase of 27.6 Grams of Crack Cocaine from C. AUSTIN and MILTON RILEY ON September 22, 2009.

58. On September 22, 2009, law enforcement conducted and surveilled a controlled narcotics purchase in which CS1 received approximately one ounce of crack cocaine from MILTON RILEY and C. AUSTIN. Prior to the meeting, the CS1 and CS1's vehicle were searched for the presence of illegal contraband and weapons, with negative results. Additionally, CS1 was provided \$940 in prerecorded CPD funds and outfitted with audio/video recording equipment. Surveillance, a debrief of CS1, and a review of audio and video recording revealed the following:

a. At approximately 1:15 p.m., CS1 arrived in the area of Ohio and Kedzie where CS1 approached C. AUSTIN and asked him for the "same thing." Based on my training and experience, and my familiarity with this investigation as a whole, CS1 was referring to a prior purchase of an ounce of crack cocaine from C. AUSTIN on August 6, 2009. C. AUSTIN asked CS1, "What you had got last time?" CS1 replied, "I got one, an oz (an ounce of crack cocaine)." C. AUSTIN replied, "I'm a hit his (drug supplier's) phone." At approximately 1:19 p.m., C. AUSTIN

¹⁰The Illinois State Laboratory does not test for the presence of cocaine base.

told CS1, "Dude say 15 minutes, man." CS1 left the area and parked near a vacant lot on the east side of Troy Street.

b. At approximately 1:37 p.m., C. AUSTIN entered a gray Cadillac and then got out of the vehicle moments later. C. AUSTIN then entered the basement at 520 N. Kedzie Avenue. Additional surveillance followed the Cadillac to the area of 2736 West Monroe, where MILTON RILEY exited the vehicle and entered a residence. Surveillance observed RILEY subsequently exit the residence, drive to a second residence located at 2642 West Monroe, and enter that residence. Again, surveillance observed RILEY exit the residence and enter his vehicle. Thereafter, RILEY drove away, and surveillance was not able to continue following him because of heavy traffic. Law enforcement believes RILEY met with C. AUSTIN to arrange for the crack cocaine deal with CS1.

c. At approximately 1:55 p.m., CS1 and C. AUSTIN entered CS1's vehicle, and CS1 drove to a Citgo gas station at the corner of Sacramento and Fulton streets in Chicago to meet with RILEY. At approximately 1:55 p.m., the audio/video recording revealed CS1 asking C. AUSTIN, "Where we got to go now?" C. AUSTIN responded, "To Sacramento and Fulton, the gas station." C. AUSTIN made a telephone call and stated, "I gonna be pulling up right now." At approximately 1:56 p.m., the audio/video recording revealed CS1 handing the money for the purchase of crack cocaine to C. AUSTIN. At approximately 1:57 p.m., C. AUSTIN asked, "Why you give me an extra \$10 for?" CS1 replied, "You." C. AUSTIN replied, "Good, that's what I'm talking about, that nigga ain't going to give nobody a red quarter." At approximately 2:05 p.m., audio/video recording revealed C. AUSTIN tell CS1, "Park right here on Walnut, he's in the alley right here, he's on Walnut, he's already waiting on us." At approximately 2:06 p.m., audio/video revealed C. AUSTIN state to CS1, "Hit this alley and then he's on Walnut, sitting in his Cadillac." At

approximately 2:07 p.m., audio/video reflects CS1 asking, "Right there," and C. AUSTIN replied, "Yeah, pull behind that car." At approximately 2:08 p.m., surveillance observed CS1 and C. AUSTIN drive westbound down an alley and eventually park on Walnut Street behind the same gray Cadillac driven by RILEY earlier that day. According to CS1, C. AUSTIN got out of the car and physical and video surveillance observed C. AUSTIN meet with RILEY. Physical surveillance then observed C. AUSTIN return to CS1's vehicle. Seconds later C. AUSTIN entered CS1's vehicle and handed CS1 the crack cocaine. A review of the audio/video revealed CS1 weighed the crack cocaine and stated, "It's all good" (referring to the quantity of the crack cocaine).

d. Upon completion of the controlled purchase, CS1 returned to a predetermined meet location where law enforcement recovered narcotics and turned off the audio/video recording equipment. CS1 and CS1's vehicle were searched for the presence of illegal contraband and weapons, with negative results

e. The suspect crack cocaine was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed the suspect crack cocaine resulted in 27.6 grams of cocaine. Based on the physical characteristics of the substance, including its chunky off-white color, law enforcement officers believed that the substance tendered to them was cocaine base in the form of crack cocaine.

Purchase of 51.8 grams of Crack Cocaine from C. AUSTIN on October 22, 2009.

59. On October 22, 2009, CS1 drove to the vicinity of Kedzie and Ohio. Prior to the meeting, CS1 and CS1's vehicle were searched for contraband, weapons, and money with negative results. Additionally, CS1 was provided \$3,000 in pre-recorded FBI funds and fitted with audio/video recording equipment.

a. The audio/video recorder, as corroborated by pen register data, reflects that at approximately 5:34 p.m. CS1 placed a call to C. AUSTIN at **Target Phone 4** requesting “two of ‘em (two ounces of crack cocaine).”¹¹ At approximately 5:41 p.m., the audio/video recorder captured CS1 telling C. AUSTIN, who was now present at the location, “Two times.” C. AUSTIN replied, “Two ounces.” CS1 replied, “Yeah.” At approximately 5:45 p.m., the audio/video recorder captured KEVIN TERRY SR. asking CS1, “What did Bubba say?” CS1 replied, “He fittin’ to go hit his guy now.”

b. At approximately 5:50 p.m., audio/video recorder, as corroborated by pen register data, reflects that CS1 called **Target Phone 4** and asked, “Yeah, Joe. We cool?”¹² It is unclear whether C. AUSTIN remained in the presence of CS1 between 5:50 p.m. and approximately 5:59 p.m. At approximately 5:59 p.m., audio/video recording equipment reflects C. AUSTIN, in the presence of CS1, telling CS1, “Man, that motherfucker talking outrageous.” CS1 asked, “What he talking about?” C. AUSTIN replied, “Eighteen (\$1,800).” CS1 answered, “Eighteen for two (\$1,800 for two ounces of crack cocaine)?” C. AUSTIN asked CS1, “You still want it?” CS1 responded, “Yeah.” C. AUSTIN also told CS1, “I got you. He going to hit my phone. You going to be right here?” CS1 replied, “Yeah, I will be right here.”

c. At approximately 6:13 p.m., the audio/video recorder captured CS1 walking towards 501 N. Kedzie Avenue and C. AUSTIN telling CS1, in the presence of CS1, “I’ll be right

¹¹ There is approximately a one-minute differential between the times reflected by the pen register and the audio/video recording device. This differential is consistent and, based on my training and experience, is attributable to the audio/video recorder not being synchronized with the pen register.

¹² It was not possible to hear the response made by the individual using **Target Phone 4** at this time.

back.” At 6:30 p.m., surveillance observed C. AUSTIN exiting a maroon Buick LeSabre, which was parked in the liquor store parking lot, and walk toward CS1’s vehicle. At approximately 6:36 p.m., the audio/video recorder, as corroborated by pen register data, captured CS1 talking on the phone to C, AUSTIN, who was not in the presence of CS1 but was using **Target Phone 4**. CS1 stated, “Bubba, ...What’s up with your guy, man?” C. AUSTIN could vaguely be heard responding back to CS1. CS1 told C. AUSTIN, “Call him (C. AUSTIN’s drug supplier) and hit him up, Joe.” At approximately 6:41 p.m., the audio/video recorder captured C. AUSTIN, who was again in the presence of CS1, telling CS1 that they would have to travel to California and Monroe. At approximately 6:45 p.m., CS1 departed the area of Kedzie Avenue. At approximately 6:51 p.m., the audio/video recorder, as corroborated by pen register data, captured C. AUSTIN, who was still in the presence of CS1, saying over **Target Phone 4** that he was about to turn. At approximately 6:53 p.m., CS1 arrived on the 2700 block of Monroe and parked in the middle of the block; surveillance observed a gray Cadillac on Monroe. At approximately 6:53 p.m., the audio/video recorder captured CS1 counting a total of \$1800 in the presence of C. AUSTIN. At approximately 7:00 p.m., audio/video captured C. AUSTIN re-entering CS1’s vehicle. At approximately 7:01 p.m., the audio/video device captured CS1 saying that the weight of the crack cocaine was 1.98 ounces.

d. Upon completion of the controlled purchase, CS1 returned to a predetermined meet location where law enforcement recovered narcotics and turned off the audio/video recording equipment. CS1 and CS1's vehicle were searched for the presence of illegal contraband and weapons, with negative results. Based on the physical characteristics of the substance, including its chunky off-white color, law enforcement officers believed that the substance tendered to them was cocaine base in the form of crack cocaine.

e. The suspect crack cocaine was sent to the DEA North Central Laboratory (“the DEA lab”), where it was analyzed for its composition, the results of which were positive for approximately 51.8 grams of cocaine base with the presence of sodium bicarbonate. Based on my training and experience, my knowledge of the investigation as a whole, and the appearance of the substance, I believe the substance retrieved from CS1 to be crack cocaine.

Purchase of 7.6 grams of Crack Cocaine from AUSTIN, RILEY, AVERY IRBY, and JEFFREY SCOTT on November 12, 2009.

60. On November 12, 2009, law enforcement conducted and surveilled a controlled narcotics purchase where MILTON RILEY and AVERY IRBY, through C. AUSTIN and JEFFREY SCOTT, distributed crack cocaine to CS3. On November 12, 2009, at approximately 1:40 p.m., law enforcement met with CS3 at the predetermined meet location. Prior to the meeting, CS3 was searched for illegal contraband and weapons, with negative results. Additionally, CS3 was provided \$300 in prerecorded CPD funds and was fitted with audio/video recording equipment. Surveillance, a debrief of CS3, and a review of the audio and video recordings revealed the following:

a. At approximately 2:01 p.m., while under constant surveillance, CS3 departed the predetermined meet location and walked to 520 N. Kedzie Avenue, where CS3 met with JEFFREY SCOTT. Surveillance observed CS3 and SCOTT walk to 520 N. Kedzie and stand on the porch of the residence. At approximately 2:14 p.m., MILTON RILEY arrived at 520 N. Kedzie in a gray Oldsmobile; and entered the basement of the residence. Moments later, RILEY exited the basement, entered his vehicle and departed the area. Also, C. AUSTIN and SCOTT exited the basement. CS3 asked C. AUSTIN, “How long he say he going to be?” C. AUSTIN responded, “He had come up to me, I had talked to him, then when I called him, he it ain’t gonna be that long.”

b. At approximately 2:43 p.m., surveillance observed the Oldsmobile return to

the area. The vehicle was driven by RILEY. AVERY IRBY¹³ was seated in the passenger seat. SCOTT walked to the vehicle and received an object, believed to be crack cocaine, from AVERY IRBY. Surveillance observed SCOTT and CS3 meet near the doorway of the basement. SCOTT then provided the crack cocaine to CS3.

c. Upon completion of the controlled purchase, CS3 returned to a predetermined meet location where law enforcement recovered narcotics and turned off the audio/video recording equipment. CS3 was searched for the presence of illegal contraband and weapons, with negative results. Based on the physical characteristics of the substance, including its chunky off-white color, law enforcement officers believed that the substance tendered to them was cocaine base in the form of crack cocaine.

d. The suspect crack cocaine was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 5.2 grams of the 7.6 grams of powder and concluded that those 5.2 grams of powder were cocaine. Based on my training and experience, my knowledge of the investigation as a whole, and the off-white chunky appearance of the substance, I believe the substance retrieved from CS1 to be crack cocaine.

Controlled Purchase of 13.3 grams of Crack Cocaine from MILTON RILEY, AVERY IRBY, and C. AUSTIN on November 18, 2009.

61. On November 18, 2009, law enforcement conducted and surveilled a controlled narcotics purchase where MILTON RILEY and AVERY IRBY, through C. AUSTIN, distributed

¹³The identification of AVERY IRBY in this affidavit is based in part on the following: law enforcement have observed Illinois Secretary of State photographs of IRBY, have compared the photos of IRBY to the individual they saw during the surveillance and during certain video recordings described herein, and have confirmed that the individual is IRBY. Furthermore, law enforcement officers conducted a traffic stop of IRBY and confirmed that the individual responsible for the distribution of crack cocaine during controlled narcotics purchases was IRBY.

crack cocaine to CS3. On November 18, 2009, at approximately 2:08 p.m., law enforcement met with CS3 at the predetermined meet location. Prior to the meeting, CS3 was searched for illegal contraband and weapons, with negative results. Additionally, CS3 was provided \$500 in prerecorded CPD funds and fitted with audio/video recording equipment. Surveillance, a debrief of CS3, and a review of the audio and video recordings revealed the following:

a. In the presence of law enforcement and at approximately 2:21 p.m., CS3 attempted several consensually recorded telephone calls to both C. AUSTIN and JEFFREY SCOTT. At approximately 2:46 p.m., C. AUSTIN returned CS3's telephone call and CS3 stated, "Hey, Bubba, my guy just gave me \$500, could you get something for me?" C. AUSTIN replied, "Yeah." CS3 asked, "How long it's going to be?" C. AUSTIN stated, "I finna jump on it right now." CS3 asked, "What you gonna hit me right back or something?" C. AUSTIN replied, "Yeah, you got 5?" CS3 stated, "Yeah, 5." C. AUSTIN stated, "All right."

b. At approximately 3:09 p.m., while under constant surveillance, CS3 departed the predetermined meet location and walked to 520 N. Kedzie Avenue, where CS3 met with C. AUSTIN. At approximately 3:13 p.m., CS3 had a conversation with C. AUSTIN at 520 N. Kedzie Avenue and C. AUSTIN told CS3 that he was waiting on his supplier. At approximately 3:36 p.m., video surveillance observed C. AUSTIN talking on his cellular telephone. At approximately 3:47 p.m., video surveillance captured AVERY IRBY arrive in a Lincoln, exit his vehicle, and walk into the basement apartment at 520 N. Kedzie.

c. Once IRBY, C. AUSTIN, and CS3 went inside of the basement of 520 N. Kedzie Avenue, CS3 handed C. AUSTIN \$500 for the purchase of the crack cocaine. C. AUSTIN and IRBY went into a separate room and returned a few minutes later. IRBY exited the basement

apartment and C. AUSTIN provided CS3 with the crack cocaine in exchange for \$500. Both C. AUSTIN and CS3 exited the basement apartment and CS3 departed the area. At approximately 3:50 p.m., video surveillance observed C. AUSTIN approach IRBY, who was inside of his vehicle. Physical and video surveillance observed IRBY depart the area, and physical surveillance observed IRBY approach CS3, while still inside of his vehicle. CS3 stated he/she engaged in a conversation with IRBY and IRBY provided CS3 with his cellular telephone number. IRBY told CS3 that he/she could purchase narcotics directly from him and bypass C. AUSTIN.

d. Physical and video surveillance observed IRBY travel to Madison and Sacramento where he was observed meeting with MILTON RILEY. Video surveillance observed IRBY exit a gray Oldsmobile, known to be driven by RILEY, and return to his vehicle. Both RILEY and IRBY departed the area. Law enforcement believes IRBY met with RILEY to provide RILEY with the money made from the controlled narcotics purchase with CS3.

e. Upon completion of the controlled purchase, CS3 returned to a predetermined meet location where law enforcement recovered narcotics and turned off the audio/video recording equipment. CS3 was searched for the presence of illegal contraband and weapons, with negative results. CS3 was shown a photo array and made a positive identification of AVERY IRBY.

f. The suspect crack cocaine was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 13.3 grams of the chunky substance and concluded that those 13.3 grams were cocaine. Based on my training and experience, my knowledge of the investigation as a whole, and the off-white chunky appearance of the substance, I believe the substance retrieved from CS3 to be crack cocaine.

Title III Calls/Seizures

Controlled Purchase of 81.1 grams of Crack Cocaine from C. AUSTIN, DANIELLE DUNCAN and EMMANUEL YOUNG, a.k.a. "Miko," on December 4, 2009.

62. On or about December 4, 2009, law enforcement conducted and surveilled a controlled narcotics purchase from EMMANUEL YOUNG, DANIELLE DUNCAN and C. AUSTIN. Surveillance, a debrief of CS1, a review of audio and video recordings, and intercepted calls revealed the following:

a. On December 4, 2009, between approximately 12:12 p.m. and 6:45 p.m., agents monitored several intercepted conversations in which C. AUSTIN, using **Target Phone 4**, discussed obtaining crack cocaine which he then supplied to CS1. For example, at approximately 12:12 p.m., C. AUSTIN, using **Target Phone 4**, received an incoming call from CS1 (call session #97). CS1 asked, "What's happening, you didn't hit me back the other day man?" C. AUSTIN stated, "Oh, shit, dude (C. AUSTIN's drug supplier) didn't answer the phone man." CS1 stated, "Hey, you say you be ready for me about 1:30 or 2:00?" C. AUSTIN replied, "Shit, come on before I go home man...I'm leaving at 3:00, Joe." CS1 replied, "Well, I'll be there around 1:30, 2:00, then." C. AUSTIN replied, "All right."

b. On December 4, 2009, at approximately 1:11 p.m., C. AUSTIN, using **Target Phone 4**, placed an outgoing call to DANIELLE DUNCAN¹⁴ (call session #100). C. AUSTIN stated,

¹⁴ The identification of DANIELLE DUNCAN and DUNCAN's voice in this affidavit is based in part on the following: (1) law enforcement have observed Illinois Secretary of State photographs of DUNCAN, have compared the photos of DUNCAN to the individual they saw during the surveillance of controlled narcotics purchases and have confirmed that this individual is DANIELLE DUNCAN; (2) Law enforcement has had conversations with DUNCAN during which DUNCAN identified herself. (3) Law enforcement has been able to identify DUNCAN's voice

"Hey, what's up, how's it looking?" DUNCAN stated, "All right, let me call him (EMMANUEL YOUNG) because he ain't off yet and dude (YOUNG's drug supplier) supposed to come up there, so let me call him and I'll call you right back." C. AUSTIN asked, "You know what I was talking about yesterday, right, 3 (three ounces of crack cocaine) of those?" DUNCAN replied, "All right." C. AUSTIN stated, "The whole ones (ounces)." DUNCAN stated, "O.k."

c. On December 4, 2009, at approximately 1:16 p.m., C. AUSTIN, using **Target Phone 4**, received an incoming call from DANIELLE DUNCAN (call session #103). DUNCAN stated, "Miko (YOUNG) don't get off til 2:30, you think they'll (CS1) wait until 3:00, 3:30?" C. AUSTIN replied, "Shit, they ain't got no choice." C. AUSTIN stated something about it being "decent" (quality of the crack cocaine) and DUNCAN replied, "Yeah, he going to be straight though, I might have to do it (DUNCAN may have to deliver the drugs), but 3:30 for sure though."

d. On December 4, 2009, at approximately 1:17 p.m., C. AUSTIN, using **Target Phone 4**, placed an outgoing call to CS1 (call session #104). CS1 told C. AUSTIN that he/she was on his/her way and C. AUSTIN replied, "Hey, you don't got to rush, dude say he don't get off until 3:00...I'm going to wait on you now, shit."

e. Agents met with CS1 in anticipation of a meeting between CS1 and C. AUSTIN for the purchase of crack cocaine from C. AUSTIN. Prior to the meeting, CS1 and CS1's vehicle were searched for the presence of contraband. The results of both searches were negative. Agents outfitted CS1 with audio/video devices and gave CS1 approximately \$3,000 in FBI funds to complete the crack cocaine transaction. Under continuous surveillance, CS1 drove to the vicinity of

because that voice has been intercepted on numerous times, particularly on **Target Phone 4**, and (4) DUNCAN was identified or identified herself in many of those calls with the name, DANIELLE.

520 N. Kedzie Avenue, Chicago. At approximately 2:59 p.m. CS1 called C. AUSTIN (call session #111) and told AUSTIN he/she would be there in about three minutes.

f. On December 4, 2009, at approximately 3:09 p.m., C. AUSTIN, using **Target Phone 4**, placed an outgoing call to DANIELLE DUNCAN (call session #113). C. AUSTIN asked, "You ready?" DUNCAN stated, "Let me call him (YOUNG) real quick." C. AUSTIN stated, "Cause dude (CS1) in the front."

g. At approximately 3:11 p.m., CS1 met with C. AUSTIN at 520 N. Kedzie Avenue. Surveillance observed CS1 and C. AUSTIN travel to a couple of different locations. At approximately 3:57 p.m., C. AUSTIN, using **Target Phone 4**, received an incoming call from DANIELLE DUNCAN (call session #117). DUNCAN stated, "He (YOUNG) with him (YOUNG's drug supplier), they got it (crack cocaine), dude putting it together, but he saying he don't want to give it to you all and it ain't all the way right (referring to them cooking the cocaine into crack), so Miko sitting there waiting on it to finish doing what it (crack cocaine) do. He said he'd of been done but I guess he was still doing it (cooking the cocaine into crack cocaine) when Miko got there, so I don't know, but he got it, you know what I'm saying? I don't know what dude going to want to do, but...that's why he went out there, because he thought he was going to be ready for him, but he's still finishing it or whatever, you know letting it fluff up (referring to the crack cocaine being dry before it is packaged), not wanting it to be damp (from the cooking process) or whatever so I don't know what you going to tell dude of he feel like waiting or what." C. AUSTIN told DUNCAN that he would call her back.

h. On December 4, 2009, at approximately 4:03 p.m., C. AUSTIN, using **Target**

Phone 4, placed an outgoing call to EMMANUEL YOUNG, a.k.a. "Miko"¹⁵ (call session #119). YOUNG told C. AUSTIN, "My man (his drug supplier) just said be patient, he is waiting," and C. AUSTIN interrupted and stated, "It's all good." YOUNG stated, "I told him (drug supplier) when I was at work today to be ready for me...so he (YOUNG's drug supplier) came to grab his little money, so that when I got out of work today, it will be real quick (the drug deal)." C. AUSTIN told YOUNG that dude (CS1) waiting on me." YOUNG stated, "If they make a move (if C. AUSTIN gets the drugs from someone else), just call me and let me know they made a move, but I'm patiently waiting on my man to come and get ready, Joe." C. AUSTIN stated, "Just make sure that thing (drugs), you know is solid (crack cocaine) like a brick." YOUNG replied, "O.K."

i. On December 4, 2009, at approximately 5:48 p.m., C. AUSTIN, using **Target Phone 4**, received an incoming call from YOUNG (call session #132). YOUNG stated, "Bubba, we (believed to be YOUNG and DANIELLE DUNCAN) on the E-way right now."

j. On December 4, 2009, at approximately 5:58 p.m., AUSTIN, using **Target Phone 4**, received an incoming from CS1 (call session #135). CS1 asked C. AUSTIN if he had forgotten about CS1 and C. AUSTIN replied, "No, I went over there and rushed the broad, she sitting

¹⁵ The identification of EMANUEL YOUNG and YOUNG's voice in this affidavit is based in part on the following: law enforcement officers have observed Illinois Secretary of State photographs of YOUNG and have had conversations with YOUNG during which YOUNG identified himself. Law enforcement officers have observed YOUNG's vehicle present during a controlled narcotics purchase and that same vehicle is registered to YOUNG. Additionally, C. AUSTIN told CS1 that his drug supplier, the individual in the vehicle registered to YOUNG, teaches at Malcolm X College. Through the web site associated with Malcolm X College, law enforcement determined at the time of relevant narcotics deals, that YOUNG was employed at Malcolm X College. Law enforcement has been able to identify YOUNG's voice because that voice has been intercepted on numerous times, particularly on **Target Phone 4**. In addition, following a traffic stop on March 11, 2010, officers listened to those intercepted calls and identified YOUNG as the speaker in those calls. Finally, a check of YOUNG's criminal history revealed that YOUNG has previously provided an alias name of "Meko."

around, this bitch sitting on her ass and Buddy told her." C. AUSTIN stopped and told CS1, "I finna come in."

k. On December 4, 2009, at approximately 6:15 p.m., C. AUSTIN, using **Target Phone 4**, placed an outgoing call to DANIELLE DUNCAN (call session #140). C. AUSTIN asked, "How it looking (drugs)?" DUNCAN replied, "We gonna come slide on you."

l. On December 4, 2009, at approximately 6:39 p.m., C. AUSTIN, using **Target Phone 4**, received an incoming call from YOUNG (call session #147). YOUNG told C. AUSTIN to meet them on "Sawyer." At approximately 6:40 p.m., CS1 and C. AUSTIN drove to the area of 530 N. Sawyer.¹⁶ According to CS1, C. AUSTIN told CS1 the supplier was 27 years old and taught GED courses at Malcolm X College.¹⁷ A gray Chrysler 300, occupied by two people, came from the south on Sawyer. C. AUSTIN told CS1, "That's them." At approximately 6:45 p.m., YOUNG called C. AUSTIN (call session #148) and asked, "Where you at?" C. AUSTIN replied, "Right here behind you."

m. According to CS1, the black male exited a gray colored Chrysler 300,¹⁸ occupied by two people, and then met with C. AUSTIN prior to entering the residence located at 530

¹⁶ On December 9, 2009, law enforcement conducted a traffic stop on DUNCAN, driving a green colored Ford Winstar, bearing Illinois license plate number, 424L850. DUNCAN provided law enforcement with an Illinois state identification card which listed her residence as 530 N. Sawyer.

¹⁷ Law enforcement checked the Malcolm X College website and confirmed that EMANUEL YOUNG was on the staff at that college, specifically, his title is Testing Specialist-Adult Education.

¹⁸ On December 8, 2009, law enforcement located the same gray Chrysler 300, Illinois plate number, X914580. According to Illinois Secretary of State records, the Chrysler is a 2005 model, VIN 2C3JA63HX5H572979, registered to EMANUEL YOUNG, 1017 Central Park Avenue, 2nd floor, Chicago, Illinois, 60651.

N. Sawyer Avenue. C. AUSTIN returned to CS1's vehicle and placed the crack cocaine underneath CS1's armrest. C. AUSTIN told CS1 that it was "butter," referring to the quality of the crack cocaine.

n. Upon completion of the controlled purchase, CS1 returned to a predetermined meet location where agents recovered the suspect crack cocaine, which was a chunky, off-white substance, and turned off the audio/video recording equipment. CS1 and CS1's vehicle were searched for the presence of contraband. The results of both searches were negative.

o. The suspect crack cocaine was sent to the DEA lab, where it is was analyzed for its composition, the results of which were positive for approximately 81.1 grams of cocaine base with the presence of sodium bicarbonate. Based on my training and experience, my knowledge of the investigation as a whole, and the appearance of the substance, I believe the substance retrieved from CS1 to be crack cocaine.

Purchase of 10.2 grams of crack cocaine from CHARLES AUSTIN and DANIELLE DUNCAN on December 8, 2009.

63. On or about December 8, 2009, law enforcement conducted and surveilled a controlled narcotics purchase from DANIELLE DUNCAN and C. AUSTIN. Surveillance, a debrief of CS3, a review of audio and video recordings, and intercepted calls revealed the following:

a. Between approximately 10:12 a.m. and 2:41 p.m., agents monitored several intercepted conversations in which, C. AUSTIN, using **Target Phone 4**, discussed obtaining crack cocaine which he then supplied to CS3. For example, at approximately 10:12 a.m., C. AUSTIN, using **Target Phone 4**, received an incoming call from CS3 (call session #536). CS3 asked, "What can you get me for '3' (\$300)?" C. AUSTIN asked, "You said three?" CS3 replied, "Yeah." C. AUSTIN stated, "Shit, let me check and see."

b. On December 8, 2009, at approximately 10:15 a.m., C. AUSTIN, using **Target**

Phone 4, received an incoming call from DANIELLE DUNCAN, using telephone number (773) 616-8921 (call session #539). C. AUSTIN asked, “You all ain’t doing nothing until ‘Miko’ (EMANUEL YOUNG) get out of school?” DUNCAN replied, “I get out at 1 (1:00 p.m.) and then I can do something.” C. AUSTIN stated, “All right, I’m gonna see if they can wait til 1, shit.” DUNCAN stated, “All right, what they talking about so I’ll know if so?” C. AUSTIN replied, “They already got a tre piece, so just you know.” DUNCAN stated, “All right,” and C. AUSTIN stated, “I’ll let you know.” DUNCAN stated, “O.k., just call me around 12:00, see if they gonna wait or whatever.” C. AUSTIN asked, “Them quarters (a quantity of drugs) going for 150 (\$150), right?” DUNCAN replied, “175 (\$175).” C. AUSTIN stated, “All right, so I’ll let you know...it probably just be 3, 90 people shit...I’ll let you know.”

c. On December 8, 2009, at approximately 10:16 a.m., C. AUSTIN, using **Target Phone 4**, placed an outgoing call to CS3 (call session #540). C. AUSTIN stated, “Yeah, dude said he ain’t doing nothing til like 1 or 1:30.” CS3 asked, “He can’t get it now?” C. AUSTIN stated, “No, he say he at work...If I come across somebody I’ll hit you.”

d. On December 8, 2009, law enforcement met with CS3 in anticipation of a meeting between CS3 and C. AUSTIN for the purchase of crack cocaine from C. AUSTIN. Prior to the meeting, CS3 was searched for the presence of contraband. The results of the search were negative. Law enforcement outfitted CS3 with audio/video recording devices and gave CS3 approximately \$300 in CPD prerecorded funds to complete the crack cocaine transaction. While under continuous surveillance, CS3 walked to the vicinity of 520 N. Kedzie Avenue, Chicago.

e. At approximately 2:10 p.m., CS3 met with C. AUSTIN at 520 N. Kedzie Avenue. At approximately 2:40 p.m., AUSTIN exited 520 N. Kedzie Avenue and entered

DUNCAN's van¹⁹ that had just pulled up at 520 N. Kedzie Avenue. Shortly thereafter, C. AUSTIN exited DUNCAN's van and returned to the basement apartment where CS3 was waiting for him. C. AUSTIN then gave CS3 the suspect crack cocaine in exchange for \$300. CS3 departed the area.

f. Upon completion of the controlled purchase, CS3 returned to a predetermined meet location where law enforcement recovered narcotics and turned off the audio/video recording equipment. CS3 was searched for the presence of illegal contraband and weapons, with negative results.

g. The suspect crack cocaine was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed the suspect crack cocaine which resulted in approximately 10.2 grams of cocaine. Based on my training and experience, my knowledge of the investigation as a whole, and the off-white chunky appearance of the substance, I believe the substance retrieved from CS1 to be crack cocaine.

Purchase of 59.8 grams of crack cocaine from CHARLES AUSTIN, EMMANUEL YOUNG, and DANIELLE DUNCAN on December 16, 2010.

64. On or about December 16, 2009, law enforcement conducted and surveilled a controlled narcotics purchase with EMANUEL YOUNG, who, through DANIELLE DUNCAN, distributed 59.8 grams of crack cocaine to C. AUSTIN, who in turn distributed the crack cocaine to CS1. Surveillance, a debrief of CS1, a review of audio and video recordings, and intercepted calls revealed the following.

a. Between 10:47 a.m. and 2:46 p.m., agents monitored intercepted calls in which

¹⁹ According to Illinois Secretary of records, the van, Illinois license plate number 424L850, is registered to CARLA DUNCAN, 530 N. Sawyer, Chicago, Illinois, 60624.

C. AUSTIN, using **Target Phone 4**, discussed obtaining crack cocaine which he then supplied to CS1. For example, at approximately 10:47 a.m., C. AUSTIN, using **Target Phone 4**, received an incoming call from CS1 (call session #1459). C. AUSTIN stated, "Oh yeah, I couldn't find the other one (referring to a firearm the CS1 wanted to purchase from C. AUSTIN) man...I know this dude (who sells firearms) who know where they at, but I don't got his number." Regarding the drug deal, CS1 asked, "She (DANIELLE DUNCAN) said at 1, right?" C. AUSTIN stated, "They just called me and said if you want to come before 1 you can." CS1 replied, "All right, I'll be there in a minute then." C. AUSTIN asked, "You want still the two (two ounces of crack cocaine) right?" CS1 stated, "No, I'll probably get three or four (ounces of crack cocaine), if I can't get that there, make sure I get my papers (get the money right) right." C. AUSTIN stated, "Just call me, let me know how many you want so I can order them gym shoes (crack cocaine) and get them quick, that way we can be wop wop (referring to the drug deal going quickly)." CS1 stated, "All right, I got you then."

b. On December 16, 2009, at approximately 10:50 a.m., C. AUSTIN, using **Target Phone 4**, placed an outgoing call to DANIELLE DUNCAN (call #1460). C. AUSTIN stated, "I told him (CS1) he could come before 1 (1:00 p.m.), I need to know the order (quantity of crack cocaine CS1 wants to purchase), he say he going to call me back with uh, how many pair of gym shoes (the number of ounces of crack cocaine) he wanted...he said it going to be three or four (ounces of crack cocaine) though." DUNCAN replied, "Oh, o.k." C. AUSTIN stated, "And I think 'Miko' already tried to cover the four anyway." DUNCAN stated, "He (YOUNG) just told me to call....just call me when dude say he's on his way."

c. On December 16, 2009, at approximately 11:04 a.m., C. AUSTIN, using **Target Phone 4**, received an incoming call from EMANUEL YOUNG a.k.a. "Miko" (call session

#1462). C. AUSTIN stated, "I'm waiting on dude (CS1) to hit me back with the correct numbers (quantity of crack cocaine)." YOUNG asked, "What time you talking about though?" C. AUSTIN stated, "Shit, you all said before 1, right, I told him we could do it before 1, when he call me back I gonna know everything." YOUNG stated, "O.k., o.k., o.k., because my man (drug supplier) going to slide up here on me at the school...so you all just probably bump heads with me."

d. On December 16, 2009, at approximately 11:16 a.m., C. AUSTIN, using **Target Phone 4**, received an incoming call from CS1 (call #1464). CS1 told C. AUSTIN, "Put an order in for '2 and a quarter for me, Jack (two and a quarter ounces of crack cocaine)." AUSTIN replied, "All right...Yeah, I finna tell them now (referring to DUNCAN and YOUNG)."

e. On December 16, 2009, at approximately 11:18 a.m., C. AUSTIN, using **Target Phone 4**, placed an outgoing call to EMMANUEL YOUNG, a.k.a. "Miko" (call session #1465). C. AUSTIN explained to YOUNG that CS1 wanted to purchase two and a quarter ounces of crack cocaine. YOUNG asked, "63 (63 grams of crack cocaine), you want two of them (two ounces of crack cocaine)?" C. AUSTIN stated, "Yeah, and a, you know, twenty-five cents." YOUNG stated, "O.k."

f. On December 16, 2009, at approximately 11:37 a.m., C. AUSTIN, using **Target Phone 4**, received an incoming call from YOUNG (call session #1468). YOUNG stated, "I don't know what you are going to put on (what C. AUSTIN is going to charge CS1 for C. AUSTIN setting up the drug deal), but tell him 1550 (\$1550 for the crack cocaine), you just put on whatever you going to put on." C. AUSTIN replied, "All right." YOUNG asked, "So, he want a 63rd street (63 grams of crack cocaine), right?" C. AUSTIN replied, "Yeah." YOUNG stated, "My man (drug supplier) on his way up here right now, so shit, I'm waiting on you all, you know what I'm saying."

g. On December 16, 2009, at approximately 11:42 a.m., C. AUSTIN, using **Target Phone 4**, received an incoming call from YOUNG (call session #1470). YOUNG stated, "Put your little tag (C. AUSTIN's charge for brokering the deal), just him it's '17 (\$1,700),' so you can get your dollar and fifty cents (C. AUSTIN's \$150 profit from the drug deal), you feel me?" AUSTIN replied, "Yeah." YOUNG stated, "Like that, because you don't want to like keep (CS1) like distant, I'm trying to make everybody cool, you know what I'm saying, I don't want your man to think we trying to get over, you know what I'm saying...So, that's a quick dollar fifty, you know what I'm saying...But, shit, I'm just waiting on my man (drug supplier), I'm waiting on your people (CS1)...I just did all of the calculation (the cost of the crack cocaine, including additional profits made by YOUNG and C. AUSTIN) and everything, so everything should be cool 'cause I don't know what my man (drug supplier) going to tell me, you know what I'm saying, if he agrees with the mother fucker (the price YOUNG wants to charge CS1 for the crack cocaine). I be telling him man these other mother fuckers getting involved so we can't be trying be thirsty and cut me out..." The Affiant believes YOUNG was trying to explain to C. AUSTIN that he did not want to overcharge CS1 and potentially lose CS1 as a drug customer.

h. On December 16, 2009, agents met with CS1 in anticipation of a meeting between CS1 and C. AUSTIN for the purchase of crack cocaine from C. AUSTIN. Prior to the meeting, CS1 and CS1's vehicle were searched for the presence of money and contraband. The results of both searches were negative. Agents outfitted CS1 with audio/video devices and gave CS1 approximately \$2,200 in FBI funds to complete the crack cocaine transaction. Under surveillance, CS1 drove to the vicinity of 520 N. Kedzie Avenue, Chicago.

i. At approximately 1:58 p.m., CS1 met with C. AUSTIN at 520 N. Kedzie

Avenue. Surveillance observed CS1 and C. AUSTIN travel to the 500 block of Sawyer Avenue in CS1's vehicle. Additionally, surveillance observed a green colored van, Illinois license plate number, 454L850,²⁰ in front of 530 N. Sawyer, a residence known to be occupied by DANIELLE DUNCAN.²¹ C. AUSTIN exited CS1's vehicle and entered the residence located at 530 N. Sawyer Avenue. Shortly thereafter, C. AUSTIN exited the residence and returned to CS1's vehicle. Once inside the vehicle, C. AUSTIN gave CS1 the suspect crack cocaine.

j. Upon completion of the controlled purchase, CS1 returned to a predetermined meet location where agents recovered the suspect crack cocaine, which was a chunky, off-white substance, and turned off the audio/video recording equipment. CS1 and CS1's vehicle were searched for the presence of money and contraband. The results of both searches were negative. The suspect crack cocaine was sent to the DEA lab, where it was analyzed for its composition, and tested positive for approximately 59.8 grams of cocaine base with the presence of sodium bicarbonate. Based on my training and experience, my knowledge of the investigation as a whole, and the appearance of the substance, I believe the substance retrieved from CS1 to be crack cocaine.

65. In addition, on or about February 4, 2010, DANIELLE DUNCAN distributed 27.8 grams of cocaine base in the form of crack cocaine to C. AUSTIN, who in turn sold it to CS1. On or about February 12, 2010, DUNCAN distributed 10 grams of cocaine base in the form of crack cocaine to C. AUSTIN and CS3.

SUPPLIERS/BROKERS

²⁰ See footnote 18 supra

²¹ Law enforcement has determined this to be DUNCAN's residence through CS information, physical surveillance and an Illinois State identification card provided to law enforcement by DUNCAN.

C. MILTON RILEY and AVERY IRBY

Title III Calls

66. On December 30, 2009, at approximately 12:25 p.m., C. AUSTIN, using **Target Phone 4**, had a telephone conversation with MILTON RILEY (call session #3152). During the call, RILEY told C. AUSTIN, “Trying to round all this bread up, hear me, how you look on the, on the cash side?” C. AUSTIN stated, “I ain’t got shit but a ‘dollar’ shit, I done, I been out of town, man, shit’s been so slow (the drug operation is not doing well), shit.” RILEY asked, “What’s up with Scottie (JEFFREY SCOTT), get that UI (unintelligible) tomorrow.” C. AUSTIN stated, “I don’t know, shit, I ain’t seent him, I’m waiting on all they ass to hit me with this motherfucking money (from the drug operation), so I can pay you off (for the drugs RILEY provided to C. AUSTIN), I got a ‘dollar’ on me right now though, shit.” C. AUSTIN stated, “All right what, uh, what it, what it looking like, you know what dude used to get, right?” RILEY stated, “Yeah, yeah, I’m, it’s all good.” C. AUSTIN stated, “I know, I’m saying, what, what’s the number?” RILEY replied, “Oh shit, uh, a ‘dollar,’ a ‘dollar’ up.” Based on my training and experience and my familiarity with this investigation as a whole, the Affiant believes RILEY had been “fronting” narcotics to C. AUSTIN and RILEY wanted to get his money for the narcotics from C. AUSTIN.

67. On January 30, 2010, at approximately 10:23 a.m., C. AUSTIN, using **Target Phone 4**, had a telephone conversation with MILTON RILEY (call session #3967):

a. C. AUSTIN answered, “Slow mo, hey, I’m a, uh, when I come out, I’m a have a, I’m a have a ‘honcho’ (money) for you, all right?” RILEY said, “All right, what’s been up with you?” C. AUSTIN stated, “Man, I’ve been chilling man, we had to shut that motherfucker down man (the drug operation at KO).” RILEY interrupted, “Yeah, I know, I been, I been, uh, sliding through

there, (UI), look.” C. AUSTIN stated, “Yeah, yeah.” RILEY stated, “You know dude that own that shop right there, um, be doing our flyers and shit.” C. AUSTIN said, “Yeah.” RILEY continued, “So, I be going back and forth up there, I been paying attention.” C. AUSTIN said, “Hell yeah, man, shit got rough, on a nigga’s ass hole man.”

b. RILEY interrupted again, “All right, well, shit, I got, I got something up for you then (drugs), you know what I’m saying?” C. AUSTIN answered, “All right.” RILEY stated, “Just, um, you don’t, you ain’t even got to involve that over there.” C. AUSTIN asked, “Huh?” RILEY said, “It ain’t got to involve that over there.” C. AUSTIN said, “Okay.” RILEY said, “So just call me soon as you, um, when you wake up to come back out.” Based on my training and experience and my familiarity with this investigation as a whole, the Affiant believes RILEY had been fronting narcotics to C. AUSTIN and C. AUSTIN had some money to give RILEY for the narcotics he had already received from RILEY. Also, RILEY wanted to meet with C. AUSTIN to provide him with additional narcotics.

68. On February 15, 2010, at approximately 5:11 p.m., C. AUSTIN, using **Target Phone 4**, had a telephone conversation with Individual D (call session #6151). C. AUSTIN said in the background, “Milt (MILTON RILEY) ass, his ass too high.” C. AUSTIN stated, “What up, hey” Individual D answered, “Huh?” C. AUSTIN asked, “You know somebody (drug supplier) that got something?” Individual D replied, “Some ‘C’ (crack cocaine)?” C. AUSTIN answered, “Yeah.” Individual D stated, “Umm, what you trying to get, ol girl.” C. AUSTIN stated, “Shit, she say, she say she ain’t got none.” Individual D responded, “Oh, umm.” C. AUSTIN said, “Trying to go through one of your peoples.” Individual D stated, “I don’t be, I only been messing with her, her or unless you call Milt.” C. AUSTIN stated, “Milt too mother fucking high, man, ain’t nobody on that shit.”

Individual D stated, “Oh, yep, that’s the only person I’ve been messing with, ol girl that you put me on, I got some (drugs) from her yesterday though.” Based on my training and experience and my familiarity with this investigation as a whole, the Affiant believes C. AUSTIN was trying to purchase crack cocaine, but he did not want to purchase the crack cocaine from MILTON RILEY because RILEY charged too much money. C. AUSTIN was asking Individual D if s/he had a drug supplier, but Individual D had been purchasing narcotics from another one of C. AUSTIN’s drug suppliers.

Non-Title III/Seizures

69. On or about August 6, 2009, MILTON RILEY, through C. AUSTIN, distributed approximately 28 grams of cocaine base in the form of crack cocaine to CS1. See paragraph 56 above.

70. On or about September 22, 2009, MILTON RILEY, through C. AUSTIN, distributed approximately 27.6 grams of cocaine base in the form of crack cocaine to CS1. See paragraph 58 above.

71 On or about November 12, 2009, AVERY IRBY and MILTON RILEY, through C. AUSTIN and JEFFREY SCOTT, distributed 7.6 grams of cocaine base in the form of crack cocaine to CS3. See paragraph 60 above.

72. On or about November 18, 2009, MILTON RILEY, through AVERY IRBY, distributed 13.3 grams of cocaine base in the form of crack cocaine to C. AUSTIN, who in turn distributed the crack cocaine to CS3. See paragraph 61 above.

D. EMANUEL YOUNG and DANIELLE DUNCAN

Title III Calls/Seizures

73. On December 4, 2009, law enforcement conducted a controlled narcotics purchase from EMANUEL YOUNG, through DANIELLE DUNCAN, distributed 81.1 grams of crack cocaine to CHARLES AUSTIN, who in turn distributed the crack cocaine to CS1. See paragraph 62 above.

74. On December 8, 2009, law enforcement conducted a controlled narcotics purchase from DANIELLE DUNCAN, who distributed 10.2 grams of cocaine base in the form of crack cocaine to C. AUSTIN, who, in turn distributed it to CS3. See paragraph 63 above.

75. On December 16, 2009, law enforcement conducted a controlled narcotics purchase from EMANUEL YOUNG, through DANIELLE DUNCAN, who distributed 59.8 grams of crack cocaine to CHARLES AUSTIN, who, in turn distributed the crack cocaine to CS1. See paragraph 64 above.

76. On or about February 4, 2010, DANIELLE DUNCAN, through C. AUSTIN, distributed approximately 27.8 grams of cocaine base in the form of crack cocaine to CS1. In addition, on or about February 12, 2010, DANIELLE DUNCAN, through C. AUSTIN, distributed approximately 10 grams of cocaine base in the form of crack cocaine to CS3. See paragraph 65 above.

PACK WORKERS

E. KEVIN TERRY, JR., a.k.a. "Little Kurt"²²

²²The identification of KEVIN TERRY, JR. and his voice in this affidavit is based in part on the following: law enforcement have observed Illinois Secretary of State photographs of TERRY, JR., have compared the photos of TERRY, JR. to the individual they saw during the surveillance and during certain video recordings described herein, and have confirmed that the individual is TERRY, JR. Furthermore, CS3 has identified TERRY, JR. based on his/her relationship with TERRY, JR. over numerous years. Agents are familiar with TERRY's voice from reviewing the audio/video recordings of meetings between CS3 and TERRY, JR., as set forth herein.

CW/CI Information

77. CW1 stated to law enforcement in December of 2008 that TERRY, JR. was managing the drug spot at Chicago Avenue and St. Louis Avenue.

78. CS7 stated to law enforcement in July of 2009 that TERRY, JR. managed the day to day drug operation for “J-Rock” (JASON AUSTIN) at “KO.”

79. CS3 stated to law enforcement in July of 2009 that TERRY, JR. was on the drug spot every day selling drugs for “JRock” (JASON AUSTIN).

Non-Title III/Seizures

Purchase of Heroin by UCOs From KEVIN TERRY JR. and CHARLES WARD on November 20, 2008.

80. On or about November 20, 2008, CPD UCOs conducted two controlled narcotics purchases and one seizure from CHARLES WARD and KEVIN TERRY, JR. in the area of Chicago Avenue and St. Louis Street. Surveillance, a debrief of CPD officers, and a review of the video surveillance revealed the following:

a. At approximately 11:31 a.m., law enforcement observed CHARLES WARD and another UM conduct a narcotics transaction with an unknown subject. At approximately 11:41 a.m., two CPD UCOs arrived in the area and approached WARD. UCO1 was on foot and UCO2 was driving an undercover vehicle. At approximately 11:44 a.m., WARD walked over to a tree, picked up suspect narcotics and conducted a narcotics transaction with UCO1 in exchange for \$60 in prerecorded CPD funds. UCO1 departed the location. At approximately 11:47 a.m., video surveillance observed WARD enter UCO2's undercover vehicle. WARD sold suspect heroin to UCO2 in exchange for \$20 in prerecorded CPD funds. While in the vehicle, WARD told UCO2 to come back in approximately ten minutes and that he would have more bags of suspect heroin. WARD

then exited the UCO2's vehicle and UCO2 left the area.

b. At approximately 12:22 p.m., video surveillance observed WARD conduct another narcotics sale with an UM. Following the sale WARD returned to the tree and hid the suspect narcotics. Again, at approximately 12:34 p.m., video surveillance observed WARD conduct a suspect narcotics transaction with an UM. Law enforcement observed WARD meet with TERRY, JR., who was driving a green Buick Regal. Due to WARD selling narcotics and law enforcement's knowledge that TERRY, JR. managed the drug operation, law enforcement believed WARD met with TERRY, JR. to provide TERRY, JR. with the money made from drug proceeds from the drug operation on Chicago Avenue and St. Louis Street. Once TERRY, JR. departed the area, CPD officers conducted a traffic stop on TERRY, JR.'s vehicle and discovered that TERRY JR. had in his possession the prerecorded funds just used by UCO1 and UCO2 to purchase narcotics from WARD.

c. CPD officers traveled to 754 N. St. Louis Avenue and located the tree where WARD was hiding his narcotics. Officers seized six clear plastic zip lock bags with blue star logos, each bag containing suspect heroin inside of a Newport cigarette box next to a tree.

d. At approximately 12:49 p.m., WARD returned to the tree looking for the suspect narcotics just seized by law enforcement. A short time later, UCO2 returned to the location and parked his/her UCV. As WARD walked towards UCO2, he was looking for narcotics that he had placed on the ground earlier that day. WARD then walked up to UCO2's vehicle and asked UCO2 if he/she had seen anyone around because, "I think the police took my shit." UCO2 responded no and departed the area because WARD had no more narcotics to provide to UCO2.

e. The suspect heroin (from both purchases and seizure) was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis.

A forensic scientist analyzed the suspect heroin and concluded that 2.9 grams of the powder tested positive for heroin.

Purchase of Heroin by UCOs on November 26, 2008.

81. On or about November 26, 2008, CPD UCOs conducted two controlled narcotics purchases from TERRY, JR., Individual E, and Individual F in the area of St. Louis Street and Ohio. Surveillance, a debrief of the UCOs, and a review of the video surveillance recording revealed the following:

a. At approximately 9:59 a.m., Individual E conducted four hand-to-hand narcotics transactions with unknown subjects. At approximately 10:02 a.m., Individual E walked over to a black van driven by TERRY, JR. and engaged in a conversation with him. Shortly after that, surveillance observed Individual E counting money, believed to be profits made from the sale of narcotics.

b. At approximately 10:33 a.m., a CPD UCO1 exited his/her Undercover Vehicle (UCV) and engaged in a conversation with Individual F. At approximately 10:36 a.m., Individual F gave UCO1 seven clear zip lock bags with blue star logos on the bags containing suspect heroin in exchange for \$70 in prerecorded CPD funds.

c. At approximately 10:52 a.m. Individual E gave CPD UCO2 one clear plastic bags with blue star logos containing a white powder substance believed to be heroin. Individual E told UCO2 that Individual F would give UCO2 the rest of the narcotics. Shortly after, Individual F met with UCO2 and gave UCO2 four clear plastic bags with blue star logos containing a white powder substance believed to be heroin in exchange for \$50 in prerecorded CPD funds (the \$50 was for all 5 bags of suspect heroin).

d. At approximately 11:08 a.m., Individual F conducted another hand to hand narcotics transaction. At approximately 11:17 a.m., TERRY, JR. drove up to the location and met with Individual E. Individual E handed TERRY, JR. the narcotics proceeds from the drug operation.

e. The suspect heroin for both of the controlled narcotics purchases was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.4 grams of the 1.8 grams of powder and concluded that those 1.4 grams of powder were positive for heroin.

Purchase of heroin by UCOs from KEVIN TERRY, JR. and JUANICA BLASSINGAME on June 3, 2009.

82. On or about June 3, 2009, two CPD UCOs conducted and surveilled a controlled purchase of heroin from JUANICA BLASSINGAME, KEVIN TERRY, JR., and Individual G at “KO.” Surveillance, a debrief of the UCOs, and a review of the video surveillance recording revealed the following:

a. At approximately 8:15 a.m., surveillance observed TERRY, JR.. walk toward a surveillance vehicle and conduct counter surveillance (looking for the presence of law enforcement). At approximately 8:20 a.m., surveillance observed TERRY, JR. approach a second surveillance vehicle and conduct counter surveillance.

b. At approximately 8:40 a.m., video surveillance observed Individual G conducting a hand-to-hand narcotics transaction with an unknown subject. Additionally, video surveillance observed Individual H, KEVIN TERRY, JR. and BLASSINGAME²³ all standing on the

²³ The identification of JUANICA BLASSINGAME in this affidavit is based in part on the following: law enforcement have observed Illinois Secretary of State photographs of BLASSINGAME, have compared the photos of BLASSINGAME to the individual they saw during the surveillance and during certain video recordings described herein, and have confirmed that the

drug spot engaging in hand-to-hand narcotics transactions. At approximately 9:20 a.m., video surveillance captured CPD UCO1, wearing an audio device,²⁴ approach KEVIN TERRY, JR. and ask, “Where the blows at?” TERRY, JR. asked, “How many?” UCO1 replied, “4.” TERRY, JR. walked northbound and entered the residence at 609 N. Troy. A short time later, TERRY, JR. and JUANICA BLASSINGAME left that residence and BLASSINGAME approached the UCO1. BLASSINGAME asked, “How many you want?” The UCO1 responded, “Let me get 4.” BLASSINGAME opened a clear knotted plastic bag, containing smaller blue bags, and removed three items from that bag and gave them to the UCO in exchange for \$30 in prerecorded CPD funds. As BLASSINGAME conducted the hand-to-hand narcotics transaction with the UCO1, BLASSINGAME told TERRY, JR., “I’m out (out of drugs to sell).” TERRY, JR. told BLASSINGAME, “I’ll come back and get the money.” The UCO1 told TERRY, JR., “I need that last one.” TERRY, JR told UCO1, “Go see my man on the bike.”

c. At approximately 9:22 a.m., the UCO1 approached Individual G and the UCO1 stated, “Let me get one.” Individual G gave the UCO1 one blue tinted zip lock bag containing suspect heroin in exchange for \$10 in prerecorded CPD funds. At approximately 9:31 a.m., Individual G conducted a hand-to-hand narcotics transaction with UCO2 and provided UCO2 with 5 blue tinted zip lock bags, each containing a folded tin foil packet with a white powder substance, in exchange for \$50 in prerecorded funds.

individual is BLASSINGAME. Furthermore, law enforcement officers have had conversations with BLASSINGAME and confirmed that the individual responsible for the distribution of heroin during this investigation is BLASSINGAME.

²⁴ There was a malfunction with the audio recording device and audio was not recorded. during this controlled narcotics purchase.

d. The suspect heroin for both of the controlled narcotics purchases was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.3 grams of the 1.6 grams of powder and concluded that those 1.3 grams of powder were positive for heroin.

Purchase of Heroin by UCOs from KEVIN TERRY, JR. on June 4, 2009.

83. On or about June 4, 2009, two CPD UCOs conducted and surveilled a controlled narcotics purchase from KEVIN TERRY, JR. and Individual H in the area of Kedzie Avenue and Ohio Street. Surveillance, a debrief of the UCOs, and a review of video surveillance revealed the following:

a. Between approximately 7:32 a.m. and 10:24 a.m., JUANICA BLASSINGAME, CHARLES WARD, KEVIN TERRY JR., Individual H, KENNETH TERRY, and Individual I were all standing on the drug spot. TERRY, JR. was managing the drug operation and WARD was conducting a hand-to-hand narcotics transaction.

b. At approximately 10:00 a.m., CPD UCO1, wearing an audio device, driving a UCV, approached TERRY JR. to purchase heroin. TERRY, JR. asked UCO1 what s/he wanted and the UCO1 asked for "6" (an amount of heroin). TERRY, JR. told the UCO1 to wait there, and a short time later, Individual I approached UCO1's vehicle and gave UCO1 blue tinted zip lock bags, each containing a folded tin foil packet with a white powder substance in exchange for \$60 prerecorded CPD funds. Soon after this transaction, Individual I conducted a second hand-to-hand narcotics transaction with UCO2²⁵ and provided UCO2 with 4 blue tinted items with a tin foil item containing

²⁵ There was a malfunction with the audio recording device and audio was not obtained during this controlled narcotics purchase.

a white powder substance in exchange for \$40 in prerecorded funds.

c. The suspect heroin from the two controlled narcotics purchases was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed the suspect heroin and concluded that 2.5 grams of the powder tested positive for heroin.

Purchase of Heroin by UCO from KEVIN TERRY, JR., and ROBERT EWING on June 18, 2009.

84. On or about June 18, 2009, a CPD UCO conducted a controlled narcotics purchase with TERRY, JR., ROBERT EWING, and Individual H in the area of Kedzie Avenue and Ohio Street. Surveillance, a debrief of the UCO, a review of the audio and video recording revealed the following:

a. At approximately 10:33 a.m., EWING²⁶ conducted a hand-to-hand narcotics transaction with an unknown subject behind a garbage can. After this drug transaction EWING walked up to TERRY, JR. and gave him an unknown amount of money.

b. At approximately 11:15 a.m., a UCO, equipped with an audio recording device, approached Individual H, TERRY, JR., and EWING, who were all sitting in the area at 3220 W. Ohio Street. Both Individual H and TERRY, JR. asked the UCO, "What you want?" The UCO replied, "6" (a quantity of heroin). Moments later, EWING ran across the street to a vacant lot and retrieved

²⁶The identification of ROBERT EWING in this affidavit is based in part on the following: law enforcement have observed Illinois Secretary of State photographs of EWING have compared the photos of EWING to the individual they saw during the surveillance and during certain video recordings described herein, and have confirmed that the individual is EWING. Following the August 28, 2008 transaction, described heroin, a CPD UCO identified EWING from a photo array as the individual that sold UCO # heroin. Furthermore, law enforcement officers have had conversations with EWING and confirmed that the individual responsible for the distribution of heroin during this investigation is EWING.

narcotics. Once EWING returned with the narcotics, EWING handed the heroin to the UCO in exchange for \$100 in prerecorded CPD funds. At approximately 11:18 a.m., video surveillance observed EWING meet with TERRY, JR. and hand TERRY, JR. money, believed to be made from the sale of narcotics. At approximately 11:21 a.m., Individual H, who was riding a bicycle, followed the UCO out of the area until the UCO was picked up by another UCO.

c. The suspect heroin was subsequently inventoried and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.2 grams of the 2.0 grams of powder and concluded that those 1.2 grams of powder were positive for heroin.

Purchase of Heroin by CS3 from KEVIN TERRY, JR. on July 7, 2009.

85. On July 7, 2009, law enforcement conducted and surveilled a controlled narcotics purchase in which JASON AUSTIN directed CS3 to TERRY, JR. and Individual J for the purchase of heroin. Law enforcement met with CS3 and CS3 was searched for illegal contraband and weapons, with negative results. CS3 was then provided with \$100 in prerecorded funds and equipped CS3 with an audio/video recording device. Surveillance, a debrief of CS3, and a review of the audio/video recording revealed the following:

a. At approximately 3:40 p.m., CS3 arrived at 520 N. Kedzie Avenue and met with JASON AUSTIN. J. AUSTIN told CS3 that TERRY, JR. was the one that was “serving” (selling narcotics). J. AUSTIN and an UM tried contacting TERRY, JR. by using the push-to-talk feature on the phone. While CS3 was waiting for TERRY, JR. to provide CS3 with heroin, CS3 observed J. AUSTIN riding a bicycle, acting as a look out for TERRY, JR. CS3 overheard J. AUSTIN tell TERRY, JR. that police cars were in the area. Shortly thereafter, TERRY, JR. provided CS3 with the heroin, and CS3 gave \$100 in prerecorded funds to Individual J.

b. CS3 returned to a predetermined meet location where law enforcement recovered narcotics and turned off the audio/video recording equipment. CS3 was searched for the presence of illegal contraband and weapons, with negative results.

c. The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.3 grams of the 2.6 grams of powder and concluded that those 1.3 grams of powder were positive for heroin.

Purchase of Heroin by CS3 from KEVIN TERRY, JR. on August 15, 2009.

86. On or about August 15, 2009, law enforcement conducted and surveilled a controlled narcotics purchase between CS3 and TERRY, JR. at "KO." Law enforcement met with CS3 at a predetermined location and CS3 was searched for illegal contraband and weapons, with negative results. CS3 was then provided with \$100 in prerecorded CPD funds and equipped with an audio/video recording device. Surveillance, a debrief of CS3, and a review of the audio and video recordings revealed the following:

a. At approximately 5:11 p.m., and under physical surveillance by law enforcement, CS3 traveled to 520 N. Kedzie Avenue and met with TERRY, JR. A review of the audio/video recording revealed CS3 and TERRY, JR. having a discussion between a fence at 520 N. Kedzie Avenue. The video recording captured TERRY, JR. counting money and then TERRY, JR. directed CS3 to walk west bound in the north alley of Franklin Boulevard, toward Sawyer Avenue, with him. Shortly after the drug transaction, surveillance observed CS3 walk toward the meet location. When debriefed, CS3 stated TERRY, JR. agreed to provide CS3 with a "jab" of heroin in the North alley of Franklin Boulevard. The "jab" consisted of 1 clear plastic knotted bag containing

12 clear plastic zip lock bags, each imprinted with blue stars. In exchange for the heroin, CS3 provided TERRY, JR. with \$100.

b. Upon completion of the controlled purchase, CS3 returned to a predetermined meet location where law enforcement recovered narcotics and turned off the audio/video recording equipment. CS3 was searched for the presence of illegal contraband and weapons, with negative results.

c. The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.2 grams of the 2.1 grams of powder and concluded that those 1.2 grams of powder were positive for heroin.

87. In addition, on or about September 9, 2009, TERRY, JR. distributed approximately 1.3 grams²⁷ of heroin to CS3. On or about September 11, 2009, TERRY, JR. and Individual K distributed approximately 2.0 grams²⁸ of heroin to CS3. Both transactions occurred in the area of Hamlin Avenue and Ferdinand Street in Chicago.

Seizure of Heroin from KEVIN TERRY JR. on November 14, 2009.

88. On or about November 14, 2009, law enforcement seized heroin from TERRY, JR. in the area of Ferdinand Street and Hamlin Avenue. Surveillance, a debrief of CPD officers, and a

²⁷ The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.1 grams of the 1.3 grams of powder and concluded that those 1.1 grams of powder were positive for heroin.

²⁸ The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.2 grams of the 2.0 grams of powder and concluded that those 1.2 grams of powder were positive for heroin.

review of the video recording revealed the following:

a. At approximately 12:13 p.m., video surveillance observed TERRY, JR. holding narcotics in his hand. At approximately 12:14 p.m., video surveillance observed TERRY, JR. place narcotics down in front of a vehicle. At approximately 12:17 p.m., law enforcement observed TERRY, JR. return to the vehicle and conduct hand-to-hand narcotics transactions with unknown subjects. Video surveillance observed TERRY, JR. walk to his vehicle, bend down in front of his vehicle, and place suspect narcotics under a pile of leaves. A short time later, enforcement officers interviewed TERRY, JR. Law enforcement then recovered a clear plastic bag containing eleven zip lock bags of suspect heroin from the same area where TERRY, JR. had been observed placing suspect narcotics under the leaves.

b. Law enforcement detained TERRY, JR. and advised him of his Miranda Rights. As enforcement officers were placing TERRY, JR. under arrest, Individual K approached law enforcement and stated, "I can give you a thumper" (a firearm). It is your affiant's belief that Individual K was offering a firearm to officers in exchange for the release of TERRY, Jr. A short time later, Individual K returned with a .22 caliber handgun, which he placed on the ground, next to TERRY, JR.'s vehicle. TERRY, JR. was released at that time to preserve the investigation, but CPD officers made no promises to TERRY, JR. regarding potential charges in the future.

Video Surveillance

89. During the course of the investigation, CPD conducted video surveillance of KEVIN TERRY, JR. on several occasions and observed TERRY, JR. managing the drug operation at KO.

a. On or about June 11, 2009, CPD conducted video surveillance at KO and

observed TERRY, JR., JUANICA BLASSINGAME, JEFFREY SCOTT, Individual H, and CHARLES WARD all standing on the drug spot. At approximately 9:14 a.m., surveillance observed BLASSINGAME holding suspect narcotics in her hand in front of 526 N. Kedzie Avenue when WARD approached BLASSINGAME and handed her money, believed to be narcotics proceeds. At approximately 9:52 a.m., TERRY, JR. conducted a hand-to-hand narcotics transaction with an UM on a bicycle.

F. JEFFREY SCOTT, a.k.a. “Scotty”

CW/CI Statements

90. CW1 stated to law enforcement in October 2008 that “J-Rock” (J. AUSTIN) had begun selling heroin at “KO” again and “Scotty” (JEFFREY SCOTT) was running the packs of heroin for J. AUSTIN.

91. CS3 stated to law enforcement in July 2009 that SCOTT was JASON AUSTIN’s best friend and ran the drug spot on Kedzie Avenue and Ohio Street for JASON AUSTIN. According to CS3, SCOTT took the drugs out of the basement apartment at 520 N. Kedzie Avenue and passed out “packs” (bags containing drugs) to street workers, including JUANICA BLASSINGAME. SCOTT and JASON AUSTIN sold \$10 and \$20 bags of “blows” (heroin). The \$20 bags of “blows” were sealed with either a white tape or a clear scotch tape and placed inside aluminum foil. The \$10 bags were packaged in several different ways. They were sealed with white tape and placed inside aluminum foil, sealed inside of a zip lock bag and placed in aluminum foil, or placed in zip lock bags with “batman logos” on the outside of the bags.

Title III Calls

92. During the investigation, criminally pertinent conversations were intercepted between

co-conspirators discussing JEFFREY SCOTT's involvement in the drug operation.

a. On December 11, 2009, at approximately 12:14 p.m., C. AUSTIN, using **Target Phone 4**, had a telephone conversation with MILTON RILEY (call session #844). C. AUSTIN asked, "Find some more (drugs)?" RILEY stated, "Found some (drugs)." RILEY asked C. AUSTIN about the "Pay (money made from the sale of drugs)?" C. AUSTIN replied, "Scotty (JEFFREY SCOTT) been doing that." RILEY asked, "How you looking for as far as the bread...as far as the count...the bread (money)?" C. AUSTIN told RILEY he was waiting on "Scotty....he did like one of them good buys...and out of '50' to go with that '350,' shit, so that's like 1, 5... 'cause that '50' make that '4' and he on another one, you know what I'm saying?" Based on my training and my knowledge of the investigation, the Affiant believes RILEY was one of C. AUSTIN's drug suppliers and RILEY was asking C. AUSTIN about the profits made from the sale of his narcotics. C. AUSTIN referred to "Scotty" as having knowledge of those profits and C. AUSTIN broke down some of the profits made thus far to RILEY, but made it clear that "Scotty" was keeping track of those profits.

93. During the investigation, criminally pertinent calls were intercepted in which JEFFREY SCOTT had discussions with co-conspirators regarding the drug operation.

a. On February 3, 2010, at approximately 7:47 p.m., C. AUSTIN, using **Target Phone 4**, had a telephone conversation with JEFFREY SCOTT (call session # 4556). SCOTT stated, "We dry (out of narcotics)." C. AUSTIN replied, "All right, I be out in a minute, where uh, Individual L ain't got none?" SCOTT replied, "Shit, she gone." C. AUSTIN replied, "All right."

b. On February 9, 2010, at approximately 1:15 p.m., C. AUSTIN, using **Target Phone 4**, had a telephone conversation with JEFFREY SCOTT (call session # 5297). C. AUSTIN asked, "You all still decent (referring to the narcotics supply)?" SCOTT replied, "We ain't got

shit...We ain't got nothing (the block does not have any narcotics left) ." C. AUSTIN stated, "Shit, I was trying to meet a mother fucker man (drug supplier), you know what I'm saying?" SCOTT stated, "Mother fucker off the meter." C. AUSTIN stated, "I know, are the peoples hot (referring to a lot of police presence in the area)?" SCOTT stated, "Hell no, the customers." C. AUSTIN stated, "I'm on my way, I'm waiting on mother fucker (drug supplier) to meet me now man."

c. On February 16, 2010, at approximately 10:57 a.m., C. AUSTIN, using **Target Phone 4**, had a telephone conversation with JEFFREY SCOTT (call session # 6198). C. AUSTIN asked, "What up boy?" SCOTT replied, "That shit over with (the block is out of drugs)." C. AUSTIN replied, "All right, um, shit, I'm still out here this way, but uh, I'm a be that way in one minute." SCOTT replied, "All right."

Non-Title III/Seizures

94. On or about May 29, 2009, JASON AUSTIN, JEFFREY SCOTT and Individual C conducted a heroin "pass out" on Kedzie Avenue and Ohio Street. See paragraph 44 above . Based on the physical characteristics of the substance, including its chunky off-white color, law enforcement officers believed that the substance tendered to them was cocaine base in the form of crack cocaine.

Seizure of Heroin from JEFFREY SCOTT and ANTOINE JONES on July 16, 2009.

95. On or about July 16, 2009, CPD conducted physical and video surveillance in the area of Kedzie Avenue and Ohio Street and seized heroin from JEFFREY SCOTT and ANTOINE JONES. Surveillance, a debrief of CPD officers, and a review of the video recording revealed the following:

a. At approximately 9:35 a.m., JONES²⁹ was standing at the drug spot. JONES

²⁹The identification of ANTOINE JONES in this affidavit is based in part on the following: law enforcement have observed Illinois Secretary of State photographs of JONES have compared the photos of JONES to the individual they saw during the surveillance and during certain video

retrieved what appeared to be narcotics from the alley and conducted hand-to-hand narcotics sales with two UM subjects inside of a vehicle. After completing the sale, JONES put the suspect narcotics back in the alley where he first retrieved them. At approximately 9:39 a.m., video surveillance saw JONES conduct an apparent narcotics transaction with a UM. At approximately 9:45 a.m., Individual K placed suspect narcotics in a potato chip bag in the alley and hid the bag in front of a Chevy Impala vehicle. Once Individual K walked away from the alley, law enforcement went to the alley where officers previously observed the suspect narcotics being stored by both JONES and Individual K. Law enforcement recovered the potato chip bag which contained twelve orange tinted zip lock bags, each containing a tin foil packet consisting of suspect heroin.

b. At approximately 10:00 a.m., Individual K returned to the alley where he had placed the suspect heroin, but Individual K was unable to locate the suspect heroin due to the recent seizure by law enforcement. Both JONES and Individual K returned to the alley and looked for the heroin. Subsequently, JONES was observed conducting another hand-to-hand narcotics transaction with an UM. At approximately 10:05 a.m., Individual K brought SCOTT (the manager of the drug spot) and JONES back to the alley in an attempt to locate the missing heroin. At approximately 10:29 a.m., Individual K conducted a hand-to-hand narcotics transaction with an UM.

c. The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.1 grams of the 2.6 grams of powder and concluded that those 1.1 grams of powder were positive for heroin.

recordings described herein, and have confirmed that the individual is JONES. Furthermore, law enforcement officers have had conversations with JONES and confirmed that the individual responsible for the distribution of heroin during this investigation is JONES.

Purchase of Crack Cocaine by CS3 from JEFFREY SCOTT on September 15, 2009

96. On or about September 15, 2009, law enforcement conducted and surveilled a controlled narcotics purchase of crack cocaine between CS3 and JEFFREY SCOTT at 520 N. Kedzie Avenue. Prior to the transaction, law enforcement met with CS3 at a predetermined meet location and CS3 was searched for illegal contraband and weapons, with negative results. CS3 was then provided with \$100 in prerecorded CPD funds and equipped with an audio/video recording device. Surveillance, a debrief of CS3, and a review of audio and video recording revealed the following:

a. At approximately 3:59 p.m., under continuous physical surveillance by law enforcement, CS3 walked to 520 N. Kedzie Avenue where CS3 met with SCOTT. SCOTT entered the basement apartment at 520 N. Kedzie Avenue, exited the basement, and spoke with CS3. CS3 asked an UF if the crack cocaine that SCOTT was selling was the same crack cocaine he/she had been purchasing from JASON AUSTIN prior to his incarceration.³⁰ The UF confirmed it was “J-Rock’s stuff” (crack cocaine). At approximately 4:05 p.m., SCOTT showed CS3 narcotics that he had on his left hand and displayed the narcotics. CS3 then gave SCOTT \$100 in CPD prerecorded funds in exchange for the suspect crack cocaine.

b. Upon completion of the controlled purchase, CS3 returned to a predetermined meet location where law enforcement recovered the narcotics and turned off the audio/video recording equipment. CS3 was searched for the presence of illegal contraband and weapons, with negative results. A review of the audio/video recording device worn by CS3 captured the narcotics transaction between CS3 and SCOTT at 520 N. Kedzie. The suspect crack cocaine was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic

³⁰J. AUSTIN was incarcerated in 2009 for a state narcotics offense.

scientist analyzed the suspect crack cocaine and concluded that 1.2 grams of the chunky substance tested positive for cocaine.

97. On or about October 6, 2009, law enforcement conducted and surveilled a controlled narcotics purchase of 1.9 grams³¹ of crack cocaine. See paragraphs 46 & 47 above.

98. On or about October 13, 2009, law enforcement and CS3 conducted and surveilled a controlled narcotics purchase from JASON AUSTIN. Video surveillance observed JEFFREY SCOTT managing the drug spot on Kedzie Avenue and Ohio Street. SCOTT also met with CS3 and showed CS3 a sample of the crack cocaine being sold on the drug spot. See paragraphs 50, 51 & 52 above.

99. On or about November 12, 2009, AVERY IRBY and MILTON RILEY distributed 7.6 grams³² of crack cocaine to C. AUSTIN and JEFFREY SCOTT, who in turn distributed the crack cocaine to CS3. See paragraph 60 above.

Video Surveillance

100. On July 17, 2009, law enforcement conducted video surveillance at KO and observed JEFFREY SCOTT, JASON AUSTIN, and Individual K all standing on the drug spot. A review of the video recording revealed the following:

a. At approximately 1:47 p.m., video surveillance observed Individual K conduct a hand-to-hand narcotics transaction with an unknown subject. At approximately 2:04 p.m., SCOTT

³¹ The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.1 grams of the 1.9 grams of the chunky substance and concluded that those 1.1 grams of chunky substance was cocaine.

³² The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 5.2 grams of the 7.6 grams of powder and concluded that those 5.6 grams of powder were cocaine.

was observed counting money believed to be narcotics proceeds obtained from the sale of narcotics on Kedzie Avenue and Ohio Street. Between approximately 2:11 p.m. and 2:30 p.m., video surveillance captured Individual K conducting numerous hand-to-hand narcotics transactions with unknown subjects and continued to observed J. AUSTIN walking on Kedzie Avenue and Ohio Street.

b. Based on my training and experience, my familiarity with this investigation as a whole, and my review of the video, I believe that on or about July 17, 2009, J. AUSTIN was running the drug operation, SCOTT was responsible for controlling and collecting the money made from sale of narcotics on the drug spot, and Individual K was a worker selling the drugs for SCOTT and J. AUSTIN.

G. KENNETH TERRY³³

CW/CI Information

101. CS3 stated TERRY took over the drug operation at KO when J. AUSTIN was incarcerated in August 2008 for a month. During this time period, JUANICA BLASSINGAME worked for TERRY. CS3 stated that while TERRY ran the drug spot, police officers seized a large amount of heroin that was meant to be sold at KO.

Non-Title III/Seizures

Purchase of Heroin by UCO from KENNETH TERRY on September 7, 2008.

102. On or about September 7, 2008, a CPD UCO conducted a controlled narcotics purchase

³³The identification of KENNETH TERRY in this affidavit is based in part on the following: law enforcement have observed Illinois Secretary of State photographs of TERRY, have compared the photos of TERRY to the individual they saw during the surveillance and during certain video recordings described herein, and have confirmed that the individual is TERRY. Furthermore, law enforcement officers have had conversations with TERRY and confirmed that the individual responsible for the distribution of heroin during this investigation is TERRY.

of heroin from TERRY and Individual M. Surveillance, a debrief of the UCO, and a review of the video surveillance recording revealed the following:

a. Between approximately 4:11 p.m. and 4:43 p.m., law enforcement observed KENNETH TERRY, JUANICA BLASSINGAME, and Individual M standing on the drug spot at KO. KENNETH TERRY yelled out to vehicular traffic, “Blue Magic,” which was the name of the heroin sold on the drug spot. A CPD UCO approached Individual M and requested 8 Blue Magic “blows.” Individual M told the UCO that he/she did not have that many packets of heroin and that the UCO would have to come back in about ten to fifteen minutes.

b. The UCO walked away from Individual M. KENNETH TERRY approached Individual M and they spoke. KENNETH TERRY then walked into an alley just west of Kedzie Avenue and Ohio Street followed by Individual M. Moments later, KENNETH TERRY came back from the alley and told the UCO to go to where Individual M was located (inside of the alley), and stated, “She’ll take care of you,” pointing to Individual M. The UCO approached Individual M and handed Individual M \$80 in prerecorded CPD funds in exchange for heroin.

c. The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.2 grams of the 1.6 grams of powder and concluded that those 1.2 grams of powder were positive for heroin.

Narcotics Seizures from KENNETH TERRY

Seizure of Heroin from KENNETH TERRY and JUANICA BLASSINGAME on September 14, 2008.

103. On or about September 14, 2008, CPD conducted surveillance at KO and seized heroin from JUANICA BLASSINGAME and KENNETH TERRY. Surveillance, a debrief of CPD officers, and a review of the video surveillance recording revealed the following:

a. BLASSINGAME approached KENNETH TERRY, who was seated in the driver's side of a white Dodge van,³⁴ Illinois license plate number A252622,³⁵ and gave KENNETH TERRY an unknown amount of money through the driver's side window in exchange for a small object. KENNETH TERRY departed the area and BLASSINGAME was then observed conducting several hand-to-hand narcotics transactions with unknown subjects. BLASSINGAME was observed on the telephone, and soon after, KENNETH TERRY again arrived at the location. BLASSINGAME again tendered money to KENNETH TERRY through the driver side window of the Dodge van, in exchange for a small item. Once BLASSINGAME received the small item from KENNETH TERRY, surveillance observed BLASSINGAME open her coat and tuck the item in the front area of her pants.

b. Subsequently, at approximately 6:35 p.m., enforcement officers stopped and detained BLASSINGAME. Officers conducted pat down search of Blassingame and seized 12 small blue tinted zip lock bags, each containing a small tin foil packet with suspect heroin. Once officers removed BLASSINGAME from the area, KENNETH TERRY returned to the location and asked several individuals in the presence of surveillance officers, "What happened and where is Pookie

³⁴ According Illinois Secretary of State records, the Dodge van is a 1992 model, VIN2B6HB21Y8NK119342, registered to KENNETH TERRY, 611 N. Kedzie Avenue, Chicago, Illinois 60612.

³⁵ The CPD report has the license plate number mistakenly listed as A252226. The actual license number is A252622.

(BLASSINGAME)?” Surveillance overheard an UM state, “I don’t know man, they (law enforcement) just swooped down on old girl.” Surveillance overheard KENNETH TERRY state, “I told you all to watch those corners,” and then KENNETH TERRY instructed two UMs on bicycles to circle the area and check for the presence of police. Soon after, surveillance observed the UMs return to the area on their bicycles and state, “It’s cool.” Surveillance overheard KENNETH TERRY yelling, “All is well, all is well.” Surveillance observed unknown subjects set up on all four corners of the intersection at Kedzie Avenue and Ohio Street and KENNETH TERRY got on a bicycle and rode away from the area.

c. The suspect heroin seized from BLASSINGAME was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.4 grams of the 2.4 grams of powder and concluded that those 1.4 grams of powder were positive for heroin.

Seizure of Heroin from KENNETH TERRY on September 22, 2008.

104. On or about September 22, 2008, CPD conducted physical and video surveillance in the area of Kedzie Avenue and Ohio Street and observed KENNETH TERRY and an UM engaging in suspect narcotics transactions. Surveillance, a debrief of CPD officers, and a review of the video surveillance recording revealed the following:

a. At approximately 8:50 a.m., surveillance observed KENNETH TERRY get out of his Dodge van and approach an UM who was handing KENNETH TERRY money. As officers approached KENNETH TERRY and the UM, KENNETH TERRY told officers that he was not selling “dope” to this UM. Officers then asked KENNETH TERRY’s permission to search his vehicle. KENNETH TERRY gave officers permission to search the van and further stated that the van

belonged to someone else. Based on the intelligence received throughout this investigation, the officers believed that KENNETH TERRY hid narcotics in the rear of the van. The officers went directly to the rear of the van and recovered three clear large plastic bags containing suspect white heroin. The Officers then informed TERRY of the heroin that they found in the van. TERRY asked the officers to take him away from the area so KENNETH TERRY could “holler at them” (speak with them). Officers then relocated to the 3200 block of West Carroll with KENNETH TERRY.

b. While they drove to the new location, without questioning by officers, TERRY admitted to being in possession of the heroin, and he stated he knew how this worked and he wanted to help himself out. Officers then provided TERRY with his Miranda Rights. TERRY offered to provide the officers with a firearm in exchange for his release. At approximately 9:39 a.m., ROBERT EWING placed a .38 caliber firearm under the front seat of TERRY’s van. Once EWING departed the area, law enforcement entered TERRY’s van and retrieved the firearm. TERRY was released due to the ongoing investigation but was told he would be subject to arrest at a later date.

c. The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 15.1 grams of the 66.1 grams of powder and concluded that those 15.1 grams of powder were positive for heroin.

H. JUANICA BLASSINGAME

Non-Title III/Seizures

Purchase of Heroin by UCO from BLASSINGAME and WARD on August 28, 2008.

105. On or about August 28, 2008, a CPD UCO conducted a controlled narcotics purchase from JUANICA BLASSINGAME, CHARLES WARD, and Individual N, at KO. Additionally, CPD

set up video surveillance in the area and observed WARD, ROBERT EWING, JUANICA BLASSINGAME, and Individual N, all standing on the drug spot. Surveillance, a debrief of the UCO, and a review of the video surveillance recording revealed the following:

a. At approximately 10:10 a.m., video surveillance observed BLASSINGAME counting money believed to be narcotics proceeds and EWING sitting on the bicycle. At approximately 10:13 a.m., CPD UCO, driving a UCV, approached BLASSINGAME, who was wearing a black t-shirt with the words “Drug Dealer” on the front of the shirt, to purchase heroin. BLASSINGAME turned toward Individual N, who then reached inside the upper bra area of her shirt and removed an unknown item. Individual N then handed the suspect narcotics to BLASSINGAME, who in turn gave the item to WARD. WARD then walked over to the UCV and handed the UCO suspect heroin in exchange for \$30 in prerecorded CPD funds.

b. After the UCO departed the area, video surveillance observed WARD hand BLASSINGAME the money he received from the UCO for the purchase of heroin. After the narcotics transaction, the UCO provided law enforcement officers with a physical description of WARD, BLASSINGAME, and Individual N and an enforcement team located and detained the three subjects for identification purposes. Once detained, law enforcement officers recovered two blue tinted zip-lock bags of suspect heroin from Individual N.

c. The suspect heroin (purchased and seized) was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 0.2 grams of the 0.6 grams of powder and concluded that those 0.2 grams of powder were positive for heroin.

106. On or about September 14, 2008, CPD conducted surveillance at KO and seized 2.4

grams³⁶ of heroin from JUANICA BLASSINGAME and KENNETH TERRY. See paragraph 103 above.

107. On or about June 3, 2009, two CPD UCOs conducted a controlled narcotics purchase from JUANICA BLASSINGAME, KEVIN TERRY, JR., and Individual G at KO. The suspect heroin (both purchases) was subsequently inventoried by officers and tested by the Illinois Crime Laboratory which resulted in approximately 1.6 grams³⁷ of heroin. See paragraph 82 above.

Video Surveillance of Narcotics Transactions

108. On or about September 12, 2008, CPD conducted video surveillance at KO and observed BLASSINGAME conducting several hand-to-hand narcotics' transactions with unknown subjects. At 9:43 a.m., video surveillance observed BLASSINGAME conducting several hand-to-hand narcotics transactions with UM's inside of a vehicle.

109. On or about November 11, 2008, CPD conducted video surveillance at KO and at approximately 1:02 p.m., observed BLASSINGAME conducting hand-to-hand narcotics transactions with unknown subjects. See paragraph 112 below

110. On or about June 11, 2009, CPD conducted surveillance at KO and at approximately 9:14 a.m., observed BLASSINGAME holding suspect narcotics in her hand in front of 526 N. Kedzie Avenue. Additionally, CHARLIE WARD was observed handing BLASSINGAME money believed

³⁶ The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.4 grams of the 2.4 grams of powder and concluded that those 1.4 grams of powder were positive for heroin.

³⁷ The suspect heroin for both of the controlled narcotics purchases was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.3 grams of the 1.6 grams of powder and concluded that those 1.3 grams of powder were positive for heroin.

to be drug proceeds from KO.

I. CHARLES WARD³⁸

Non-Title III/Seizures

111. On or about August 28, 2008, CPD UCOs conducted a controlled narcotics purchase from CHARLES WARD, JUANICA BLASSINGAME, and Individual N, in the area of Kedzie Avenue and Ohio Street. See 105 above.

Purchase of Heroin by UCO from CHARLES WARD on November 11, 2008.

112. On or about November 11, 2008, law enforcement conducted a controlled narcotics purchase from CHARLES WARD and Individual O in the area of Chicago Avenue and St. Louis Street. Additionally, CPD set up video surveillance in the area and observed WARD, JUANICA BLASSINGAME, Individual H, and Individual O, all working on the drug spot. Surveillance, a debrief of the UCO, and a review of the audio and video recordings revealed the following:

a. At approximately 11:16 a.m., Individual H was standing on the corner of Chicago Avenue and St. Louis Avenue, along with several unknown subjects. At approximately 11:51 a.m., video surveillance observed Individual O conduct a suspect narcotics transaction with an unknown subject. At approximately 12:08 p.m., a CPD UCO, wearing an audio recording device,

³⁸The identification of CHARLES WARD in this affidavit is based in part on the following: law enforcement have observed Illinois Secretary of State photographs of WARD have compared the photos of WARD to the individual they saw during the surveillance and during certain video recordings described herein, and have confirmed that the individual is WARD. Furthermore, law enforcement officers have had conversations with WARD and confirmed that the individual responsible for the distribution of heroin during this investigation is WARD.

approached WARD and Individual O and asked for “Three” (three bags of heroin). Individual O looked toward WARD, who vouched for the UCO and told Individual O that he knew the UCO (WARD believed the UCO to be a drug customer). The UCO observed Individual O hand WARD three clear zip-lock bags with blue star logos on the bags containing suspect heroin. At approximately 12:09 p.m., WARD gave the suspect heroin to the UCO in exchange for \$30 of prerecorded CPD funds.

b. The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 0.1 grams of the 0.4 grams of powder and concluded that those 0.1 grams of powder were positive for heroin.

113. On or about November 18, 2008, a CPD UCO conducted a controlled narcotics purchase from CHARLES WARD and Individual H in the area of Chicago Avenue and St. Louis Street. Surveillance, a debrief of the UCO, and a review of the audio and video recordings revealed the following:

a. At approximately 12:49 p.m., WARD and Individual H conducted a hand-to-hand narcotics transaction with an UF. Specifically, Individual H gave the suspect narcotics to WARD, who in turn sold the narcotics to an UF. At approximately 12:58 p.m., a CPD UCO, wearing an audio recording device, approached WARD in his/her UCV and asked for “Eight” (eight packets of heroin). WARD asked, “Eight” and the UCO confirmed, “Eight.” WARD told the UCO “it will be about ten minutes and I will get you some.” Shortly after, WARD entered the UCV’s vehicle and removed a plastic bag from inside his hoodie and counted out the suspect heroin to the UCO in exchange for \$80 in prerecorded CPD funds. At approximately 1:04 p.m., WARD exited the UCO’s

vehicle and the UCO departed the area.

b. The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed the suspect heroin and concluded that 1.7 grams of the powder tested positive for heroin.

114. On or about November 20, 2008, CPD UCOs conducted two controlled narcotics purchases and one seizure from CHARLES WARD and KEVIN TERRY, JR. in the area of Chicago Avenue and St. Louis Street. The suspect heroin (including the two controlled narcotics purchases and the seizure) was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed the suspect heroin and concluded that 2.9 grams of the powder tested positive for heroin.

Seizure of Heroin from CHARLES WARD on December 9, 2008

115. On or about December 9, 2008, law enforcement officers seized heroin from WARD in the area of Chicago Avenue and St. Louis Street.

a. Initially, law enforcement overheard WARD yelling, “Blows, Blows” (a street term for heroin) and conducted a field interview of WARD. WARD did not provide any incriminating statements to law enforcement. Surveillance observed WARD retrieving narcotics from a “chip bag” located in a vacant lot at approximately 754 N. St. Louis Street. Surveillance had previously observed WARD enter the vacant lot, pick up the “chip bag,” remove a dark object from the bag, and rip a section with his hands and place the remainder in the “chip bag.” WARD then ran across the street and sold the suspect narcotics to unknown subjects. Officers detained WARD and seized the “chip bag,” which contained a piece of black and gray tape containing thirteen tinfoil packets, each containing suspect heroin.

b. The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.1 grams of the 1.3 grams of powder and concluded that those 1.1 grams of powder were positive for heroin.

Video Surveillance of Drug Transactions

116. On or about November 6, 2008, law enforcement conducted video surveillance in the area of Chicago Avenue and St. Louis Street. At approximately 4:43 p.m., video surveillance observed CHARLES WARD walking out of the bushes and later WARD conducted two suspect narcotics transactions with unknown subjects.

117. On or about June 4, 2009, law enforcement conducted video surveillance in the area of Kedzie Avenue and Ohio Street and observed WARD, JUANICA BLASSINGAME, Individual H (KEVIN TERRY, JR., KENNETH TERRY, and Individual I all working on the drug spot. At approximately 7:59 a.m., video surveillance captured WARD conducting a suspect narcotics transaction with an unknown subject. In addition, at approximately 10:00 a.m., video surveillance captured a CPD UCO engaged in a conversation with TERRY, JR. and at approximately 10:03 a.m., video surveillance observed Individual I conduct a narcotics transaction with UCO1 and with a second UCO at approximately 10:24 a.m. See paragraph 83 above

J. ROBERT EWING

Non-Title III/Seizures

Purchase of Heroin by UCO from ROBERT EWING on August 29, 2008.

118. On or about August 29, 2008, two CPD UCOs conducted and surveilled two controlled narcotics purchases, one being from EWING, and the other purchase from Individual P, both occurring

at KO. Additionally, video surveillance observed EWING, JUANICA BLASSINGAME, and Individual P all working on the drug spot. Surveillance, a debrief of the UCO, and a review of the video recording revealed the following:

a. Physical surveillance observed EWING conducting several hand-to-hand narcotics transactions with unknown subjects. At approximately 12:46 p.m., EWING was seen riding around on a bicycle in the area of Kedzie Avenue and Ohio Street when UCO1 approached EWING to purchase heroin. The UCO1 asked EWING, "You got the blows?" EWING replied, "Yeah, how many you need?" The UCO1 stated, "Let me get three." The UCO1 observed EWING reach into his pants pocket and remove a brown paper bag. EWING opened the bag and removed three blue tinted zip-lock bags, each containing a folded tinfoil packet with a suspect heroin and handed it to the UCO in exchange for \$30 of prerecorded CPD funds. At approximately 12:55 p.m., UCO2 approached Individual P, who provided suspect heroin to UCO2 in exchange for \$30 in prerecorded CPD funds.

b. After the narcotics transaction, the UCO provided law enforcement officers with a physical description of EWING and an enforcement team located and detained EWING for identification purposes. Additionally, the UCO viewed a photo array and positively identified EWING as the individual who delivered heroin to him in exchange for \$30.

c. The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 0.3 grams of the 1.3 grams of powder and concluded that those 0.6 grams of powder were positive for heroin (includes both controlled narcotics purchases).

Seizure of Heroin from ROBERT EWING on September 12, 2008.

119. On or about September 12, 2008, law enforcement conducted a surveillance in the area

of Kedzie Avenue and Ohio Street and seized heroin from EWING.

a. Law enforcement observed EWING place an object on the ground alongside a fence in a vacant lot. EWING looked in the direction of the police and ran through the vacant lot and then south bound on Sawyer Avenue. Officers did not chase EWING, but went to the location where EWING hid the object. Officers recovered a Walgreens prescription bottle containing five blue tinted clear zip lock bags which contained a foil object containing suspect heroin. The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 0.1 grams of the 0.7 grams of powder and concluded that those 0.1 grams of powder were positive for heroin.

Purchase of heroin by UCO from EWING on September 20, 2008.

120. On or about September 20, 2008, law enforcement conducted and surveilled a controlled narcotics purchase from EWING, Individual Q, and Individual R at KO. Surveillance, a debrief of the UCO, and a review of the video recording revealed the following:

a. A CPD UCO, wearing an audio recording device, had a conversation with EWING, Individual R, and Individual Q. EWING was initially reluctant to sell the UCO heroin. EWING then walked into a vacant lot located at Sawyer Street and Ohio Street and retrieved unknown items (believed to be narcotics) from the north end of a lot, along side a fence. This is the same location video surveillance observed EWING go to earlier in the day to retrieve narcotics when he was conducting suspect narcotics transactions with unknown subjects. After obtaining these unknown items, law enforcement observed EWING hand these items to Individual R. Both Individual R and Individual Q approached UCO. Individual R placed six clear blue tinted zip lock bags, each containing a foil packet which contained suspect heroin, on a bannister where the UCO was sitting.

Individual Q and Individual R explained to the UCO that they only had six “blows” to give the UCO. UCO placed \$60.00 in prerecorded CPD funds on the bannister which Individual R and Individual Q picked up and departed the area.

b. The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.2 grams of the powder and concluded that those 1.2 grams of powder were positive for heroin.

121. On or about June 18, 2009, a CPD UCO conducted a controlled narcotics purchase with TERRY, JR., ROBERT EWING, and Individual H. The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.2 grams of the 2.0 grams of powder and concluded that those 1.2 grams of powder were positive for heroin. See paragraph 84 above.

Seizure of Heroin from ROBERT EWING on September 18, 2009.

122. On or about September 18, 2009, law enforcement conducted and surveilled the drug operation in the area of Chicago Avenue and St. Louis Street and seized approximately .6 grams of heroin. Surveillance, a debrief of CPD officers, and a review of the video surveillance recording revealed the following:

a. Video surveillance³⁹ observed EWING retrieving narcotics from inside of a bush on two occasions. After retrieving those narcotics, each time EWING walked over to a vehicle and conducted a suspect narcotics transaction with an unknown subject inside the passenger side of a vehicle. Officers went to the area where EWING was observed storing narcotics and recovered a

³⁹ The recording of the video camera failed to provide times associated with the above transactions.

Newport box which contained five zip lock bags with “star logos” on each bag. Inside of each bag were tin foil packets which each contained suspect heroin. A short time later, officers conducted a field interview with EWING. Officers took EWING into custody and advised EWING of his Miranda rights. EWING did not provide any incriminating statements. Due to the ongoing investigation, EWING was released but was advised he would be the subject of a future arrest warrant. The suspect heroin was subsequently inventoried by officers and tested by the Illinois Crime Laboratory which resulted in approximately .6 grams of heroin.

Video Surveillance of Drug Transactions

123. On or about September 11, 2008, law enforcement conducted video surveillance in the area of Kedzie Avenue and Ohio Street and observed EWING and JUANICA BLASSINGAME holding suspect narcotics; counting money; and conducting suspect narcotics transactions with unknown individuals. Specifically, at approximately 8:17 a.m. and 8:21 a.m., video surveillance observed BLASSINGAME conduct suspect narcotics transactions with unknown subjects. In addition, video surveillance captured EWING running to an area close by where he retrieved the suspect narcotics to conduct drug transactions.

124. On or about September 27, 2008, law enforcement conducted video surveillance⁴⁰ in the area of Kedzie Avenue and Ohio Street and observed EWING holding suspect narcotics; counting money; and conducting suspect narcotics transactions with unknown individuals. Video surveillance observed EWING retrieving suspect narcotics from a pill bottle next to a tree, put the pill bottle back (next to the tree) and then conduct a hand-to-hand drug transaction with an unknown male subject, as

⁴⁰ The recording of the video camera failed to provide times associated with the above transactions.

well as a second unknown subject in a blue van. EWING continued to conduct several narcotic transactions with vehicular and pedestrian traffic from the pill bottle placed next to the tree.

125. On or about August 29, 2009, law enforcement conducted video surveillance and at approximately 9:38 a.m., observed EWING sitting on a bike counting money. At approximately 9:41 a.m., video surveillance observed EWING conducting a suspect narcotics transaction with an unknown subject. At approximately 9:52 a.m., video surveillance observed EWING retrieve suspect narcotics out of a bush and again conduct a suspect narcotics transaction to an unknown subject.

K. ANTOINE JONES

Non-Title III/Seizures

126. On or about July 16, 2009, law enforcement conducted physical and video surveillance in the area of Kedzie Avenue and Ohio Street and seized heroin from JEFFREY SCOTT, ANTOINE JONES, and Individual L. The suspect heroin was subsequently inventoried by officers and tested by the Illinois Crime Laboratory which resulted in approximately 2.6 grams of heroin.⁴¹ See paragraph 95 above.

Purchase of Heroin by UCOs from ANTOINE JONES on July 21, 2009.

127. On or about July 21, 2009, law enforcement conducted and surveilled three controlled narcotics purchases from JONES and Individual S. Additionally, video surveillance captured JONES, KEVIN TERRY, JR., JEFFREY SCOTT, JASON AUSTIN, Individual S, and Individual K, all working on the drug spot. Surveillance, a debrief of UCOs, and a review of the video recordings

⁴¹ The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.1 grams of the 2.6 grams of powder and concluded that those 1.1 grams of powder were positive for heroin.

revealed the following:

a. At approximately 9:31 a.m., video surveillance observed Individual S at Kedzie Avenue and Ohio Street counting money. At approximately 9:33 a.m., a CPD UCO1, driving a Undercover Vehicle (UCV), arrived in the area and Individual S approached the UCO. Individual S gave the UCO three clear plastic zip lock bags, each imprinted with black spades containing a tin foil packet in exchange for \$30 in prerecorded CPD funds.

b. At approximately 9:33 a.m., video surveillance observed Individual S conduct two suspect narcotics transactions with unknown subjects. Immediately after the transactions, UCO2 arrived in the area on a bicycle and approached Individual S. Individual S gave UCO2 two clear zip lock bags with black spades, containing a tin foil packet in exchange for \$20 in prerecorded funds. At approximately 9:41 a.m., video surveillance observed TERRY, JR. and JEFFREY SCOTT in the area engaged in a conversation. At approximately 9:50 a.m., video surveillance observed JASON AUSTIN riding a bike in the area of Kedzie Avenue and Ohio Street. At approximately 9:52 a.m., video surveillance observed Individual K conducting a suspect narcotics transaction with an unknown subject. At approximately 10:39 a.m., JONES retrieved suspect narcotics from a garbage can and then put the suspect narcotics back in the garbage can.

c. At approximately 10:57 a.m., UCO3 arrived at the location and met with Individual S. Individual S asked UCO3, "How many do you want?" UCO3 replied, "6" (six bags of heroin). Individual S told UCO3 to circle around the block while he called his man (the individual on the drug spot that is responsible for passing out the narcotics). When UCO3 returned he/she was approached by JONES, who asked to enter UCO3's vehicle. JONES got into the car and confirmed that UCO3 wanted "six." JONES asked UCO3 to circle the block and to go through the alley. UCO3

drove north bound on Kedzie Avenue to Huron Street and then south bound into the west alley of Kedzie Avenue and Huron Street. JONES asked UCO3 if she was the police, and UCO replied, "No." JONES asked UCO3 to pull the car over. JONES got out of the car and went into a garbage can where he retrieved a napkin. JONES returned to UCO3's vehicle. JONES opened the napkin and handed UCO3 six black plastic baggies with skull logos, all containing tin foil packets of suspect heroin, in exchange for \$60 in prerecorded CPD funds.

d. The suspect heroin was subsequently inventoried by officers and sent to the Illinois State Police Division of Forensic Services for analysis. A forensic scientist analyzed 1.7 grams of the 2.4 grams of powder and concluded that those 1.7 grams of powder were positive for heroin (Includes all three controlled narcotics buys).

Video Surveillance of Narcotics Sales by ANTOINE JONES

128. On or about July 14, 2009, law enforcement conducted video surveillance in the area of Kedzie Avenue and Ohio Street and observed ANTOINE JONES, JEFFREY SCOTT, KEVIN TERRY, JR. and others working on the drug spot. SCOTT, JONES and Individual K were all walking back and forth at the corner of Kedzie Avenue and Ohio Street. At approximately 4:20 p.m., video surveillance captured JONES retrieving suspect narcotics from inside a garbage can and conduct a suspect narcotics transaction with an UM.

CONCLUSION

WHEREFORE, your Affiant submits that the foregoing evidence established that the above-listed defendants have conspired with each other and others known and unknown to the United States to knowingly and intentionally possess with intent to distribute and to distribute controlled substances, namely, 50 grams or more of mixtures and substances containing a detectable amount of cocaine base and 1 kilogram of heroin or in the form of crack cocaine in violation of Title 21, United States Code, Section 846 and Title 18, United States Code, Section 2.

FURTHER AFFIANT SAYETH NOT

XAVIER ELIZONDO
Task Force Officer, Federal Bureau of Investigation

Sworn and subscribed to before me on this
16th day of November 2010.

YOUNG B. KIM
UNITED STATES MAGISTRATE JUDGE