

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER:

MARGARITA GONZALEZ,
also known as "Flaca" and
RAFAEL POLANCO,
also known as "Junior"

UNDER SEAL

I, the undersigned complainant, being duly sworn on oath, state that the following is true and correct to the best of my knowledge and belief: On or about November 7, 2008, at Chicago, in the Northern District of Illinois, Eastern Division MARGARITA GONZALEZ, also known as "Flaca," and RAFAEL POLANCO, also known as "Junior," defendants herein:

maliciously damaged and destroyed, and attempted to damage and destroy, by means of fire, a building located at 5686 North Elston in Chicago, Illinois, and other real and personal property used in interstate commerce;

in violation of Title 18, United States Code, Section 844(i). I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

Signature of Complainant
RAYMOND DOWLING
Special Agent, Bureau of Alcohol, Tobacco, Firearms &

Explosives

Sworn to before me and subscribed in my presence,

July 27, 2009
Date

at Chicago, Illinois
City and State

MORTON DENLOW, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

plate 2569474 (“The Premises”) (as more fully described in Attachment A), for evidence, instrumentalities, and fruits (as more fully described in Attachment B), of arson affecting interstate commerce, in violation of Title 18, United States Code, Section 844(i).

4. This affidavit is based on my personal knowledge and experience, and information provided to me by other law enforcement agents and witnesses.

Victim A’s Relationship to GONZALEZ

5. In November 2008, Victim A resided with her two daughters, ages 6 and 3, in apartment 2C of a 12-unit apartment building located at 5686 N. Elston in Chicago, Illinois (the “North Elston Apartment.”) According to Victim A, shortly before the time of the apartment fire, the details of which are set forth below, Victim A’s boyfriend was Individual D. Individual D has confirmed these facts.

6. According to Individual D, Individual D is the father of one child belonging to GONZALEZ. According to Individual D, Individual D has had an on and off relationship with GONZALEZ over the past several years. Individual D has no children with Victim A.

7. During the course of the investigation both GONZALEZ and POLANCO have been interviewed. According to GONZALEZ and POLANCO, GONZALEZ has been in a relationship with POLANCO for an extended period of time.

August 2008: GONZALEZ and Individual D Travel to Mexico

8. On about August 19, 2008, GONZALEZ and Individual D traveled together to Mexico. According to Victim A, Individual D, GONZALEZ, and POLANCO,

during the trip at the end of August 2008, Individual D was still in a relationship with Victim A, and GONZALEZ was in a relationship with POLANCO. According to POLANCO, Victim A and POLANCO agreed to have sex out of revenge to get back at Individual D and GONZALEZ for going to Mexico together. According to POLANCO, he had sex with Victim A at the North Elston Apartment.

9. According to POLANCO, GONZALEZ subsequently learned that POLANCO had sexual relations with Victim A while GONZALEZ was in Mexico. According to Victim A, GONZALEZ telephoned Victim A from Mexico, and during the conversation GONZALEZ threatened to burn down Victim A's residence.

10. Individual E, one of GONZALEZ's sisters, heard voicemails left by Victim A for GONZALEZ while GONZALEZ was in Mexico with Individual D. Victim A left the voicemails on the telephone belonging to Individual E's child, which GONZALEZ had been borrowing. According to Individual E, on at least one of these voicemails, Victim A threatened GONZALEZ, saying something to the effect of GONZALEZ was going to "get hers." Also according to Individual E, GONZALEZ told Individual E that Victim A threatened to "burn" GONZALEZ and kidnap GONZALEZ's children when GONZALEZ returned from Mexico.

11. According to Individual F, an acquaintance of GONZALEZ, upon GONZALEZ's return from Mexico, GONZALEZ was very upset about the affair between Victim A and POLANCO and kept talking about it. GONZALEZ kept saying she was going to get back at Victim A, that Victim A was a "bitch" and "ho," that GONZALEZ was going to "fuck her up," and she started saying things like, "Pay back's

a bitch.” GONZALEZ started saying these things approximately a couple weeks after she got back from Mexico. Up until the day of the fire on November 7, 2008, GONZALEZ often would talk to Individual F about how much she hated Victim A.

October 17, 2008: GONZALEZ’s Car Catches Fire

12. According to Chicago Police Department (“CPD”) records, on October 17, 2008, at approximately 12:40 a.m., a fire occurred in a vehicle owned by GONZALEZ which was parked outside her residence at 2548 W. Menard Street, Chicago, Illinois. There were no injuries sustained in this car fire and the cause of the fire was ruled electrical in nature by the Chicago Fire Department (“CFD”).

13. According to Individual F and another acquaintance of GONZALEZ (Individual G) as well as GONZALEZ’s cousin (Individual H), GONZALEZ told each of them separately that GONZALEZ believed Victim A set GONZALEZ’s car on fire on October 17, 2008, out of revenge to get back at GONZALEZ for going to Mexico with Individual D. GONZALEZ told each of these individuals that she believed Victim A lit the car on fire even though the police said it was an electrical fire.

October 24, 2008: Text Message to Victim A

14. On October 24, 2008 – Victim A was with a friend (Individual I) who received a text message indicated by a group of zeros, which indicated to Individual I that the message was sent from an unknown internet site. Individual I said the message stated something to the effect of, “tell your friend that we are going to get her but that she is always with her kids.” Individual I’s phone records reflect that on October 24, 2008, at approximately 8:21 p.m., Individual I received a incoming text

message from 0000000000.

October 26, 2008: Small Fire at the North Elston Apartment

15. According to CPD reports, on October 26, 2008, a fire occurred in the North Elston Apartment in the hallway outside apartment 2C. The fire was extinguished by another resident of the apartment prior to CFD's arrival. The fire resulted in extensive damage to the carpeting outside Apartment 2C, where Victim A resided with her two daughters, ages three and six years old. The fire also caused minor damage to the door of Apartment 2C and the wall outside Apartment 2C. According to an Illinois State Police Division of Forensic Services laboratory report, carpet samples taken from the scene of the fire tested negative for flammable or combustible liquids.

November 7, 2008: Victim A's Car is Set on Fire

16. According to a CPD report, a vehicle fire occurred on November 7, 2008, at 5575 W. Ardmore Avenue in Chicago. The vehicle involved was a blue 1997 Mercury Grand Marquis registered to Victim A. When CPD arrived at the scene, the front engine compartment of the Mercury was engulfed in flames. The flames also burned the rear area of the 1998 GMC Yukon SUV parked in front of the Mercury. Post fire suppression examination revealed the origin of the fire to be the engine compartment of the Mercury.

17. Unless otherwise indicated, the following information was provided by Individual F:

- a. On November 6, 2008, Individual F was at her home on N. Mont

Clare in Chicago. She talked with GONZALEZ on the telephone at around 10:00 p.m. Individual F's phone records confirm that she and GONZALEZ were in telephone contact on this date and time. GONZALEZ told Individual F she was going to pick up Individual F so they could drive around and smoke marijuana. Individual F had previously driven around and smoked marijuana with GONZALEZ and POLANCO on at least 6 other occasions, so Individual F did not think it was unusual.

b. GONZALEZ arrived at Individual F's residence late that night or very early the next morning. GONZALEZ was in the passenger seat of a green Dodge Neon with POLANCO driving, so Individual F got in the back seat. GONZALEZ, POLANCO, and Individual F drove around the neighborhood getting high on marijuana for a while.

c. Early in the morning of November 7, 2008, POLANCO drove over to the 5600 block of North Elston. POLANCO drove slowly eastbound on Ardmore away from Central. GONZALEZ and POLANCO were looking out the window at a Grand Marquis that was parked on the south side of Ardmore at approximately 5575 W. Ardmore. When POLANCO drove past the car, Individual F saw that there were baby items or kids' toys in the back window or on top of the back seat. Individual F heard GONZALEZ tell POLANCO something to the effect of, "That's her car right there" as she was motioning to the Grand Marquis. POLANCO replied, "Yeah, that's the car." POLANCO then drove further eastbound down Ardmore and pulled a U-turn, coming back westbound on Ardmore toward Central. POLANCO stopped the car near the stop sign at the intersection of Ardmore and Central at approximately 5582 W.

Ardmore on the north side of the street, so they were a couple of car lengths away from the Grand Marquis and on the other side of the street.

d. Individual F saw GONZALEZ bending down in front of her, and then smelled gasoline. GONZALEZ told POLANCO something like, "Let's get out."

e. At that point, GONZALEZ and POLANCO both jumped out of the car, and Individual F stayed in the back seat. From the back seat Individual F could see that GONZALEZ was carrying a laundry detergent bottle. Individual F also saw that GONZALEZ was holding matches as she got out of the car. GONZALEZ was wearing all black with black pants and a black sweatshirt "hoodie" with the hood over her head.

f. Individual F then saw GONZALEZ pour a liquid from the laundry detergent bottle over the hood of the parked Grand Marquis. Individual F did not see her pour anything inside the car, and did not see her open the car doors.

g. Individual F saw GONZALEZ strike the matches and then throw the matches on the car.

h. This whole time POLANCO stood in the middle of the street looking out for GONZALEZ. He kept looking around. Individual F remained in the car while this was going on.

i. After GONZALEZ lit the car on fire, GONZALEZ and POLANCO both got back into her car. After she got back in the car, GONZALEZ told POLANCO to drive around to another block so she could watch the car burn. POLANCO drove

around some side streets and alleyways in the neighborhood, and GONZALEZ threw the laundry detergent bottle in a garbage can or dumpster in an alley.

j. POLANCO then drove across Central to Manton and parked the car at approximately 5714 W. Manton in a location where they could all see the fire to the parked Grand Marquis. There was a big truck parked in front of the Grand Marquis, and the back of the truck caught on fire.

k. POLANCO and GONZALEZ were both laughing as they sat and watched the car fire. Individual F asked them whose car that was, and GONZALEZ said it was Victim A's. They sat in the car and watched CPD and Chicago Fire Department put out the fire. As they were watching, GONZALEZ said something to the effect of, "I'm not done. I'm going to her house."

November 7, 2008: The North Elston Apartment is Set on Fire

18. According to a CFD Office of Fire Investigation ("OFI") report, on November 7, 2008, at approximately 1:52 a.m., a fire occurred at the 12-unit apartment building located at 5686 N. Elston in Chicago, Illinois.

19. The fire was discovered by CPD officers who were investigating the care fire at 5575 W. Ardmore Avenue. The officers heard loud screaming and observed smoke coming out of the front of 5686 N. Elston.

20. The CPD officers relocated to 5686 N. Elston and observed Victim A, a resident of Apartment 2C, hanging out her front second story window holding her two young daughters, ages six and three years old. The officers observed the six-year old girl fall from the window to the ground.

21. CFD arrived at the scene and secured Victim A and her 3-year old daughter from the second floor apartment window. Victim A and her two daughters were transported to local area hospitals. Victim A and her 6 and 3-year old daughters (Victims B and C respectively) suffered serious burn injuries and all were treated for extended periods of time at a medical center. For several weeks, Victim C was not expected to survive. To today's date, Victims B and C are still undergoing rehabilitation. According to Victims B and C's guardian ad litem, as a result of facial burns they sustained in the fire, Victims B and C must wear masks on their faces for twenty-three hours a day and are allowed to remove the masks only to eat, and only for an hour total per day. As a result of the burns they sustained to their bodies, Victims B and C must wear pressurized suits. They also must be home-schooled by the public school system.

22. Other residents in the building also were rescued by CFD and some – including two other children – were transported to area hospitals for smoke inhalation and other injuries.

23. On November 7, 2008, Illinois State Fire Marshall's canine arson/explosives dog alerted positive for the presence of accelerants in the hallway outside apartment 2C. According to CFD and Chicago Police Department ("CPD"), the cause of the fire was determined to be a flammable liquid poured in the common hallway in front of the kitchen door leading into apartment 2C and ignited with an open flame.

24. According to an Illinois State Police Division of Forensic Services laboratory report, fire debris samples taken from the scene of the fire – charred carpeting from the hallway near Apartment 2C, a sample from the floor of the threshold of the Apartment 2C doorway, and a carpet sample taken by the door leading into the kitchen of Apartment 2C – tested positive for the presence of gasoline.

25. Unless otherwise indicated, the following information was provided by Individual F:

a. After GONZALEZ, POLANCO, and Individual F watched CPD and CFD put out the car fire, POLANCO then drove southbound onto Central and turned down the alley located behind the apartment building near the intersection of Central and Elston at 5686 N. Elston.

b. While they were driving, GONZALEZ said, “I’m going to burn down her house” and “I’m not playing with her anymore.” GONZALEZ was very angry at Victim A and she kept saying she could not stand Victim A. GONZALEZ was saying that she couldn’t wait until she got there and that this is what Victim A deserved.

c. POLANCO parked the car in the middle of the alley directly behind the apartment building. He was parked southeast, facing away from Central. After POLANCO parked the car, GONZALEZ said something to the effect of, “I’m going.” GONZALEZ then got out of the car holding a second laundry detergent bottle and more matches. As GONZALEZ got out of the car, she told Individual F to come with her inside the building, but she did not say why. Individual F saw GONZALEZ was holding gasoline and matches, but agreed to go with her.

d. Individual F followed GONZALEZ through the back door of the apartment building, which was unlocked, and POLANCO stayed in the car. Individual F followed GONZALEZ up two flights of stairs to the second floor. By the time Individual F got through the first door downstairs, GONZALEZ was about to go up the second flight of stairs. By the time Individual F got to the door at the second floor landing, GONZALEZ had turned right down the hallway to an apartment located on the right hand side down toward the end of hallway.

e. Individual F could see GONZALEZ was already splashing the liquid from the container all over the apartment door, walls and carpeting. Individual F went about halfway down the hallway.

f. Individual F asked GONZALEZ, "What if her kids are inside? You have kids too." But GONZALEZ's response was something to the effect of, "I don't care," and she kept splashing the gasoline.

g. GONZALEZ motioned for Individual F to come closer, but Individual F refused. GONZALEZ whispered to Individual F something to the effect of, "Could you light this up because I have gasoline on my hands," but Individual F said no. So GONZALEZ lit the match and threw it on the door. When GONZALEZ lit the match, parts of GONZALEZ's pants caught on fire, and GONZALEZ had to pat down her clothes to smother the fire.

h. Once GONZALEZ lit the fire, GONZALEZ and Individual F started running back toward the stairwell. They ran down the stairwell, out the back door and

got back into the car, at which time POLANCO drove off down the alley. POLANCO was already in the driver's seat with the car running.

i. POLANCO stopped their car in an alley and GONZALEZ threw the detergent bottle and her sweatshirt into a garbage can.

j. After they drove away from the apartment building, GONZALEZ was talking very fast and loud and shouting "Fuck that bitch" and "That's what she gets." POLANCO was laughing. POLANCO and GONZALEZ then drove Individual F back to her house.

26. According to OFI report, the tenant of Apartment 1A reported that just before the fire, he was watching television in his apartment when he heard footsteps and what sounded like a couple of people running. The tenant then heard the smoke detectors sound.

27. According to Individual J – the father of two of GONZALEZ's daughters – and Individual J's girlfriend, in the late afternoon of November 6, 2008, GONZALEZ unexpectedly dropped their two daughters off at Individual J's residence, claiming that their oldest daughter wanted to spend her birthday with Individual J. Prior to this date, GONZALEZ had refused Individual J's request to spend the daughter's birthday with her. Individual J said this was very unusual, and the two girls stayed with him for about two weeks before GONZALEZ came and picked them up at his residence.

November 14, 2008: GONZALEZ and POLANCO Lie to Law Enforcement

28. On November 14, 2008, a week after the apartment fire, ATF and CPD interviewed GONZALEZ. GONZALEZ denied any involvement in the apartment fire.

GONZALEZ's alibi for the fire was that on the night of Thursday, November 6, 2008, she was picked up from her job at the Dollar Tree at about 10:45 pm by POLANCO and her two daughters that were fathered by Individual J. She said that the four of them – POLANCO, GONZALEZ, and GONZALEZ's two daughters– drove to the residence of her sister, Individual E, and spent the night there after having a birthday party there for one of GONZALEZ's daughters.

29. POLANCO was also interviewed separately by ATF and CPD on November 14, 2008. POLANCO likewise denied any involvement in the apartment fire. POLANCO also stated that he, GONZALEZ, and GONZALEZ's two daughters spent the evening and night at Individual E's house.

30. At the end of each interview on November 14, 2008, CPD Detective Vogenthaler informed GONZALEZ and POLANCO that this case was being investigated by a federal grand jury and that they may be subpoenaed to testify before this grand jury in the future.

December 2008: GONZALEZ Attempts to Obstruct Justice

31. According to Individual J, at some point in December 2008 before Christmas, GONZALEZ showed up at Individual J's residence and said she wanted him to lie to police and say that their two daughters were with GONZALEZ the night of November 6, 2008. GONZALEZ told Individual J that the police were saying GONZALEZ was responsible for burning down Victim A's apartment on the night of November 6. Individual J asked GONZALEZ if she did it, and she smiled at him and laughingly said no.

32. According to Individual F, in about December 2008, Individual F and GONZALEZ were both in their cars near Augusta Street in Chicago, and GONZALEZ motioned for Individual F to stop. Individual F got out of her car and walked over to GONZALEZ's car. GONZALEZ was talking low, and she told Individual F to tell police that she did not know GONZALEZ and that Individual F used to call GONZALEZ's phone just looking for GONZALEZ's brother. GONZALEZ told Individual F that if the police ever asked Individual F anything about the fire, Individual F should deny everything and say she did not know what they were talking about.

January 2009: GONZALEZ Lies to Law Enforcement and Attempts to Obstruct Justice

33. On January 21, 2009, GONZALEZ again told ATF and CPD that she was at her sister's house with her two daughters and POLANCO the night of Thursday, November 6, 2008. This time, GONZALEZ's alibi changed slightly – she said that her two daughters had been dropped off at Individual E's house earlier in the afternoon of November 6 to celebrate one of her daughter's birthdays and that GONZALEZ had driven over to her sister's house after she finished her shift at the Dollar Tree at about 10:00 p.m. GONZALEZ said she did not even know where Victim A was living at the time of the fire.

34. According to Individual J, in January 2009, GONZALEZ approached Individual J a second time at his residence and again asked him to lie to the police for her and say that she had their two daughters on November 6, 2008. This time GONZALEZ was crying and she repeatedly said she was going to go to jail if Individual

J did not lie to the police for her. Parts of this conversation were overheard by Individual Q, Individual J's girlfriend.

35. According to Individual E, twice in January 2009, GONZALEZ asked Individual E to lie to law enforcement and tell them that GONZALEZ and her two daughters spent the night at Individual E's house on November 6, 2008, after celebrating one of her daughter's birthdays there.

36. According to Individual H, GONZALEZ's cousin, at some point in January 2009, Individuals E and K – GONZALEZ's two sisters – told Individual H to lie to law enforcement and tell them that he was at Individual E's house on November 6, 2008, with them, GONZALEZ, and GONZALEZ's two daughters, celebrating the birthday of one of her daughters. Individual H called GONZALEZ the next day to find out why he should lie. GONZALEZ told Individual H that on November 6, 2008, she was driving around getting high with POLANCO and Individual F, and that she needed a "better alibi."

37. In an interview on January 23, 2008, Individual E backed GONZALEZ's story of spending the night at Individual E's house the night of the apartment fire. Individual E told ATF and CPD that GONZALEZ had dropped off her two daughters at Individual E's house at about 4:00 p.m. on November 6th and then driven over to her job at Dollar Tree. Dollar Tree records confirm that GONZALEZ worked the evening of November 6 until about 10:05 p.m. Individual E said that GONZALEZ came back to Individual E's house at about 11:00 p.m., arriving at the same time as POLANCO, although they came in separate vehicles. Individual E said that by this time all the

children (GONZALEZ's two children and Individual E's five children) were asleep and the adults continued the party into the next morning. Individual E named three other adults who were at the party – Individual K (another of GONZALEZ's sisters), Individual L (Individual K's boyfriend), and Individual H. Individual K and Individual L both told ATF that they were present at Individual E's residence on November 6, for the birthday party of one of GONZALEZ's children, but they were not interviewed in detail.

February 2009: GONZALEZ Attempts to Obstruct Justice

38. According to Individual F, at some point in early 2009, Individual F ran into GONZALEZ at a gas station at Augusta and Western. GONZALEZ again motioned for Individual F to come over, so she did. GONZALEZ told Individual F that she had failed a lie detector test and told Individual F that if police came to interview Individual F she should say she does not know GONZALEZ. GONZALEZ told Individual F to keep her mouth shut. GONZALEZ said Individual F did not want to be on GONZALEZ's bad side. GONZALEZ said she was capable of doing anything because look what she did to Victim A and she would do the same thing to Individual F. Individual F told GONZALEZ she was not going to say anything.

39. On February 11, 2009, ATF and CPD arranged a meeting between GONZALEZ and Individual J, and the meeting was recorded with audio and video. During this meeting, GONZALEZ admitted she had falsified her alibi and asked Individual J to back up her story about having her kids. She also told Individual J not

to tell law enforcement that she burned Individual J's cars. More specifically, GONZALEZ made the following statements to Individual J:

a. "Cause they said I burned your car. They wanna' know like if I'm capable of burning old girl's shit."¹

b. "Cause I told them that I had the kids. That was my alibi. You need an alibi. You need to be somewhere so they can't pin that shit on you."

c. "All you gotta say is, 'She had the kids. She had the kids. They came with me on Sunday.' That's it."

d. "So they trying to say it was me or [Individual G]. You know, me, 'cause Junior whatever, [Individual D] all that bullshit whatever."

e. "All you say, 'I don't know shit . . . she won't do no shit like that she's not for, she's got kids,' whatever. Say whatever the fuck you want, know what I'm sayin' shit. I just said don't say I burned your cars 'cause then it be like ah well if she burned his cars, maybe she you know whatever."

f. "Fuck then I was like man, I gotta' tell [Individual J] just to say that I didn't burn his cars."

¹ According to Individual J, GONZALEZ previously set two of his cars on fire and admitted to setting them on fire. Individual J did not report the car fires to the police because the cars were not registered or titled in his name. Also, according to Individual K, GONZALEZ had told Individual K she had set Individual J's car on fire to get back at him because they were having an argument.

g. “I did. I had ‘cause I said I had the kids. I was at home. No I said I was at my sister’s house. That I had a party for my kids, that’s, ‘cause my sister was my alibi.”

h. When Individual J asked, “So you want me to lie for . . . on the 13th or the 6th?” GONZALEZ replied, “Crystal’s birthday,” which was November 6.

i. GONZALEZ further told Individual J to say when questioned, “She had the kids. I don’t know. I don’t know, I don’t know what to tell you. She ever burn your car, nah she never burned my car. How’d your car set on fire? I’m a gangbanger. I don’t fuckin’ know. Somebody . . . tried to burn it.”

j. When Individual J said, “When they mention your name I was like damn that was the shit you said to lie about, that you had the kids. . . .,” GONZALEZ replied, “Well uh, that’s it. Just say that they were with me. That’s it.”

June 2009: GONZALEZ Attempts to Obstruct Justice

40. On about June 17, 2009, ATF served Individual E with a subpoena to testify before the federal grand jury. According to Individual E, she told GONZALEZ that she was served with the grand jury subpoena and asked GONZALEZ why she needed to lie for her. GONZALEZ told Individual E for the first time that she was getting high on November 6, 2008, the night of the apartment fire.

41. On about June 17, 2009, ATF served Individual H with a subpoena to testify before the federal grand jury. According to Individual H, he contacted GONZALEZ the same day he was served with the grand jury subpoena. GONZALEZ told Individual H , “You know what to say,” and, “stick with the story.” Individual H

told GONZALEZ that he would stick with the story, meaning that he would testify falsely that on November 6, 2008, he was at Individual E's house with GONZALEZ, her two daughters, and POLANCO for GONZALEZ's daughter's birthday party.

42. According to Individual H, at the Puerto Rican festival in Humboldt Park on about June 20, 2009, Individual H again talked with GONZALEZ about the federal grand jury subpoena. GONZALEZ again asked Individual H to lie about her whereabouts and said she needed a "better alibi." Also, according to Individual H, after the Mexico trip and before the apartment fire, he heard GONZALEZ say she did not like Victim A. GONZALEZ also told him that POLANCO had caught a disease after having sexual relations with Victim A.

43. According to Individual L (the boyfriend of Individual K, GONZALEZ's sister), on about June 20, 2009, at the Puerto Rican festival in Humboldt Park, GONZALEZ approached him and told him, "you know you're gonna have to go to court," "don't forget what we talked about," and "you know what to say," which Individual L understood to mean that GONZALEZ wanted Individual L to lie to law enforcement if he was subpoenaed to the grand jury, and to say that GONZALEZ, POLANCO, and GONZALEZ's two daughters stayed over at Individual E's residence on the night of November 6, 2008, and that he was present.

44. According to Individual F, on about June 20, 2009, at the Puerto Rican festival in Humboldt Park, Individual F briefly ran into GONZALEZ and POLANCO. GONZALEZ started walking with Individual F and slowed Individual F from walking with Individual F's other friends. GONZALEZ again told Individual F to tell the police

that Individual F does not know GONZALEZ. GONZALEZ said other people were saying Individual F was “tricking” on GONZALEZ, meaning telling the police what GONZALEZ did. GONZALEZ said that other people were saying GONZALEZ needed to beat up Individual F. GONZALEZ asked if it was true and Individual F said no, that police had not come to see her.

45. In June 2009, Individuals E, K, L, and H all admitted to law enforcement that they had previously lied when questioned. They each admitted that there was no birthday party at Individual E’s house on November 6, 2008, and that they did not know the whereabouts of GONZALEZ or POLANCO on the night of November 6, 2008, and the early morning hours of November 7, 2008.

July 2009: POLANCO Admits to Attempting to Obstruct Justice and Lying to Law Enforcement

46. On about July 6, 2009, POLANCO was interviewed again by law enforcement. POLANCO admitted that he and GONZALEZ told Individual E to make up the story of the November 6, 2008, birthday party at Individual E’s house if Individual E was questioned by law enforcement regarding the whereabouts of GONZALEZ and POLANCO that night.

47. POLANCO said that on November 6, 2008, he and GONZALEZ were driving around in his green Dodge Neon, smoking blunts of marijuana. According to POLANCO, POLANCO did not remember where they were driving around, if anyone else was in the car with them, or when they returned home. POLANCO later stated

that it was possible GONZALEZ may have gotten out of the car at some point that night.

July 2009: Threats to Individual J's Family

48. According to Individual O (Individual J's mother) and Individual P (Individual J's sister), on July 10, 2009, they smelled a distinct odor of gasoline coming from the front entrance vestibule of the apartment building. According to Individual O, CFD arrived at the scene and informed her that an unknown amount of gasoline was present on the floor of the front vestibule. Nothing was ignited on the floor.

49. Individual O said that, according to Individual O's other daughter, Individual J had been approached by some men in the neighborhood a few days earlier, and these men accused Individual J of "wearing a wire" against GONZALEZ to help the police in their investigation.

50. Individual P also reported that she had heard "on the street" that GONZALEZ and Individual M were riding around the neighborhood a few days earlier saying that Individual J was "wearing a wire" to assist police in the investigation involving GONZALEZ.

51. According to Individual Q (Individual J's pregnant girlfriend), at approximately 9:30 p.m. on July 25, 2009, Individual Q was walking with Individual J's sister. GONZALEZ and POLANCO drove by slowly in a beige Buick LeSabre. POLANCO was driving the Buick, and GONZALEZ was in the front passenger seat. Another individual was in the backseat. While they were driving by slowly, GONZALEZ hung half her body out the passenger side window and yelled to Individual

Q words to the effect of, “The feds are coming! The feds are coming! You’re a trick! You’re a whore! I’m going to whoop you and your baby’s ass.” Between 9:30 p.m. and approximately 11:00 p.m., POLANCO and GONZALEZ drove by twice more, and GONZALEZ yelled out words to the same effect each time.

5686 N. Elston

52. According to the manager of 5686 N Elston, the building consists of 12 individual apartment units on the second and third floors and commercial office space for George Michael Realty Company (“GMRC”) on the ground floor. The basement of the building also contains approximately ten offices for a variety of businesses. The building is owned by GMRC and/or George Michael. GMRC is a real estate firm that rents and sells both residential and commercial properties. The firm also manages rental properties. It advertises its properties and services on the internet. Its website is operated by CloseRealty.com, which is located in Chattanooga, Tennessee.

53. According to the building manager, in November 2008, the back door to 5686 N. Elston did not have a lock and could be opened from outside.

54. According to the manager, all twelve Units of 5686 N. Elston were rented and occupied on November 6, 2008. The owner of the building did not live in any units in 5686 N. Elston.

700 NORTH CHRISTIANA, 2ND FLOOR, DODGE NEON, and BUICK LESABRE

55. According to POLANCO, he and GONZALEZ are currently living at 700 North Christiana.

56. According to Individual L, the Dodge Neon has been broken down with transmission problems since at least approximately July 3, 2009.

57. On July 13, 2009, I observed POLANCO exit the back gate at 700 N. Christiana and enter a beige Buick LeSabre that is registered to POLANCO. I also observed the Dodge Neon parked in the yard in back of the residence.

58. On July 15, 2009, I observed at 700 N. Christiana a 1995 blue Honda registered to Individual N, the girlfriend of Individual M, who is GONZALEZ's brother. I again observed the Dodge Neon parked in the same location in the yard in back of the residence.

59. On July 16, 2009, I observed POLANCO exit 700 N. Christian and enter the Buick. I also observed the blue Honda parked at the residence. I again observed the Dodge Neon parked in the same location in the yard in back of the residence. Later that day, CPD Detective Vogenthaler observed Individual M enter the Blue Honda with a woman and two children.

60. On July 17, 2009, I observed POLANCO exit 700 N. Christiana and enter the Buick. I again observed the Dodge Neon parked in the same location in the yard in back of the residence.

61. On July 26, 2009, I observed POLANCO and GONZALEZ enter the Buick at 700 N. Christiana, along with three children. I again observed the Dodge Neon parked in the same location in the yard in back of the residence.

62. On July 27, 2009, I again observed the Dodge Neon parked in the same location in the yard in back of the residence.

63. According to an “Official Mail Forwarding Change of Address Order” signed by POLANCO on July 6, 2009, POLANCO’s new mailing address is “700 N Christiana 2nd Chicago IL 60624.”

CONCLUSION

2. Based on the above information, there is probable cause to believe that MARGARITA GONZALEZ and RAFAEL POLANCO have committed arson affecting interstate commerce, in violation of Title 18, United States Code, Section 844(i), and that evidence, instrumentalities, and fruits relating to this criminal conduct, as further described in Attachment B, will be found in the residence located at 700 North Christiana Street, 2nd Floor, Chicago, Illinois, as further described in Attachment A.

3. I therefore respectfully request that this Court issue a search warrant to search: (a) **700 North Christiana, 2nd Floor, Chicago, Illinois, 60624**; (b) **Green Dodge Neon with IL plate 6021663**; and (c) **Beige Buick LeSabre 4-door with IL plate 2569474**, more particularly described in Attachment A, authorizing the seizure of the items described in Attachment B.

FURTHER AFFIANT SAYETH NOT.

RAYMOND DOWLING

Special Agent, Bureau of Alcohol, Tobacco, Firearms & Explosives

SUBSCRIBED AND SWORN to before me on July 27, 2009.

MORTON DENLOW

United States Magistrate Judge