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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

**CRIMINAL COMPLAINT**

v.

CASE NUMBER:

JESUS MOTIÑO GUTIERREZ

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 June 21, 2011, at Chicago, in the Northern District of Illinois, Eastern Division JESUS MOTIÑO GUTIERREZ defendant herein:

did knowingly and intentionally possess with intent to distribute a controlled substance, namely, 100 grams or more of mixtures and substances containing a detectable amount of heroin, a Schedule I Narcotic Drug Controlled Substance;

in violation of Title 21, United States Code, Section 841(a)(1). I further state that I am a Special Agent with the Drug Enforcement Administration, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

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Signature of Complainant  
TIMOTHY LESSNER  
Special Agent, Drug Enforcement Administration

Sworn to before me and subscribed in my presence,

June 21, 2011 at Chicago, Illinois  
Date City and State

MARTIN C. ASHMAN, U.S. Magistrate Judge  
Name & Title of Judicial Officer

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Signature of Judicial Officer

UNITED STATES DISTRICT COURT )  
 ) SS  
NORTHERN DISTRICT OF ILLINOIS )

AFFIDAVIT

I, TIMOTHY LESSNER, being duly sworn, state as follows:

1. I am a Special Agent with the Drug Enforcement Administration and have been so employed since 2004. My current responsibilities include the investigation of narcotics trafficking offenses. As part of my official duties, I investigate criminal violations of federal narcotics laws, including, but not limited to, Title 21, United States Code, Section 841. I have received special training in the enforcement of laws concerning controlled substances. I am familiar with and have participated in all of the normal methods of investigation including, but not limited to, search warrants, visual surveillance, electronic surveillance, the debriefing of defendants, witnesses, informants and others who have knowledge of the distribution of controlled substances, as well as the use of informants. Based on my training and experience, I am familiar with the ways in which drug traffickers conduct their drug-related business.

2. This affidavit is submitted in support of a criminal complaint alleging that Jesus MOTIÑO GUTIERREZ (“MOTIÑO GUTIERREZ”) has violated Title 21, United States Code, Section 841(a)(1). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging MOTIÑO GUTIERREZ with knowingly and intentionally possessing, with intent to distribute, a controlled substance, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable

cause to believe that the defendant committed the offense alleged in the complaint.

3. The statements contained in this Affidavit are based on: (a) my personal participation in this investigation; (b) information provided to me by other federal, state, and local law enforcement officers; and (c) my training and experience and the training and experience of other law enforcement agents with whom I have spoken.

4. Since approximately March of 2010, DEA and the Chicago Police Department (“CPD”) have been conducting a joint investigation into Domingo Blount’s and Gabriel Bridges’ Drug Trafficking Organization (“DTO”). Through this investigation, which has included narcotics purchases by a CPD undercover officer from Domingo Blount, court-authorized wire interceptions, extensive surveillance and seizures of narcotics and drug proceeds, law enforcement officers have identified Arturo Flores (“Flores”) as a source of supply of controlled substances trafficked by the DTO.<sup>1</sup> Through this investigation, law enforcement officers identified MOTIÑO GUTIERREZ as being involved in the FLORES DTO.

5. On June 21, 2011, law enforcement officers went to MOTIÑO GUTIERREZ’s residence, located at 4843 West Deming Place, Basement Apartment, Chicago, Illinois (“Deming Residence”). According to officers who went to the residence, MOTIÑO GUTIERREZ identified himself and provided both oral and written consent for law enforcement officers to search the Deming Residence. According to officers who went to

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<sup>1</sup> Domingo Blount, Gabriel Bridges, and Arturo Flores, among others, have been charged in a separate federal criminal complaint.

the residence, MOTIÑO GUTIERREZ was the only person present at the Deming Residence, and stated that he resides at the Deming Residence with his wife and son.

6. According to law enforcement officers who went to the residence of MOTIÑO GUTIERREZ, MOTIÑO GUTIERREZ provided law enforcement officers consent to search the Deming Residence orally and in writing, using a consent to search form written in the Spanish language, which MOTIÑO GUTIERREZ signed. Additionally, according to one of the law enforcement officers, who speaks Spanish fluently, MOTIÑO GUTIERREZ agreed orally to the search of the Deming Residence.

7. According to the law enforcement officers who carried out the search, the following occurred during the search of the Deming Residence: Law enforcement officers searched the Deming Residence, including a closet in MOTIÑO GUTIERREZ's bedroom. In the closet law enforcement officers found a large amount of United States currency. After being provided his *Miranda* rights orally and in writing, MOTIÑO GUTIERREZ agreed to speak to law enforcement officers. MOTIÑO GUTIERREZ told law enforcement officers, among other things, that the United States currency was his and totaled around \$130,000. In a jacket in the closet, not far from the United States currency, law enforcement officers found a plastic baggie containing a grayish, chalky substance that, in the training and experience of the law enforcement officers who carried out the search, is consistent with heroin. Post-*Miranda*, MOTIÑO GUTIERREZ told law enforcement officers, among other things, that the grayish, chalky substance recovered from the jacket was heroin and that the heroin was his.

8. According to the law enforcement officers who carried out the search, the grayish, chalky substance recovered from the jacket was weighed, and found to weigh approximately 161 grams. This weight included the sealed plastic baggie that held the grayish, chalky substance. According to the law enforcement officers who carried out the search, the grayish, chalky substance was field tested, and tested positive for the presence of heroin. The law enforcement officers who carried out the search concluded, based on their training and experience and the training and experience of other agents to whom they have spoken, and the investigation as a whole, including the appearance of the substance, that the substance in question is heroin.

9. Based on the above information, I respectfully submit there is probable cause to believe that MOTIÑO GUTIERREZ did knowingly and intentionally possess with intent to distribute a controlled substance, namely, 100 grams or more of mixtures and substances containing heroin, a Schedule I Narcotic Drug Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

FURTHER AFFIANT SAYETH NOT.

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TIMOTHY LESSNER  
Special Agent, Drug Enforcement Administration

SUBSCRIBED AND SWORN to before me on June 21, 2011.

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MARTIN C. ASHMAN  
United States Magistrate Judge