
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

AMENDED CRIMINAL COMPLAINT

v.

CASE NUMBER: 12 CR 192

JUAN ADAME,
also known as "Jaime Garcia"

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 January 14, 2012, at Chicago, in the Northern District of Illinois, Eastern Division, JUAN ADAME, also known as "Jaime Garcia," defendant herein, maliciously damaged and destroyed, and attempted to damage and destroy, by means of fire, a building located at 4246 West 63rd Street 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
ANTHONY ZITO
Special Agent, Bureau of Alcohol, Tobacco, Firearms &
Explosives

Sworn to before me and subscribed in my presence,

March 21, 2012 at Chicago, Illinois
Date City and State

JEFFREY COLE, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

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

AFFIDAVIT

I, ANTHONY ZITO, being duly sworn, state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives, and have been so employed for 11 years. My current responsibilities include the investigation of crimes including arson effecting interstate commerce.

2. This affidavit is submitted in support of a criminal complaint alleging that JUAN ADAME, also known as Jaime Garcia, has violated Title 18, United States Code, Section 844(i).

3. This affidavit also is made in support of an application for a warrant to search the premises located at 3600 S. 52nd Ct, Cicero, Illinois, described further in Attachment A (“the SUBJECT PREMISES”), for evidence, instrumentalities, and contraband described further in Attachment B, concerning arson affecting interstate commerce, in violation of Title 18, United States Code, Section 844(i).

4. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging ADAME with arson affecting interstate commerce, and in support of an application for a search warrant, 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 offenses alleged in the complaint and that evidence, instrumentalities, and

contraband of violations of Title 18, United States Code, Section 844(i), are located at the SUBJECT PREMISES.

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

January 14, 2012, Fire at 4246 W. 63rd St.

6. According to an Office of Fire Investigation (“OFI”) investigator with the Chicago Fire Department (“CFD”), on January 14, 2012, at approximately 4:30 a.m., a fire occurred in an apartment building located at 4246 W. 63rd St., Chicago, Illinois.

7. According to the owner of 4246 W. 63rd St., the building consists of two individual one-bedroom apartment units on the second floor, and commercial office space on the ground floor.

8. On January 14, 2012, certified fire investigators with ATF, CFD and the Chicago Police Department (“CPD”), determined that the cause of the fire was an open flame ignition of an unknown flammable liquid vapor in two separate areas of the Unit 2R, namely, the living room and the bedroom. This determination was based, among other things, from fire patterns, the fact (as outlined below) that the accelerant detection canine alerted in separate areas of Unit 2R for the odor of ignitable substances, and the elimination of all other ignition sources.

9. On the morning of January 14, 2012, Arson Investigator II Canine Handler Certified Fire and Arson Investigator Kevin Smith with the Illinois State Fire Marshal Division of Arson Investigation and his canine partner, “Yancy ,” examined the fire scene.

According to Investigator Smith, Yancy is certified annually by ATF as an accelerant detection canine. Yancy was most recently re-certified on June 15, 2011. Yancy is trained to detect and alert to the odor of ignitable substances.

10. According to Investigator Smith, Yancy examined Unit 2R and Investigator Smith observed Yancy alert at the the presence of ignitable substances by sitting at the foot of the bed, an area on the east bedroom wall, the west wall of the living room, and the area of a couch cushion that had been removed from the sectional couch in the living room.

11. A Detective and Certified Arson Investigator with CPD gathered debris samples from various locations in Unit 2R and submitted those samples to the Illinois State Police Laboratory for testing and analysis.

12. According to a forensic scientist/chemist with the Illinois State Police Laboratory who examined a fire debris samples recovered from Unit 2R, a debris sample recovered from the bedroom along the baseboard located in the center of the east wall contained gasoline. Samples recovered from the charred sofa, couch cushion, and living room were found to be inconclusive for ignitable liquids.

13. According to the owner of 4246 W. 63rd St., there are two exterior doors to the building and a separate interior door to Unit 2R. The exterior and interior doors require two different keys. The locks were replaced on both the exterior building doors and the interior door to Unit 2R on about December 31, 2011.

14. According to an OFI investigator, the responding firefighters reported that there was no sign of forced entry to the the building or Unit 2R when they arrived on January

14, 2012, to extinguish the fire at 4246 W. 63rd St. More specifically, when firefighters arrived at the scene of the fire, the front exterior door leading up to the 2nd floor apartments was locked and had to be forced open by CFD; CFD was able to open the rear exterior door with a hard push; and the interior door to Unit 2R was being held open by a deadbolt lock that had been activated.

15. According to the owner of 4246 W. 63rd St., both apartment units in 4246 W. 63rd St. were rented and occupied on January 14, 2012. Individual A lived alone in Unit 2R in the rear of the building. James Maca lived alone in Unit 2F in the front of the building. The owner of the building did not live in either apartment unit in 4246 W. 63rd St.

16. According to Individual A, Individual A was not in 4246 W. 63rd St. at the time of the fire on January 14, 2012. Also, when firefighters arrived at 4246 W. 63rd St., no one was inside Unit 2R.

17. According to a patrolman with CPD who responded to the fire scene, James Maca was home at the time of the fire on January 14, 2012, and CFD extracted Mr. Maca from 4246 W. 63rd St. Unit 2F and transported Mr. Maca to Holy Cross Hospital. According to the patrol officer, Mr. Maca was pronounced dead at approximately 5:15 a.m. on January 14, 2012. According to the Cook County medical examiner, Mr. Maca died as a result of carbon monoxide intoxication and inhalation of smoke and soot.

18. ATF agents and CPD detectives who responded to the fire scene observed only female clothing in 4246 W. 63rd St. Unit 2R after the fire. As detailed below, according to

Individual A, when Individual A was last in the apartment a few days before the fire, ADAME's clothing was still in the closet.

19. During an interview on January 31, 2012, and February 3, 2012, ADAME told an ATF agent and CPD detective that he knew the man who lived in the front apartment.

ADAME's Relationship with Individual A and Events on January 13 and 14, 2012

20. Unless otherwise noted, the following information was provided by Individual A to ATF agents and CPD detectives.¹

a. Individual A currently lives and works full-time in Indiana. Through January 9, 2012, Individual A spent weekends at an apartment Individual A rented at 4246 W. 63rd St. Unit 2R, in Chicago, Illinois. Individual A rented the Chicago apartment from about December 2010, until about January 14, 2012, for approximately \$575 a month. During the week, Individual A would usually stay at a house she rents in Indiana.

b. From about August 2011 through about January 14, 2012, Individual A was dating someone who told Individual A his name was Jaime Garcia. Individual A has identified a State of Illinois identification card photo of Juan ADAME as the person she knew as Jaime Garcia. After the fire, Individual A learned for the first time from law enforcement that his real name is Juan Adame. ADAME and Individual A had talked about getting married in February 2012,

¹ Individual A has no known arrests or convictions.

c. During the time Individual A was dating ADAME, Individual A never heard ADAME talk about an uncle Pedro Garcia, and Individual A never met such an uncle.

d. ADAME and Individual A had several arguments while dating. Most of these arguments were because ADAME did not want Individual A to be out by herself. ADAME wanted to be with Individual A all the time, and ADAME would question Individual A about where Individual A was going and who Individual A was with when Individual A was not with ADAME. As the relationship progressed, ADAME became very controlling about everything Individual A did. ADAME had pushed Individual A and pulled off her jewelry. ADAME also has taken car keys from Individual A to stop Individual A from going places.

e. Individual A owns a dark grey 2007 Ford Mustang that had “Mustang” written on it. The Mustang had not passed an emissions test but otherwise drove fine. Individual A never provided ADAME with his own spare key to the Mustang. However, on more than one occasion, ADAME took the Mustang without Individual A’s permission. ADAME talked about having his own cars, but Individual A never saw him driving his own cars.

f. During the time they were dating, ADAME almost always stayed with Individual A at her Indiana house or Chicago apartment, wherever Individual A was staying. ADAME kept some clothing at Individual A’s Indiana house, but he kept most of his clothing in Individual A’s Chicago apartment. ADAME has not stayed at Individual A’s Indiana house since January 13, 2012.

g. Individual A never provided ADAME with his own set of spare keys to the apartment or building at 4246 W. 63rd St.. However, on more than one occasion, Individual A found ADAME inside the Chicago apartment. For example, in late October 2011 Individual A arrived home and found ADAME inside the apartment without Individual A's permission. In November 2011, Individual A arrived home at 4246 W. 63rd, entered the rear door of the building, and noticed a book bag lying near the door. While Individual A was looking through the bag, ADAME opened the back door of the apartment and had a towel wrapped around his waist. Individual A asked ADAME how he got into the apartment, but ADAME did not answer.

h. The exterior and interior doors to the apartment at 4246 W. 63rd require two different keys. In other words, Individual A needed one key to get into the building, and a different key to get into the apartment. The locks were replaced on both the exterior building doors and the interior door to Unit 2R on about December 31, 2011. Individual A has not provided anyone except her mother a spare key to the Chicago apartment or to the exterior of the building.

i. The Chicago apartment had only one bedroom. ADAME kept almost all his clothes in the bedroom closet at the Chicago apartment because he had only a couple pieces of clothing in the Indiana house. Individual A used to keep some of her clothing in the bedroom closet at the Chicago apartment, but ADAME had so many clothes in that bedroom closet that at some point Individual A had to move her clothes into the kitchen closet at the apartment.

j. The last time Individual A was in the Chicago apartment before the fire was on Monday, January 9, 2012. ADAME had slept in the Chicago apartment with Individual A the night of January 8, and they drove together to Indiana on the afternoon of January 9 because Individual A had to work that night in Indiana.

k. When Individual A left the Chicago apartment on January 9, 2012, all Individual A's clothes were in the kitchen closet because Individual A was going to wash them when Individual A was back in Chicago, but ADAME had kept all his clothing in the bedroom closet on January 9.

l. When Individual A left on January 9, Individual A also left a Victoria's Secret bag in Unit 2R, and there were some picture frames in the living room, that still had the generic photos in the frames instead of photos Individual A had put in them. Also, when Individual A left on January 9, Individual A locked the door to Unit 2R.

m. ADAME had previously met and talked with James Maca, who lived in Unit 2F. On more than one occasion, ADAME and Individual A walked past Unit 2F when they were leaving out of the front entrance of the building, and they ran into Mr. Maca, and ADAME would say, "Hi, Jimmy."

n. Shortly after Christmas 2011, ADAME and Individual A got into an argument because Individual A told ADAME that Individual A was going to go to Mexico to visit a sick relative without ADAME. ADAME knew Individual A had an ex-boyfriend in Mexico at the time. This was an argument that happened on and off over several different days in December and early January 2012. Any time the subject would come up of

Individual A going to Mexico, ADAME would tell Individual A that Individual A was not going to go to Mexico.

o. At about 8:30 p.m. on January 13, 2012, ADAME and Individual A got into an argument in front of Individual A's house in Indiana. ADAME had followed Individual A out of the house, and Individual A ran and got into a Chevrolet Impala that Individual A had rented from Enterprise Rent-A-Car in Merrillville, Indiana. As soon as Individual A got into the car, Individual A locked the doors and tried to leave the area. ADAME was still standing outside the car when Individual A tried to drive away. ADAME broke the door handle to the Impala and banged on the car window before Individual A drove away. ADAME was angry and yelling. He pulled the car door handle off, and he fell, so Individual A drove away.

p. At approximately 1:25 a.m. on January 14, 2012, Individual A arrived at her house in Indiana. When Individual A arrived home, Individual A noticed her Ford Mustang was missing along with her computer and her son's television and several of her personal items. Individual A's Ford Mustang, the keys to her Mustang, her computer and personal items, and her son's television are all still missing.

q. Individual A slept at her Indiana house after arriving home at approximately 1:25 a.m. on January 14, 2012. ADAME did not sleep at the Indiana house that night. When Individual A got home to her Indiana residence and realized her Mustang and belongings were missing, Individual A sent some text messages to ADAME, starting at about 1:40 a.m., and told ADAME to bring Individual A's car and belongings back, but he

denied taking Individual A's car or anything out of the house, and he would not tell Individual A where he was.

21. According to a manager at Enterprise Rent-A-Car and records provided by Enterprise Rent-A-Car's Risk Management Coordinator, the Chevrolet Impala Individual A had rented needed repairs for damage to the driver's side door handle.

22. According to Individual A, ADAME uses a cell phone which was assigned the phone number (312) 546-1000 ("Adame Phone"). Beginning on January 17, 2012, at the direction of law enforcement, Individual A has placed several consensually-recorded telephone calls to ADAME on Adame Phone. Individual A has identified the voice recorded in those calls as ADAME's. Also, in recorded calls involving Adame Phone, ADAME has responded when Individual A addressed him as "Jaime." ATF agents and a CPD detective who participated in the interviews of ADAME on January 31, 2012, and February 3, 2012, also have compared the voice in these recorded calls with the voice of ADAME from the interviews and believe the voice belongs to the same person.

23. On about January 19, 2012, Individual A gave written consent for ATF to search Individual A's cell phone. On Individual A's cell phone was a series of text exchanges with ADAME on Adame Phone. On January 14, 2012, between approximately 1:40 a.m. and 4:16 a.m., Individual A sent several text messages to ADAME at Adame Phone in which Individual A accused ADAME of taking Individual A's car and belongings. In the text messages, Individual A tells ADAME he had lost Individual A and Individual A was

“keeping my flight . . . i leave to mexico tomarrow . . . unless u bring my car and sttuff bacck I don’t want absolutely. Nothing to do with u ”

ADAME’s Interview with Law Enforcement

24. On January 31, 2012, an ATF agent and CPD detective interviewed ADAME at a relative’s residence. ADAME told law enforcement the following:

a. On January 14, 2012, ADAME contacted his uncle, Pedro Garcia, at telephone number 312-360-1137, and asked Garcia to pick up ADAME in Lake Station, Indiana.

b. Garcia picked up ADAME at Individual A’s Lake Station residence between approximately 12:40 a.m. and 1:00 a.m. on January 14, 2012.

c. Garcia drove ADAME to Garcia’s residence near Keeler and North Avenue, where they arrived at approximately 2:00 a.m. on January 14, 2012. Garcia and ADAME then walked to a restaurant near Garcia’s residence.

25. According to information provided by Sprint, between October 5, 2011, and January 24, 2012, Adame Phone has never made a telephone call to or received a telephone call from 312-360-1137.

26. On February 23, 2012, law enforcement conducted a canvas of residences near Keeler and North Avenue in Chicago, where Adame reported Pedro Garcia lives, in an attempt to locate Pedro Garcia. Law enforcement was unable to locate a Pedro Garcia in that vicinity.

27. According to Individual A, during the time Individual A was dating ADAME, Individual A never heard ADAME talk about an uncle Pedro Garcia, and Individual A never met such an uncle.

Information Provided by Individual B

28. Unless otherwise noted, the following information was provided by Individual B to ATF agents and CPD detectives and a sergeant.²

a. Individual B was in a relationship with ADAME that ended in approximately 2009. During that relationship, ADAME was physically abusive toward Individual B. ADAME was arrested as a result of his abuse toward Individual B. Individual B obtained an order of protection against ADAME, and ADAME violated that order of protection.

b. According to an arrest report from Berwyn Police Department, ADAME was arrested on about May 18, 2005, for aggravated assault, domestic battery, unlawful use of a weapon, and theft for threatening Individual B with a dagger, biting Individual B on the lip, causing a laceration, and stealing Individual B's purse and cell phone.

c. According to an arrest report from Cicero Police Department, ADAME was arrested on about March 30, 2006, for violating an order of protection by entering Individual B's house.

d. According to Individual B, Individual B has never heard ADAME talk

² Individual B was arrested in 2010 for Resisting a Peace Officer and has no known convictions.

about an uncle Pedro Garcia, and Individual B never met such an uncle.

e. According to Individual B, in early January 2012, ADAME asked Individual B for an opinion about Individual A planning a trip to Mexico to visit sick a relative without him when Individual A had an ex-boyfriend in Mexico at the time.

f. In the early morning hours on January 14, 2012, ADAME contacted Individual B and suggested that they go dancing. Individual B was in contact with ADAME on Adame Phone; and Individual B was using a cell phone with a phone number ending in 4660 (“Individual B Phone”). Individual B eventually agreed to go dancing with ADAME. ADAME initially said he had a car and was going to pick up Individual B. Later, ADAME suggested that they should contact Individual C to borrow Individual C’s vehicle because ADAME’s car had problems.

g. Later but still in the early morning hours of January 14, 2012, ADAME told Individual B that ADAME was having difficulty finding Individual B’s residence to pick up Individual B. To make it easier for ADAME to locate Individual B, she walked to an intersection near Individual B’s residence to be picked up by ADAME. Because it was the middle of the night, Individual B brought her son, Individual D, with her to the intersection.

h. ADAME arrived at the intersection driving a Ford Mustang. The Mustang was filled with plastic bags. According to Individuals B and D,³ ADAME told them

³ Individual D has been interviewed by ATF agents and CPD detectives. Individual D has been arrested as an adult for an ordinance violation, and he has juvenile arrests; he has no known convictions.

it was his Mustang. Neither Individual B nor Individual D had ever known ADAME to own a Ford Mustang. According to Individuals B and D, ADAME was wearing black clothing, a hood, and sunglasses, even though it was the middle of the night.

i. According to Individuals B and D, Individual D wanted to drive the Mustang, so ADAME exited the Mustang and waited with Individual B while Individual D drove the Mustang. According to Individuals B and D, Individual D was speeding in the Mustang, and the Mustang appeared to be driving normally with the exception of the fact Individual D thought the steering wheel was moving.

j. After Individual D finished driving the Mustang, ADAME and Individual B departed the area near 2130 S Homan in the Mustang without Individual D. Individual B was carrying Individual B Phone.

k. ADAME again said they should borrow Individual C's vehicle for the night because the Mustang had problems. ADAME and Individual B drove the Mustang to Individual C's residence near 3700 S. 52nd Ct., Cicero, Illinois, and borrowed Individual C's vehicle.

l. ADAME left the plastic bags in the Mustang, but brought a backpack with him into Individual C's vehicle. ADAME and Individual B left the Mustang near Individual C's residence. Individual B drove ADAME in Individual C's vehicle.

m. ADAME directed Individual B to stop at a gas station so they could put gasoline in Individual C's vehicle. Individual B told ADAME that Individual C's vehicle did not need any more gas, but ADAME insisted Individual B stop and put gas in the car.

n. ADAME instructed Individual B to drive south on Cicero Avenue, make an eastbound turn on 63rd street, and stop at a gas station. They stopped at a gas station at or near the corner of Cicero and 63rd.

o. When they arrived at the gas station, Individual B went inside and gave the gas station clerk cash for \$10 worth of gas. Individual B briefly shopped in the gas station convenience store. From the window of the convenience store, Individual B saw ADAME going through a trash can outside at the gas station.

p. Individual B returned to the car and lowered the driver's side window slightly to confirm ADAME was pumping the gasoline. Individual B saw the gas pump register up to \$10. Individual B saw ADAME in the area of the gas tank near the rear of the vehicle, but Individual B did not observe whether the gas pump nozzle was inserted in the vehicle's gas tank.

q. Individual B saw ADAME clean the car windows and then thoroughly clean his hands. ADAME did not have his gloves on during this time. Individual B saw ADAME put his gloves back on before re-entering the car.

r. ADAME re-entered the car and told Individual B that ADAME needed to stop somewhere to get some of his things. Individual B believed ADAME lived in that area, and assumed ADAME needed to change clothes to go dancing. ADAME instructed Individual B to drive east on 63rd. At some point, ADAME instructed Individual B to turn north and then go through an alley. At ADAME's instruction, Individual B parked on

Kildare near 4258 W 63rd, which is less than one block west of the location of the arson at 4246 West 63rd Ct.

s. After Individual B parked the car near 4258 W 63rd, ADAME exited the vehicle and walked toward the alley, taking his backpack with him. Individual B stayed in the vehicle.

t. ADAME did not return to the vehicle for approximately two hours. During this time, Individual B attempted to contact ADAME on Adame Phone. Individual B also fell asleep in the vehicle.

u. When ADAME returned to the vehicle, he was in the same clothing and was carrying his backpack. He was also carrying dark garbage bags and a Victoria Secret bag. At some point, a picture frame with a generic photo inside it fell out of one of the bags. ADAME put the bags in the vehicle and said something to the effect of, "Let's go." Individual B asked ADAME where he had been, but ADAME would not answer the question.

v. By the time ADAME returned to the vehicle, it was after 4:30 a.m., and the dance clubs were closed. Individual B drove ADAME back to his residence at the SUBJECT PREMISES. Individual B saw ADAME take the black garbage bags and Victoria's Secret bag from Individual C's vehicle and bring them into the SUBJECT PREMISES. ADAME also brought his backpack into the SUBJECT PREMISES.

w. After January 14, 2012, Individual B saw ADAME driving the Ford Mustang on approximately two or three occasions.

Adame Phone's Location on January 14, 2012

29. On or about January 23, 2012, Chief Judge James F. Holderman signed an order regarding Adame Phone, which was operated on the network of Sprint. Among other things, the court ordered that Sprint provide historical call detail records and historical cell site information reflecting the cell tower and antenna face used at the start and end of each call for Adame Phone, for the period from August 1, 2011, through January 24, 2012.

30. On or about February 7, 2012, Chief Judge James F. Holderman signed an order regarding Individual B Phone, which was operated on the network of Sprint. Among other things, the court ordered that Sprint provide historical call detail records and historical cell site information reflecting the cell tower and antenna face used at the start and end of each call for Individual B Phone, for the period from December 14, 2011, through February 7, 2012.

31. Based on conversations with ATF and CPD electronic surveillance experts, representatives from Sprint, my own investigative experience, and my physical observation of cellular antenna towers, I know that most cell-sites have three sides, or sectors. Most cell-sites in urban areas, such as the densely-populated City of Chicago, have an average footprint range, or coverage area, of two miles from the tower. Using basic algebra, $\text{Pi} * \text{Radius}^2$ equals approximately 12 square miles. Divided by three (unless the antenna is omni-directional, or no-sided, in which case no division is possible), this yields an average investigative focus area of four square miles. I also know that, if a cell phone is used at a particular location, it may not register with the cell tower closest to that location, for a variety

of reasons including unavailability of that tower due to the volume of other cell phones being registered with that tower at that time, signal strength, and even weather conditions. Therefore, a user could make consecutive calls from a single location, and each of these calls could register with different cell towers.

32. Law enforcement has received the following information from Sprint pursuant to the court's orders regarding Adame Phone and Individual B Phone:

a. On January 14, 2012, between approximately 12:19 a.m. and 1:10 a.m., Adame Phone placed 13 outgoing telephone calls to Individual B Phone and received 2 incoming telephone calls from Individual B Phone.

b. On January 14, 2012, at approximately 2:05 a.m., Adame Phone received an incoming call from a telephone number used by Individual A. The cell tower and antenna face ("cell site") used at the start and end of this call was located at 5205 W. Pershing, Stickney, Illinois. According to a Google map search, 5205 W. Pershing is located approximately 7.2 miles and out of range from the intersection of Keeler and North Avenue, where ADAME reported he was located at that approximate time; the cell site at 5205 W. Pershing is within range of Individual C's residence.

c. On January 14, 2012, at approximately 3:02 a.m., Adame Phone placed an outgoing telephone call to Individual B Phone, which lasted approximately 34 seconds. At approximately 3:12 a.m., Adame Phone placed another outgoing telephone call to Individual B Phone, which lasted approximately 209 seconds.

i. The cell site used for ADAME's phone at the start and end of each of these two calls at 3:02 a.m. and 3:12 a.m. on January 14, 2012, was located at 3600 W. 59th, which is within range of the apartment building located at 4246 W. 63rd St., Chicago, Illinois, where the fire occurred at approximately 4:30 a.m., and out of range from the intersection of Keeler and North Avenue.

ii. The cell site used for Individual B's phone at the start and end of each of these two calls at 3:02 a.m. and 3:12 a.m. on January 14, 2012, was located at 4099 W. 71st., Chicago, Illinois, which is within range of 4258 W 63rd St., Chicago, Illinois, where Individual B reported she was parked at this time, and out of range from the intersection of Keeler and North Avenue.

d. On January 14, 2012, at approximately 3:11 a.m., Individual B's Phone placed an outgoing telephone call to ADAME's phone. The cell site used for Individual B's phone at the start and end of this call, was located at 5025 W. 73rd St., Bedford Park, Illinois, which is within range 4258 W 63rd St., Chicago, Illinois, where Individual B reported she was parked at this time. There is no cell tower information for ADAME's phone for this call.

e. There is no tower information for Adame Phone between approximately 3:17 a.m. and 5:16 a.m. on January 14, 2012, which I understand to mean Adame Phone made no outgoing calls and received no incoming calls during that time period.

The SUBJECT PREMISES

33. According to Individuals A and B, ADAME's current residence is the SUBJECT PREMISES.

34. According to Illinois Secretary of State records, ADAME's current residence is the SUBJECT PREMISES.

35. As described in Attachment A, the SUBJECT PREMISES is a three story single family residence that includes a shed in the yard.

36. According to Individual B, on the morning of January 14, 2012, after leaving the vicinity of 4258 W 63rd St., Chicago, Illinois, Individual B drove ADAME back to his residence at the SUBJECT PREMISES. Individual B saw ADAME take the black garbage bags and Victoria's Secret bag from Individual C's vehicle and bring them into the SUBJECT PREMISES. ADAME also brought his backpack into the SUBJECT PREMISES.

37. On March 9, 2012, law enforcement conducted surveillance of the SUBJECT PREMISES. At approximately 10:02 a.m., law enforcement observed ADAME on the parking pad area near the south door of the SUBJECT PREMISES. ADAME was wearing black shoes/boots, black pants, a black jacket, sunglasses, and a black hat. ADAME was carrying a black plastic garbage bag and a blue overnight/duffel bag.

38. ATF agents and CPD Detectives assigned to this investigation have no knowledge of any other location other than the SUBJECT PREMISES where ADAME would be living or storing his personal belongings, such as clothing he wore during the arson or his cell phones which might contain text messages or photos relevant to the arson and his

whereabouts before or after the fire. Investigators also have no knowledge of any other location other than the SUBJECT PREMISES where Adame would be storing items belonging to Individual A and Individual A's family, such as Individual A's computer and her son's television, photos, and other items listed in Attachment B.

39. I know from my experience that if ADAME spilled gasoline on the clothing he was wearing or the backpack he was carrying the morning of January 14, 2012, it is possible ADAME's clothing or backpack may still contain gasoline residue, and it is also possible the clothing or backpack was permanently burned, charred, or singed when ADAME ignited the fire in Unit 2R.

40. On March 14, 2012, Individual A reported to ATF that her Ford Mustang is still missing, along with keys to her Ford Mustang. As outlined above, ADAME was the last person seen driving the Ford Mustang used the night of the arson. Investigators also have no knowledge of any other location other than the SUBJECT PREMISES where Adame would be storing the keys to the Mustang or any keys he might have to the exterior building door of 4246 W. 63rd Street or the interior door to Unit 2R.

Conclusion

41. Based on the above information, there is probable cause to believe that JUAN ADAME has committed arson affecting interstate commerce, in violation of Title 18, United States Code, Section 844(i), and that evidence, instrumentalities, and contraband relating to this criminal conduct, as further described in Attachment B, will be found in the SUBJECT PREMISES, as further described in Attachment A.

42. I therefore respectfully request that this Court issue a search warrant to search the SUBJECT PREMISES more particularly described in Attachment A, authorizing the seizure of the items described in Attachment B.

FURTHER AFFIANT SAYETH NOT.

ANTHONY ZITO

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

SUBSCRIBED AND SWORN to before me on March 21, 2012.

JEFFREY COLE

United States Magistrate Judge