

---

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA

**CRIMINAL COMPLAINT**

v.

CASE NUMBER:

JOSE LUIS CHAVEZ, also known as "Big Lou";  
ARMANDO LOPEZ, also known as "Mando";  
JOSEPH GARCIA, also known as "Evil";  
AMBER LEARN;  
RYON BALDAREZ; and  
AGUSTIN ZETINA-MARIN, also known as "Guti"

**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: From in or about February 2011 to in or about November 2011, in the Northern District of Illinois, Eastern Division and elsewhere, JOSE LUIS CHAVEZ, also known as "Big Lou,"; ARMANDO LOPEZ, also known as "Mando,"; JOSEPH GARCIA, also known as "Evil,"; AMBER LEARN; RYON BALDAREZ; and AGUSTIN ZETINA-MARIN, also known as "Guti," defendants herein:

did conspire with each other and others to knowingly and intentionally possess with intent to distribute and to distribute a controlled substance, namely, 500 grams or more of mixtures and substances containing a detectable amount of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1);

in violation of Title 21, United States Code, Section 846 and Title 18, United States Code, Section 2. I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

---

Signature of Complainant  
ARMIDA M. MACMANUS  
Special Agent, Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

April 9, 2012 at Chicago, Illinois  
Date City and State

SUSAN E. COX, U.S. Magistrate Judge  
Name & Title of Judicial Officer

---

Signature of Judicial Officer

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

AFFIDAVIT

I, ARMIDA M. MACMANUS, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), United States Department of Justice. I am currently assigned to the Chicago Field Division, and have been so employed since November 2005. 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, 843(b), and 846. I have received special training in the enforcement of laws concerning controlled substances.

2. I am familiar with and have participated in all of the normal methods of investigation, including but not limited to, visual surveillance, the debriefing of witnesses and informants, as well as others who have knowledge of the distribution and transportation of controlled substances, electronic surveillance, and analysis of documentary and physical evidence. Based on my training and experience, I am familiar with the ways in which drug dealers conduct their drug-related business, including, but not limited to their methods of distributing narcotics; use of telephone communication devices; use of numerical codes and code words to identify themselves, the nature of the communication, and to conduct their drug-related business; and common practices of registering and obtaining these communication devices under false names, or names of relatives and/or friends to avoid financial responsibilities and tracking of criminal activities by law enforcement entities.

3. This Affidavit is made for the limited purpose of establishing probable cause submitted in support of the Criminal Complaint alleging that beginning in or about February 2011 and continuing until in or around November 2011, the below-named defendants did conspire with each other and others to knowingly and intentionally possess with intent to distribute and to distribute a controlled substance, namely 500 grams or more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 846. Because this Affidavit is for the limited purpose of establishing probable cause to support the Criminal Complaint and the issuance of arrest warrants against the proposed defendants, it contains only a summary of relevant facts. I have not included each and every fact known to me concerning the entities, individuals, and events described in this Affidavit. The following are the individuals charged in this Criminal Complaint:

- a. JOSE LUIS CHAVEZ, also known as (aka) "Big Lou"
- b. ARMANDO LOPEZ, aka "Mando"
- c. JOSEPH GARCIA, aka "Evil"
- d. AMBER LEARN
- e. RYON BALDAREZ
- f. AGUSTIN ZETINA-MARIN, aka "Guti"

4. This Affidavit is made also for the purpose of establishing probable cause in support of a warrant to seize a 2008 Cadillac Escalade, silver in color bearing Illinois license plate L827748, with a vehicle identification number ("VIN") of 1GYFK63848R245054.

5. The statements contained in this Affidavit are based in part on: (a) my personal participation in this investigation; (b) information provided by other federal law enforcement

officers and task force officers; (c) analysis of pen register and trap and trace data; (d) review of conversations intercepted pursuant to court orders authorizing the interception of wire communications; (e) laboratory analysis reports; (f) analysis of phone records; and (g) my training and experience and the training and experience of other law enforcement agents. As a result of my personal participation in this investigation, I am familiar with all aspects of this investigation. On the basis of this familiarity, as well as my training, experience, the experience of other law enforcement officers with whom I have spoken, and on the basis of other information that I have reviewed and determined to be reliable, I allege the following:<sup>1</sup>

## **I. OVERVIEW OF THE CONSPIRACY**

### **A. The CHAVEZ Drug Trafficking Organization**

6. Since approximately August 2010, the FBI has been investigating JOSE LUIS CHAVEZ and his drug-trafficking operation (“the CHAVEZ DTO”), which operates principally in the northern suburbs of Chicago. More specifically, members of the CHAVEZ DTO are actively involved in the sale of cocaine in the Round Lake and Round Lake Beach communities and elsewhere.

---

<sup>1</sup>The recorded conversations described throughout this Affidavit have been summarized, and parentheses have been placed around language that represent my or other agents’ understanding of what is being said during the recordings, based on their content and context, and based on my and other law enforcement officers’ experience. In addition, language that is quoted from the recorded conversations throughout this Affidavit is based upon agents’ review of the recorded conversations, and are not intended to be a final transcript of the audio recordings from which the quotes are taken. The language used during some of the intercepted conversations summarized below was Spanish. Spanish-speaking agents and/or linguists have listened to the calls and translated the conversations into English.

7. The following is a summary of the roles played by the charged individuals at times material to the charged conduct:

- a. JOSE LUIS CHAVEZ, aka “Big Lou,” was the leader of the CHAVEZ DTO. CHAVEZ obtained wholesale quantities of cocaine from various sources of supply and arranged the delivery of that cocaine in ounce quantities to his workers for redistribution. CHAVEZ also supervised his workers by ensuring that they had an adequate supply of cocaine for resale and by collecting narcotics proceeds from these sales.
- b. ARMANDO LOPEZ, aka “Mando,” was one of CHAVEZ’s main cocaine distributors. LOPEZ employed his own workers to assist him in the distribution of the cocaine that he obtained from CHAVEZ. LOPEZ also brokered cocaine transactions for CHAVEZ by connecting CHAVEZ to sources of supply.
- c. JOSEPH GARCIA, aka “Evil,” was a cocaine distributor for CHAVEZ who delivered quantities of cocaine to LOPEZ’s distributors.
- d. AMBER LEARN and RYON BALDAREZ were cocaine distributors who stored and packaged LOPEZ’s cocaine, delivered the cocaine to LOPEZ’s customers, and collected and counted LOPEZ’s narcotics proceeds. LEARN and BALDAREZ also kept records of the amount of narcotics they distributed for LOPEZ by recording the figures in a ledger or via text messages.
- e. AGUSTIN ZETINA-MARIN, aka “Guti,” was a cocaine distributor for CHAVEZ who assisted CHAVEZ in the storage and preparation of cocaine and delivered the cocaine to CHAVEZ’s distributors.

**B. Chronology**

8. The investigation into the CHAVEZ DTO has employed Title III wiretap interceptions, surveillance, pen register and trap and trace data, and narcotics seizures, among other investigative techniques. A synopsis of some of the significant events and evidence obtained during this investigation is as follows:

9. Between February 2011 and November 2011, pursuant to court orders signed by the Chief Judge or Acting Chief Judge of the Northern District of Illinois, the FBI intercepted certain wire and electronic communications over the following telephones used by Armando LOPEZ and Jose Luis CHAVEZ:

<b><u>TARGET PHONE &amp; USER</u></b>	<b><u>DATES OF INTERCEPTION</u></b>
<b>Target Phone 1</b> - (847) 322-4519 Armando LOPEZ	February 14, 2011 - April 13, 2011; April 27, 2011 - May 26, 2011
<b>Target Phone 2</b> - (224) 425-6365 Jose Luis CHAVEZ	May 27, 2011 - June 25, 2011; July 5, 2011 - August 3, 2011
<b>Target Phone 3</b> - (262) 344-6341 Jose Luis CHAVEZ	May 26, 2011 - June 1, 2011
<b>Target Phone 5</b> - (224) 241-1352 Jose Luis CHAVEZ	August 5, 2011 - August 17, 2011; September 13, 2011 - October 12, 2011
<b>Target Phone 6</b> - (262) 206-7105 Jose Luis CHAVEZ	September 14, 2011 - October 13, 2011; October 13, 2011 - October 28, 2011
<b>Target Phone 7</b> - (262) 344-5085 Jose Luis CHAVEZ	October 13, 2011 - October 28, 2011
<b>Target Phone 8</b> - (262) 344-2686 Jose Luis CHAVEZ	November 9, 2011 - November 17, 2011

10. Based on intercepted calls over **Target Phone 1**, on April 7, 2011, law enforcement recovered approximately 28.4 grams of cocaine from Customer A, which cocaine was supplied by

LOPEZ and packaged by LEARN. Also, on May 31, 2011, after intercepting calls over **Target Phone 3**, law enforcement recovered approximately 1,001 grams of cocaine from Individual D who was on his way to deliver the cocaine to CHAVEZ. And lastly, on November 15, 2011, after intercepting calls over **Target Phone 8**, law enforcement recovered approximately 124.1 grams of cocaine from Individual C who also was on his way to deliver the cocaine to CHAVEZ.

## II. FACTS ESTABLISHING PROBABLE CAUSE

### A. The CHAVEZ DTO Obtains & Attempts to Obtain Supplies of Cocaine

#### 1. Calls Between CHAVEZ & LOPEZ Regarding Obtaining Kilogram Quantities of Cocaine

- a. *April 6 and April 7, 2011, Intercepted Conversations between LOPEZ and CHAVEZ Regarding the Purchase and Delivery of 1 Kilogram of Cocaine.*

11. On April 6, 2011, at approximately 3:14 p.m. (call session 6712), Armando LOPEZ,<sup>2</sup> while using **Target Phone 1**, had a telephone conversation with Jose Luis CHAVEZ,<sup>3</sup> who was using telephone number (909) 560-1889 (“CHAVEZ Phone 2”). During the call, LOPEZ stated, “That buddy called me about that big motor” (a kilogram of cocaine available for sale). CHAVEZ subsequently asked, “How much?” and LOPEZ responded, “He said that 31 (\$31,000), that he won’t

---

<sup>2</sup>The identification of LOPEZ in this Affidavit is based on the following: **Target Phone 1** is subscribed to Armando LOPEZ, 253 E. Camden Lane, Round Lake Beach, Illinois. In addition, agents became familiar with LOPEZ’s voice from monitoring wire interceptions during which the speakers on the call addressed the user of **Target Phone 1** as “Armando LOPEZ,” “Armando,” or “Mando.” Lastly, in the summaries of intercepted calls in this Affidavit in which LOPEZ is identified as a speaker an agent has listened to the corresponding intercepted calls and determined that the voice attributed to LOPEZ in each of these summaries is the same.

<sup>3</sup>The identification of CHAVEZ in this Affidavit is based on the following: During the monitoring of multiple wire interceptions on **Target Phone 1**, LOPEZ is heard telling other intercepted parties that he had just contacted or was going to contact “Lou,” or “Big Lou,” (believed to be derivatives of “Luis,” CHAVEZ’s middle name) immediately before or after calling telephone number (951) 488-2950 (CHAVEZ Phone 2) and speaking to a male with the same voice during these conversations. In addition, on February 21, 2011, Round Lake Beach police officers conducted a traffic stop of a vehicle being driven by an individual who provided identification belonging to Jose Luis CHAVEZ with a date of birth of January 19, 1979. In addition, during a February 23, 2011, intercepted conversation between LOPEZ, who was using **Target Phone 1** and Individual A, (call session 1380), Individual A told LOPEZ, “Here’s Lou,” and a male other than Individual A began to speak on the call and tell LOPEZ about the aforementioned February 21, 2011, traffic police stop. Voice samples from the portion of this call that are believed to be of CHAVEZ were compared to those of the male user of intercepted calls for CHAVEZ Phone 2 and determined to be the same. Additionally, in the summaries of intercepted calls in this Affidavit in which CHAVEZ is identified as a speaker an agent has listened to the corresponding intercepted calls and determined that the voice attributed to CHAVEZ in each of these summaries is the same.



give it to me for 30 (\$30,000). So I'm like I don't know, I have to talk to my guy (CHAVEZ), I don't know. I said it is too expensive but . . . not for 30 no more, but for 31." CHAVEZ then asked, "What do you make out of it?" and LOPEZ replied, "No, nothing . . . that's how much he will sell it to me . . ." (the lowest price the supplier would sell the kilogram of cocaine to LOPEZ). LOPEZ continued, "You'll make some money at least." CHAVEZ asked, "When?" and LOPEZ responded, "Tomorrow. He will bring it, but he has, I don't know what the fuck he has . . . it is too expensive for 31." CHAVEZ then instructed LOPEZ, "Tell him 30,500 (\$30,500)." CHAVEZ further stated, "I'll give you 31 bro . . . tell him to do 30,500 and I'll give you 31 (if LOPEZ negotiated the price for the kilogram of cocaine down to \$30,500, CHAVEZ would give LOPEZ \$31,000, allowing LOPEZ to make \$500 off of the transaction). LOPEZ and CHAVEZ then agreed to meet to further discuss the transaction.

12. On April 7, 2011, at approximately 1:54 p.m. (call session 6894), LOPEZ, while using **Target Phone 1**, had a telephone conversation with CHAVEZ, who was using CHAVEZ Phone 2. During the call, CHAVEZ asked, "Did you get that money (for the purchase of one kilogram of cocaine) already or no?" and LOPEZ replied, "I already grabbed it. What money?" CHAVEZ then asked, "You grabbed it? You drop it off already? The money?" and LOPEZ replied, "Yeah, he's comin'. He's right here. He's right here now" (CHAVEZ's associate had arrived to give LOPEZ the money to purchase the previously referenced kilogram of cocaine).

13. On April 7, 2011, agents were conducting surveillance of LOPEZ at his residence located at 253 E. Camden Lane in Round Lake Beach ("LOPEZ's residence").<sup>4</sup> At approximately

---

<sup>4</sup>Public databases and the Illinois Secretary of State records show this address as belonging to LOPEZ. In addition, during the course of this investigation, law enforcement has surveilled LOPEZ at this address on multiple occasions.

2:16 p.m., surveillance officers saw a Hispanic male matching a driver's license photo of Individual B, driving in a gold Jeep Grand Cherokee, with an Illinois license plate registered to Individual B arrive at LOPEZ's residence. Individual B exited the vehicle and entered LOPEZ's residence. At approximately 2:32 p.m., Individual B departed the area in the gold Jeep Grand Cherokee. Based on my training and experience, physical surveillance, and review of the intercepted calls, I believe Individual B arrived at LOPEZ's residence to deliver one kilogram of cocaine that LOPEZ arranged to purchase on behalf of CHAVEZ.

14. Approximately 2 hours later, at 4:37 p.m. (call session 6950), LOPEZ, while using **Target Phone 1**, had a telephone conversation with CHAVEZ, who was using CHAVEZ Phone 2. During the call, LOPEZ stated that his "buddy" had called him to find out if CHAVEZ "liked it (the kilogram of cocaine), or not." In response, CHAVEZ stated, "I haven't seen it, bro," and he then added that he bought "3" (3 kilograms of cocaine) yesterday. LOPEZ then asked, "And for those you bought, cash?" and CHAVEZ responded, "Yeah, what do you think?" CHAVEZ later continued, "I bought, I used to buy 10 (kilograms of cocaine) at a time." LOPEZ told CHAVEZ that his "buddy" informed him that there are "a few more there" (additional kilograms of cocaine available for sale). LOPEZ then stated, "So if you look at it (evaluate the quality of the cocaine CHAVEZ had already purchased), let me know 'cause he (Individual B) called me." CHAVEZ responded, "Alright," and the call ended.

*b. May 11, 2011, Intercepted Conversations Between LOPEZ and CHAVEZ and LOPEZ and Individual B Regarding the Purchase of Kilogram Quantities of Cocaine*

15. At approximately 3:57 p.m. (call session 9830), LOPEZ, while using **Target Phone 1**, had a telephone conversation with CHAVEZ, who was using **Target Phone 3**. During the call CHAVEZ asked LOPEZ if his cousin still had “horses” (kilogram quantities of cocaine), and LOPEZ confirmed that he did. CHAVEZ asked LOPEZ if it was “31” (\$31,000 per kilogram), and LOPEZ affirmed that it was. CHAVEZ then told LOPEZ that he would “take care of him” (CHAVEZ would pay LOPEZ for brokering the narcotics transaction) and asked LOPEZ if he could arrange the transaction for “Sunday, tomorrow or the day after?” LOPEZ responded “tomorrow” and told CHAVEZ that he would call “him” (one of LOPEZ’s suppliers, Individual B) right away.

16. Five minutes later, at approximately 4:02 p.m. (call session 9831), LOPEZ, while using **Target Phone 1**, placed a telephone call to (847) 361-8061, a number associated with Individual B based on the next call. No one answered LOPEZ’s call, and LOPEZ did not leave a message. At approximately 4:08 p.m. (call session 9832), LOPEZ, while using **Target Phone 1**, had a telephone conversation with Individual B, who was using telephone number (847) 361-8061. During the call, LOPEZ told Individual B to call him on the “other one” (LOPEZ’s other phone number). Based on the intercepted call described in the previous paragraph and the timing of LOPEZ’s call to Individual B, I believe that LOPEZ contacted Individual B to arrange the purchase of a kilogram of cocaine on behalf of CHAVEZ.

## **2. Calls With CHAVEZ Arranging the Delivery of Kilogram Quantities of Cocaine**

17. In addition to using LOPEZ to broker kilogram cocaine transactions on his behalf, CHAVEZ directly contacted suppliers himself in order to obtain kilogram quantities of cocaine. For instance, on May 28, 2011, at approximately 11:44 a.m. (call session 81), CHAVEZ, while using **Target Phone 3**, had a telephone conversation with Individual C, who was using telephone number

(224) 260-7050 (“Individual C Phone 1”). During the call, Individual C told CHAVEZ that he did not know if “it” (cocaine shipment) arrived yet in order for Individual C to bring the “car” (one kilogram of cocaine) to CHAVEZ. Individual C then said “it” (cocaine shipment) was supposed to arrive the previous day, but that “he” (Individual C’s supplier) had not called yet. Individual C assured CHAVEZ that “it” (the narcotics transaction) would “happen for sure, 100 percent.” CHAVEZ then asked Individual C to get “two” (arrange for the transportation of 2 kilograms of cocaine for CHAVEZ to purchase), but that if Individual C could not, CHAVEZ would “look for it elsewhere” (purchase cocaine from another narcotics supplier).

18. On May 29, 2011, at approximately 6:32 p.m. (call session 156), CHAVEZ, while using **Target Phone 3**, had a telephone conversation with Individual C, who was using Individual C Phone 1. During the call, Individual C stated that he was going to take the “truck” (one kilogram of cocaine) to CHAVEZ so he could “fix (purchase) it.” CHAVEZ then asked Individual C to confirm if “it” (the narcotics transaction) “is a yes, or no” (likely to occur) because if not, CHAVEZ would “go somewhere else” (obtain cocaine from a different supplier). CHAVEZ then stated that he would “take” and “fix both cars, not only one,” (CHAVEZ was interested in purchasing 2 kilograms of cocaine). Individual C then asked CHAVEZ if he wanted the “2 cars” (two kilograms of cocaine) brought to him. CHAVEZ replied that he wanted to “fix” (purchase) both and asked if it would be done today or tomorrow. Individual C then indicated that tomorrow would be better and stated he would contact CHAVEZ around noon and “take the cars” (transport 2 kilograms of cocaine to CHAVEZ).

19. On May 30, 2011, at approximately 1:39 p.m. (call session 197), CHAVEZ, while using **Target Phone 3**, had a telephone conversation with Individual D, who was using telephone

number (224) 321-9550 (“Individual D Phone 1”). During the call, Individual D asked CHAVEZ if he was “still hungry” (interested in purchasing cocaine). In response, CHAVEZ stated that he was “hungry,” but that “it” (the cocaine transaction) had to happen soon because he was going out of town.

20. On May 31, 2011, at approximately 4:23 p.m. (call session 261), CHAVEZ, while using **Target Phone 3**, had a telephone conversation with Individual D, who was using Individual D Phone 1. During the call, CHAVEZ asked Individual D if he would be driving the car with the “Bulls sign” on it. CHAVEZ also told Individual D that he was going to pick up “the loot” (money for the purchase of cocaine) and that he wanted to make sure that “it” (narcotics transaction) was going to happen. CHAVEZ asked Individual D to get “another one” (obtain an additional kilogram of cocaine for CHAVEZ to purchase) if he could. CHAVEZ told Individual D that he did not want “it” (the kilogram of cocaine) in the “white truck” (transported from the supplier to CHAVEZ in Individual D’s vehicle).

21. Minutes later, at approximately 4:26 p.m. (call session 262), CHAVEZ, while using **Target Phone 3**, had a telephone conversation with Individual D, who was using Individual D Phone 1. During the call, CHAVEZ told Individual D that he wanted to talk to him in person. CHAVEZ asked Individual D if he has “that” (the kilogram of cocaine) with him. Individual D responded that he did not have it and still has to “do his thing” (obtain the kilogram of cocaine from his source of supply). CHAVEZ then asked how long Individual D would be and Individual D responded, “fifteen minutes.” CHAVEZ then instructed Individual D to meet him by “the new laundromat in the back of the Aldi.”

22. About 1 hour later, at approximately 5:21 p.m., law enforcement surveillance saw CHAVEZ drive a green Ford Expedition, Illinois license plate N345588, from the area of his residence located at 24634 Norelius Avenue, Round Lake, Illinois, (“CHAVEZ’s residence”)<sup>5</sup> to a parking lot near the Aldi grocery store located at 74 West Rollins Road, Round Lake Beach, Illinois. After arriving at this location, CHAVEZ parked the green Ford Expedition next to a white Ford Expedition with a large Chicago Bulls sign on the back window (as described by CHAVEZ in call session 261). CHAVEZ then entered the white Ford Expedition through the front passenger side and remained inside for approximately three minutes. CHAVEZ exited the white Ford Expedition and re-entered his green Ford Expedition before departing the area. Surveillance units followed the white Ford Expedition to the area of Pulaski Avenue and Interstate 55 in Chicago but lost contact with the vehicle while it traveled southbound on Pulaski Avenue. Agents then surveilled the ramp leading from Pulaski Avenue to Interstate-55 North, and approximately 3 hours later, at 8:20 p.m., agents saw the white Ford Expedition operated by the same driver earlier surveilled meeting with CHAVEZ travel North on Pulaski Avenue and then proceed northbound on Interstate 55 and Interstate 90/94.

23. At approximately 8:51 p.m., a traffic stop of the white Ford Expedition for a lane usage violation was conducted by Illinois State Police on Interstate 94 near the Deerfield Road exit. In lieu of a driver’s license, the driver of the white Ford Expedition produced an Illinois identification card with the name of Individual D on it, and he explained to the responding officers that he was facing a DUI charge. During the stop, Individual D agreed to exit white Ford

---

<sup>5</sup>The address of 24634 Norelius Avenue, Round Lake, Illinois, is associated with CHAVEZ through a review of his driver’s license information, public database searches, and numerous instances of surveillance of CHAVEZ traveling to and from the residence.

Expedition, and a K9 unit later arrived to inspect the vehicle. The K9 sniffed the exterior of the white Ford Expedition and gave a positive alert to the odor of narcotics through the open driver's side window. The K9 then sniffed the center console area inside of the vehicle gave a positive alert to the odor of narcotics. The responding officer opened the center console area and recovered a tan-colored, plastic grocery bag that contained a brick-shaped object of compressed white powder inside of a clear, plastic Ziploc bag. The powdery substance was submitted to the Illinois State Police Laboratory for analysis, the results of which showed the substance to be 1,001 grams of cocaine. Individual D was arrested and charged with possession of a controlled substance and manufacture/delivery of 900 grams or more cocaine and his case is currently pending.

24. Individual D was arrested and interviewed. During his post-arrest interview, Individual D stated that he picked up the cocaine in Chicago and was to deliver it to a person he knew in Round Lake Beach. Based on the above-described intercepted phone conversations, physical surveillance, the traffic stop, Individual D's post-arrest statements, I believed that CHAVEZ met with Individual D at the Aldi's parking lot to discuss the details regarding the purchase and delivery of the pending 1 kilogram transaction arranged over **Target Phone 3**.

25. Later that same evening, at approximately 10:29 p.m. (call session 448), CHAVEZ while using **Target Phone 2**, had a telephone conversation with Individual A, who was using telephone number (262) 422-9292. During the call, CHAVEZ told Individual A that he was "tired and pissed" and did not know what to do. Individual A asked CHAVEZ if the "other one" (a different narcotics supplier) called him, and CHAVEZ responded that he did not. CHAVEZ told Individual A that he called "Jake" who did not answer. CHAVEZ then told Individual A that he would be getting a new phone in the morning. Based on my training and experience and review of

previously intercepted phone calls, I believe that in this conversation, CHAVEZ was expressing his frustration with Individual D for failing to deliver the previously referenced kilogram of cocaine, or returning his telephone calls, and attempts made to contact other cocaine suppliers. In addition, I believe that CHAVEZ's indication that he would be getting a new phone in the morning was his attempt to prevent law enforcement from associating CHAVEZ with Individual D through prior contacts with him on **Target Phone 3**.

26. On June 1, 2011, at approximately 10:39 a.m. (call session 321), CHAVEZ, while using **Target Phone 3**, had a telephone conversation with LOPEZ, who was using **Target Phone 1**. During the call, CHAVEZ asked LOPEZ to speak to his cousin about the "horse" (a kilogram of cocaine) and that CHAVEZ needed it that day. CHAVEZ told LOPEZ that he would pay cash for it (make full payment for the requested kilogram of cocaine to the supplier at the time of the proposed narcotics transaction).

27. On June 1, 2011, at approximately 12:47 p.m. (call session 482), CHAVEZ, while using **Target Phone 2**, had a telephone conversation with LOPEZ, who was using **Target Phone 1**. During the call, CHAVEZ told LOPEZ that Individual D got caught "with a whole" (arrested while transporting 1 kilogram of cocaine). LOPEZ then told CHAVEZ not to call him. CHAVEZ told LOPEZ that "he" was going to bring "it" (a reference to Individual D delivering 1 kilogram of cocaine to CHAVEZ to purchase).

28. A short time later, at approximately 1:02 p.m. (call session 484), CHAVEZ while using **Target Phone 2**, had a telephone conversation with Individual E, who was using telephone number (847) 401-9301 ("Individual E Phone 1"). During the call, CHAVEZ told Individual E that "the guy" (Individual D) was caught the previous night and was in "Cook County" (Jail). CHAVEZ



told Individual E that he had told “him” (Individual D) not to drive “that truck” but he did not listen. Based on the law enforcement’s physical surveillance of CHAVEZ and Individual D on May 31, 2011, I believe that in this portion of the call, CHAVEZ was referring to the white Ford Expedition Individual D used to transport the cocaine, which CHAVEZ believed attracted too much attention from law enforcement. Later in the conversation, CHAVEZ asked Individual E if he spoke to “the guy” (another cocaine supplier). CHAVEZ then told Individual E to call back on this line (**Target Phone 2**) because CHAVEZ was planning to buy a new phone (replacing **Target Phone 3** because of his prior contacts with Individual D using this device).

29. On June 1, 2011, at approximately 3:37 p.m. (call session 523), CHAVEZ, while using **Target Phone 2**, had a telephone conversation with a Individual J, who was using telephone number (847) 815-4725 (“Individual J Phone 1”). During the call, CHAVEZ told Individual J, that “the guy” (Individual D) was caught (arrested) the previous day. CHAVEZ also told Individual J, that “he (Individual D) was on his way over” (in the process of transporting 1 kilogram of cocaine from Chicago to the Round Lake area for CHAVEZ to purchase), but may have been driving fast (resulting in a traffic stop conducted by police and their discovery of 1 kilogram of cocaine in Individual D’s possession). CHAVEZ informed Individual J that he would call “the guy” (a drug supplier) from his other phone because CHAVEZ already threw his other phone in the “garbage” (CHAVEZ discarded **Target Phone 3** and obtained another phone to facilitate his narcotics trafficking activities because of his prior contacts with Individual D).

**B. The DTO’s Workers - LEARN, BALDAREZ, GARCIA, and ZETINA**

**1. Calls Between LOPEZ, CHAVEZ, and LEARN Regarding the Collection of Narcotics Proceeds and the Delivery of Multi-Ounce Quantities of Cocaine**

*a. February 21, 2011, Intercepted Conversations Between LOPEZ and LEARN and LOPEZ and CHAVEZ Regarding the Collection of Narcotics Proceeds*

30. On February 21, 2011, at approximately 11:28 a.m. (call session 1095), LOPEZ, while using **Target Phone 1**, had a telephone conversation with Amber LEARN,<sup>6</sup> who was using telephone number (224) 688-3114 (“LEARN Phone 1”). During this conversation, LOPEZ told LEARN, “I was going to grab whatever you had. What are we looking at?” LEARN then responded, “There’s 700 and I have nothing.” LOPEZ subsequently asked, “Who still owes?” LEARN then replied, “Umm Chris. Hang on. Let me get my little list (drug ledger to track the recent amounts of narcotics distributed and money collected on LOPEZ’s behalf). I have it right here.” LOPEZ and LEARN then proceeded to discuss the current debts owed to LOPEZ by numerous individuals for several minutes. LOPEZ then asked LEARN “When can I come grab that?” (narcotics proceeds collected by LEARN) to which LEARN responded “whenever, I don’t care.” Later in the conversation, LOPEZ stated, “Lou’s (Jose Luis CHAVEZ) been calling me. I had to go pick it up today and give it to you or we’ll do something. Maybe you can go grab it” (narcotics supplied by CHAVEZ). LOPEZ subsequently continued, “Lou’s like, dude, I got that ready for you. It’s been ready for like three days. Come grab it.”

---

<sup>6</sup>The identification of LEARN in this Affidavit is based on the following: LEARN Phone 1 is subscribed to Amber LEARN, 1326 Round Lake Drive, Round Lake Beach, Illinois, (“LEARN’s residence) an address linked to LEARN through public database searches and identified as an address associated with LEARN by local law enforcement officers. In addition, agents have intercepted multiples calls on **Target Phone 1** during which LOPEZ has provided instructions to other intercepted parties to call “Amber” at LEARN Phone 1, or made references that he would contact “Amber” immediately prior to calling LEARN Phone 1. Additionally, in the summaries of intercepted calls in this Affidavit in which LEARN is identified as a speaker an agent has listened to the corresponding intercepted calls and determined that the voice attributed to LEARN in each of these summaries is the same.

31. That same day, at approximately 12:10 p.m. (call session 1104), LOPEZ, while using **Target Phone 1**, had a telephone conversation with CHAVEZ, who was using telephone number (951) 488-2950 (“CHAVEZ Phone 1”). During this conversation, LOPEZ told CHAVEZ, “call me so I can take that (narcotics) and give you the money.” CHAVEZ then asked, “What time are you going to pick it up?” and LOPEZ responded, “As soon as you call me back.”

*b. March 9, 2011, and March 10, 2011, Intercepted Conversations Between LOPEZ and CHAVEZ and LOPEZ and LEARN Regarding the Delivery of 12 Ounces of Cocaine to LEARN*

32. On March 9, 2011, at approximately 2:52 p.m. (call session 3191), LOPEZ, while using **Target Phone 1**, had a telephone conversation with CHAVEZ, who was using telephone number (262)744-1159 (“CHAVEZ Phone 3”). During the call, CHAVEZ stated, “Those are 12 (twelve ounces of cocaine) all together. I didn’t separate them and it’s all in one piece.” LOPEZ then asked, “Is it hard?” (delivered in a hard, pressed form), and CHAVEZ confirmed that it was. CHAVEZ then told LOPEZ to tell “her” (Amber LEARN) not to “play stupid.” LOPEZ stated he would “check all of it soon” and have the money by Friday in order to get “another one” (an additional supply of narcotics). On the same date, prior to this conversation, agents intercepted several other calls between both LOPEZ and CHAVEZ and LOPEZ and LEARN in which they coordinated the delivery of the 12 ounces of cocaine referenced above to LEARN’s residence. At approximately 1:35 p.m., surveillance units saw an unidentified male (“UM1”), who was driving a white, four-door sedan, arrive at LEARN’s residence at 1326 Round Lake Drive in Round Lake Beach (“LEARN’s residence”). At that location, surveillance saw UM1 momentarily enter LEARN’s residence and later exit it before quickly departing the area in his vehicle. Based on the

above-described intercepted calls and the physical surveillance, I believe that UM1 drove to LEARN's residence on behalf of CHAVEZ to deliver the 12 ounces of cocaine for LOPEZ.

*c. March 19, 2011, to March 21, 2011, Intercepted Conversations Between LOPEZ and CHAVEZ and LOPEZ and LEARN Regarding the Delivery of 12 Ounces of Cocaine to LEARN*

33. On March 19, 2011, at approximately 5:44 p.m. (call session 4418), LOPEZ, while using **Target Phone 1**, had a telephone conversation with CHAVEZ, who was using CHAVEZ Phone 3. During the call, CHAVEZ asked LOPEZ, "What is going on?" and LOPEZ replied that nothing was going on and that he only had a "little" (amount of narcotics remaining). LOPEZ continued by asking CHAVEZ when "he" could do "that" because LOPEZ was "almost out of it" (LOPEZ's supply of narcotics was almost depleted and that he wanted to purchase more from CHAVEZ). CHAVEZ asked LOPEZ if he was going to want "12 (twelve ounces of cocaine)," and LOPEZ responded that he wanted "10 (ten ounces of cocaine)." CHAVEZ informed LOPEZ that he had "12." Later in the conversation, LOPEZ agreed to take the additional "2" (two ounces of cocaine). LOPEZ then asked CHAVEZ if he (LOPEZ) owed him "37 (\$3,700)." CHAVEZ confirmed that amount of LOPEZ's debt, and LOPEZ told CHAVEZ he should have "that (money owed to CHAVEZ)" later in the day. LOPEZ then asked CHAVEZ, "Uh well . . . who has it (the 12 ounces of cocaine) right now, your worker?" and CHAVEZ stated, "The guy still has to make them (prepare the cocaine for sale)." CHAVEZ then asked LOPEZ, "Do you want it 6 and 6, or all together?" and LOPEZ responded that he wanted it "6 and 6" so he knows when he is "halfway" (LOPEZ wanted CHAVEZ to cut and deliver the cocaine in two, six-ounce packages). CHAVEZ then told LOPEZ, "I told your ass all the time, but you never listen."

34. Later that day, at approximately 6:59 p.m. (call session 4439), LOPEZ, while using **Target Phone 1**, had a telephone conversation with CHAVEZ, who was using CHAVEZ Phone 3. During the call, CHAVEZ told LOPEZ that “in the morning it’s gonna be ready” (the 12 ounces of cocaine discussed in the previous paragraph) and asked LOPEZ at what time LOPEZ wanted it. In response, LOPEZ indicated around ten o’clock because he gets up around that time.

35. The next day, March 20, 2011, at approximately 11:11 a.m. (call session 4473), LOPEZ, while using **Target Phone 1**, had a telephone conversation with CHAVEZ, who was using **Target Phone 2**. During the call, LOPEZ asked CHAVEZ “what’s going on with that?” (the status of the delivery of the 12 ounces of cocaine). CHAVEZ said, “Let me call this guy and see what time it will be ready and I’ll call you right back.” Later that day, at approximately 3:54 p.m. (call session 4504), LOPEZ, while using **Target Phone 1** called CHAVEZ back at CHAVEZ Phone 3. During the call, LOPEZ asked CHAVEZ why CHAVEZ had not called him, and in response, CHAVEZ stated “Let me make a phone call.” LOPEZ then stated that he did not know where the “girl” (LEARN) was and that he had not called her.

36. Two minutes later, at approximately 3:56 p.m. (call session 4505), LOPEZ, while using **Target Phone 1**, had a telephone conversation with LEARN, who was using LEARN Phone 1. During the call, LOPEZ told LEARN “he’s ready for another one but, I’ll just have him take it to you tomorrow then” (arrange for CHAVEZ to deliver the 12 ounces of cocaine to LEARN the next day). In response, LEARN stated “okay.” Approximately half an hour later, at approximately 4:35 p.m. (call session 4520), LOPEZ, while using **Target Phone 1**, had a telephone conversation with LEARN, who was using LEARN Phone 1. During the call, LOPEZ told LEARN, “I’ll probably be there in ahh . . . 1 to 2 . . . 1 minute. . . bring me that money that you got (collected narcotics proceeds)

from ahh. . .” and LEARN responded, “oh ok.” LOPEZ then stated that “fucking guy Lou (CHAVEZ), he’s fuckin’ hypin it.” When LEARN responded that she was “still waiting for the 150 (\$150),” LOPEZ told her “no, just ahhh, what Chris gave you (money from a narcotics customer) that’s fine.” In reply, LEARN said, “ok.”

37. A short time later, at approximately 4:56 p.m. (call session 4524), LOPEZ, while using **Target Phone 1**, had a telephone conversation with CHAVEZ, who was using **Target Phone 2**. During the call, CHAVEZ asked LOPEZ, “is it ready or what?” and LOPEZ responded “No, it’s not. . . tomorrow.” LOPEZ explained that LEARN was “with her family” (LEARN was unavailable to receive the 12 ounces of cocaine from CHAVEZ). CHAVEZ said, “I know but I can’t be having the shit that you told me to bring, I can’t be having it there” (the 12 ounces of cocaine). In response, LOPEZ stated, “It don’t matter, it’s going to be sitting there anyways, it doesn’t matter, it’s sitting there anyways” (referring to the 12 ounces of cocaine in CHAVEZ’s storage location). CHAVEZ reiterated “I can’t, I can’t have it (the cocaine) where I have it at, you know what I’m telling you.” In response, LOPEZ said “I’ll get it (the cocaine) early in the morning.” CHAVEZ continued, “I know but I can’t have it where I have it. . . . [P]eople will check it you know. Who’s fucked? I’m fucked. You know what I’m saying?” and LOPEZ responded, “yeah.”

*d. April 7, 2011, Intercepted Conversations Between LOPEZ, CHAVEZ, and LEARN Regarding Obtaining 10 Ounces of Cocaine from CHAVEZ*

38. On April 7, 2011, at approximately 11:19 a.m. (call session 6856), LOPEZ, while using **Target Phone 1**, had a telephone conversation with CHAVEZ, who was using CHAVEZ Phone 2. During this call, LOPEZ asked CHAVEZ to “prepare some other ones (packages of cocaine). I ran out of them . . . for me” (LOPEZ’s cocaine supply was depleted).

39. Later that same day, at approximately 1:59 p.m. (call session 6896), LOPEZ, while using **Target Phone 1**, had a telephone conversation with LEARN, who was using telephone number (847) 650-3929 (“LEARN Phone 2”). During this call, LOPEZ told LEARN, “I need to get a lunchable (fourteen grams of cocaine).” In response, LEARN laughed and said, “Okay.” LOPEZ then asked, “We’re running real low aren’t we?” (their current supply of cocaine is almost depleted) and LEARN said, “Yeah.” LOPEZ then stated that he was “going to order 10 (ten ounces of cocaine) right now then.” LOPEZ further inquired, “How low (is the supply of cocaine)? Like low-low?” and LEARN responded, “Um, I think so.” LOPEZ then asked, “After you give me that (the 14 grams of cocaine requested), right?” and LEARN confirmed. Next, LOPEZ stated, “14, 14, 28 (grams of cocaine), we should be real low, yeah.” Later in the conversation, LOPEZ again indicated that he was going to order more cocaine and go by LEARN’s house shortly.

40. A short time later, at approximately 2:16 p.m. (call session 6899), LOPEZ, while using **Target Phone 1**, had a telephone conversation with LEARN, who was using LEARN Phone 1. During this call, LEARN told LOPEZ, “There isn’t enough of that” (cocaine to prepare the 14 grams that LOPEZ requested). When LOPEZ asked LEARN “how much you got there?” LEARN responded, “8.1” (8.1 grams of cocaine remaining). During this conversation, at approximately 2:17 p.m. (call session 6900), LOPEZ received a call from CHAVEZ, who was using CHAVEZ Phone 2. LOPEZ answered the call and told CHAVEZ that he (LOPEZ) was going to “get that” (cocaine previously requested from CHAVEZ) and that he was sending “the blonde girl” (LEARN). LOPEZ later asked CHAVEZ if “he” (an unidentified male, “UM2”) was “ready” at CHAVEZ’s house or at another location. In response, CHAVEZ said that he would call “him” (UM2) and then call LOPEZ back.

41. A few minutes later, at approximately 2:20 p.m. (call session 6901), LOPEZ while using **Target Phone 1** had a telephone conversation with CHAVEZ, who was using CHAVEZ Phone 2. During the call, CHAVEZ told LOPEZ to send “her” (LEARN) to Individual F’s house (to pick up the 10 ounces of cocaine). In response, LOPEZ stated that either he would send LEARN or go himself in 15 minutes and that he would call CHAVEZ back.

42. At approximately 2:33 p.m. (call session 6902), LOPEZ, while using **Target Phone 1**, had a telephone conversation with LEARN, who was using LEARN Phone 1. During this call, LOPEZ told LEARN “Yeah, I’m gonna go . . . grab those other 10” (10 ounces of cocaine) and LEARN responded “Okay.” LOPEZ continued, “Or 12 (12 ounces of cocaine), whatever the hell it is” and that he would be at LEARN’s house in 10 minutes. At approximately 2:38 p.m. (call session 6905), LOPEZ while using **Target Phone 1** had a telephone conversation with CHAVEZ, who was using CHAVEZ Phone 2. During this call, LOPEZ told CHAVEZ that he was “there” (Individual F’s house) but that (UM2) was not there yet. In response, CHAVEZ stated that he would tell “him” (UM2) “to go there now.” After this call took place, at approximately 2:40 p.m., surveillance saw a 2000 green, Chevrolet pickup truck, Illinois license plate 81472T, registered to LOPEZ (the “pickup truck”), drive to a residence associated with Individual F and depart a few minutes later.

43. A short time later, at approximately 2:50 p.m. (call session 6911), LOPEZ, while using **Target Phone 1**, had a telephone conversation with LEARN, who was using LEARN Phone 1. During this call, LOPEZ told LEARN “I’m pulling up to your house right now. Did you make that uh 7?” (seven grams of cocaine).<sup>7</sup> LOPEZ then asked LEARN if he could come into the house and

---

<sup>7</sup>Shortly before this call, law enforcement intercepted a conversation at approximately  
(continued...)



she responded that he could. Approximately 25 minutes after this call took place, at 3:16 p.m., surveillance saw LOPEZ leave LEARN's residence and depart the area in his pickup truck.

44. Later that same day, at approximately 3:26 p.m. (call session 6920), LOPEZ while using **Target Phone 1** had a telephone conversation with CHAVEZ, who was using CHAVEZ Phone 2. During this conversation, CHAVEZ then asked LOPEZ if he had money on him (for prior cocaine purchases) and LOPEZ responded that he had "some."

*e. April 7, 2011, Intercepted Conversations Between LOPEZ, Customer A, and LEARN Regarding the Distribution of Narcotics and the Subsequent Seizure of 28.4 Grams of Cocaine*

45. On April 7, 2011, at approximately 3:39 p.m. (call session 6926), LOPEZ, while using **Target Phone 1**, had a telephone conversation with Customer A, who was using telephone number (224) 538-9303 ("Customer A Phone 1"). During the call, Customer A stated, "I need one" (one ounce of cocaine) and indicated that he wanted to meet LOPEZ that day to conduct the transaction. LOPEZ responded, "Ah, let me make a phone call," and Customer A replied, "Alright then."

46. A few minutes later, at approximately 3:41 p.m. (call session 6927), LOPEZ, while using **Target Phone 1**, had a telephone conversation with LEARN, who was using LEARN Phone 1. During the call, LOPEZ asked, "Hey, can you make me a dinner?" (cut and package 1 ounce of

---

<sup>7</sup>(...continued)

2:47 p.m. (call session 6909), between LOPEZ, who was using **Target Phone 1** and Ryon BALDAREZ, who was using telephone number (224) 440-3691. BALDAREZ, as detailed further in paragraphs 52 through 58 and 60 through 74, is believed to be one of LOPEZ's narcotics distributors. During the call, LOPEZ told BALDAREZ that he would only have "7" (7 grams of cocaine) until the following day and that he was going to take "that" (the 7 grams of cocaine that LOPEZ was picking up from LEARN) to BALDAREZ "now."

cocaine), and LEARN responded, “Yeah.” LOPEZ then stated, “Alright, I should be there in about 20 to 15” (minutes).

47. At approximately 3:48 p.m., (call session 6929) LOPEZ, while using **Target Phone 1**, had a telephone conversation with Customer A, who was using Customer A Phone 1. During the call, Customer A asked LOPEZ if he was able to get “a hold of them” (the requested cocaine). LOPEZ responded that he was going to “get it,” and he instructed Customer A to meet LOPEZ at LOPEZ’s residence.

48. Beginning at approximately 3:57 p.m., agents conducting surveillance saw the following: A silver Cadillac Escalade, Illinois license plate L827748 registered to Individual L, arrived at LEARN’s residence. LEARN then crossed the street from her residence and approached the driver’s side of the Cadillac Escalade. Because of the distance, the surveillance officer was unable to see an exchange between LEARN and the driver of the Cadillac Escalade. LEARN then returned to her residence and the Cadillac Escalade departed the area. At approximately 4:15 p.m., a male, later identified as Customer A, arrived in a dark blue or black Chevrolet Impala at LOPEZ’s residence. LOPEZ met Customer A in the driveway of LOPEZ’s residence and then departed the area in the Chevrolet Impala.

49. At approximately 4:30 p.m., officers with the Round Lake Beach Police Department pulled over the Chevrolet Impala for illegal window tint. The driver of the vehicle produced identification for Customer A. During the stop, one of the officers used a K9 to sniff the exterior and interior of the vehicle. The K9 alerted to the presence of narcotics in the area between the driver’s seat and center console of the vehicle. The officer then recovered a clear plastic bag containing a white, clump-like substance consistent with the appearance of powder cocaine. The

substance was submitted to the Illinois State Police Laboratory for analysis, the results of which showed the substance to be 28.4 grams of cocaine. Customer A was arrested, charged, and later convicted by state authorities of possession of more than 15 grams of cocaine. Based on the above-described intercepted phone conversations, physical surveillance, and traffic stop, I believed that LOPEZ delivered the seized cocaine to Customer A during their surveilled meeting at LOPEZ's residence earlier that day.

**2. Calls and Text Messages Between LOPEZ, CHAVEZ, GARCIA and BALDAREZ Regarding the Delivery of Multi-Ounce Quantities of Cocaine**

*a. February 21, 2011, Intercepted Conversation Between LOPEZ, CHAVEZ, and GARCIA Regarding GARCIA's Status as CHAVEZ's Worker*

50. On February 21, 2011, at approximately 12:43 p.m. (call session 1119), LOPEZ, who was using **Target Phone 1**, had a telephone conversation with GARCIA, who was using telephone number (847) 749-6320 ("GARCIA Phone 1").<sup>8</sup> During the call, LOPEZ advised that he was with CHAVEZ. GARCIA asked to speak with CHAVEZ, and CHAVEZ began using **Target Phone 1**. During the subsequent conversation between CHAVEZ and GARCIA, CHAVEZ stated, "I don't

---

<sup>8</sup>The identification of GARCIA in this Affidavit is based in part on the following: GARCIA Phone 1 is subscribed to an individual with an address that, according to public database searches, is associated with GARCIA. As part of a separate investigation that led to GARCIA's conviction on drug trafficking charges, there were Title III wire interceptions of GARCIA that GARCIA confirmed during a post-arrest interview were of him. FBI linguists compared samples of the voice on those wire interceptions to the voice of the user of GARCIA Phone 1 and confirmed that the voices belonged to the same individual. During the February 21, 2011, telephone call summarized above, LOPEZ referred to the user of GARCIA Phone 1 as "Evil," a nickname associated with GARCIA from that separate drug trafficking investigation. As described below in paragraph 72, on May 17, 2011, surveillance observed a vehicle associated with GARCIA at a location and time consistent with GARCIA's whereabouts discussed in calls intercepted over **Target Phone 1**. Additionally, in the summaries of intercepted calls in this Affidavit in which GARCIA is identified as a speaker an agent has listened to the corresponding intercepted calls and determined that the voice attributed to GARCIA in each of these summaries is the same.

want you callin' Mando (LOPEZ) no more, bro. You're my worker." GARCIA replied, "Okay." CHAVEZ then stated, "You call Mando again and I'm going to fire your ass."

*b. April 5, 2011, Intercepted Conversation Between LOPEZ and GARCIA Regarding Their Narcotics Trafficking Relationship with CHAVEZ*

51. On April 5, 2011, at approximately 3:36 p.m. (call session 6564), LOPEZ, who was using **Target Phone 1**, had a telephone conversation with GARCIA, who was using telephone number (773) 319-2368 ("GARCIA Phone 2"). During the call, LOPEZ asked, "Why is Big Lou (CHAVEZ) mad at you?" GARCIA explained, "'cause (Customer B) had gotten something (narcotics) off me and I have to give him (CHAVEZ) a cut (share of the narcotics proceeds)." GARCIA continued, "I almost told him (CHAVEZ), how 'bout when you cut off Mando (LOPEZ) when you (CHAVEZ) took (Customer C) from him (began selling narcotics to one of LOPEZ's regular customers) why didn't you give him (LOPEZ) a cut?" LOPEZ asked, "he (CHAVEZ) wants a cut off everything (a share of all narcotics proceeds)?" GARCIA replied, "Yeah . . . didn't he (CHAVEZ) take ol' dude (narcotics distributor or customer) and drop the prices (of narcotics) and fuck everything up." LOPEZ responded, "Big time . . . not just me he (CHAVEZ) fucked it up (reduced profits from narcotics trafficking) for everybody." Later, LOPEZ remarked, "Now that the new ones (narcotics) come in, you know, me, you and him (CHAVEZ) are going to have to sit down and . . . get your own people so nobody goes with nobody else you know we gotta keep it where we make at least \$500 (profit) off each one" (enter into an agreement regarding the prices set for the above-referenced sale of narcotics).

c. *April 27, 2011, April 28, 2011, May 5, 2011, and May 6, 2011, Intercepted Conversations Between LOPEZ, GARCIA, and BALDAREZ Regarding the Delivery of 10.5 Ounces of Cocaine to BALDAREZ*

52. On April 27, 2011, at approximately 8:42 a.m. (call session 7898), LOPEZ, who was using **Target Phone 1**, had a telephone conversation with BALDAREZ, who was using telephone number (224) 440-3691 (“BALDAREZ Phone 1”).<sup>9</sup> During the call, BALDAREZ asked, “Hey, he (GARCIA) gonna be here soon?” and LOPEZ responded, “Did you call him?” BALDAREZ replied, “Yeah, he (GARCIA) told me 10 minutes, but that was 20 minutes ago. I don’t want to . . . (Individual G) is going to be here in 15. I just don’t want him (GARCIA) to show up with (Individual G present). You know, I don’t want (Individual G) to be in the business.” LOPEZ stated, “Let me call him (GARCIA) right now.”

53. One minute later, at approximately 8:43 a.m. (call session 7899), LOPEZ, who was using **Target Phone 1**, had a telephone conversation with GARCIA, who was using telephone number (847) 505-3388 (“GARCIA Phone 3”). During the call, LOPEZ asked, “Hey, you haven’t left already?” GARCIA responded, “No, I am going to get there (BALDAREZ’s residence) soon, it’s cause I couldn’t . . . it’s because that dude was asleep. I went to go pick that (cocaine) up. I am leaving . . . I am already at Fairfield (Fairfield Road in Round Lake), I am going through the back

---

<sup>9</sup>The identification of BALDAREZ is based in part on the following: The subscriber of BALDAREZ Phone 1 was “Ryon Z. Baldarez,” with an address of 1223 North Channel Drive, Round Lake Beach, Illinois (the “BALDAREZ residence”). Moreover, during the interception of certain outgoing calls from **Target Phone 1** to BALDAREZ Phone 1 that were directed to voicemail, the greeting message stated, “This is Ryon. Leave a message.” On other intercepted conversations between **Target Phone 1** and BALDAREZ Phone 1, LOPEZ referred to the other speaker as “Ryon.” Further, in the summaries of intercepted calls in this Affidavit in which BALDAREZ is identified as the speaker, an agent has listened to the corresponding intercepted calls and determined that the voice attributed to BALDAREZ in each of these summaries is the same. Finally, on multiple occasions during this investigation, surveillance observed BALDAREZ (identified by surveillance based on a comparison to a Illinois driver’s license photograph for BALDAREZ) at locations and engaged in activities discussed in intercepted calls over **Target Phone 1**.

streets.” LOPEZ stated, “Alright, he’s (BALDAREZ is) waiting for you to come with this (cocaine), okay, okay.” GARCIA stated, “Okay, bye.”

54. That same date, at approximately 8:55 a.m. (call session 7904), LOPEZ, who was using **Target Phone 1**, had a telephone conversation with BALDAREZ, who was using BALDAREZ Phone 1. During the call, BALDAREZ stated, “He (GARCIA) said it’s 5 point 5 (5.5 ounces of cocaine) . . . . 5 (five ounces of cocaine) for sure.” A moment later, BALDAREZ continued, “He (GARCIA) said it was a little bit extra.” LOPEZ responded, “Fo sho (for sure).”

55. The next day, April 28, 2011, at approximately 5:10 p.m. (call session 8155), LOPEZ, who was using **Target Phone 1**, had a telephone conversation with BALDAREZ, who was using BALDAREZ Phone 1. During the call, LOPEZ asked, “Hey, how does Evil’s (GARCIA’s cocaine) look?” BALDAREZ replied, “The first one (the first package), the first one, I don’t know the first one, like I don’t know if the, the first one is like better, just the smell of it was like that pancake (cocaine) smelled good as hell (meaning that the cocaine was of high quality).”<sup>10</sup> LOPEZ asked, “The first one?” BALDAREZ responded, “Yeah, believe it. I haven’t seen Evil, but the first one is like you can smell the pancake (cocaine) through the phone you know?” LOPEZ asked, “What’s that?” BALDAREZ reiterated, “The first one you can smell the pancake like through the phone it’s so good” (referring to the high quality of the cocaine).

---

<sup>10</sup>Based on other intercepted calls over **Target Phone 1**, I believe that, when CHAVEZ supplied cocaine to LOPEZ, the cocaine was on at least some occasions divided into two packages so that LOPEZ would know when he had sold half the cocaine supply. For example, as described above in paragraph 33, on March 19, 2011, at approximately 5:44 p.m. (call session 4418), during an intercepted conversation between LOPEZ and CHAVEZ, they discussed LOPEZ receiving 12 ounces of cocaine from CHAVEZ that would be separated into 2 packages, each of which contained 6 ounces of cocaine.

56. On May 5, 2011, at approximately 10:17 a.m. (call session 9060), LOPEZ, who was using **Target Phone 1**, had a telephone conversation with BALDAREZ, who was using BALDAREZ Phone 1. During the call, BALDAREZ stated, "I got everything written down (regarding sales of narcotics) just so you know. We got uh 2 dinners (2 one-ounce quantities of cocaine) left for the 5 (the package containing 5 ounces of cocaine delivered by GARCIA)." LOPEZ asked, "For which ones?" BALDAREZ responded, "For the first ones (the first package of cocaine delivered by GARCIA) and I haven't went through . . . I haven't touched the other one (the second package of cocaine delivered by GARCIA) yet." LOPEZ then asked, "how much more (cocaine) do I got?" BALDAREZ replied, "Two dinners 25 (2.25 ounces of cocaine)." LOPEZ reiterated, "Two dinners 25." BALDAREZ confirmed, "Yep."

57. On May 6, 2011, at approximately 5:09 p.m. (call session #9267), LOPEZ, who was using **Target Phone 1**, had a telephone conversation with BALDAREZ, who was using BALDAREZ Phone 1. During the call, LOPEZ asked, "where is uh Evil (GARCIA) at," and explained, "'cause I'm tryin' to call him (GARCIA) but he's not answering me." BALDAREZ stated, "I'm gonna call him and see what he says. Tell him . . . I'm going to tell him (GARCIA) to call you." A few minutes later, at approximately 5:16 p.m. (call session 9268), LOPEZ, who was using **Target Phone 1**, had a telephone conversation with BALDAREZ, who was using BALDAREZ Phone 1. During the call, BALDAREZ advised LOPEZ, "You got 2 point 5 left (2.5 grams of cocaine remaining). Then we got to start a new one" (start using the other package of cocaine delivered by GARCIA).

58. Approximately 15 minutes later, at approximately 5:31 p.m. (call session 9270), LOPEZ, who was using **Target Phone 1**, had a telephone conversation with BALDAREZ, who was using BALDAREZ Phone 1. During the call, LOPEZ asked, "Hey, did you get a hold of Evil"

(GARCIA)? BALDAREZ responded that he had tried to call GARCIA, but that GARCIA “never picked up.” LOPEZ asked BALDAREZ what number he was using for GARCIA, and BALDAREZ stated he was using “the brand new one” that LOPEZ had given him “the day before.” BALDAREZ provided the number as (847) 254-9636 (“GARCIA Phone 4”).

59. About one minute later, at approximately 5:32 p.m. (call session 9271), LOPEZ, who was using **Target Phone 1**, had a telephone conversation with GARCIA, who was using GARCIA Phone 4. During the call, LOPEZ asked GARCIA where he was, and GARCIA responded, “Right here with your uncle.” LOPEZ stated, “I have your bills (cash payment for cocaine),” and asked, “should I take them (the money) there?” GARCIA responded, “Yeah. Stop by.”

60. At approximately 5:36 p.m. (call session 9272), LOPEZ, while using **Target Phone 1**, had a telephone conversation with BALDAREZ, who was using BALDAREZ Phone 1. During the call, BALDAREZ advised that “the stuff” (cocaine) from “Evil” (GARCIA) was “what you (LOPEZ) said.” LOPEZ asked, “Oh the half (one-half of an ounce of cocaine)? They added a half, right?” BALDAREZ confirmed, “Yeah, yeah.” LOPEZ continued, “Five and a half” (5.5 ounces of cocaine)? BALDAREZ stated, “Yeah, I’m doing it now (preparing the cocaine for distribution). Yep.” LOPEZ advised, “Alright, I’m going to tell them right now. I’m going to see ‘em right now.” Based on the intercepted calls summarized above in paragraphs 54 through 59 and my knowledge of the investigation as a whole, I believe that, on or about April 27, 2011, GARCIA delivered two packages of cocaine to BALDAREZ—one package containing five ounces of cocaine and one package containing 5.5 ounces of cocaine.



*d. May 6, 2011, Intercepted Conversations Between LOPEZ and BALDAREZ Regarding the Distribution of 1 Ounce of Cocaine*

61. On May 6, 2011, at approximately 11:58 a.m. (call session 9216), LOPEZ, while using **Target Phone 1**, had a telephone conversation with Customer D, who was using telephone number (224) 558-6476 (“Customer D Phone 1”). During the call, Customer D told LOPEZ “I’ll probably need that same lawn mower (quantity of cocaine) you borrowed from (sold) me last time.” In response, LOPEZ stated, “You want the big one?” and Customer D replied, “Yeah.” LOPEZ then asked, “Ok, you want to go by Ryon?” (BALDAREZ’s residence) and Customer D replied, “Yeah.” Later in the conversation, LOPEZ and Customer D agreed that Customer D would go to BALDAREZ’s house at 1:00 p.m. (to pick up the cocaine).

62. Later that same day, at approximately 11:59 a.m. (call session 9217), LOPEZ, while using **Target Phone 1**, had a telephone conversation with BALDAREZ, who was using BALDAREZ Phone 1. During the call, LOPEZ stated, “Hey, make me a dinner (one ounce of cocaine) for (Customer D), Big Dog.” In response, BALDAREZ stated, “Already made, brother, I told you that earlier. Just tell him to come where I’m at.” LOPEZ replied, “Yeah, he said about 1:00, he’ll be there,” and BALDAREZ stated, “Alright, that’s fine I’ll be here.” On the same date, at approximately 1:27 p.m. (call session 9223), **Target Phone 1**, received a text message from BALDAREZ Phone 1 that read, “He got it” (Customer D had picked up the cocaine that LOPEZ had arranged to be delivered in the previously intercepted phone calls).

*e. May 12, 2011, and May 14, 2011, Intercepted Conversations and Text Messages Between LOPEZ and BALDAREZ Regarding Quantities of Cocaine Sold*

63. On May 12, 2011, at approximately 5:20 p.m. (call session 9967), **Target Phone 1** received a text message from BALDAREZ Phone 1. The text message detailed BALDAREZ’s sales

of cocaine to LOPEZ's customers and read, "4dinner (four sales of 28 grams of cocaine). 2 lunch (two sales of 14 grams of cocaine). 4 breakfast (four sales of 7 grams of cocaine). 6 snacks (six sales of 3.5 grams of cocaine). Mike & tiny. New one. Chris- 2 snacks (two sales of 3.5 grams of cocaine). Dinner (sale of 28 grams of cocaine)." A minute later, **Target Phone 1** received a text message from BALDAREZ Phone 1 that read, "3snacks (three sales of 3.5 grams of cocaine)."

64. On May 14, 2011, at approximately 1:25 p.m. (call session 10254), Lopez, while using **Target Phone 1**, had a telephone conversation with BALDAREZ, who was using BALDAREZ Phone 1. During the call, LOPEZ asked BALDAREZ to text him and let him know what he was left with (the remaining amount of cocaine that BALDAREZ was storing for LOPEZ) and BALDAREZ agreed. On the same date, at approximately 1:27 p.m.(call session 10255), **Target Phone 1** received a text message from BALDAREZ Phone 1. The text message detailed the recent narcotics transactions BALDAREZ had conducted and the amount of cocaine that remained for sale and read, "3 snacks (3 sales of 3.5 grams of cocaine). 2 breakfast (2 sales of 7 grams of cocaine). 3 Dinner (3 sales of 28 grams of cocaine). 3 Lunch (3 sales of 14 grams of cocaine). Leave a snack (3.5 grams of cocaine) plus da 2 from da last one (2 grams of cocaine left over from previous narcotics sale). 5.5" (5.5 grams of cocaine remaining).

*f. May 16, 2011, to May 18, 2011, Intercepted Conversations and Text Messages Between LOPEZ, BALDAREZ, GARCIA, and CHAVEZ Regarding the Delivery of 7 Ounces of Cocaine to BALDAREZ*

65. On May 16, 2011, at approximately 5:40 p.m. (call session 10524), LOPEZ, who was using **Target Phone 1**, had a telephone conversation with BALDAREZ, who was using BALDAREZ Phone 1. During the call, LOPEZ asked BALDAREZ, "We need a refill (of cocaine)?" BALDAREZ responded, "Yeah—you know this." LOPEZ then stated, "Alright . . . let me make some calls."

66. On the same date, at approximately 6:09 p.m. (call session 10526), LOPEZ, who using **Target Phone 1**, had a telephone conversation with BALDAREZ, who was using BALDAREZ Phone 1. During the call, BALDAREZ asked, “when are you trying to do this (conduct a narcotics transaction)? Tomorrow or something?” LOPEZ responded, “Yeah . . . text me . . . Evil’s (GARCIA’s) number.” A minute later, at approximately 6:10 p.m. (call session 10527), **Target Phone 1** received a text message from BALDAREZ Phone 1, which read, “847-254-9636 (GARCIA Phone 4).” On two occasions later that evening, at approximately 6:45 p.m. (call session 10541) and approximately 7:35 p.m. (call session 10542), **Target Phone 1** attempted to call GARCIA Phone 4, but no one answered the calls.

67. The next day, May 17, 2011, at approximately 10:49 a.m. (call session 10573), LOPEZ, who was using **Target Phone 1**, had a telephone conversation with GARCIA, who was using GARCIA Phone 4. During the call, LOPEZ asked, “Did you get that (cocaine) for me?” GARCIA responded, “Yeah . . . I am waiting on him (CHAVEZ).” LOPEZ asked, “On him, for what?” GARCIA replied, “tell you later on when you get . . . what time are you getting off?” LOPEZ answered that he did not know and that he would “try to call him (CHAVEZ) again to see if he answers.”

68. On the same date, at approximately 6:34 p.m. (call session 10652), LOPEZ, who was using **Target Phone 1**, had a telephone conversation with CHAVEZ, who was using **Target Phone 3**. During the call, LOPEZ told CHAVEZ that he was at the gym with BALDAREZ and Individual G. Shortly thereafter, LOPEZ asked CHAVEZ, “Did you get that” (cocaine)? After CHAVEZ responded,<sup>11</sup> LOPEZ stated, “yeah, here (meaning, deliver the cocaine to the gym).”

---

<sup>11</sup>In the preliminary summary of this conversation, CHAVEZ’s reply is recorded as unintelligible.

CHAVEZ then replied, "Not the gym." LOPEZ suggested, "later, when this dude (BALDAREZ) gets home." CHAVEZ and LOPEZ then agreed that BALDAREZ would be home in about an hour. At one point during the call, LOPEZ told CHAVEZ, "I will call you as soon as I get out of here. I gotta go over some people (narcotics customers) that still owe me money, they are fucking dragging." CHAVEZ responded, "Just get it (money collected from narcotics customers) to me later on today or tomorrow."

69. On May 17, 2011, surveillance observed the following: at approximately 7:40 p.m., LOPEZ and BALDAREZ left a gym on East Rollins Road in Round Lake Beach in a silver Cadillac Escalade, Illinois license plate L827748, driven by LOPEZ; at approximately 7:45 p.m., they arrived at the BALDAREZ residence where BALDAREZ exited the vehicle and entered the residence and LOPEZ drove away.

70. Approximately 4 minutes later, at 7:44 p.m. (call session 10664), LOPEZ, while using **Target Phone 1**, had a telephone conversation with CHAVEZ, who was using **Target Phone 3**. During the call, LOPEZ stated, "this guy's (BALDAREZ) been waiting forever (for the cocaine delivery), dude, I brought him home early, I thought you said an hour." LOPEZ and CHAVEZ proceeded to argue about timing, with LOPEZ at one point complaining, "but we got out of the gym," and asking, "did your guy (GARCIA) come already or no?" Later, LOPEZ asked, "Alright, what time are you going to be there (BALDAREZ's residence) then so I can call him (BALDAREZ). He's just sitting there" (waiting for the cocaine delivery). CHAVEZ responded, "Right now."

71. On the same date, at approximately 7:57 p.m. (call session 10667), LOPEZ, while using **Target Phone 1**, had a telephone conversation with CHAVEZ, who was using **Target Phone 3**. During the call, CHAVEZ instructed, "Tell the nigger (BALDAREZ) that we're

(CHAVEZ and GARCIA are) passing by real fast so be outside.” LOPEZ asked, “In how long?” CHAVEZ responded, “Like not even five minutes so just be outside.”

72. Approximately 10 minutes later, at 8:07 p.m., surveillance observed the following: A blue Toyota sedan, Illinois license plate number K673281, associated with GARCIA (the “Toyota”)<sup>12</sup> parked in front of the BALDAREZ residence. BALDAREZ walked from the BALDAREZ residence to the passenger side of the Toyota, reached into the Toyota, and appeared to retrieve something from the driver. BALDAREZ then placed the retrieved item, which was white, into the waistband area of his pants. During this exchange, CHAVEZ, who was driving a 2007 Chevrolet Tahoe, Illinois license plate number L284178, (the “Tahoe”) pulled up in the vicinity of the BALDAREZ residence and remained until the exchange was completed.<sup>13</sup> Immediately following the exchange, the Toyota drove north on North Channel Drive, followed by the Tahoe. BALDAREZ appeared to acknowledge CHAVEZ as he drove past the BALDAREZ residence.<sup>14</sup>

---

<sup>12</sup>Over the course this investigation, surveillance observed GARCIA driving this Toyota on multiple occasions, including on May 17, 2011 at approximately 9:04 p.m. (about an hour after surveillance observed the Toyota in front of the BALDAREZ Residence). Further, the Toyota is registered to an individual with an address that a public database associates with GARCIA. Based in part on intercepted calls, social media sites on the internet, and the common address of the Toyota’s registered owner and GARCIA, agents have identified the Toyota’s registered owner as the wife or girlfriend of GARCIA.

<sup>13</sup>Over the course of this investigation, surveillance observed CHAVEZ on multiple occasions driving this Tahoe, which was registered to Individual H. CHAVEZ was intercepted over **Target Phone 2** stating that he was interested in purchasing an “‘08 or ‘07” Tahoe that he would put under the name of Individual H (whom CHAVEZ referred to by first name).

<sup>14</sup>Although surveillance was able to positively identify CHAVEZ and BALDAREZ, CHAVEZ does not appear on the video. Further, the video, which was focused on the Toyota during the events in question, does not show CHAVEZ’s Tahoe pull up in the vicinity of the exchange between BALDAREZ and the driver of the Toyota. Rather, on the video, the Tahoe is partially visible only as it drives away behind the Toyota.

73. Approximately 9 minutes later, at 8:16 p.m. (call session 10672), **Target Phone 1** received a text message from BALDAREZ Phone 1, which read, “Got it” (BALDAREZ received the cocaine from GARCIA).

74. The following day, May 18, 2011, at approximately 3:17 p.m. (call session 10797), LOPEZ, who was using **Target Phone 1**, had a telephone conversation with CHAVEZ, who was using **Target Phone 3**. During this conversation, CHAVEZ stated, “[S]even (ounces of cocaine) that I . . . yesterday.” LOPEZ asked, “What?” In response, CHAVEZ repeated, “Seven (ounces of cocaine).” LOPEZ replied, “Yeah, the black guy (BALDAREZ) told me” (that GARCIA delivered 7 ounces of cocaine to BALDAREZ the previous day).

**3. Calls Between CHAVEZ, ZETINA and Others Regarding the Preparation and/or Delivery of Various Quantities of Cocaine**

*a. September 24, 2011, Intercepted Conversation Between CHAVEZ and ZETINA Regarding the Distribution of 4.5 ounces to Customer E.*

75. On September 24, 2011, at approximately 6:55 p.m. (call session 1076), CHAVEZ, while using **Target Phone 5**, had a telephone conversation with Agustin ZETINA-MARIN (“ZETINA”), who was using telephone number (224) 715-5765 (“ZETINA Phone 1”)<sup>23</sup>. During the call, ZETINA asked CHAVEZ, “Hey, what’s the cost for 4 and a half?” (four and one-half ounces of cocaine). In response, CHAVEZ asked, “What? Which ones?” and ZETINA replied, “The 4 and

---

<sup>23</sup>The identification of ZETINA in this Affidavit is based on the following: On August 7, 2011, at approximately 6:13 p.m., CHAVEZ was intercepted over **Target Phone 5** making an outgoing call to ZETINA Phone 1, which call was routed to voicemail. On the voicemail greeting, the user of ZETINA Phone 1 identified himself as “Agustin ZETINA.” In addition, during the monitoring of multiple intercepted wire communications, CHAVEZ was overheard addressing the user of ZETINA Phone 1 as “Guti,” believed to be a derivative of ZETINA’s first name, “Agustin.” Additionally, in the summaries of intercepted calls in this Affidavit in which ZETINA is identified as a speaker an agent has listened to the corresponding intercepted calls and determined that the voice attributed to ZETINA in each of these summaries is the same.

a half of that kind.” CHAVEZ then asked, “What kind? The clean one or the dirty one?” (one that is higher in purity (“the clean one”) and another that is lower in purity (“the dirty one”)) and ZETINA replied, “The dirty one.” CHAVEZ then told ZETINA, “Well, for you the 5 at 25 (CHAVEZ would sell the 5 ounces of the lower purity cocaine for \$2,500).” Later, CHAVEZ asked, “Why, who asked for some?” and ZETINA responded, “Fucking, (Customer E<sup>24</sup>) said if I could get her some. (Customer E) wants to get (unintelligible).” CHAVEZ then stated, “That’s your business, I’m not saying anything. Give her the 5 at 27 and you keep half. You make a \$200 profit and you keep the half, too.” ZETINA then asked, “How? How?” and CHAVEZ instructed, “Well, you give her only 4 and a half and you keep half because they are 5 (sell Customer E 5 ounces of cocaine for \$2,700, but actually withhold one half of an ounce from the amount that was agreed upon). You sell it at 27 and you make a \$200 profit. You get it?”

*b. September 29, 2011, to September 30, 2011, Intercepted Conversations  
Between CHAVEZ and ZETINA Regarding the Preparation of Cocaine*

76. On September 29, 2011, CHAVEZ and ZETINA exchanged 3 phone calls in which they discussed the process of cutting and pressing cocaine, which, from my training and experience, I know involves mixing powder cocaine with other substances and compacting the resulting substance with a kilo press device to increase the volume of the cocaine available for resale. More

---

<sup>24</sup>ZETINA is believed to be referring to Customer E in this call based on a September 26, 2011, intercepted call that occurred at approximately 10:15 p.m. between CHAVEZ, using **Target Phone 5**, and a female speaker. Public database searches showed this telephone number of this caller to be associated with Customer E’s name. During the intercepted conversation, CHAVEZ and the female discussed ZETINA telling CHAVEZ that she “wanted something.”

specifically, on September 29, 2011, at approximately 7:06 p.m. (call session 61), CHAVEZ, while using **Target Phone 6**, had a telephone conversation with ZETINA, who was using ZETINA Phone 1. During the call, CHAVEZ asked, “What you got for me . . . ?” and ZETINA replied, “Well, it is drying.” CHAVEZ then asked, “But the shirt? Did the wetness go away?” and ZETINA replied, “Not yet, dude . . . a little.” CHAVEZ then instructed, “Touch it. Tell me if it is hard.” ZETINA then asked, “I have to turn it don’t I?” CHAVEZ answered, “Touch it . . . .” Later in the conversation, CHAVEZ told ZETINA, “No, no, don’t leave it ‘cause once I left it with the light and the fucking shirt caught on fire.” In response, ZETINA stated, “No, I am checking it dude,” and later, “I am here . . . that is why I am saying, if I take it out or just turn it.” CHAVEZ replied, “Just turn it, but don’t take it out from there.” ZETINA then stated, “Right, I cannot take it out but turn it on its back.” In response, CHAVEZ stated, “No, no, no . . . You know what you can do, you can put the lid on again . . . .” ZETINA then stated, “Yes, that is what I am saying.” CHAVEZ then directed, “Without taking it out.” ZETINA then asked, “How? Without unwrapping it?” In reply, CHAVEZ instructed, “Without taking it out. Leave it on the bed and turn it so that the wood is at the bottom.”

77. Approximately 45 minutes later, on September 29, 2011, at approximately 7:51 p.m. (call session 62), CHAVEZ, while using **Target Phone 6**, had a telephone conversation with ZETINA, who was using ZETINA Phone 1, in which they continued to discuss ZETINA cutting and pressing a recently obtained supply of cocaine that ZETINA was preparing for resale. Specifically, during the call, CHAVEZ asked, “Did you put that stuff (cocaine) away?” In response, ZETINA stated, “No, I am going to put it away right now.” CHAVEZ then asked, “No, did you want to press it again?” and ZETINA replied, “Oh no. That’s it.” CHAVEZ then asked, “Why?” and ZETINA answered, “No, it is good.” Next, CHAVEZ asked, “Did you open it?” and ZETINA said, “No, no,



no . . . I am touching it.” CHAVEZ then asked if it felt hard and ZETINA responded, “It is fine now. It is drying. That’s why it is good. I don’t want to fuck with it. You understand?” CHAVEZ later told ZETINA that “it” could be warmed up again the following day.

78. Approximately 30 minutes later, on September 29, 2011, at approximately 8:28 p.m. (call session 64), CHAVEZ, while using **Target Phone 6**, had a telephone conversation with ZETINA, who was using ZETINA Phone 1. During the call, CHAVEZ asked, “What is going on?” and ZETINA responded, “Oh, I am going to finish this. I can’t cover this fucking thing” (the cocaine ZETINA was preparing). Later in the conversation, ZETINA stated, “I am also taking care of this thing.” In response, CHAVEZ told ZETINA that he would go inside to see it.

79. The next day, on September 30, 2011, at approximately 11:25 a.m. (call session 74), CHAVEZ, while using **Target Phone 6**, had a telephone conversation with ZETINA, who was using ZETINA Phone 1. During the call, CHAVEZ asked if ZETINA was going to get the “work” out by himself (the cocaine prepared by ZETINA).

*c. October 24, 2011, Intercepted Conversations between CHAVEZ, LOPEZ, and ZETINA Regarding the Distribution of a Quantity of Cocaine to LOPEZ*

80. On October 24, 2011, at approximately 1:17 p.m. (call session 576), CHAVEZ, while using **Target Phone 7**, had a telephone conversation with LOPEZ, who was using telephone number (847) 897-8977.<sup>25</sup> During the call, CHAVEZ asked LOPEZ if he “want[ed] [unintelligible]” (believed to be a reference to cocaine), and then CHAVEZ stated that he would tell the guys to take “them” (the cocaine) over “there.” In response, LOPEZ said “yeah,” and CHAVEZ stated that he would call right then. At approximately 2:03 p.m. (call session 581), CHAVEZ, while using **Target**

---

<sup>25</sup>The identification of LOPEZ as the user of telephone number (847) 897-8977 is based on voice comparisons between LOPEZ, the user of **Target Phone 1**, and the user of telephone number (847) 897-8977 and a determination that these voices were the same.

**Phone 7**, had a telephone conversation with LOPEZ, who was using **Target Phone 1**. During the call, LOPEZ asked CHAVEZ if “Guti” (ZETINA) had answered the phone and CHAVEZ responded that he had not.

81. Later that same day, at approximately 3:20 p.m. (call session 586), CHAVEZ, while using **Target Phone 7**, had a telephone conversation with ZETINA, who was using telephone number (262) 344-4786 (“ZETINA Phone 2”). During the call, CHAVEZ told ZETINA that “Armando is ready,” which I believe is a reference to Armando LOPEZ being ready to conduct the cocaine transaction. CHAVEZ also instructed ZETINA to call LOPEZ and ZETINA indicated that he would call him shortly. A review of the pen register/trap-and-trace data for **Target Phone 1**, used by LOPEZ, showed that between approximately 3:27 p.m. and 4:54 p.m., there were 7 contacts between **Target Phone 1** and ZETINA Phone 2.<sup>26</sup>

82. At approximately 4:15 p.m. (call session 592), CHAVEZ, while using **Target Phone 7**, had a telephone conversation with LOPEZ, who was using **Target Phone 1**. During the call, CHAVEZ asked LOPEZ if “the guy” called him and LOPEZ responded that he had but that he (LOPEZ) was at his child’s school. CHAVEZ then stated that “the guy” was eating at “Islas” (a reference to Las Islas Marias restaurant located at 1111 North Fairfield in Round Lake Beach). Approximately 20 minutes later, at 4:35 p.m. (call session 594), CHAVEZ, while using **Target Phone 7**, had a telephone conversation with ZETINA, who was using ZETINA Phone 2. During this call, ZETINA confirmed to CHAVEZ that he was eating at “Islas.” After the interception of these calls, law enforcement established surveillance in the area of the Las Islas Marias restaurant. After

---

<sup>26</sup>On September 28, 2011, Chief Judge James F. Holderman entered an Order for **Target Phone 1** that authorized, *inter alia*, the installation and use of a pen register trap and trace device, which device was activated on September 29, 2011.

the interception of these calls, at approximately 4:56 p.m., surveillance saw LOPEZ exit his Cadillac Escalade, Illinois license plate L827748, and walk into Las Islas Marias.

83. Less than an hour later, at approximately 5:43 p.m. (call session 597), CHAVEZ, while using **Target Phone 7**, had a telephone conversation with ZETINA, who was using ZETINA Phone 2. During the call, CHAVEZ asked ZETINA if he had seen “Mando” (Armando LOPEZ) already and ZETINA responded that LOPEZ came to the Las Islas Marias restaurant while ZETINA was eating. ZETINA then confirmed that LOPEZ took “it” by himself, which I believe is a reference to LOPEZ taking the cocaine supplied by CHAVEZ as described above in paragraph 80. Minutes later, at approximately 5:57 p.m. (call session 600), CHAVEZ while using **Target Phone 7**, had a telephone conversation with LOPEZ, who was using **Target Phone 1**. During the call, CHAVEZ asked LOPEZ if he was by himself and driving around with “that?” (believed to a reference to the cocaine LOPEZ had just picked up from ZETINA). CHAVEZ then cursed at LOPEZ and told him that he should not be doing that and LOPEZ agreed. Later in the conversation, CHAVEZ asked LOPEZ if he had arrived at his destination and LOPEZ responded that he had and added that “it” (the cocaine) was already at the house.

*d. October 25, 2011, Intercepted Conversations Between CHAVEZ, Individual C, and ZETINA Regarding the Delivery of at Least 4 and One-Half Ounces of Cocaine*

84. On October 25, 2011, approximately 11:23 a.m. (call session 680), CHAVEZ, while using **Target Phone 7**, had a telephone conversation with Individual C, who was using telephone number (224) 260-7292 (“Individual C Phone 2”). During this call, Individual C stated that he would call CHAVEZ so that he (Individual C) could bring the “alternator” (approximately 4.5 ounces of

cocaine)<sup>27</sup> for CHAVEZ to “install” (purchase). A few hours later, at approximately 3:00 p.m. (call session 699), CHAVEZ while using **Target Phone 7**, had a telephone conversation with Individual C, who was using Individual C Phone 2. During the call, Individual C informed CHAVEZ that the “alternator” (cocaine) would “arrive” (be obtained by Individual C) around 4:00 p.m. Individual C also asked CHAVEZ to “install” it for him (pay for the cocaine) because he (Individual C) needed it for work tomorrow. Individual C then instructed CHAVEZ to be ready. In response, CHAVEZ asked Individual C if it was the “whole alternator” and Individual C stated that it was just as they had discussed the day before. Individual C directed CHAVEZ to get the “invoices” (money for the purchase of cocaine) ready. CHAVEZ then asked Individual C if the “alternator” was “pretty” and Individual C responded that “it [would] fit the engine” (the cocaine was of high quality).

85. Minutes later, at approximately 3:03 p.m. (call session 700), CHAVEZ, while using **Target Phone 7**, had a telephone conversation with ZETINA, who was using telephone number (847) 561-1615 (“ZETINA Phone 3”). During this call, CHAVEZ told ZETINA that he had to speak with him and that he was coming to ZETINA’s house. At approximately 3:10 p.m., surveillance observed CHAVEZ driving a gold Pontiac Torrent, Illinois license plate L228722, (the “Pontiac Torrent”) near a Citgo gas station in Round Lake Beach. At approximately 3:16 p.m. (call session 701), CHAVEZ, while using **Target Phone 7**, had a telephone conversation with ZETINA, who was using ZETINA Phone 2. During the call, ZETINA asked CHAVEZ where he was, and in response, CHAVEZ stated that he was looking at a truck (a law enforcement surveillance vehicle) that had passed by him and

---

<sup>27</sup>I believe an “alternator” is a code word used by CHAVEZ and Individual C to describe approximately 4.5 ounces (approximately 127.6 grams) of cocaine based on a November 15, 2011, seizure of approximately 124.1 grams of cocaine. As described further below in paragraphs 94 through 98, on November 15, 2011, law enforcement seized approximately 124.1 grams of cocaine from Individual C after intercepting several calls between Individual C and CHAVEZ in which they discussed the delivery of an “alternator” to CHAVEZ.

then turned in the direction in which he (CHAVEZ) was traveling. CHAVEZ then told ZETINA that he was on his way. The surveillance agent who stationed near the Citgo gas station observed the Pontiac Torrent driving erratically and decided to discontinue surveillance temporarily because of the intercepted telephone call described above in which CHAVEZ indicated that he was aware of the surveillance.

86. At approximately 3:19 p.m. (call session 703), CHAVEZ, while using **Target Phone 7**, had a telephone conversation with ZETINA, who was using ZETINA Phone 2. During this call, CHAVEZ asked ZETINA if they should meet at the gas station or the liquor store. In response, ZETINA said that they should meet behind “Las Islas” (Las Tres Islas Marias Restaurant at 1111 North Fairfield Road in Round Lake Beach, located directly behind ZETINA’s residence at 1112 Barberry Lane in Round Lake Beach). CHAVEZ agreed with ZETINA and indicated that he was on his way. A few minutes later, at approximately 3:25 p.m. (call session 704), CHAVEZ, while using **Target Phone 7**, had a telephone conversation with ZETINA, who was using ZETINA Phone 2. During this call, CHAVEZ asked ZETINA, “Where are you dude?” and ZETINA responded that he was behind “Las Islas.” CHAVEZ then directed ZETINA to go to the “gas station.” A few minutes later, at approximately 3:28 p.m., surveillance observed the Pontiac Torrent that CHAVEZ was seen in earlier at the Las Tres Islas Marias restaurant.

87. Later that same day, at approximately 3:50 p.m. (call session 711), CHAVEZ, while using **Target Phone 7**, had a telephone conversation with Individual C, who was using Individual C Phone 2, in which they made further arrangements for the cocaine delivery. During the call, CHAVEZ directed Individual C to a residence located nearby Individual C’s house. Individual C asked CHAVEZ if he was referring to a location where he had spoken to CHAVEZ the other day, and

CHAVEZ confirmed that he was. CHAVEZ then told Individual C to wait 20 minutes. In response, Individual C told CHAVEZ to bring the “papers” (money) for the “inspector” (cocaine).

88. A minute later, at approximately 3:51 p.m. (call session 713), CHAVEZ while using **Target Phone 7**, had a telephone conversation with Individual I, who was using telephone number to (815) 355-5986 (“Individual I Phone 1”). During the call, Individual I told CHAVEZ that he was outside of CHAVEZ’s house. In response, CHAVEZ told Individual I to drive “up and down Fairfield” (Fairfield Road in Round Lake) and around his “buddy’s house” (ZETINA’s residence at 1112 Barberry Lane in Round Lake Beach). CHAVEZ also described a certain type of vehicle and its license plates (a surveillance vehicle) and instructed Individual I to “check that motherfucker out.” CHAVEZ told Individual I that he “ran into him big time already” and speculated that the person he saw was “a fed or something” (a federal surveillance agent).

89. At approximately 4:12 p.m., CHAVEZ (call session 716), while using **Target Phone 7**, had a telephone conversation with Individual C, who was using Individual C Phone 2. During this call, Individual C asked, “Here, where the dog barks a lot is where you are saying?” (referring to the residence CHAVEZ directed him to), and CHAVEZ responded, “That’s right.” During this call, a surveillance officer was stationed near the 1400 block of Sunset Avenue in Round Lake Beach and by a residence associated with Individual C. At approximately 4:12 p.m., surveillance saw Individual C drive a Dodge Intrepid into the driveway of a residence on the 1300 block of North Sunset Avenue associated with Individual J and believed to be the location to where CHAVEZ directed Individual C. As the call continued, Individual C asked CHAVEZ, “Did you guys get there or what?” and CHAVEZ responded, “He’ll get there right now . . . he’ll get there in . . .” CHAVEZ is then heard asking someone in the background, “What, 5 minutes?” and a person matching ZETINA’s voice is

heard responding, “Yes.” CHAVEZ then told Individual C, “Then I will get in (Individual C’s vehicle). I will get in with you. And I will have the papers” (money for the cocaine).

90. At approximately 4:15 p.m., surveillance saw Individual C drive the Dodge Intrepid out of the driveway and travel a short distance down the street to a residence on the 1400 block of North Sunset Avenue where he parked, exited the vehicle, and waited outside with an unidentified male.

91. At approximately 4:18 p.m., a surveillance officer stationed in the area of Long Lake Drive and Lotus Drive saw a gray Chevrolet S-10 pick-up truck (the “Chevrolet S-10”) occupied by ZETINA travel westbound on Long Lake Drive. At approximately 4:20 p.m., the surveillance officer repositioned himself in the area of ZETINA’s residence at 1112 Barberry Lane in Round Lake Beach (“ZETINA’s residence”). There, the officer saw the same Chevrolet S-10 arrive at ZETINA’s residence.

92. Over the next few minutes, a series of telephone calls were intercepted between CHAVEZ and ZETINA and CHAVEZ and Individual C, during which they confirmed the delivery of the cocaine and coordinated making payment for the cocaine. A few minutes later, at approximately 4:23 p.m. (call session 717), CHAVEZ, while using **Target Phone 7**, had a telephone conversation with ZETINA, who was using ZETINA Phone 2. During this call, CHAVEZ asked ZETINA if “it’s done” (whether ZETINA obtained the cocaine from Individual C)? In response, ZETINA told CHAVEZ that he was “coming to (CHAVEZ)” (to deliver the cocaine) and CHAVEZ confirmed that he was almost there. At approximately 4:25 p.m. (call session 718), CHAVEZ, while using **Target Phone 7**, had a telephone conversation with Individual C, who was using Individual C Phone 2. During this call, CHAVEZ told Individual C that he was on his way over there (to meet

Individual C to pay him for the cocaine transaction). At approximately 4:26 p.m. (call session 719), CHAVEZ, while using **Target Phone 7**, had a telephone conversation with ZETINA, who was using ZETINA Phone 2. During this call, ZETINA told CHAVEZ that he was “there” (at a pre-determined location to meet CHAVEZ to show him the cocaine) and CHAVEZ responded by telling ZETINA to “hurry.”

93. Meanwhile, at approximately 4:35 p.m., the surveillance officer continued to watch Individual C and the unidentified male who were standing next to the Dodge Intrepid outside of a residence on the 1400 block of North Sunset Avenue. During the surveillance, the officer observed the following: (1) Individual C paced back and forth and looked up and down Sunset Avenue; (2) At approximately 4:44 p.m., a red Volkswagen Jetta with tinted windows, Illinois license plate N433035, registered to a relative of CHAVEZ’s (the “Jetta”) drove toward the residence where Individual C was waiting and parked in the driveway; and (3) Individual C and the unidentified male approached the Jetta, and, less than a minute later, the Jetta left the driveway and departed the area. At approximately 4:50 p.m., Individual C drove away in the Dodge Intrepid. Based on the intercepted conversations from earlier that day and the surveillance, I believe that CHAVEZ drove the Jetta to meet Individual C to pay for the cocaine that ZETINA earlier obtained from Individual C.

*e. November 15, 2011, Intercepted Conversations Between CHAVEZ, Individual C, and ZETINA Regarding the Delivery of Cocaine and Subsequent Seizure of 124.1 Grams of Cocaine*

94. On November 15, 2011, at approximately 12:15 p.m. (call session 444), CHAVEZ, while using **Target Phone 8**, had a telephone conversation with Individual C, who was using Individual C Phone 2. During the call, Individual C asked if CHAVEZ needed “that” (cocaine) and continued that he wanted CHAVEZ to take a good look at the “alternator” (cocaine) to ensure that



there were no problems with it. When CHAVEZ responded by telling Individual C to “take it right now,” Individual C asked CHAVEZ to give him a half-an-hour. Individual C also told CHAVEZ that “it’s the Intrepid car” (Individual C would be driving the Dodge Intrepid vehicle he was surveilled driving on October 25, 2011). At approximately 12:23 p.m. (call session 446), CHAVEZ, while using **Target Phone 8**, had a telephone conversation with Individual C, who was using Individual C Phone 2. During this call, CHAVEZ told Individual C that he was on 18th street in Chicago. In response, Individual C stated that he could do “it” (deliver the cocaine) when CHAVEZ returned.

95. Later that same day, at approximately 3:07 p.m. (call session 449), CHAVEZ, while using **Target Phone 8**, had a telephone conversation with Individual C, who was using Individual C Phone 2. During this call, CHAVEZ asked Individual C his whereabouts and Individual C responded that he was in Waukegan. Later in the conversation, when CHAVEZ indicated that he had returned (to the Round Lake Beach area), Individual C stated that he would call CHAVEZ soon so that he (Individual C) could take the “alternator” (cocaine) to CHAVEZ so that CHAVEZ could “install” it. CHAVEZ and Individual C then agreed to meet in 45 minutes.

96. At approximately 3:11 p.m. (call session 450), CHAVEZ, while using **Target Phone 8**, had a telephone conversation with ZETINA, who was using telephone number (773) 895-0021 (ZETINA Phone 4). During this call, CHAVEZ told ZETINA that he would be at his house in between 10 and 15 minutes.

97. At approximately 4:08 p.m. (call session 453), CHAVEZ, while using **Target Phone 8**, had a telephone conversation with Individual C, who was using Individual C Phone 2. During this call, CHAVEZ asked Individual C where he was and Individual C responded that he was out on the street. CHAVEZ also asked Individual C if Individual C had “those” (cocaine). In response,

Individual C said that he did but that he needed CHAVEZ to wait 10 or 15 minutes. Individual C explained that he was heading to the house and would pick up the “alternator” and take it to CHAVEZ. CHAVEZ agreed to wait and the call then ended. A few minutes later, at approximately 4:20 p.m. (call session 455), CHAVEZ, while using **Target Phone 8**, had a telephone conversation with Individual C, who was using Individual C Phone 2. During this call, Individual C informed CHAVEZ that he was arriving.

98. Based on the above intercepted calls between CHAVEZ and Individual C, on November 15, 2011, at approximately 4:30 p.m., federal law enforcement agents conducted a traffic stop of a dark blue Dodge Intrepid (the “Intrepid”) at the intersection of Barberry Lane and Central Park Drive in Round Lake Beach, which is approximately one-half of a block from ZETINA’s residence. The Intrepid was driven by Individual C and occupied by a male passenger. During the stop, Individual C told the agents that he was unaware of anything illegal in the Intrepid and consented to a search of the vehicle. Individual C also consented to a search of his cellular telephone. While I searched Individual C’s phone, I saw between 2 and 3 incoming calls from **Target Phone 8** under the contact name “U.” During the search of the interior of the Intrepid, another law enforcement officer saw a tissue box sitting on the front, center floor area of the vehicle. Inside of the tissue box, the officer found and recovered a clear, plastic bag that contained a white powdery substance that appeared to be cocaine. Based on the ongoing nature of the investigation, the investigating agents did not arrest Individual C or his passenger during the traffic stop. I later submitted the suspected cocaine recovered from Individual C’s vehicle to the Drug Enforcement Administration’s Laboratory for analysis, the results of which showed the substance to be 124.1 grams of cocaine hydrochloride (powder cocaine).

99. Approximately 20 minutes after the traffic stop was initiated, at approximately 4:51 p.m. (call session 466), CHAVEZ, while using **Target Phone 8**, had a telephone conversation with ZETINA, who was using ZETINA Phone 4, and discussed Individual C and the car he was driving. During the call, CHAVEZ instructed ZETINA to go see what car it was (that was stopped by law enforcement) because “El Chihuahua” (Individual C) was not answering his phone. In response, ZETINA told CHAVEZ that he would walk to the store (to see the stopped car). CHAVEZ replied by telling ZETINA to go by the gas station and to go soon. ZETINA told CHAVEZ to calm down.

100. At approximately 4:55 p.m., surveillance units saw CHAVEZ and an unknown male leave ZETINA’s residence, enter a green pickup truck, and depart the area for CHAVEZ’s residence at 24634 Norelius Avenue in Round Lake, where the truck was surveilled arriving at approximately 4:58 p.m. At that same time (call session 467), CHAVEZ, while using **Target Phone 8**, had a telephone conversation with Individual E, who was using telephone number (815) 353-7038 (“Individual E Phone 2”). During this call, CHAVEZ told Individual E, that “they (law enforcement) came out of nowhere by my buddy’s (ZETINA’s) house” and that there were some “Suburbans” (law enforcement vehicles). CHAVEZ also told Individual E that a “dude” (Individual C) was going to “bring something” (cocaine). CHAVEZ further clarified for Individual E that “they” (law enforcement) were at the corner near his friend’s house (ZETINA’s residence). CHAVEZ also stated that “they popped off ugly” (referring to the traffic stop) and that “he” (ZETINA) could not see who it was (that was stopped).

101. At approximately, 5:04 p.m. (call session 474), CHAVEZ, while using **Target Phone 8**, placed a telephone call to Individual C Phone 2. During this call, CHAVEZ said “hey,” and

received no response. After some seconds, CHAVEZ terminated the call. A few minutes later, at approximately, 5:08 p.m. (call session 476), CHAVEZ, while using **Target Phone 8**, placed a telephone call to Individual C Phone 2. During this call, CHAVEZ again said “hey” and received no response.

### **III. PROBABLE CAUSE FOR A VEHICLE SEIZURE WARRANT**

102. As discussed above, LOPEZ used his silver Cadillac Escalade, Illinois license plate L827748, to facilitate multiple drug transactions (*see* ¶¶ 48, 82, and 83). As such, there is probable cause to believe that upon conviction of LOPEZ, a 2008 Cadillac Escalade, silver in color bearing Illinois license plate L827748, with a VIN of 1GYFK63848R245054, registered to Individual L at 1322 Pleasant Drive, Round Lake Beach, Illinois, will be subject to forfeiture.

103. Based on the foregoing, there is probable cause to believe that this vehicle will be subject to forfeiture upon conviction of LOPEZ for violations of Title 21, United States Code, Section 846 (conspiracy to distribute controlled substances). In order to ensure the availability of the vehicle is preserved for forfeiture, Title 21, United States Code, Section 853(e) authorizes the entry of a restraining order or any other action necessary to preserve the property. Title 21, United States Code, Section 853(f) states, in the same manner as provided for a search warrant, a seizure warrant may be issued when the property would, in the event of conviction, be subject to forfeiture and a restraining order may not be sufficient to assure the availability of the property for forfeiture. The government seeks a seizure warrant under Section 853(f) because a restraining order or any other action is not sufficient to assure the availability of the subject vehicles for forfeiture. Courts have long recognized that the unique circumstances involved in searching vehicles due to their inherent mobility. Moreover, in *Florida v. White*, 526 U.S. 559 (1999), the Supreme Court found that a warrantless

seizure did not violate the Fourth Amendment where there was probable cause to believe that the automobile was subject to forfeiture because movable contraband may be “spirited away.”

104. In my experience, I know that motor vehicles are easily transferred or hidden thereby making them difficult to locate. Moreover, I am aware that the appearance of a motor vehicle can be altered or it can be concealed in a garage or storage area making it difficult, if not impossible, to find for the purpose of forfeiture proceedings. In addition, motor vehicles can be transported outside the district further increasing the potential unavailability of these motor vehicles for forfeiture in the event of conviction. Furthermore, I know that unless a motor vehicle is seized, it can be difficult to preserve the value of the motor vehicle for forfeiture purposes because financial obligations relating to the vehicle, including insurance payments and loan obligations are not satisfied, when an owner is notified that it is likely his property will be subject to forfeiture.

## **V. CONCLUSION**

105. Therefore, Affiant submits that the foregoing evidence establishes that there is probable cause to believe that between in or around February 2011 until in or around November 2011, defendants CHAVEZ, LOPEZ, GARCIA, LEARN, BALDAREZ, and ZETINA conspired with each other and with others knowingly and intentionally to possess with intent to distribute and to distribute, a controlled substance, namely, 500 grams or more of a quantity of mixtures and substances containing cocaine, a Schedule II Controlled Substance, in violation of Title 21, United

States Code, Section 846, and did aid and abet said conspiracy, in violation of Title 18, United States Code, Section 2.

FURTHER AFFIANT SAYETH NOT.

---

ARMIDA M. MACMANUS  
Special Agent, Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me  
on April 9, 2012.

---

HON. SUSAN E. COX  
United States Magistrate Judge